

# **CANE ISLAND**

**PUD**

# COUNTY COUNCIL OF BEAUFORT COUNTY

## ADMINISTRATION BUILDING

1000 RIBAUT ROAD  
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BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (803) 525-7100  
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THOMAS C. TAYLOR  
CHAIRMAN

ELIZABETH P. GRACE  
VICE CHAIRMAN

### COUNCIL MEMBERS

CHARLES R. (RON) ATKINSON  
HERBERT N. GLAZE  
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H. EMMETT McCACKEN, JR.  
VICTORIA T. MULLEN  
LEONARD M. TINNAN

SUZANNE M. RAINY  
CLERK TO COUNCIL

MICHAEL G. BRYANT  
COUNTY ADMINISTRATOR

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THOMAS A. HENRIKSON, CPA  
RANDOLPH L. WOOD, JR.

LADSON F. HOWELL,  
COUNTY ATTORNEY

June 15, 1995

Mr. Fred G. Trask  
P.O. Box 1256  
Beaufort, SC 29901

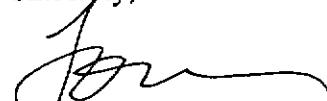
Dear Mr. Trask:

At its meeting Monday, June 12, 1995, it was the will of Beaufort County Council to approve your request for zoning change from County-wide zoning:

Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development.

If Council or Staff may be of further assistance, please let us know.

Sincerely,



Thomas C. Taylor  
Chairman

TCT:smr

Attachment: Ordinance 95/19

cc: Planning Director  
Zoning and Development Administrator ✓

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA,  
AMENDING THE EXISTING OFFICIAL LAND USE ZONING MAPS, DATED  
APRIL 9, 1990, WHICH ARE PART AND PARCEL OF THE ZONING AND  
DEVELOPMENT STANDARDS ORDINANCE (90/3).

**A. OFFICIAL LAND USE ZONING MAP 200-7**

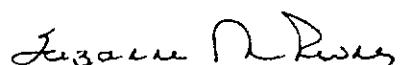
Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2,  
2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from  
Development District to Planned Unit Development.

Adopted this 12th day of June, 1995.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:   
Thomas C. Taylor  
Chairman

ATTEST:

  
\_\_\_\_\_  
Clerk to Council

REVIEWED BY:   
\_\_\_\_\_  
Ladson Howell, County Attorney

First Reading: April 10, 1995  
Second Reading: April 24, 1995  
Public Hearing: May 8, 1995  
Third and Final Reading: June 12, 1995

Amending Ordinance 90-3

# COUNTY COUNCIL OF BEAUFORT COUNTY ADMINISTRATION BUILDING

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H. EMMETT McCACKEN, JR.  
VICTORIA T. MULLEN  
LEONARD M. TINNAN

SUZANNE M. RAINES  
CLERK TO COUNCIL

I, Suzanne M. Rainey, Clerk to the Beaufort County Council, do certify that the following documents are taken from the Minutes of Beaufort County Council and Planning and Development Standards Committee.

BY: Suzanne M. Rainey  
Suzanne M. Rainey  
Clerk to Council

June 27, 1995  
Beaufort, South Carolina



AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA,  
AMENDING THE EXISTING OFFICIAL LAND USE ZONING MAPS, DATED  
APRIL 9, 1990, WHICH ARE PART AND PARCEL OF THE ZONING AND  
DEVELOPMENT STANDARDS ORDINANCE (90/3).

**A. OFFICIAL LAND USE ZONING MAP 200-7**

Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2,  
2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from  
Development District to Planned Unit Development.

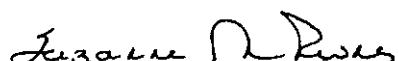
Adopted this 12th day of June, 1995.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 

Thomas C. Taylor  
Chairman

ATTEST:

  
\_\_\_\_\_  
Clerk to Council

REVIEWED BY:

  
\_\_\_\_\_  
Ladson Howell, County Attorney

First Reading: April 10, 1995  
Second Reading: April 24, 1995  
Public Hearing: May 8, 1995  
Third and Final Reading: June 12, 1995

Amending Ordinance 90-3



It was moved by Mr. McBride, seconded by Mr. Glaze, that Council officially accept the Department of Social Services Annual Report. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

PUBLIC HEARING

MUNICIPAL ELECTIONS ORDINANCE  
City of Beaufort and Town of Port Royal

The Chairman opened a public hearing at 6:20 p.m. for the purpose of receiving information from the public on a municipal elections ordinance for the City of Beaufort and Town of Port Royal. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:21 p.m.

