

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, January 4, 2001, in the County Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**MEMBERS PRESENT:**

Mr. Jim Hicks, Chair

Ms. Nancy Ann Ciehanski

Ms. Margie Jenkins

Mr. Mike Zara

Mr. John Abney

Mr. Gene Duncan

Mr. Thomas Mike, Sr.

**MEMBERS ABSENT:**

Mr. Ben Johnson, III, Vice Chair

Mr. Paul Keyserling

**EX-OFFICIO MEMBERS PRESENT:** None

**STAFF PRESENT:**

Mr. Anthony J. Criscitiello, Planning Director

Ms. Barbara Childs, Admin. Assistant to Planning Direction

**CALL TO ORDER:** Chairman Hicks called the meeting to order at approximately 6:07 p.m.

**PLEDGE OF ALLEGIANCE:** Chairman Hicks led those assembled in the pledge of allegiance.

**REVIEW OF MINUTES:** The minutes of the December 5, 2000, Commission meeting were reviewed. No changes were noted. Discussion occurred regarding having the Commissioners' rationale on dissenting votes written into the minutes—since it had not been done in the past, Chairman Hicks noted that the Commissioner desiring such action should indicate his/her desire at the time of the vote. **MOTION: Ms. Ciehanski made a motion, and Mr. Mike seconded, to accept the minutes of the December 5, 2001, meeting.** No further discussion occurred. **The motion was carried (FOR: Abney, Ciehanski, Duncan, Jenkins, Johnson, and Mike; ABSTAINED: Zara).**

**PUBLIC COMMENT:** None were given.

**CHAIRMAN'S REPORT**

**1. Certificate of Appreciation to Departing Commissioner, Gene Duncan.** Chairman Hicks read aloud the Certificate of Appreciation and presented the appreciation plaque to

Mr. Duncan. Mr. Duncan noted his pleasure working with the various commissioners and urged the Commissioners to be fair to everyone.

2. **Mileage Reimbursements** to the Planning Commissioners will occur by the Commissioners' February 2001 meeting.
3. **Election of Commission Officers:** Chairman Hicks noted that the ordinance allows the Commissioners, at their discretion, to continue serving beyond their appointment until they are reappointed or their replacement is appointed; with the exception of Mr. Duncan who is departing after this meeting. Chairman Hicks asked for the postponement of the election of Commission chair and vice chair until March 2001 because County Council would not be considering replacements until February 2001. No objections were noted from the Commissioners regarding the postponing the election of Commission officers for 2001.

**SOUTHERN BEAUFORT COUNTY REZONING OF R600-41-170 & 172; from Rural – Transitional Overlay/R-TO to Urban/U; Applicant: Gary M. Bensch**

Mr. Criscitiello briefed the Commissioners. The 10.18-acre tract (divided into two parcels) has an overhead power line easement running through the property. It is off Buckingham Plantation Drive and adjacent to the Old South Planned Unit Development/PUD. One of the properties is shown as part of the Old South PUD, and it is not part of the PUD. The staff recommended urban zoning; the Southern Beaufort County Subcommittee recommended suburban zoning and required a traffic impact analysis plan prior to development.

**Applicant's Comment:** Mr. Gary Bensch stated he and his wife purchased the property three years ago and it was zoned Development District; one part of the property was in the Old South PUD. Their original intent for the property was an apartment or townhouse project. The property has a 1000-foot golf-course frontage on one side and 400-foot golf-course frontage on a second side. Mr. Bensch noted earlier discussions with Mr. Gatch and other County officials regarding the County's intentions to rezone the property to Urban zoning. Mr. Bensch feels the land was mistakenly zoned to R-TO. Mr. Bensch has considered a development of townhouses or apartments comparable to or upgraded from the adjacent Old South PUD. The property is on high ground and has sewer and water capability that is greater than he would need when his property is fully developed. The expensive pre-development work has been accomplished and their long-range plans are consistent with the surrounding areas. They feel that the urban zoning is justified and asked for approval of their request. He noted that they do not want to be limited to a lower density, but feels that they would not develop to the maximum capacity of 15 units per acre as was allowed by the pre-1999 Development District zoning. However, future constraints may deem three-story buildings instead of the intended 2-story buildings. They believe their property would be an excellent rental property because it is close to shopping areas and highly desirable for Hilton Head workers or university students or staff. They feel that the downgrading of their property was not done deliberately to keep them from developing, but was done in error. The surrounding properties include the South Point subdivision that consists of 2- to 3-story single-family dwellings, and the Old South apartment subdivision. The Highway 278/Buckingham Plantation Drive intersection is under discussion now for redoing turning lanes and other things to handle the traffic that comes out of the Moss Creek subdivision. He believed there were roadway plans to tie the area to the Bluffton Township.

