

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, August 5, 2003, in County Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT:

Mr. Jim Hicks, Chair
Mr. Jerome Goode
Mr. Alan Herd
Mr. Cecil Martin, Jr.
Mr. Mike Zara

Mr. Ben Johnson, III, Vice Chair
Ms. Joy Guyer
Mr. Matthew Margotta
Mr. Vernon Pottenger

MEMBERS ABSENT: None

EX-OFFICIO MEMBERS PRESENT: None

STAFF PRESENT:

Mr. Anthony J. Criscitiello, Planning Division Head
Ms. Meenakshi Singh, Planner
Ms. Barbara Ann C. Childs, Administrative Assistant to the Planning Director

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:05 p.m.

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

REVIEW OF MINUTES: The July 1, 2003, Commission meeting minutes were reviewed and Mr. Goode noted that he was absent from the meeting. **MOTION:** Mr. Zara made a motion, and Ms. Guyer seconded the motion, **to accept the minutes of the July 1, 2003, meeting, as corrected by the Commission.** The motion was carried (FOR: Johnson, Guyer, Herd, Hicks, Margotta, Martin and Zara; ABSTAINED: Goode).

CHAIRMAN'S REPORT:

1. **Change of Agenda:** Chairman Hicks indicated that the items listed after the Planned Development (PD) Ordinance would be heard before the PD Ordinance.
2. **Planned Development (PD) District Ordinance Working Group** will meet tomorrow (July 2, 2003) at 1:00 p.m. in Conference Room #280, County Administration Building,

100 Ribaut Road, Beaufort, SC. Chairman Hicks noted that the group would complete its review and bring forth its recommendations at the August 2003 Commission meeting.

MAP AMENDMENTS TO THE BEAUFORT COUNTY FUTURE LAND USE MAPS REDESIGNATING THE FOLLOWING PORT ROYAL ISLAND AND SOUTHERN BEAUFORT COUNTY COMMUNITY PRESERVATION (CP) DISTRICTS:

- A. To Residential/Light Commercial Area: Polk Village CP (including the following subdivisions: Salem Plantation, Polk Village, and Greenlawn), and Part of Bluffton CP (only Fern Lakes, and Heritage Lakes)
- B. To Rural Area: Part of Brighton Beach CP (only Myrtle Island, and Pine Island) and Sawmill Creek CP

-- AND --

MAP AMENDMENTS TO THE BEAUFORT COUNTY ZONING MAPS REZONING THE FOLLOWING PORT ROYAL ISLAND AND SOUTHERN BEAUFORT COUNTY COMMUNITY PRESERVATION DISTRICTS:

- A. To Suburban (S) District: Polk Village CP (including the following subdivisions: Salem Plantation, Polk Village, and Greenlawn) and Part of Bluffton CP (only Fern Lakes, and Heritage Lakes)
- B. To Rural Residential (RR) and Rural (R) Districts: Part of Brighton Beach CP (only Myrtle Island, and Pine Island)
- C. To Rural-Residential (RR) District only: Sawmill Creek CP

Mr. Criscitiello briefed the Commission.

For The Polk Village CP:

- Public Comment: None were received.
- Discussion included the general consensus of no strong objection to the rezoning, the community wanting the general characteristics of their community to remain, the subcommittee supporting the rezoning and future land use change, and a clarification on restriction of suburban zoning.
- **Motion:** Mr. Zara made a motion, and Mr. Margotta seconded, **to recommend approval of the Future Land Use Map amendments for the Polk Village Community Preservation District from Community Preservation Area to Residential/Light Commercial Area.** The motion was carried unanimously (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger and Zara).
- **Motion:** Mr. Zara made a motion, and Mr. Margotta seconded, **to recommend approval of the Zoning Map amendments for the Polk Village Community Preservation District from Community Preservation District to Suburban District.** The motion was carried unanimously (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger and Zara).