It was moved by Mr. McBride, seconded by Mrs. Grace, that Council approve on third and final reading a Municipal Elections Ordinance for the City of Beaufort and Town of Port Royal. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Sea Pines Public Service District Expansion of Boundaries

The Chairman opened a public hearing at 6:23 p.m. for the purpose of receiving information from the public on an ordinance to extend the boundaries of Sea Pines Public Service District to include the area generally known as Wexford Plantation. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:24 p.m.

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council approve on third and final reading an ordinance to extend the boundaries of Sea Pines Public Service District to include the area generally known as Wexford Plantation. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSTAINED - Mr. Taylor\*. The motion passed.

COMMITTEE REPORTS

→ Development Agreement Committee

Mr. Tinnan reported the Development Agreement Committee has had two written requests, Belfair Plantation and Cane Island Retreat, to enter into discussions regarding the possibility of establishing a Development Agreement relating to their proposed development projects. The Development Agreement Committee met

\* Mr. Taylor serves as general counsel for the Wexford Property Homeowners Association.

briefly this date and has scheduled a meeting with the above-mentioned developers on Tuesday, April 18, 1995.

The Chairman explained that he is prepared to move back into the Chairmanship of the Development Agreement Committee.

Finance Committee

Accommodations Tax Funding

It was moved by Mr. Atkinson, as Finance Committee Chairman (no second required), that Council fund from accommodations tax monies \$500 Beaufort Art Association, \$32,000 Chamber of Commerce - Visitors Center, \$1,000 Fripp Island Friends of Music, \$5,000 Main Street Beaufort, \$1,500 Lowcountry Resort and Tourism, \$2,500 Eleemosynary Events, Inc., \$2,500 Gullah Festival, \$1,500 Beaufort Chamber Orchestra Guild, \$4,500 University of South Carolina-Beaufort and \$4,000 Historic Beaufort Foundation. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Accommodations Tax Board

The following names were placed in nomination to serve on the Accommodations Tax Board: Terry Hitchcox, Fred Peschel, Babs Price and Millie Boyce.

Tax Equalization Board

Mr. Robert Cumming's name was placed in nomination to serve as a member on the Tax Equalization Board.

Grants Committee

It was moved by Mr. McBride, as Grants Committee Chairman (no second required), that Council endorse an ISTEA grant application for funds for the paving of sidewalks on Highway 20 (1.2 miles) leading to Robert Smalls Middle School and Jenkins Road (.4 miles) leading to Battery Creek High School. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Human Services Committee

Beaufort Memorial Hospital Board

- Tim Pearce

- Quinton Ables

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Ables garnered the ten votes required for reappointment. This is a four-year term.

- William Verity

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Verity garnered the eight votes required for reappointment. This is a four-year term.

- Jerry Reeves

The vote was: FOR - Mr. Kline, Mr. McCracken and Mr. Tinnan. Mr. Reeves failed to garner the six votes required for appointment.

- Ron Lewis

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen and Mr. Taylor. Mr. Lewis garnered the six votes required for appointment. This is four-year term.

#### Lowcountry Council of Governments

- Joseph McDomick

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. McDomick garnered the ten votes required for reappointment. This is a four-year term.

#### Planning and Development Standards Committee

##### → Request for Zoning Change - Fred Trask

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) Lower Cane Island from Development District to Planned Unit Development subject to Mr. Fred Trask, Mr. Bryant and Ms. Rutherford working out current DSO standards for drainage and old DSO standards for road construction. Applicant agrees to adhere to current DSO except for roads and any other setbacks or variance allowed in PUD.

Mr. Tinnan has problems with the language that says Mr. Trask has agreed to adhere to current DSO regarding drainage but requests conformance of the old DSO with regard to road construction because that statement is still silent with regard to all other DSO standards. In the absence of this language, Mr. Tinnan will oppose the motion.