**Discussion** included:

- the changing dynamics of urban and suburban zonings and the applicant's density goals (note that urban zoning allows 5 to 15 units per acre);
- clarification of the property location;
- the staff's rationale for recommending urban zoning;
- the subcommittee's rationale for recommending suburban zoning (the tremendous traffic accidents and deaths at the Moss Creek intersection; keeping the ambiance of the old oak trees at the intersection; and concern for traffic, road, and community impacts with the potential maximum of 15 units per acre);
- the range of allowable units per acre in the zoning districts (urban = 5 to 15 units; suburban = 1.2 to 4 units);
- concern that the potential developable acreage involved may conceivably cause development of 4-story structures to meet the density of 15 units per acre considering the open space, setbacks and parking required for this type of development;
- the desire to have a visual comparison of the surrounding area and how the development would impact the area (i.e., the Oaks at Broad River PUD that is now being contested by the neighbors because of its incompatibility to the neighborhood);
- concern that this development would not be compatible with the neighboring properties and would become objectionable to the neighbors;
- the absence of the applicant from the subcommittee meeting;
- the Commissioners' review being based on maximum allowable units, regardless of what is stated by the applicant;
- the impossibility of the staff to limit the density of a development to less than the maximum allowable units per acre;
- the average daily traffic trips of single-family units;
- the inclination to recommend the urban zoning that is consistent with the surrounding properties and to leave the correction of the problematic intersection to the county rather than by the developer;
- Mr. Ulmer at the subcommittee meeting stating that the covenants of the Bensch property limited development to single-family units;
- the developers' profitability guide of 8 units per acre;
- the Commissioners' role of recommending the most appropriate zoning for the area because the applicant will develop in accordance with the zoning granted;
- subcommittees having the right to require such studies as a traffic impact analysis, however the proposed ordinance that fully defines what the study should entail has not been adopted by County Council;
- the threshold of traffic trips in the existing ordinance; and,
- advising the applicant to compare the commercial uses allowed in the suburban zoning to the existing commercial uses in the surrounding area as a development alternative.

Mr. Bensch countered on the following issues:

- the access to Moss Creek was worst three years ago and the majority of the accidents have been caused by people disobeying the traffic lights and laws;
- the Moss Creek intersection is the only way out of the area at the present time;
- the aesthetics of power line easement that goes through the length of his property hinders the type of development available to them;

- his disagreement that four-story buildings will be used to maximize the urban zoning density of 15 units per acre, since he has had two scenarios designed with 140 units in two-story buildings on 9 acres of land;
- his belief that urban zoning is the appropriate zoning for his property and that apartments would most likely be the development format used;
- the existence of a private back road through the Ulmer property that is unavailable to public traffic, but would be ideal to provide a secondary ingress/egress to the area in the future; and,
- reiterated the quality of the area and the marketing hardships they face;
- his not being aware of the commercial uses allowed in the suburban zoning district; and,
- the unfeasibility of breaking up the property into smaller lots.

**Public Comment:** None were noted.

**MOTION:** Ms. Ciehanski made a motion, and Mr. Abney seconded, to recommend approval of the rezoning of R600-41-170 & 172, from Rural – Transitional Overlay/R-TO to Suburban/S and requiring a traffic impact analysis study. Further discussion included disagreement with the motion and the inclination to support the staff’s recommendation of Urban in an effort to correct a mapping error. **The motion was defeated (FOR: Abney, Ciehanski, Jenkins; AGAINST: Duncan, Mike and Zara; Chairman Hicks voted AGAINST to break the tie vote).**

**MOTION:** Mr. Zara made a motion, and Mr. Duncan seconded, to recommend approval of the rezoning of R600-41-170 & 172, from Rural – Transitional Overlay/R-TO to Urban/U, as recommended by the staff, and requiring a traffic impact analysis. **The motion passed (FOR Duncan, Jenkins, Mike and Zara; AGAINST: Abney & Ciehanski).**

Mr. Bensch stated that he would look into the allowable uses for the suburban zoning, as was recommended by Mr. Zara.

