

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, April 3, 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. Paul Keyserling

Mr. Mike Zara

Mr. John Abney

Mr. Jerome Goode

Mr. Ben Johnson, III, Vice Chair

Mr. Thomas Mike, Sr.

MEMBERS ABSENT: None

EX-OFFICIO MEMBERS PRESENT: None

STAFF PRESENT:

Mr. Anthony J. Criscitiello, Planning Director

Ms. Barbara Childs, Admin. Assistant to Planning Director

Mr. Stan Williams, Community Preservation Planner

Mr. John Holloway, Natural Resource Planner

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:03 p.m.

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

REVIEW OF MINUTES: The minutes of the March 6, 2001, Commission meeting were reviewed. No changes were noted. **MOTION: Mr. Mike made a motion, and Ms. Jenkins seconded, to accept the minutes of the March 6, 2001, meeting.** No discussion occurred. **The motion was carried (FOR: Abney, Goode, Jenkins, Johnson, Keyserling, Mike and Zara; ABSTAINED: Ciehanski).**

CHAIRMAN'S REPORT

1. **Subcommittee Assignments:** Chairman Hicks indicated the subcommittee assignment list was being provided for the Commissioners' information. He asked that the Commissioners notify their subcommittee chair if they cannot make the subcommittee meeting.
2. **Commission Meeting Packet:** This month's packet contained the wrong rezoning application and list of property owners notified. The correct paperwork is provided to the Commissioners at their respective seats.
3. **May 2001 Commission Meeting Date:** The exact date must be moved to May 3rd or 4th, because of County Council budgetary hearings held in the Council Chambers. Ms. Childs will confirm the date and notify the Commissioners. Desires 3rd, 4th second choice.

PUBLIC COMMENT: None were received.

REZONING REQUEST TO THE BEAUFORT COUNTY ZONING MAP -- PORT ROYAL ISLAND, R100-24-38A & 373, FROM RURAL-TRANSITIONAL OVERLAY/TO TO SUBURBAN/S; APPLICANT: MR. JOHN E. ZEHM.

Mr. Criscitiello briefed the Commissioners. The total size of both parcels is 5.67 acres. The current zoning does not allow Mr. Zehm to use his property for additional homes. The proposed use will allow for 1.22 dwelling units per acre. The Port Royal Island Subcommittee unanimously recommended approval of Mr. Zehm's request, and recommended that staff study and form a master plan for that transitional overlay district.

Discussion included concern for the density allowed in Suburban zoning, the impact of the nearby apartments to the area, the cumulative effect on a basically rural area, concern that a proliferation of apartments might occur and change the character of the area, multi-family use in Suburban zoning as a limited use, the discussion during the Subcommittee meeting regarding neighboring parcels desiring rezoning and a proposed master plan for that transitional overlay area, and concern for a domino effect of development caused by this rezoning.

Public Comment: None were noted.

MOTION: Ms. Jenkins made a motion, and Mr. Keyserling seconded, to recommend approval of the rezoning of R100-24-38A & 373, from Rural-Transitional Overlay/R-TO to Suburban/S. In order to prevent piecemeal rezoning in this area in the future, the staff will present a master plan showing how the area should be transitioned. The motion was carried (FOR: Abney, Ciehanski, Goode, Jenkins, Keyserling, Mike & Zara; AGAINST: Johnson).

Further discussion included a desire to have the master plan for the area prior to the above rezoning recommendation, a strategy to prevent/slow down an anticipated snowball effect this rezoning may cause, a consideration to recommend in-fill development before considering rezoning requests, and the staff asking future rezoning applicants to wait or recommending disapprovals to any other rezoning requests until the master plan for this transitional overlay district was completed.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO): ARTICLE VII, DIVISION 3, SEC. 106-1844, BEACH-DUNE; AND ARTICLE VI, DIVISION 5, TABLE 106-1711, EXTERIOR STORAGE AND ILLUMINATION STANDARDS (Add Lighting Standards Concerning Development Abutting Or Adjacent To Beach-Dune Systems To Provide Protection To Endangered Sea Turtles).

Mr. Criscitiello briefed the Commissioners. Additional information was provided at the Planning Committee meeting that was not presented at the Planning Commission meeting. Mr. Criscitiello felt that the ordinance should return to the Planning Commission for additional review.