The County Administrator explained that additional language has been submitted and will be presented at the April 18, 1995, Planning and Development Standards Committee meeting.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

#### River Protection Overlay District

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading, by title only, the River Protection Overlay District. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

#### Environmental Impact/Archeological Study as Part of Development Review Team

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading, by title only, an amendment to the Development Standards Ordinance Section 6.5.1(I) and (J) regarding the process for archeological sites to authorize the Planning Director to make the determination based on the "Cartographic Survey of Historic Sites in Beaufort County, South Carolina", dated June 30, 1992 (a Beaufort County catalogue of known archeological sites). The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

#### Environmental Impact Statement

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading, by title only, an amendment to the Development Standards Ordinance Section 6.5.1(J) to require that any and all development that contains thirty (30%) percent or more wetlands will be required to perform an Environmental Impact Statement (Phase I) to be approved by the Development Review Team. (The County Engineer will secure the inventory of what a

However, he represents an area that has been characterized as one of the poorest in southeastern America. Forty-nine percent of the residents above age 65 live below the poverty line. Within this 49%, twenty percent have no viable means of income. The County cannot afford Mr. Tinnan's Proposal since the diversity between poverty and wealth is far too great.

Mrs. Gnann feels Mr. Tinnan's proposal has a lot of merit. Council needs to look at the proposal, study it, massage it, and be forward looking.

Mr. Glaze expressed concern with purchasing land.

Mr. Martin represents a district that is primarily middle class. Sometimes Council forgets about the middle-class citizen. Mr. Tinnan's Proposal is a good idea but how is Council going to raise the funds to support the project.

The Chairman believes there is a substantial difference in the Town of Hilton Head Island and County government. When the Town of Hilton Head adopted its land purchase proposal, the island was almost reaching completion of build out along U.S. Highway 278 and there was a real sense of urgency to acquire particular parcels and to keep them from being built out. If the County begins to buy property with taxpayer money, Council is going to have an absolute obligation to treat every part of the County fairly.

The Chairman assigned this issue to the Long-Range Planning and Economic Development Committee. He requested the Committee present its report to Council by June 26, 1995.

#### PUBLIC SCHOOL FUNDING

This item was rescheduled for discussion Monday, May 8, 1995.

#### → REQUEST FOR ZONING CHANGE - FRED TRASK

It was moved by Mrs. Gnann, as Vice Chairman of the Planning and Development Standards Committee Chairman (no second required), that Council approve on second reading a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development.

The Chairman explained that Mr. Trask raised several questions to Staff concerning how the Zoning and Development Standards Ordinance will affect a Planned Unit Development and what long-term effect it would have in the event impact fees are enacted. The County Administrator stated that the County Attorney has informed him that by the May 8, 1995 meeting, Council will have the answers to these questions.

The vote was: FOR - Mr. Atkinson, Mrs. Gnann, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen and Mr. Taylor, OPPOSED - Mrs. Grace and Mr. Kline. ABSTAINED - Mr. Glaze and Mr. Tinnan. The motion passed.

The Chairman announced a public hearing Monday, May 8, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

Environmental Impact/Archeological Study as Part of Development Review Team, Environmental Impact Statement, Subdivision Layout Standards

It was moved by Mrs. Gnann, As Vice Chairman of the Planning and Development Standards Committee Chairman (no second required), that Council approve on second reading an amendment to the Development Standards Ordinance Sections 5.2.2(E), 6.5.1(I) and (J) as it relates to Environmental Impact/Archeological Study as part of Development Review Team, Environmental Impact Statement, Subdivision Layout Standards.

Mr. McCracken inquired of the Beaufort Industrial Park relation to the proposed text change. The County Administrator explained the existing industrial parks would be exempt. The County Engineer, Economic Development Director, and members of the Economic Development Board have developed additional wording for incorporation in this ordinance. This language will be presented to Council at its May 8, 1995 meeting.

The Chairman requested the Chairman of the Economic Development Board, in addition to Economic Development Director, sign off on the additional language.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

The Chairman announced a public hearing Monday, May 8, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

CALL FOR EXECUTIVE SESSION

It was moved by Mrs. Grace, seconded by Mr. Tinnan, that Council go into executive session at the conclusion of regular session for the purpose of a legal briefing. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

The Chairman passed the gavel to the Vice Chairman to receive Committee Reports.

## PUBLIC HEARINGS

### Request for Zoning Change (Fred Trask)

The Chairman opened a public hearing at 6:05 p.m. for the purpose of receiving information from the public as it relates to a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development. After calling once for public comment, the Chairman recognized Mr. Fred Trask, who encouraged Council to approve his request for zoning change. After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:07 p.m.

