

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, August 7, 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. Mike Zara

Mr. Ben Johnson, III, Vice Chair
Ms. Joy Guyer
Mr. Cecil Martin, Jr.

MEMBERS ABSENT: Mr. Matthew Margotta and Mr. Vernon Pottenger

EX-OFFICIO MEMBERS PRESENT: None

STAFF PRESENT:

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

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:10 p.m.

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

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

- 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)

Chairman Hicks briefed the Commissioners on the history of this ordinance. Each section of the PD ordinance (Article XI, Division 5, Sec. 106-2439 through 106-2449) will be discussed individually, and any changes will be voted upon respectively.

Sec. 106-2439, Scope of Division: Discussion included concern that the ordinance language implies that PDs are allowed in all districts. The Commissioners agreed to address this section later in the meeting.

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Sec. 106-2440, Qualifications for PD zoning: Mr. Criscitiello briefed the Commissioners on the staff responses to the process the PD ordinance has taken since its inception.

- Discussion regarding allowing PDs in all districts included the rationale for deleting PUDs from the current ZDSO, the exclusion of PDs in the rural areas, the use of PDs as a political tool to stem annexation and as a marketing tool for small landowners to attract developers, controlling densities in the PDs, the overall densities in the existing PUDs that are not huge but do not match their surrounding densities, and the use of the existing ZDSO to produce acceptable developments.

Motion: Mr. Zara made a motion, and Mr. Goode seconded, **to recommend adding a new subparagraph Sec. 106-2440(g), “The application of the PD shall be excluded as a land use planning tool in Rural (R) and Rural-Residential (RR) districts.”** The motion was **carried** (FOR: Goode, Johnson, Martin and Zara; AGAINST: Guyer, Herd and Hicks).

Chairman Hicks noted that he would have preferred an infrastructure requirement as was recommended by Ms. Jacki Martin (during the Commission’s public hearing of August 5, 2003). He noted that the Commission had just made a recommendation that disregarded the legal advice given against excluding zoning districts.

- Discussion regarding the acreage requirement in subparagraph (a) included the State Enabling Legislation language, the possibility of a large number of PD applications resulting from the smaller acreage requirement, the staff guiding developers to use the existing ZDSO for their developments, the municipalities that have the smaller acreage requirement, allowing CP districts the flexibility of the smaller acreage requirement, the possible consequences of staff time- and manpower-constraints on PD applications, and the inclusion of the SCCCL recommendation.

Motion: Mr. Zara made a motion, and Ms. Guyer seconded, **to recommend adding a new subparagraph Sec. 106-2440(h), “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.”** The motion was **carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Martin, and Zara.)

Sec. 106-2441, General Considerations: No comments were received.

Sec. 106-2442, Special Considerations: Mr. Criscitiello briefed the Commission on staff responses.

- Discussion regarding removing the word “subsidized” from subparagraph (5) included support to remove the word and concern that the removal of the word would affect other aspects of the ordinance.

Motion: Mr. Martin made a motion, and Mr. Herd seconded, **to remove the word “subsidized” from subparagraph Sec. 106-2442(5).** The motion was carried **unanimously** (FOR: Goode, Guyer, Herd, Johnson, Martin, and Zara).

- Discussion regarding interconnectivity in Sec. 106-2442 included adding mandatory interconnectivity with negotiable relief instead of non-mandatory, move from special consideration to general considerations with the burden on the developer to prove why not.

Motion: Mr. Zara made a motion, and Mr. Herd seconded, **to move interconnectivity from special consideration to general consideration, unless the applicant can successfully demonstrate it is physically impossible.** Discussion included clarifying the motion, using the language “feasible” instead of “successfully demonstrate,” and the Planning Commission’s role in the PD application. The motion was **defeated** (FOR: Zara, AGAINST: Martin, Herd, Goode, Guyer and Johnson).

Sec. 106-2443, Permitted Uses: Mr. Criscitiello briefed the Commissioners on the staff responses. No comments were received.

Sec. 106-2444, General Standards: No comments were received.

Sec. 106-2445, Application: No comments were received.

Sec. 106-2446, Concept Plan: Mr. Criscitiello briefed the Commissioners on the staff responses. Discussion included the archaeological study as part of the development permitting process.

Sec. 106-2447, The Master Plan: Mr. Criscitiello briefed the Commissioners on the staff responses.

- Discussion included the importance of a Class A survey requirement, the orthophotography process used by the Beaufort County GIS department, a clarification on subparagraph (6), a clarification on the 200-acre limitation, clarification on the numbering of subparagraphs (c) and (d), and the rationale for the elimination of subparagraph (2) regarding building heights.

Motion: Ms. Guyer made a motion, and Mr. Herd seconded, **to reinsert subparagraph 2 of Sec. 106-2447(e) regarding building heights, setbacks and buffers.** The motion was carried **unanimously** (FOR: Goode, Guyer, Herd, Johnson, Martin, and Zara).

Sec. 106-2448, Development Plans: No comments were received.

Sec. 106-2449, Severability: No comments were received.

Note: Chairman Hicks recessed the meeting at 7:45 p.m. and reconvened at 8:01 p.m.

Sec. 106-7. Exemptions of development types; and Article III, Subdivision III, Vested Rights Determination: Mr. Criscitiello briefed Commissioners on the staff responses.

- Discussion included automatic vesting equity between developers and individuals, setting limits on revoking rezoned lots and PUDs, clarification on vested rights granted by common law, the governing body has the authority to rezone PUDs, the 50% completion factor, clarification on the PUD ordinance implementation provision in Sec. 106-7(2)b.3., and the number of undeveloped PUDs.

Motion: Mr. Zara made a motion, and Ms. Guyer seconded, **to recommend approval of Sec. 106-7 with the change of laying fallow to “remained dormant.”** The motion was **carried** (FOR: Martin, Herd, Goode, Guyer, Johnson; AGAINST: Zara).

Sec. 106-1057. Planned Development (PD) District: No comments were received. **Motion:** Mr. Zara made a motion, and it was seconded, to recommend approval to add the new Sec. 106-1057 that adds the Planned Development (PD) District description. The motion was **carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Martin, and Zara).

Sec. 106-18. Definitions (that adds the PD definition); and Article III, Division 6, Subdivision III, Sec. 106-816 through 106-821 (that deletes Vesting Rights Determination): No comments were received. **Motion:** Ms. Guyer made a motion, and Mr. Herd second, **to recommend approval to add the PD definition in Sec. 106-816 through 106-821 of Article III, Division 6, Subdivision III regarding vesting rights determination.** The motion was **carried unanimously** (FOR: Goode, Guyer, Herd, Johnson, Martin, and Zara).

Article XI, Division 5, Sec. 106-2439-2449 (that adds the development standards for PDs): **Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend approval of the text amendments that add the development standards for Planned Developments (PDs) in Sec. 106-2439 through 106-2449, with the following exceptions:**

1. Add a new subparagraph Sec. 106-2440(g), “The application of the PD shall be excluded as a land use planning tool in Rural (R) and Rural-Residential (RR) districts.”
2. Add a new subparagraph Sec. 106-2440(h), “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.”
3. Remove the word “subsidized” from subparagraph Sec. 106-2442(5).
4. Reinsert subparagraph 2 of Sec. 106-2447(e) regarding building heights, setbacks and buffers.

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Mr. Martin 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 8:42 p.m.

SUBMITTED BY: _____
Barbara Ann C. Childs, Admin. Assistant to Planning Director

Jim Hicks, Chairman, Beaufort County Planning Commission

APPROVED: **September 5, 2003, as amended** (deletions are ~~*italicized and struck through*~~)