**SOUTHERN BEAUFORT COUNTY; Applicant: Robert L. Graves**

1. **AMEND COMPREHENSIVE PLAN FUTURE PLAN USE/FLU MAP FOR R600-21-4, 4A, 6A, 7B, 8, 194 & 195; from Rural Service Area to Transitional Area**
2. **REZONING OF R600-21-4, 4A, 6A, 7B, 8, 194 & 195; from Rural/R to Rural– Transitional Overlay/R-TO**

Mr. Criscitiello briefed the Commissioners. This request involves 7 parcels totaling 115.57 acres. The Southern Beaufort County Subcommittee supports the staff recommendation to: 1- deny amending the Comprehensive Plan Future Land Use Map; 2- deny rezoning Parcels 4, 4A, 6A, 7B, 194 and 195; and 3- approve rezoning parcel 8 (19 acres) .

**Discussion** included:

- clarification of the property which is at the beginning of the Okatie River;
- the rationale of the rural designation of the parcels in relation to the sensitivity of the Okatie River water quality issues and the citizens’ conscientious effort to maintain the environmental quality;
- the applicant’s statements that the parcels were mistakenly zoned and that efforts were made to effect the change prior to the adoption of the Comprehensive Plan and the current

- Zoning and Development Standards Ordinance/ZDSO; however, no evidence to the effect could be produced;
- the consistency of the rural designation along the Okatie, with the exception of the Planned Unit Developments/PUDs that were approved prior to the adoption of the Comprehensive Plan and the ZDSO; and,
  - consideration that the parcel that was previously zoned commercial should be granted the R-TO zoning.

**Applicant's Comments:**

1. Mr. Lewis Hammet, the applicant's representative, noted that the property has been in the family for many years. During the Comprehensive Plan process, Mr. Graves believed that the 20 acres of his property fronting Highway 278 was to retain its 1990 commercial zoning. Since it has not, Mr. Graves has been working with several people at the County level to figure out how to retrieve that commercial zoning. Mr. Hammet mentioned meetings with Mr. Criscitiello regarding rezoning Mr. Graves property to rural with a transitional overlay. With the transitional overlay district zoning Mr. Graves could be in the position to obtain the studies required in the pre-development process to determine how to ultimately develop his property. Mr. Hammet noted the various developments during the Comprehensive Plan adoption timeframe (Del Webb's Sun City, The Crescent, Okatie Center, Eagle's Point, Belfair, Rose Hill, Willow Run, and the Bluffton elementary and middle schools in Buckwalter) and those developed or anticipated after that timeframe (the Meggett Tract/Berkley Hall, Island West, the 6,000-acre Buckwalter Tract, the Super WalMart and the proposed University of South Carolina campus). He displayed a colorized map of the area that reflected the existing PUDs that surround Mr. Graves' property. He explained that the purpose of the rural FLU designation was to protect the properties that were distant from development patterns where infrastructure does not exist and is not expected in the near future, and not to create parks in urban areas. The rural zoning relegates Mr. Graves' 100+ acres in a sea of thousands and thousands of acres identified as the most urban areas of Southern Beaufort County. Environmental concerns will be treated at the time of any type of development. Mr. Hammet appreciates that the staff and the Subcommittee agreed to change the parcel that was zoned commercial prior to the adoption of the current ZDSO. However, Mr. Graves would like to treat the 7 parcels as one. The properties are not agricultural sites; Mr. Graves raises and trains horses there. Mr. Hammet indicated that Mr. Graves did not choose to rezone from the rural zoning, rather the surrounding developments have placed his family property in the heart of the biggest commercial area in Southern Beaufort County.
2. Mr. Robert Graves thanked the Commissioners for their work in the community. He noted his boyhood memories of the property when it really was rural. He wished he could still enjoy the property as he had in the past, but he is prevented by the surrounding development. He wants to be a good steward over his land and provide for his children and grandchildren. He believes the Commission will do their work to try to assist him in his request.

**Public Comment:** Ms. Kirk Martin Gay, a cousin to Mr. Graves, wanted to see part of the property preserved perhaps by the Land Preservation Board. She doesn't blame her cousin for

wanting to develop his property. She asked if the County could purchase water end of Mr. Graves property to preserve. Asked about buffers.

**Discussion included:**

- clarification on the proposed commercial area in the Island West subdivision;
- support for Mr. Graves request;
- the sensitivity of the headwaters of the Okatie River;
- the PUDs established prior to the Comprehensive Plan;
- the development pattern that went ahead of the Comprehensive Plan, but the belief that the property would have been zoned rural;
- the level of development on this property should be cautioned;
- a significant desire by the public for low density;
- a disagreement to the mapping error concept;
- clarification that Berkley Hall was approved after the adoption of the ZDSO;
- question the non-viability of a rural designation for the property;
- the desire to preserve property in and of itself is not reason enough to maintain the rural zoning;
- the repeated comments by residents against strip development; and,
- the abutting of a used car lot to one of Mr. Graves' parcels.