### Third and Final Reading

It was moved by Mrs. Mullen, as Planning and Development Committee Standards Chairman (no second required) that Council adopt on third and final reading a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development

The Chairman noted that the County Attorney had provided Council with documentation as it relates to a proposed policy dealing with Planned Unit Developments. He asked if Council should postpone third reading until the Planned Unit Development policy statement is addressed. The County Attorney explained the policy statement will exempt future changes. Whatever policy is adopted it would apply to Mr. Trask's planned unit development.

Mr. Tinnan still sees a conflict. If Council approves Mr. Trask's planned unit development application, which is explicit in its language, and then later approves a policy, which is in direct conflict with the language of the planned unit development application, does the applicant not have the right to legally contest that Council has approved a written document and then come back with a policy that changes the conditions of that document.

The County Attorney explained that Council has the authority to pass legislation which will affect property. Council cannot have its hands tied by approval of a particular zoning change. A planned unit development under the current concept is a zoning change. Council has the authority to pass, by way of legislation, any kind of amendments. Mr. Trask is interested in locking in those amendments. Mr. Trask's specific question is what will be grandfathered by approval of a planned unit development. The answer is some of the concerns are reasonable such as setbacks. But with respect to tree protection standards, Mr. Trask would be subject to those changes.

It was moved by Mr. Tinnan, seconded by Mrs. Gnann, that Council table for two weeks a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and

7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mr. Martin, Mr. McBride, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Kline and Mr. McCracken. ABSENT - Mrs. Grace. The motion passed.

**Text Change to Zoning and Development Standards Ordinance**  
**Subdivision Layout Standards**

The Chairman opened a public hearing at 6:08 p.m. for the purpose of receiving information from the public as it relates to a text change to the Zoning and Development Standards Ordinance dealing with subdivision layout standards. After calling once for public comment, the Chairman recognized Mr. Jack Alderman with Union Camp. As to the issue of archeology, Mr. Alderman raised four questions: (1) What additional protection of significant sites will these requirements provide that is not already provided by the current state and federal requirements through the State Historic Preservation Office and the 404 permitting process? (2) What guidelines will the County use in determining whether a "project location or nature is likely to contain such a resource"? (3) What standards will be used in determining whether a proposed activity negatively affects a "setting or vista"? And (4) What is the approval and appeal process? As to the environmental assessment issue, the following questions were raised: (1) What is the definition of an environmental assessment as used here? Is there a difference between the assessment triggered by wetlands and the assessment triggered by project size and type? (2) What additional environmental protection will these requirements provide that is not already provided by the current state and federal requirements? (3) No standards are provided. What standards will be used to judge a particular assessment? Will standards be the same as or greater than state or federal guidelines? (4) What will the County staff do with the assessment once it is received? Will citizens be able to readily discern the impact of this procedure or their ability to obtain a permit? (5) What is the approval and appeal process? and (6) What additional staff will be required to interpret, review, administer, and enforce these requirements? How will coordination with state and federal agencies in similar positions be handled?

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:20 p.m.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a text change to the Zoning and Development Standards dealing with subdivision layout standards. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Grace. The motion passed.

**Creation of S.C. Highway 170 Corridor Overlay District**

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May 22, 1995  
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It was moved by Mrs. Mullen, seconded by Mr. Martin, that Council table until June 12, 1995, consideration of a resolution adopting a policy statement for Planned Unit Developments. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mr. Kline. The motion passed.

#### **REQUEST FOR ZONING CHANGE**

Fred Trask

It was moved by Mrs. Mullen, seconded by Mr. Tinnan, that Council table until June 12, 1995, a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mr. Kline. The motion passed.

#### **PROPOSED AMENDMENT TO S.C. HIGHWAY 170 CORRIDOR OVERLAY DISTRICT**

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council amend the proposed text change to the Zoning and Development Standards Ordinance pertaining to the creation of the S.C. Highway 170 Corridor Overlay District to extend the District's boundaries to include that area up to the City of Beaufort limits. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mr. Kline. The motion passed.

#### **PUBLIC HEARINGS**

##### **Request for Zoning Change - Ann Ulmer Smith**

The Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving information from the public as it relates to a request for zoning change in southern Beaufort County, District 600, Map 31, a portion of parcel 33 consisting of 1.61 acres, located near the intersection of U. S. Highway 278 and Burnt Church Road from Development District to General Commercial District. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:01 p.m.