For The Bluffton CP:

- Public Comment: None were received.
- Discussion included noted the community desiring to remain as a CP and the subcommittee agreeing to support the desires of the community.
- **Motion:** Ms. Guyer a motion, and Mr. Pottenger seconded, **to recommend disapproval of the Future Land Use Map amendment for the Fern Lakes and the Heritage Lakes portions only of the Bluffton Community Preservation District from Community Preservation Area to Residential/Light Commercial Area.** The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger and Zara).
- **Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend disapproval of the Zoning Map amendments for the Fern Lakes and the Heritage Lakes portions only of the Bluffton Community Preservation District from Community Preservation District to Suburban District.** Further discussion included clarification on the motion and the rationale of the subcommittee's motion. The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger and Zara).

For The Brighton Beach CP and The Sawmill Creek CP:

- Public Comment:
 - Ms. Linda Collins, a Pine Island resident, asked for clarification on the future land use designation and the zoning.
 - Mr. Roy Graves asked for clarification between rural and rural-residential zonings.
 - No discussion by the Commission occurred.
 - **Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend approval of the Future Land Use Map amendments for the Myrtle Island and the Pine Island portions of the Brighton Beach Community Preservation Area and the Sawmill Creek Community Preservation Area from Community Preservation Area to Rural Service Area.** The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger and Zara).
 - **Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend approval of the Zoning Map amendments for:**
 - **the Myrtle Island and the Pine Island portions of the Brighton Beach Community Preservation District from Community Preservation District to Rural and Rural-Residential Districts, and**
 - **the Sawmill Creek Community Preservation District from Community Preservation District to Rural-Residential District**
- Discussion included the rationale for the overlay district mentioned in the subcommittee's motion. The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger and Zara).

PUBLIC COMMENT on items other than on the agenda: Mr. Tommy O'Brien, noting the inequity of the ZDSO sign standards between commercial business and home occupations, asked the Commission to consider an equal treatment.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE/ZDSO that adds the new zoning district Planned Development (PD) and its associated amendments:

- A. Article I, Section 106-7, Exemptions of development types (amends Exemption 2)
- B. Article I, Section 106-18, Definitions (adds PD definition)
- C. Article III, Subdivision III, Vested Rights Determination (deletes this subdivision)
- D. Article IV, Section 106-1057, Planned Development (PD) District (adds PD definition)
- E. Article XI, Division 5, Planned Development (PD) District (adds PD standards)

Mr. Criscitiello briefed the Commissioners.

Public Comment:

- Ms. Jacki Martin, a representative of the South Carolina Coastal Conservation League, thanked the Commission for their work on the PD ordinance. She agreed with the concept that the PD ordinance can bring flexibility and innovation to development that would be difficult to achieve with the ZDSO. She is concerned that the ordinance protects as well as provides for options. She asked that a new subparagraph (g) be considered for Section 106-2440, "PDs will be approved only in areas where the infrastructure necessary to support the proposed development already exists or is slated to exist under the County's Comprehensive Plan." In support of her suggestion, she mentioned conversations with planners and attorneys, and quoted an American Planning Association publication and ordinances from five areas in the county regarding regulating the location of PUDs.
- Ms. Wendy Zara asked that a handout be given to Commissioners. She suggested the following changes:
 - Sec. 106-07(2)b. and b.1., and Subdivision III (Vested Rights Determination): She is opposed to removing the vesting language. Retain the deleted text in the first sentence of Sec. 106-07(2)b., "and vested in accordance with the following vesting rules"; add to Sec. 106-07(2)b.1., "PUDs approved prior to April 26, 1999, that are 50% built out by April 29, 2009, shall be vested."; and retain Article III, Subdivision III, Vested Rights Determination.
 - Sec. 106-07(2)b.2: Add "environmental standards" to the fifth sentence after "engineering standards".
 - Sec. 106-07(2)b.3.(a) and (c): Change subparagraph (a) to read "On and after January 1, 2010, the County will evaluate all PUD ordinances adopted prior to April 26, 1999, to evaluate whether it is vested under section 106-7(b)1."; and subparagraph (c) to read "PUDs which are not 50% built within ten (10) years may be rescinded by ordinance and appropriate zoning district assigned to the area." She also asked the definition of "laid fallow."
 - Sec. 106-2440: Add a new subparagraph (g) "Existing infrastructure (including but not limited to roads, sewer, fire and police protection, EMS, parks, and schools must be adequate to serve the proposed PD." This would insure the proposed PD would not burden the taxpayers.
 - Sec. 106-2442: Change the second sentence to read "Satisfaction of these requirements is mandatory." This would require the interconnectivity that has been recommended by the Comprehensive Plan review and the County transportation consultants.
 - Sec. 106-2442(5): Remove "subsidized" from the sentence.

