

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Tuesday, January 6, 2004, in County Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT:

Mr. Jim Hicks, Chair	Mr. Ben Johnson, III, Vice Chair	Mr. Jerome Goode
Ms. Joy Guyer	Mr. Alan Herd	Mr. Cecil Martin, Jr.
Mr. Vernon Pottenger	Mr. Mike Zara	

MEMBERS ABSENT: None (1 At-Large vacancy)

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 6:03 p.m.

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

REVIEW OF MINUTES: The December 2, 2003, meeting minutes were reviewed and one correction was noted on page 4, first full paragraph, first sentence to read: “...(no voting quorum with two of three subcommittee members present, large number....)” **Motion:** Ms. Guyer made a motion, and Mr. Martin seconded, **to accept the amended December 2, 2003, minutes.** The motion was passed unanimously (FOR: Goode, Guyer, Herd, Martin and Pottenger).

CHAIRMAN’S REPORT:

1. **Meeting Agenda:** Chairman Hicks noted that the Text Amendments for Articles II and III on tonight’s meeting agenda would be heard after the Chairman’s Report, and no action would be taken tonight. Instead, the Commissioners will discuss both articles on January 13, 2004, at 1:00 p.m. and take action at their February 2004 meeting.
2. **2004 Election of Commission Officers:** Chairman Hicks stated the election would occur at the end of tonight’s meeting.

NOTE: *Mr. Johnson entered the meeting at approximately 6:07 p.m.; Mr. Zara at approximately 6:10 p.m.*

TEXT AMENDMENTS to the Beaufort County Zoning & Development Standards Ordinance (ZDSO), Article II (Administrative Bodies & Agents) And Article III (Administrative Procedures) (streamlines design review process and adds informative flowcharts)

Mr. Criscitiello briefed the Commission.

Public Comment: None were received.

1. Mr. Reed Armstrong, SCCCL, has witnessed numerous procedural problems during Development Review Team (DRT) meetings that these amendments may alleviate. He asked that the Commission keep in mind how the amendments will affect the public good.
2. Ms. Wendy Zara complimented the staff on the proposed amendments. She is concerned with the removal of the unanimous vote requirement during the DRT process. Each DRT member represents a certain expertise; when one member is against issuing the permit, the others would be overriding that particular expertise. She asked if there had been problems with non-unanimous voting. She recommended requiring approval by a specific majority of three of four DRT members. She recalls prior to the current ZDSO, development permits were issued with as little as two of four voting. She is concerned by the deletion of the Commission from the appeals process of development permits. If a DRT denial is appealed, the Planning Commission should be the deciding body. Former appeals had been before the Zoning Board of Appeals (ZBOA) and not the Planning Commission. Different appeals have different processes -- the Planning Commission, zoning matters by the ZBOA, hears land use appeals. The attorney for the South Carolina Association of Counties (SCAC) concurs that the proposed text amendment is against the South Carolina planning law.

Discussion by the Commission included clarification on the SCAC ruling.

- A. **MAP AMENDMENTS for certain Lady's Island properties along Hazel Farm, Club, Dow, Meadowbrook Farm and Little Creek Roads and Freemans Drive.**
 - Beaufort County Future Land Use Map Amendment from Rural Service Area to Community Preservation Area
 - Beaufort County Zoning Map Amendment from Rural (R) and Rural-Residential (RR) to Lady's Island Community Preservation (LICP) zoning
- B. **TEXT AMENDMENTS to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix I – Lady's Island Community Preservation (CP) Area, Division 6, Redevelopment District** (adds the development standards of a new overlay district within the Lady's Island Community Preservation (CP) Area)

Mr. Criscitiello briefed the Commission.