Mr. Holloway noted that Ms. Sally Murphy, the SC Sea Turtle Coordinator of the SC Department of Natural Resources, indicated that communities along the eastern coast had ordinances requiring existing developments to retrofit to protect the sea turtles. Staff has added the retrofit requirement, smaller design issues (height and type of lights), and complying requirements to this ordinance.

Discussion included a recommendation adding draping requirements to subparagraph f).(4). and including dunes in subparagraph f).(2)., the merits of tinted glass and drawn drapes, this ordinance being from a standard template for turtle nesting season, a recommendation to substitute "adjacent to documented" to "with potential impact to" in subparagraph f).(6). since nesting sites may differ seasonally, potential interpretation and enforcement problems with subjective wording in ordinances, the intrusiveness of requiring drawn drapes, and educating the transient beach homes population of the

lighting problem to endangered species.

PUBLIC COMMENT: Ms. Murphy suggested changing subparagraph f).(6) to “Additional landscaping may be required in order to mitigate impacts from development.”

Chairman Hicks noted that he would entertain motions to amend portions of the document, then a final motion to adopt the document in its entirety.

MOTION: Ms. Ciehanski made a motion, and Mr. Zara seconded, to add the phrase “or dunes” to the end of the sentence in subparagraph f).(2). Discussion included dunes acting as a screen to the beach. **The motion was carried (FOR: Abney, Ciehanski, Goode, Johnson, Keyserling, Mike & Zara; ABSTAINED: Jenkins).**

MOTION: Ms. Ciehanski made a motion, and Mr. Zara seconded, to change subparagraph f).(4) to read, “Tinted or filmed glass or solar screens shall be used in windows facing the beach or dunes and drapes must be drawn during the period indicated by paragraph f).(7) above the first floor of multi-story structures.” Discussion included the dual requirement of drapes and tinting, the sensitivity of beach front residents to such ordinances, enforcement by neighbors, concern for the stringency of requiring drawn drapes, recommending “encourage” instead of “must be drawn” for drapes, and setting a seasonal and a daily timings of the ordinance. **The motion was defeated (FOR: Ciehanski, Mike, and Zara; AGAINST: Abney, Goode, Jenkins, Johnson, and Keyserling).**

MOTION: Mr. Keyserling made a motion, and Mr. Abney and Ms. Ciehanski seconded, to change subparagraph f).(4). to read, “Tinted or filmed glass or solar screens and drapes shall be used in windows facing the beach or dunes during the period indicated by subparagraph f).(7), above the first floor of multi-storied structures.” Discussion included the necessity of the tinted glass requirement, the problematic enforcement of drawn drapes, this ordinance providing enforcement for the educators, and the word “used” implies drawn drapes. **The motion was passed unanimously (FOR: Abney, Ciehanski, Goode, Jenkins, Johnson, Keyserling, Mike, and Zara).**

MOTION: Mr. Keyserling made a motion, and Mr. Abney and Ms. Ciehanski seconded, to change subparagraph f).(6) to read, “Additional landscaping shall be required when necessary to mitigate impacts from developments on nesting areas.” Discussion included the new wording having the reviewer setting requirements, and staff needing a criteria or standard of measure because of this change. **The motion was passed (FOR: Abney, Ciehanski, Goode, Jenkins, Johnson, Keyserling, and Mike; AGAINST: Zara).**

Further discussion occurred regarding adding subparagraph f).(7) to indicate the seasonal and daily timeframe that this ordinance would be in effect. Ms. Murphy suggested “dusk to dawn.” Chairman Hicks asked Ms. Murphy to give the suggested wording to Mr. Holloway and noted that the Planning Commission would accept what was agreed upon between Ms. Murphy and Mr. Holloway.

Additionally, Chairman Hicks noted that the Commission was not an ordinance writing body and if many more changes were needed, he would recommend returning this ordinance to the subcommittees for rewrite. It was noted that since text amendments do not go to the subcommittees as in the past, the Commission meeting is the first time all Commissioners have an opportunity to discuss the ordinance.

MOTION: Ms. Ciehanski made a motion, and Mr. Abney seconded, to change the last sentence of subparagraph f).(1), to read, “Outdoor lighting shall be held to the minimum necessary and, where possible, shall be low pressure sodium for security and convenience.” Discussion included the

reasoning for this change. **The motion was passed unanimously (FOR: Abney, Ciehanski, Goode, Jenkins, Johnson, Keyserling, Mike, and Zara).**

Ms. Murphy noted her appreciation to the Commissioners for their patience and for Mr. Holloway's work on this ordinance.