- Sec. 106-2443: Add at the end of the first paragraph "...as provided in Division 7. Enforcement, Sec. 106-881 through 106-884." to clarify the sanctions imposed on the PD.
- Sec. 106-2446(a)(2): Change the last sentence to "Sewer treatment plants that comply with the County's 208 Water Quality Plan and utility pads may be permitted in a PD."
- Sec. 106-2446(a)(12): Change the sentence to read "An archaeological study showing archaeological sites...."
- Sec. 106-2446(a)(13): Change to read "A Class A boundary survey bearing the seal of a South Carolina registered land surveyor."
- Sec. 106-2446(c) third sentence; and Sec. 106-2447(b) second sentence, to read "The Planning Commission and/or County Council may...."
- Sec. 106-2446(d): Change the sentence to read "...Ordinance to that effect, the property shall be zoned PD."
- Sec. 106-2447(a)(3): Change the sentence to read, "A Class A boundary survey...."
- Sec. 106-2447(b): She asked for a clarification on submitting a Concept Plan for 200 acres and the limitations involved.
- Mr. Claude McLeod stated the ZDSO seals the County in a box, especially Northern Beaufort County. It contains many tracts and parcels with potential for development. He supports the PD Ordinance.
- Mr. Tommy O'Brien agrees the PD ordinance is good if it is done properly. Prosperity requires development. The Oaks PUD should not have been approved and should not be automatically vested. The Oaks PUD continues to cause problems for the community. The PD Ordinance is for developers only; it does not protect the development of the County. The infrastructure in this county cannot support anticipated density from the passage of this ordinance. He noted the existing traffic problems on Highways 278 and 802 and warned of the potential traffic problems from the existing PUDs.
- Pastor Woodrow Daniels Jr., supported Ms. Zara's and Ms. Martin's suggestions and asked the Commission to consider their suggestions.

Discussion by the Commission included:

- assigning expiration dates to subdivisions;
- non-support of the automatic vesting of existing PUDs;
- removing from Sec. 106-7 the PUDs that were annexed by other municipalities;
- the rationale for referencing the enforcement sections as suggested by Ms. Zara;
- insuring the presence of infrastructure as was raised by Ms. Martin and Ms. Zara;
- the projected impact of future PDs and the existing PUDs on the County and the staff;
- maintaining the vesting rights sections to provide equity in the eyes of the public;
- clarifying the staff attorney's and the Council's view on restricting PDs to certain district;
- stipulating that rural PDs must meet the existing rural area density standards;
- concern that PDs be density busters in the rural area or be used as a spot zoning tool;
- desiring more time to review the ordinance and the public comments received tonight;
- eliminating the development plan submittal requirements in Sec. 106-2448;
- concern for spot zoning;
- not being pressured by a timeline, but taking time to produce an acceptable ordinance;

- the staff's professional recommendation of the PD Ordinance;
- replacing the phase "laying fallow";
- incorporating an interconnectivity requirement;
- controlling traffic and sewage issues before allowing further development;
- the minimum size requirement—nonsupport due to the enforcement burdens on the existing staff, the possibility of abuse with the 4-acre minimum requirement, the desire to minimize the traffic and environmental impacts from PDs, and the 25-acre minimum for non-Priority Investment Areas;
- a caution not to place vesting laws that would cause a developer to develop a subdivision rather than loose the PUD status and further cause infrastructure problems;
- the staff addressing the issues raised tonight at the next meeting; and
- agreeing to reconvene on Thursday to discuss and act upon the PD ordinance.