##### **Third and Final Reading - Ann Ulmer Smith**

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a request for zoning change in southern Beaufort County, District 600, Map 31, a portion of parcel 33 consisting of 1.61 acres, located near the intersection of U. S. Highway 278 and Burnt Church Road from Development

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June 12, 1995

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The County Administrator explained the items will be a part of the total budget but included in a separate line item identified as fund balance.

Referencing Section 16, Authorization of Tax Anticipation Notes, Mr. Tinnan recommended adding a provision in paragraph (b), (I), (ii) and (iii) "The Administrator, 'with the advice and consent of Council,' . . .".

Motion to amend: It was moved by Mr. McBride, seconded by Mrs. Gnann, that Council add a provision in paragraph (b), (I), (ii) and (iii) "The Administrator, 'with the advice and consent of Council', . . .". The vote was: Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Mrs. Mullen will oppose second reading of the proposed FY 1995-96 budget since its incorporates the Spending Limitation Ordinance amendment.

Vote on the main motion which includes the above-stated amendment: The vote was: Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Grace, Mr. Martin and Mrs. Mullen. The motion passed.

The Chairman announced a public hearing Wednesday, June 14, at 7:00 p.m. in Town Council Chambers of Hilton Head Island Town Hall and Thursday, June 15, at 7:00 p.m. in Council Chambers of the Administration Building.

**REQUEST FOR ZONING CHANGE**

→ Fred Trask

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a request for zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

**RESOLUTION - PLANNED UNIT DEVELOPMENTS**

During discussions with the County Attorney, the County Administrator made it clear that the proposed resolution (policy statement) dealing with Planned Unit Developments does not have the force of law. The resolution is a planning document for the Planning Department to know when working with developers what the County is willing and not willing to negotiate upon. For the resolution to have a force of law would require a Zoning and Development Standards Ordinance amendment.



PLANNING AND DEVELOPMENT COMMITTEE  
March 28, 1995

The Planning and Development Standards Committee meeting was held at 5:00 p.m., Tuesday, March 28, 1995, in the Executive Conference Room of the Administration Building, Beaufort, SC.

ATTENDANCE

Chairman Victoria Mullen and Committee members Elizabeth Grace, and Emmett McCracken present. Committee members Dorothy Gnann and Joseph Kline absent. Non-committee members Ron Atkinson, Joel Martin and Len Tinnan present.

County Staff: Michael Bryant, County Administrator; Summer Rutherford, Planning Director; Bob Klink, County Engineer.

Guests: Fred Trask, Applicant; Don Guscio, Landscape Architect.

ACTION ITEMS

→ 1. REQUEST FOR ZONING CHANGE

Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development (Fred Trask)

**Staff Report:** Ms. Summer Rutherford, Planning Director, explained that lower Cane Island contains 164.18 acres (127.35 acres of highland and 37.46 acres of wetlands). The master plan has divided the acreage into twelve (12) separate tracts designating specific land uses, acreages, dwelling units and dwelling units per acre. A comprehensive archeological survey was conducted and discovered one small archeological site on the island. The developer has entered into a Memorandum of Agreement with the State Historic Preservation Officer regarding development of the site. One unique feature of this PUD is the mixed use development of residential and commercial.

Trask Presentation

Mr. Fred Trask, the applicant, explained that Cane Island is 165 acres with 35 acres of saltwater wetlands. The Island has been lightly developed in one area. There are five (5) platted lots with 50 foot right-of-ways, and the road is paved. Mr. Trask indicated that the Cane Island PUD roads will remain private (not become County roads) in perpetuity.

A map and chart were presented to show the proposed densities on the Island. The densities were derived by taking

each tract and putting in what was thought to be the current market densities using schematic plans to arrive at a comfortable density with a workable margin. The overall density for the 165 acres is 3.4 net and 2.6 gross.

- Referring to Exhibit N (attached): Areas 3A and 3B are basically referred to by Mr. Trask as Residential-2 (30 acres, 78 dwelling units, overall density of 2.6 per acre). Areas 5 and 8 are intended to mix some commercial within the development part itself. Tract 5 is applicant's CC-2 (4 acres, 24 units, 6 units to the acre; 30,000 square feet commercial and 30,000 square feet institutional).

- The applicant is requesting a ten (10%) percent flexibility so that if a tract is slated at 16 units but 18 units are actually built, the Cane Island development will not be penalized.