Public Comment: Mrs. Jane Brooker stated she owned three circular lots along the marsh. The remaining lots are owned by the Twitchells. She and the Twitchells want to be exempt from the rezoning. The marsh cannot be preserved with the proposed two units per acre. She would prefer a half mile setback from the marsh instead of the proposed 100 feet. She recommends stricter requirements for property along the marsh. She agrees with the concept of the Redevelopment District, but not the inclusion of large property holdings. She also asked that for a comparison of the existing and proposed zoning be provided in non-technical terms.

Discussion by the Commission included the rationale for the proposed Redevelopment District.

SOUTHERN BEAUFORT COUNTY REZONING REQUEST/MAP AMENDMENT to the Beaufort County Zoning Map for R600-20-1550 (46.67 acres); from Suburban (S) to Urban (U); Applicant: D.R. Horton Inc., Agent: John R. Thomas of Edward Pinckney Associates, Ltd.

Mr. Criscitiello briefed the Commission. Staff recommended approval of this request; the Southern Beaufort County Subcommittee did not have a quorum to vote on the item.

Applicant and Public Comments:

1. Ms. Ann Sbroccio, a Sun City resident, acknowledged the thin line of pine trees that would separate her property from the proposed development of multiple-story buildings for campus housing was insufficient a buffer. The proposed parking lot will be next to their property. She and her neighbors are concerned with the proposed rezoning.
2. Mr. Al Reuben, a Sun City resident, believed the rezoning will change the character of their neighborhood. He is concerned with the failure to notify the residents of this meeting, the proposed building heights, the effect to the existing wetlands, the extensive parking required for the project, the inadequacy of the proposed buffers, and the security and the density issues involved in the project. He asked for a 60-day delay by the Commission so that the residents can discuss with the developer acceptable options to both parties.
3. Mr. Steven Ross, a Sun City resident who moved from Charleston, stated that the college would not be able to control the student housing. College students are loud and boisterous. He did not move to Sun City to have that kind of neighbors. Highway 278 is terrible now; the influx of campus traffic to the area will add to the problem.
4. Mr. Jerry McQuade, a Sun City resident, reiterated the 60-day delay by the Commission for its decision.
5. Ms. Margaret Griffith, a Sun City resident and a County Council member, stated that the rezoning does not necessarily mean the property owner will develop what has been presented to the Commission. She recommends using a Planned Development (PD) instead of rezoning the property. The college will not have control on the student housing. Uses in the proposed zoning are not acceptable.
6. Mr. John Thomas, the applicant's representative, stated that the view to the property is blocked by the university campus and the remaining D.R. Horton property. There exists a tree canopy of 90 feet tall. The wetlands that separate the property from Sun City will not be

- disturbed because it is a U.S. Corps of Engineers jurisdictional wetlands. He is willing to meet with the Sun City residents. He wants to have the housing project completed by the fall of 2005. Time and cost constraints prevent the applicant from going through the PD process.
7. Ms. Barbara Lental stated the average college student would be living in a dormitory; and she has fire safety concerns. She noted the University President had no knowledge about this development.
 8. Mr. Don Sbroccio, a Sun City resident, stated the buffers were not as populous as Mr. Thomas stated. He is concerned with light pollution from the project.
 9. Mr. Bob Michateck noted that a college representative was not present at tonight's meeting. This land is not part of the college campus. He is concerned with the security issue.
 11. Ms. Virginia Moryadas has taught at universities and has lived near apartments. She heard of this hearing while visiting the Sun City dog park.

Discussion included a desire to hear a university representative on its housing projections, expected buildout capacity and its opinion on this rezoning; the density and the architectural design issues; the rezoning to urban where the property owner had access to all the allowable uses in that zoning; the option by the Commission to recommended PD instead of urban rezoning; a suggested to remand the project to staff for further work; the additional traffic expected from the new college campus; the development availability in Jasper County; the non-palatability of urban zoning; the limitations that can be placed on the property with a PD; the lack of dialogue between the developer and the community; inadequate public notification; traffic and building height concerns; the pros and cons of PDs; a clarification on building heights by the applicant's representative; the state law that does not allow the university to manage student housing; a clarification on applicant's proposed development, including the style, the number of maximum units, and the phasing based on student demands; and fire, emergency management services, and security concerns that will be addressed at the Development Review Team (DRT) level when the applicant applies for a development permit.