NOTE: *Chairman Hicks recessed the meeting at 7:55 pm. and reconvened the meeting at 8:10 p.m.*

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX I, LADY'S ISLAND COMMUNITY PRESERVATION/CP AREA Division 4, Professional Office District/POD, Section 4.6 Development Standards, Table 2 Open Space and Density Standards (amends landscape surface ratio/LSR standards)

Mr. Criscitiello briefed the Commission. Proposed by LICP Committee.

Public Comment: None were received.

Discussion included the rationale behind the amendment, its consistency with the Highway Overlay District standards and other CP districts, the amendment appearing site or area specific, the composition and recommendation by the Lady's Island Community Preservation Committee, and clarification on the amendment.

Motion: Mr. Johnson made a motion, and Mr. Martin seconded, **to recommend approval of the text amendments to the ZDSO, Appendix I, Lady's Island to amend landscape surface ratio from 50% to 35% of site area.** Discussion included the reduction of the building instead of reducing the landscape surface ratio. The motion **was carried** (FOR: Goode, Guyer, Herd, Hicks, Johnson, Martin, and Pottenger; AGAINST: Margotta and Zara, who felt reducing the landscape ratio rather than reducing the building size was not acceptable).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE/ZDSO, that eliminates the minimum site area for schools:

- A. Article V, Division 2, Section 106-1248, Schools
- B. Appendix I, Lady's Island CP Area; Division 4, Section 4.5 Schools

- C. Appendix I, Lady's Island CP Area; Division 5, Section 5.5 Schools
- D. Appendix J, Dale CP Area; Division 1, Section 1.5 Limited and Special Use Standards, Schools
- E. Appendix K, Corners Area CP District and Public Market District; Division 1, Section 5 Limited and Special Use Standards, Schools
- F. Appendix L, Shell Point CP District; Division 1, Section 5 Limited and Special Use Standards, Schools, Neighborhood
- G. Appendix M, Seabrook and Stuart Point CP Area; Division 1, Section 5 Limited and Special Use Standards, Schools

Mr. Criscitiello briefed the Commission that Appendix D, Community Preservation Areas; Sec. 4(b)(3) Schools, should be also be amended because of the recently adopted state legislation regarding minimum school site areas.

Public Comment: None were received.

Discussion included adding Appendix D, Sec. 4(b)(3) to the list of text amendments to include the interim standards for the Community Preservation Areas.

Motion: Mr. Zara made a motion, and Ms. Guyer seconded, **to recommend approval of the ZDSO text amendments at the following eight (8) sites, including the additional site in Appendix D, that eliminate the minimum school site area requirements:**

- A. Article V, Division 2, Section 106-1248, Schools;
- B. Appendix D, Community Preservation Areas; Sec. 4(b)(3) Schools
- C. Appendix I, Lady's Island CP Area; Division 4, Section 4.5 Schools;
- D. Appendix I, Lady's Island CP Area; Division 5, Section 5.5 Schools;
- E. Appendix J, Dale CP Area; Division 1, Section 1.5 Limited and Special Use Standards, Schools;
- F. Appendix K, Corners Area CP District and Public Market District; Division 1, Section 5 Limited and Special Use Standards, Schools;
- G. Appendix L, Shell Point CP District; Division 1, Section 5 Limited and Special Use Standards, Schools, Neighborhood; and
- H. Appendix M, Seabrook and Stuart Point CP Area; Division 1, Section 5 Limited and Special Use Standards, Schools;

The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger, and Zara).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO):

- A. Table 106-1098, General Land Use Table (changes use names of waste transfer station and waste disposal/waste facilities)
- B. Article V, Sec. 106-1362, Waste transfer station (adds additional limited/special use standards)

Mr. Criscitiello briefed the Commission.