#### Staff Comments

- Staff supports a maximum allowable building height of 40 feet for single-family structures. However, staff recommends reducing building height for multifamily and commercial structures from 60 feet to 50 feet due to aesthetics and fire protection (one story is typically 10 feet).

- There was extensive discussion about from what point the building height would be measured. Mr. Trask has received different answers from the various agencies involved in construction and fire protection.

- Mr. Bob Klink, County Engineer, reported that Section X of the Development Standards Ordinance ("DSO") has very recently defined "building height" as the average height of the highest roof measured from (1) the flood plain elevation or (2) to the average gradient around the structure.

#### Trask Comment

- If a PUD is not given protection against changes that come in the future, what good is the PUD?

#### Committee Comments

- There is a problem with applicant's request to be exempt from all other items of the new and evolving DSO. The Committee could probably approve a PUD for Cane Island if the applicant will recognize that as he phases in development, the applicable DSO standards at that time will be enforced.

- PUDs have traditionally been set for the standard of setbacks. Approving a PUD does not grant a variance but implies

that a character for the community has been decided and the authorizing body is agreeing with the character of the community. For instance, the Cane Island roads will not be County maintained, but under the old DSO the roads still must be built to County standards. PUDs are a mechanism for specializing the concept.

• It was suggested that the applicant consider the following language: "Since the March 28, 1995 Planning and Development Standards Committee meeting, the applicant has agreed to conform to current DSO standards regarding drainage but requests conformance to the old DSO standards with regard to road construction." Mr. Trask indicated that he has no objection to the above language.

**Recommendation:** Council approve a zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development subject to Mr. Fred Trask, Mr. Bryant and Ms. Rutherford working out current DSO standards for drainage and old DSO standards for road construction. Applicant agrees to adhere to current DSO except for roads and any other setbacks or variance allowed in PUD.

## 2. River Protection Overlay District

**Discussion:** Mr. Bryant, County Administrator, explained that the basic concept of the previously proposed River Overlay District was used to create the newly proposed Beaufort County River Protection Overlay District. The current document basically deals with areas south of the Broad River. Areas considered pristine waters are Colleton River, May River, Cooper River, Okatie River, Saw Mill Creek, Bass Creek, Bull Creek, Callawassie River, Chechessee Creek and Chechessee River. These are also areas affected by the moratorium. Currently, there has been no opportunity to discuss the proposed document with local engineers, developers, etc.

### Buffer Requirement - Section 4.24.2(A)

• The present Development Standards Ordinance ("DSO") requires a 20-foot buffer for residential. In the proposed Beaufort County River Protection Overlay District this has been adjusted to a 50-foot buffer and reads as follows:

"In order to protect and conserve the waters located in this district, a buffer strip of existing or planted vegetation is established within the District, extending fifty (50') feet perpendicular to and in a horizontal plane from the O.C.R.M. Critical Line."

(O.C.R.M. is the Office of Coastal Resource Management which is

→ 2. REQUEST FOR ZONING CHANGE

Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development (Mr. Fred Trask)

**Discussion:** Ms. Summer Rutherford, Planning Director, referred to a memo dated April 10, 1995 regarding the two outstanding issues from the March 28, 1995 Planning and Development Committee. Mr. Trask has modified the Cane Island Retreat Planned Unit Development ("PUD") application on page 19 to match Staff's recommendation.

- The first issue regards building height for single-family structures. Staff suggests that building height for residential structures be limited to thirty-five (35') feet using the definition for building height as adopted in the revised Development Standards Ordinance ("DSO"). Mr. Trask will accept the County's definition as recently adopted in the revised DSO but has added the clause "excluding architectural features such as chimneys".

- Mr. Trask agrees to comply with the new DSO regarding drainage, with the exception of road construction. Mr. Trask recommends a slightly reduced width for the PUD's road construction and has approval from the County Engineering Department.

- It was noted that the PUD application implies compliance to a portion of the old DSO. There is concern that the language implies that the PUD's standards apply in perpetuity from August 1993, i.e., since there is no DSO covering the tree ordinance in place the language would establish no tree standards on Cane Island.

