

**TOWN OF HILTON HEAD ISLAND**  
**The Planning Commission**

Minutes of the Wednesday, May 6, 2009 Meeting  
9:00am – Benjamin M. Racusin Council Chambers

**APPROVED**

Commissioners Present: Chairman Al Vадnais, Vice Chairman Loretta Warden,  
Tom Crews, Jack Docherty, Terence Ennis, Therese Leary,  
Tom Lennox, Gail Quick and David White

Commissioners Absent: None

Town Council Present: Bill Ferguson

Town Staff Present: Jayme Lopko, Senior Planner  
Sarah Skigen, Natural Resources Associate  
Chris Caird, GIS Analyst II; Teri Lewis, LMO Official  
Heather Colin, Development Review Administrator  
Shawn Colin, Senior Planner  
Kathleen Carlin, Administrative Assistant

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**I CALL TO ORDER**

Chairman Vадnais called the meeting to order at 9:00am.

**II PLEDGE OF ALLEGIANCE TO THE FLAG**

**III ROLL CALL**

**IV FREEDOM OF INFORMATION ACT**

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**V USAGE OF CELLULAR TELEPHONE**

Please turn off all cellular phones so that the meeting is not disturbed. Use of the cellular phone is allowed in the hallway outside of Council Chambers.

**VI APPROVAL OF THE AGENDA**

The agenda was **approved** as presented by general consent.

**VII APPROVAL OF THE MINUTES**

The Minutes of the regular meeting on April 1, 2009 and the special meeting on April 2, 2009 were **approved** as presented by general consent.

**VIII APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA**

None

**IX UNFINISHED BUSINESS**

None

**X NEW BUSINESS  
PUBLIC HEARING**

**ZMA090002** - Application from Richard and Barbara Perkoski to amend the Official Zoning Map by amending the Hilton Head Plantation Master Plan and its accompanying text to add motel as a permitted use on the 0.94 acre parcel of land referred to as Lot 29 Main Street. This parcel is located on Main Street and is further identified on Beaufort County Tax Map #7B, Parcel 2 (R510 007 00B 0020 0000).

Mrs. Jayme Lopko made the presentation on behalf of staff. The staff recommended that the Planning Commission find this application to be consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

Lot 29 Main Street is part of the Hilton Head Plantation (HHP) Master Plan. The Hilton Head Plantation Master Plan was approved by the Town in 1984. Under this approval, Lot 29 Main Street was part of a tract of land designated as Parcel G, which was assigned commercial use and density. Commercial density within the Hilton Head Plantation Master Plan is measured on a parcel by parcel basis with a limitation of 10,000 square feet per net acre.

The applicant, Mr. Rich Perkoski, approached the Town to see if it were possible to build a motel on the subject parcel since The Main Street Inn, a motel, is located on an adjacent parcel. Staff informed the applicant of the use restrictions placed on the subject parcel by the Hilton Head Plantation Master Plan. The use of the parcel is restricted to commercial uses that are measured in square footage and not regulated under LMO Section 16-4-209E. Motels are measured by the number of rooms they contain and not by square footage; therefore a motel is not a permitted use on the property. Motels are not regulated under Section 16-4-209E; therefore, this section does not apply to this use.

The applicant requested that motel use with a maximum of 25 rooms be permitted on the 0.94 net acre subject parcel resulting in a density of 26 rooms per net acre. The Main Street Inn is located on an adjacent parcel and contains 34 rooms on approximately 1.3 net acres resulting in a density of 26 rooms per net acre.

The staff determined that this application is compatible with the Comprehensive Plan and serves to carry out the purposes of the LMO based on the Findings of Fact and Conclusions of Law. Mrs. Lopko reviewed the staff's Findings of Fact and Conclusions of Law. At the completion of the presentation, the Planning Commission and staff discussed the commercial use and the rights of the property.

Chairman Vadnais then requested public comments and statements. Comments from the following residents of Hilton Head Plantation were received: Mr. Ken Keisling, Mr. Bruce Belisle, Mrs. Carol Belisle, Mr. Leigh Bullen and Mr. Ray Spriggs. All public statements were in opposition to the application.

Mrs. Lopko provided follow up comments regarding the distinction of a hotel and a motel, the commercial use and the rights of use. Chairman Vadnais stated that it is the Planning Commission's responsibility to determine if the application is consistent with the Comprehensive Plan and carries out the purposes of the Land Management Ordinance. The issue of buffers and setbacks will be addressed at a later time by the Design Review Board.

Commissioner Leary recommended that the Design Review Board be diligent in their review of buffers, setbacks, and vegetation requirements. At the completion of the discussion, Chairman Vadnais requested that a motion be made.