Public Comment: Ms. Wendy Zara asked the rationale behind adding only lighting standards when performance standards for odor and noise should have been added. She would like to have the odor and noise standards included as was originally intended when the then Planning Committee of County Council sent the text amendments back to staff for further work.

Mr. Criscitiello noted the difficulty in measuring odor and noise and in regulating the “offensive” thresholds prevented staff from developing such standards.

Mr. Eddie Bellamy, the Public Works Director, noted that the odor from the waste products during shrimping season would have probably closed most of the centers. He stated that noise from the drop-off sites usually occurs during the day prior to 7 p.m. Without convenient drop-off sites, the public will “dump” their waste products along the roads and onto undeveloped property.

No further discussion occurred.

Motion: Mr. Margotta made a motion, and Ms. Guyer seconded, **to recommend approval of the following ZDSO text amendments:**

- A. Table 106-1098, General Land Use Table (changes use names of waste transfer station to “convenience center” and waste disposal/waste facilities to “waste transfer station”)
- B. Article V, Sec. 106-1362, Waste transfer station (adds additional limited/special use standards)

The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger, and Zara).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO), SECTION 106-1357(A)(3)C – COMMERCIAL COMMUNICATION TOWERS; APPLICANT: SHIRAH & ASSOCIATES (amends collocation standards)

Mr. Criscitiello briefed the Commission. Staff does not recommend approval of the text amendment.

Applicant’s Comments: Mr. Richard Shirah of Shirah & Associates noted that the site he wanted to construct his tower was not allowed by the DRT. He noted the ZDSO is not flexible. He believes the staff report did not adequately address his situation. He reiterated his request for consideration on a case-by-case basis.

Public Comment: Ms. Wendy Zara supports the staff’s recommendation. She noted the past work regarding telecommunication towers ordinance. She noted the two-mile limit in the past appeared too generous.

Discussion included towers as an aesthetic issue; distancing, collocation and aesthetics issues; have Corridor Review Board to determine issue; objectivity versus subjectivity of the ordinance; the applicant had not met any of the seven objectives listed; advancement in technology may cause towers to be useless; clarification on amendment;

Motion: Ms. Guyer made a motion, and Mr. Goode seconded, **to recommend disapproval of the text amendments to the ZDSO Section 106-1357(A)(3)C – Commercial Communication Towers.** Discussion included the convenience of cellular phones and the limit of collocation sites on one tower. The motion **was carried** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Pottenger, and Zara; AGAINST: Martin).

OTHER BUSINESS:

1. **Joint Meeting:** Chairman Hicks informed the Commissioners that they would jointly meet with the Municipal Commission of the Town of Port Royal and the City of Beaufort on Thursday, August 21, 2003, at 6:00 p.m. in the Council Chambers. Mr. Bruce Jackson of the Marine Corps Air Station will give a presentation on the Joint Land Use Study (JLUS) and the Air Installation Compatibility Use Zones (AICUZ).
2. **Text Amendment:** Chairman Hicks asked Mr. Zara and the planning staff to discuss small engine repair use as a limited cottage industry. Staff will do an analysis on the use and return with text amendments for consideration by the Commission.
3. **Southern Regional Plan:** The Planning staff is working on the criteria for the plan and anticipates presenting it before the Commission at its next meeting.

ADJOURNMENT: Mr. Goode made a **motion**, and Ms. Guyer seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Margotta, Martin, Pottenger, and Zara). Chairman Hicks adjourned the meeting at approximately 9:04 p.m.

SUBMITTED BY:

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

Jim Hicks, Chairman, Beaufort County Planning Commission

APPROVED: September 5, 2003