- Mr. Trask responded that the Cane Island PUD process started long before the new DSO was adopted. Based on recent discussions regarding the drainage, Mr. Trask's impression was that there was agreement to apply the new DSO for the drainage and the old DSO on all else. The Cane Island PUD application addresses trees and more than exceeds the new DSO requirements. Also, the Del Webb Development Agreement states that for 20 years the development would be subject to no changes. Mr. Trask reiterated the question of how can a developer plan if he will be subject to continual changes every time Council meets? Mr. Trask requested a decision as to what does a PUD grant the developer and what does it not (just lot sizes?).

- Mr. McCracken stated that the confusion is due to Mr. Trask being caught in between two ordinances. When an applicant puts a PUD on the table and it goes through three readings, then

design standards are set at that particular point and the applicant can then move forward. If Planning and Engineering staff are satisfied with roads and drainage, then Mr. McCracken is prepared to support staff recommendations.

- Mr. Tinnan explained the apparent policy issue relating to new ordinances. There are two approved PUDs on Highway 170 (Rivers End and Sun City Hilton Head). The Highway 170 Corridor Overlay and River Protection Overlay District Ordinances are coming down the pike. Both projects border on Highway 170 and both have some property that abuts the Okatie River. Neither of these PUDs will be exempt from the new ordinances. If Council now sets a policy that new ordinances or a PUD once approved is exempt from new ordinances, it implies that Del Webb and Mr. Tillman are exempt from the impact of those two overlay district ordinances. Mr. Tinnan does not agree with this policy.

- Mrs. Grace summarized that a new ordinance pertains to everyone across the board, but PUDs are locked in on the design, engineering, site, setbacks and buffer when designed. PUD projects that have gone through the pike are locked in to those site and designs internal to its structure--this does not mean that the new revised tree ordinance would not be applicable.

#### Cable Service

- Whose responsibility would it be to provide cable to the development, the cable company or the developer?

Mr. Trask explained that attempts have been made to run cable to Cat Island which is past Cane Island. The cable company has not come forth with the cable, so tiny satellite dishes are used as opposed to cable. Cable companies may be forced to install cable depending upon the number of houses in an area, otherwise the developer would probably have to provide for cable.

- The County Administrator explained that Council has taken action with three of the cable companies to reduce the required number of homes per mile from 30 to 15 homes per mile. If 15 homes per mile can be justified, the cable company is required to service that area in the next budget process. Many rural areas do not meet this requirement, but the companies still service a lot of these areas when short-term profitability is feasible.

- The second issue regards the language which would trigger a fire district to purchase other equipment. Staff suggests the following language as adopted in the revised DSO:

"All occupancies, excluding single-family and two-family dwellings, that exceed thirty-five (35') feet in height, or

exceed a total fire flow demand of 3,500 gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment, must have adjustments to plans approved by the Fire District Chief and the County Building Official and, if necessary, reach financial arrangements acceptable to the Fire District and the County Council which provide assistance in purchasing the appropriate fire fighting apparatus or equipment. This standard shall be applied to the fire management plan as defined in each Fire District program.

- Mr. Trask would like a written statement of the following staff request.

**Staff Request:** The County Administrator bring to Council before next reading a written policy statement indicating what new ordinances or ordinance revisions do or do not apply to previously approved PUDs.

**Recommendation:** Council approve on second reading a request of zoning change on Lady's Island, District 200, Maps 20 and 21, Parcels 1, 2, 2A, 3, 4, 5, 6 and 7 (164.18 acres) lower Cane Island from Development District to Planned Unit Development.

**3. TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS  
ORDINANCE - ARCHEOLOGICAL STUDY, ENVIRONMENTAL IMPACT  
STUDY AND SUBDIVISION LAYOUT STANDARDS**

**Discussion:** Several text changes were recommended. These proposed changes are noted in the ordinance.

**Recommendation:** Council approve on second reading text changes to the Zoning and Development Standards Ordinance relating to an archeological study, an environmental impact study, and subdivision layout standards.

**4. TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS  
ORDINANCE - TREE PROTECTION STANDARDS**

- There was discussion about the Subcommittee's suggestion that Section 5.2.7.6(F) Tree Replacement (tree bonding) be omitted. The general intent of subsection F is to give the County the authority to go to court.

- There was general discussion about arborist qualifications. Mr. Bryant stated that a Public Works employee is a trained horticulturist.

- Mr. Kline noted that the tree ordinance does not cover timber regulation. Timbering is a serious issue and has a devastating environmental impact. It was suggested that a cursory permit be implemented (similar to the mobile home moving permit). When trees are cut, the water is not absorbed and