Vice Chairman Warden made a **motion** that the Planning Commission find Application for Zoning Map Amendment, ZMA090002, to be consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance. Commissioner Docherty **seconded** the motion and the motion to **approve** the application **passed** unanimously with a vote of 9-0-0.

## **PUBLIC HEARING**

**LMO Amendments** - The Town of Hilton Head Island is proposing Shoreline Protection Amendments which will amend Chapters 3, 4, 5, 6 and 10 of the Land Management Ordinance (LMO) to revise the following articles and sections:

**Chapter 3, Section: 16-3-302.** The term OCRM Beachfront Baseline is being replaced by the Beachfront Line.

**Chapter 4, Sections: 16-4-201.** The Critical Storm Protection and Dune Accretion Area and the Transition Area (CSPDAA & TA) Overlay District is being added to the Designation of Districts table under the Overlay Districts. 16-4-(New Article). This new article establishes the CSPDAA & TA Overlay District. The new sub-sections under this article will include Purpose and Applicability, Delineation of the District, CSPDAA & TA District Regulations, Prohibited and Permitted Activities and Uses in the CSPDAA, Permitted Activities and Uses in the TA and Nonconforming Structure regulations.

**Chapter 5, Section: 16-5-806.** The term OCRM Beachfront Baseline is being replaced by the Beachfront Line.

**Chapter 6, Section: 16-6-305.** Revisions are being made to this section to include removing the reference of primary and secondary dune systems and referring to them as dune and dune systems.

**Chapter 10: Dune or Dune System.** The definition in the Municipal Code is being revised and added to the LMO. Beachfront Line. The term OCRM Beachfront Baseline is being replaced by the Beachfront Line; the definition describes the location of this line. The terms Primary Dune and Secondary Dune are being removed from Chapter 10.

Ms. Sarah Skigen made the presentation on behalf of staff. The staff recommended that the Planning Commission review and recommend approval of the CSPDAA and TA to Town Council. The staff presented the text and maps for the proposed CSPDAA and TA to the Land Management Ordinance (LMO) Committee on April 1, 2009. The LMO Committee made a motion to forward the amendments to the full Planning Commission for appropriate action. The motion passed with a vote of 4-0-0. *Please see Ms. Skigen's staff report dated April 21, 2009 for complete information regarding today's presentation.*

Town Council adopted the CSPDAA and TA for South and Central Forest Beach in December 2006. This action was an effort to protect and enhance the beach/dune system so as to maintain or increase protection of the built environment along the beachfront and to preserve the

aesthetics of the area. Town Council made expanding these beachfront protection areas to the entire beach a top priority in their 2007 and 2008 Policy Agendas.

At the November 5, 2008 Town Council meeting, the staff was directed to draft specific language for the Land Management Ordinance to expand the Critical Storm Protection and Dune Accretion Area and the Transition Area (CSPDAA and TA) based on the results of the October 8<sup>th</sup> Planning and Development Standards Committee meeting.

The staff has created a proposed expansion of the CSPDAA and TA for the entire beach (as defined in Municipal Code 8-1-112). This expansion reflects the concepts used in the original protection areas in Central and South Forest Beach. The basic concept is that single-family residential uses will have a designated CSPDAA; non-single family uses will include the designation of a TA in addition to the CSPDAA. The regulations to accomplish this expansion would be located in the LMO and replace the current regulations for South Forest Beach and Central Forest Beach found in the Municipal Code.

The maps represent the staff's proposal for the entire extent of the beach. The staff's work in developing this expanded beach coverage has overlapped with OCRM's efforts to revise both their Baseline and Setback Line. For this reason, please note that any reference to the OCRM Baseline or 40-year Setback Line refers specifically to their position as they existed June 1, 2008. Mr. Chris Caird assisted Ms. Skigen in her presentation of the maps.

The staff was directed by Town Council to develop a method for beachfront protection, as it was identified as a top priority on the 2008 policy agenda. In an effort to duplicate the adopted method used for Central and South Forest Beach, the staff has created language and illustrative maps for shoreline protection to encompass the entire beachfront and illustrative maps for shoreline protection to encompass the entire beachfront. This text also includes previously adopted language that is being moved from the Municipal Code to the Land Management Ordinance.

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Ms. Skigen discussed a series of maps extending a Dune Accretion and Critical Storm Protection Area Island-wide (all the way from Land's End in Sea Pines to Fish Haul Creek.) The goal is to prevent dense development and maintain the layers of sand dunes that help protect the coastline during storms. If approved ultimately by Town Council, the plan will essentially set in stone the State's 1999 development baseline, which marks the farthest point toward the beach that a structure can be built. The maps represent the staff's proposal for the entire extent of the beach.