MOTION: Ms. Guyer made a motion, and Mr. Herd seconded, to recommend changing the project into a PD. After a lengthy discussion, the motion **was withdrawn from consideration** by Ms. Guyer, with Mr. Herd's approval.

MOTION: Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend disapproval of the rezoning request for R600-20-1550** from Suburban to Urban. The motion **was carried unanimously** (FOR: Goode, Guyer, Johnson, Herd, Martin, Pottenger and Zara).

MOTION: Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend approval that the project be considered as a Planned Development (PD)**. The motion **was carried unanimously** (FOR: Goode, Guyer, Johnson, Herd, Martin, Pottenger and Zara).

NOTE: *Chairman Hicks recessed the meeting at approximately 7:55 p.m. and reconvened at approximately 8:05 p.m.*

TEXT AMENDMENTS to the Beaufort County Zoning & Development Standards Ordinance (ZDSO) that add additional design standards for commercial communication towers

- A. Section 106-18. Definitions**
- B. Table 106-1098. General Use Table**
- C. Section 106-1357. Commercial Communication Towers**

Mr. Criscitiello briefed the Commission. The Land Management Committee returned this item to staff with additional instructions.

Public Comment:

1. Ms. Wendy Zara is concerned about paragraph 3.c of Section 106-1357 where the proposed language allows the applicant to build within two miles of existing towers. She recommends requiring the applicants to prove their need and asked that the existing language remain intact.
2. Mr. Harry Flint asked for the definition of stealth towers and a clarification of the height requirements.

Discussion included clarification of Ms. Zara's request to keep the existing language; amending the ordinance so that industry related, and not individual equipment, requirements are the basis for ordinance amendments; the ramifications of the limiting tower construction; the proposed amendment provides the DRT the ability to have consistent decisions; and the concern by Council members that the existing ordinance possibly may inhibited our economy.

MOTION: Mr. Zara made a motion, and Mr. Pottenger seconded, **to recommend approval** of the text amendments that add additional design standards for commercial communication towers in Section 106-18, Definitions; Table 106-1098, General Use Table; and Section 106-1357, Commercial Communication Towers. The motion **was carried unanimously** (FOR: Goode, Guyer, Johnson, Herd, Martin, Pottenger and Zara).

OTHER BUSINESS:

1. **Clarification of Lady's Island Redevelopment District:** Staff will bring standards before Corridor Review Board before returning the text amendment to the Commission.
2. **Election of Commission Officers:** Chairman Hicks recommended that one Commission officer should be from Southern Beaufort County and the other from Northern Beaufort County. The Southern Regional Plan and the Bluffton/Brighton Beach Community Preservation district would require attendance by those Commissioners that reside in or represent the area. The Commissioners supported Chairman Hicks' recommendation.

Nominations for Chairman: Mr. Martin nominated Mr. Hicks for Chairman. No other nominations were received. The nominations were closed and Mr. Hicks was unanimously elected as Commission Chair for 2005 (FOR: Goode, Guyer, Johnson, Herd, Martin,

Pottenger and Zara).

Nominations for Vice Chair: Ms. Guyer nominated Mr. Herd. Mr. Goode nominated Ms. Guyer. Ms. Guyer asked that her name be withdrawn from consideration. The nominations were closed, and Mr. Herd was elected as Commission Vice Chair for 2005 via secret ballot.

ADJOURNMENT: Mr. Martin made a **motion**, and Ms. Guyer seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Goode, Guyer, Johnson, Herd, Martin, Pottenger and Zara). Chairman Hicks adjourned the meeting at approximately 8:45 p.m.

SUBMITTED BY:

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

Jim Hicks, Chairman, Beaufort County Planning Commission

APPROVED: **February 3, 2004**