MOTION: Mr. Keyserling made a motion, and Ms. Ciehanski seconded, to recommend approval of the Text Amendments to the Beaufort County Zoning & Development Standards Ordinance (ZDSO), Article VII, Division 3, Sec. 106-1844, Beach-Dune; and Article VI, Division 5, Table 106-1711, Exterior Storage and Illumination Standards (that adds lighting standards concerning development abutting or adjacent to beach-dune systems to provide protection to endangered sea turtles), as amended by the Commissioners agreement in the actions listed below:

1. **to add the phrase "or dunes" to the end of the sentence in subparagraph f).(2).**
2. **to change subparagraph f).(4). to read, "Tinted or filmed glass or solar screens and drapes shall be used in windows facing the beach or dunes during the period indicated by subparagraph f).(7), above the first floor of multi-storied structures."**
3. **to change subparagraph f).(6) to read, "Additional landscaping shall be required when necessary to mitigate impacts from developments on nesting areas."**
4. **to add subparagraph f).(7). to read, "This ordinance shall be in effect from dusk to dawn during the period from May 1 through October 31 of every year."**
5. **to change the last sentence of subparagraph f).(1), to read, "Outdoor lighting shall be held to the minimum necessary and, where possible, shall be low pressure sodium for security and convenience."**

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

OTHER BUSINESS:

1. **Burton Rezoning:** Mr. Criscitiello noted that the Planning Committee was uncomfortable with the recommended Urban zoning and asked the staff for additional research. The density of 15 units per gross acre allowed in Urban zoning created a major concern. The Committee questioned the potential build out if the area were rezoned to Urban. The staff is looking at a text amendment for Urban density and will bring forth their recommendation along with this rezoning to Planning Commission at a later date.
2. **Rural Business District:** Cottage industry concerns were expressed. The recommended cottage industry uses in the rural district such as basket weaving and pottery making are low impact uses and the current 10-acre requirement will be deleted. Retail sales of cottage industry uses, though encouraged by the Comprehensive Plan, is not allowed currently by the ZDSO; but, will be allowed in the recommended cottage industry uses. Staff wants amendments to the rural district and the proposed rural business district to be considered concurrently. Staff recommends: 1- removing some intense by-rights uses such as gas stations from the rural districts and placing them in the rural business districts, and 2- expanding cottage industry uses, as special uses, in the rural district. Concern was expressed that the cottage industry uses would impact their respective residential neighborhoods with increased traffic usage and the current 10-acre requirement was meant to buffer such an impact. The Planning Commission will have a public hearing next month on this ordinance and will vote on the ordinance the month after.
3. **5-Year Review of the Comprehensive Plan:** Staff has asked for a subcommittee of Commissioners to assist them with the concept, process, etc. of this review. Chairman Hicks called for volunteers and suggested meeting on the 2nd & the 4th Wednesdays from noon to 1:00 p.m.. The committee members are: Ciehanski, Goode, Jenkins, Keyserling, and Hicks; with Johnson and Abney as drop-ins as their respective schedules allows. By one committee considering the changes

to the Comprehensive Plan and the ZDSO, instead of the staff requested separate committees for each issue, continuity in both documents should occur.

4. **Highway 170 Corridor Study:** The County's consultant for this project is Day-Wilburn. A scope of services for this project is being finalized by staff. Upon completion of the scope of services, Mr. Criscitiello will consult with Mr. John Kachmar, County Administrator, regarding funding of this project.
5. **Text Amendments at the Subcommittee Level:** Discussion included reinstating review of text amendments at the subcommittee level, instead of currently going directly to the Commissioners, to allow the public to have ample opportunity to hear all the changes. Staff suggested expanding the pre-commission period to 1 hour from the ½ hour now scheduled due to staff limitations, instead of more evening meetings.

ADJOURNMENT: Ms. Jenkins made a motion, and it was seconded, to adjourn the meeting. The motion was carried unanimously (FOR: Abney, Ciehanski, Goode, Jenkins, Johnson, Keyserling, Mike & Zara). Chairman Hicks adjourned the meeting at approximately 8:05 p.m.

SUBMITTED BY:

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

Jim Hicks, Chairman, Beaufort County Planning Board

APPROVED:

**NOTE: Get Mr. Goode's desk plate from him before May meeting!!
Business cards for planning commissioners**