Ms. Skigen reviewed the following proposed amendments:

The Critical Storm Protection and Dune Accretion Area (CSPDAA) and the Transition Area (TA) overlay District.

Sec. 16-4-XX Applicability and Purpose, Sec. 16-4-XX Delineation of the District; Sec. 16-4-XX Critical Storm Protection and Dune Accretion Area (CSPDAA) and Transition Area (TA) District Regulations.

Sec. 16-4-XX Activities and Uses Permitted and Prohibited in the Critical Storm Protection and Dune Accretion Area (CSPDAA); Sec. 16-4-XX. Activities and Uses Permitted in the Transition Area (TA).

Single-family land uses have a required 20' minimum buffer from the OCRM Baseline; the methodology that staff has used renames and locks in place the 1999 OCRM Baseline coordinates. In order to maintain the required buffer the language needs to be amended.

Sec. 16-3-302. Development Exempt from Approval

The following activities or uses shall be exempt from a development plan review, although they may be reviewed under a separate administrative procedure where noted in this section or in other sections of this Title.

The CSPDAA and TA will become a new Overlay District and would need to be included in the master table to reflect the addition.

Sec. 16-4-201. Designation of Districts

The following is a list of districts, together with appropriate abbreviations, that may appear on the Official Zoning Map and elsewhere within this Title.

Overlay Districts:

AHZ	Airport Hazard Overlay District
COP	Corridor Overlay District
PD-2	Planned Development Overlay District
FBNCOD	Forest Beach Neighborhood Character Overlay District
RO	Redevelopment Overlay District
HHNCOD	Holiday Homes Neighborhood Character Overlay District
CSPDAA/TA	<i>Critical Storm Protection &amp; Dune Accretion Area &amp; Transition Area Overlay Dist.</i>

Currently single-family land uses have a required 20-ft. buffer and non-single family land uses have a 20' minimum, 40' average buffer from the OCRM Baseline. The methodology that the staff has used renames and locks in place the 1999 OCRM Baseline coordinates. In order to maintain the required buffer, the language needs to be amended.

Sec. 16-5-806. Required Buffers

C. Represents new language

The beachfront encompasses more than the primary and secondary dune systems. In order to provide the most comprehensive protection of the beachfront, staff recommends striking the terms “primary” and “secondary” from Sec. 16-6-305.

#### Chapter 10: Definitions

Staff is proposing a definition for the beachfront line in order to establish boundaries for the CSPDAA and TA. The amendments for CSPDAA and TA will be in the LMO. Due to the relevance of the definition for dunes, the staff is proposing to bring this definition over into the LMO as well. The staff recommends adding the phrase “...exhibiting varied topography, generally running parallel to the beach” to the definition of dune or dune system.

Following Ms. Skigen’s presentation and discussion by the Planning Commission, Chairman Vadnais requested public comments and none were received. Chairman Vadnais then requested that a motion be made.

Commissioner Leary made a **motion** that the Planning Commission forwards the Extension of the existing Critical Storm Protection and Dune Accretion Area and Transition Area (CSPDAA & TA) to the entire beach to Town Council with a recommendation of **approval**. Commissioner Quick **seconded** the motion and the motion **passed** unanimously with a vote of 9-0-0.

#### **XI COMMISSION BUSINESS**

Chairman Vadnais reported that the Planning Commission met with Mayor Peebles and Town Council on April 2, 2009 to review the status of the Comprehensive Plan. Commissioner Crews presented an update on behalf of the Comprehensive Plan Committee. Commissioner Crews emphasized the importance of full Planning Commission participation.

#### **XII STAFF REPORTS**

Ms. Teri Lewis presented an update on the status of the Development Agreement associated with proposed redevelopment of the Mall.

The next LMO Committee meeting will be held on Wednesday, June 3, 2009 at 6:00pm. The Committee will review the staff’s proposed temporary housing amendments.

Mr. Shawn Colin presented an update on Town Council’s approval on second reading of the Comprehensive Plan amendment that provides flexibility to the PUD Master Plan density caps. Town Council also approved on second reading the ZMA for the Shipyard Administration Building.

Ms. Heather Colin presented the final session of Subdivision Training on behalf of staff. The Planning Commission complimented Ms. Colin on her helpful presentation.

**XIII ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:00am.

Submitted By:

Approved By:

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Kathleen A. Carlin  
Administrative Assistant

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Al Vadnais  
Chairman