**MOTION: Ms. Ciehanski made a motion, and it was seconded, to recommend, as was recommended by the staff and the Southern Beaufort County Subcommittee of the Beaufort County Planning Commission:**

1. **denial of the request to amend the Comprehensive Plan Future Land Use Map for R600-21-4, 4A, 6A, 7B, 8, 194 & 195; from Rural Service Area to Transitional Area;**
2. **denial of the request to rezone R600-21-4, 4A, 6A, 7B, 194 & 195; from Rural/R to Rural-Transitional Overlay/R-TO; and,**
3. **approval of the request to rezone R600-21-8 from Rural/R to Rural-Transitional Overlay/R-TO.**

No further discussion occurred. **The motion was carried unanimously (FOR: Abney, Ciehanski, Duncan, Jenkins, Mike and Zara).**

**BEAUFORT COUNTY CAPITAL IMPROVEMENTS PROGRAM/CIP**

Chairman Hicks recommended that the Dale Community Preservation/CP District CIP projects should have been divided into smaller projects over a period of years rather than being submitted as a single item of \$1.07 million. Mr. Criscitiello noted that the Planning staff was the only organization that came up with the figures, unlike other projects that involved several departments. The CIP amounts were provided by Mr. Eric Brown, the Dale CP consultant, at Mr. Criscitiello's request. The staff did not intent for the Dale CP items to be one CIP project.

**Discussion included** a desire to see a summary of approved CIP projects and their completion dates or status of completion, the Wimbee Boat Landing CIP project that was replaced by the Dale CP Plan which included improvements to the Wimbee Boat Landing, the Commission recommending breaking up the Dale Plan into various projects rather than one CIP project, insuring that future CP plans are recommended as various projects over a number of years, setting a timeframe on the completion of CP projects, a clarification on funding sources and dirt

road paving projects, and a desire to be more actively involved in next year's CIP ranking process.

**THE OFFICIAL NAMING OF THE EAST/WEST CONNECTOR ROADWAY**

**MOTION:** Ms. Ciehanski made a motion, and Mr. Abney seconded, to recommend approval of the official naming of the East/West Connector Roadway to the Bluffton Parkway. Discussion included clarification on the location of the road. The motion was carried unanimously (FOR: Abney, Ciehanski, Duncan, Jenkins, Mike and Zara).

**OTHER BUSINESS:**

1. **February 2001 Workshop Discussion Item:** Chairman Hicks noted that the County Engineer could present the rating analysis system of dirt roads for paving and explain the funding sources for the CIP dirt road paving projects. The Commissioners also asked that a member of the Transportation Committee join them at the workshop.
2. **Commission Packets:** When including items in the Commissioners' meeting packets, they Commissioners asked that acronyms not be used or that an explanation be included in the packets, and that the maps indicate major roadways or landmarks for clarification. Chairman Hicks applauded, and supported, the request from the Commissioners for more information to form better opinions on the items they are being asked to review.
3. **Training for Commissioners:** Mr. Abney asked for training similar to the one that Ms. Ciehanski and Mr. Mike had attended last year. Chairman Hicks noted the availability of training and deferred to Mr. Criscitiello for scheduling. Mr. Zara recommended that the Planning Department hire an intern to create a training manual for incoming Commissioners and volunteered his expertise in creating a profile for the manual.
4. **Planning Department Budget for FY2001/2002:** Mr. Criscitiello indicated he would like to present the department's budget to the Commissioners for their approval. Chairman Hicks noted that the Commissioners had not been involved in the department's budget in the past and would discuss this matter with Mr. Criscitiello at a later time.

**ADJOURNMENT:** **MOTION:** Mr. Zara made a motion, and Mr. Duncan seconded, to adjourn the meeting. The motion was carried unanimously (FOR: Abney, Ciehanski, Duncan, Jenkins, Mike & Zara). Chairman Hicks adjourned the meeting at approximately 8:15 p.m.

**SUBMITTED BY:**

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Barbara Ann C. Childs, Admin. Assistant to Planning Director

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Jim Hicks, Chairman, Beaufort County Planning Board

**APPROVED:** February 6, 2001