

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, March 1, 2005, at 6:00 p.m. in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**MEMBERS PRESENT:**

Mr. Jim Hicks, Chair  
Ms. Diane Chmelik  
Mr. Ben Johnson, III  
Mr. Ronald Petit

Mr. Alan Herd, Vice Chair  
Ms. Joy Guyer  
Mr. Frank Mullen

**MEMBERS ABSENT:** Mr. Cecil Martin, Jr. and Mr. Vernon Pottenger

**STAFF PRESENT:**

Mr. Anthony Criscitiello, Planning Division Head  
Mr. Russell Byrd, Current Projects Planner  
Ms. Barbara Ann C. Childs, Administrative Assistant to the Planning Director

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

**PLEDGE OF ALLEGIANCE:** Chairman Hicks led those assembled in the Pledge of Allegiance.

**REVIEW OF MINUTES:** The February 1, 2005, Commission meeting minutes were reviewed. No corrections were noted. **Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to accept the minutes of the February 1, 2005, meeting, as written.** The motion **was carried** (FOR: Chmelik, Guyer, Herd and Johnson; ABSTAINED: Mullen and Petit)

**CHAIRMAN'S REPORT:** Chairman Hicks welcomed two new commissioners: Mr. Mullen, the representative for Sheldon and North of the Whale Branch River; and Mr. Petit, an at-large representative who lives in the City of Beaufort.

**PUBLIC COMMENT on Non-Agenda Items:** None were received.

**SOUTHERN BEAUFORT COUNTY MAP AMENDMENT/REZONING REQUEST FOR R600-38-1F (170 ACRES; FORMERLY THE TARVER TRACT, NOW KNOWN AS BARTON'S RUN) FROM RURAL (R) TO PLANNED UNIT DEVELOPMENT (PUD); APPLICANT: WILLIAM B. TARVER, JR. / AGENT: CRAFTBUILT HOMES, LLC, JOHN CARDAMONE)**

Mr. Criscitiello briefed the Commission on this request. Using some of the demographics from the Southern Regional Plan, he spoke of the growth in Southern Beaufort County. Currently, 89% of Southern Beaufort County is developed or has a development plan. Total build out of

Southern Beaufort County may occur by the year 2020. Southern Beaufort County was relatively rural prior to 1969. A growth spurt occurred during 1990 through 2000 where vast tracts of lands were developed as PUDs. An overall history of PUDs in Beaufort County was presented. There is expected growth from Jasper County parcels abutting Southern Beaufort County. The estimated population of Southern Beaufort County by the year 2020 is 206,880.

Staff originally recommended denial because the applicant did not achieve the first of six items that staff used to base its recommendation. The applicant has since modified the request, and the (copies of the changed report were given to the commissioners). The changes include:

- a. Page 9, last paragraph of Section L, Roadways and Traffic: Staff is concerned with the third sentence in that paragraph where connectivity to the Buckwalter Parkway might be interrupted. The County Transportation Engineer recommended that connectivity.
- b. Page 11, second paragraph of Section D, Development Standards: As recommended by the Planning staff, the Applicant inserted this paragraph so that the DRT would determine standards for tree and landscaping, stormwater best management practices (BMP), environmental quality; and impact fees.
- c. Page 11, Article VI, Division 2, Open Space and Density Standards: The Applicant increased the density ratio to .41. The Applicant offered setbacks within individual lots as part of their 40% required open space and would require covenants to insure that no structures were built within individual lot setbacks. This strategy allows the Applicant the density of 70 dwellings instead of the 58 units allowed under the current ZDSO.
- d. Page 11, Article VI, Division 3, Lot and Building Intensity Standards: New language.
- e. Page 12, Article VI, Division 4, Bufferyards and Landscaping Standards: The Applicant has changed the width of the buffer along Highway 46 from fifty to 150 feet, which increased their open space.
- f. Page 12, Article VII, Division 2, Site Capacity Analysis: This would tie into the Applicant's density to the site capacity analysis where the density goes from .34 to .41.
- g. Page 12, Article VII, Division 3, Natural Resource Protection Standards, Section 106-1843, Nontidal Wetlands: Staff disagreed with the last sentence that removed wetland impacts and mitigation approval authority from the DRT. Staff wanted to insure that the 50% usable lot requirement is achieved.
- h. Article XII, Subdivision Design: Staff wants the following language added, "The DRT shall approve the subdivision as per Article XII of the ZDSO." DRT members would like to have the authority to determine the lot shapes and street layouts. The third sentence removed such authority from the DRT by allowing the developer to determine the layout according to market conditions and environmental constraints.

Mr. Criscitiello noted that upon final approval of this PUD, the Applicant would have 70 dwellings units with the 40% open space as calculated by the Applicant.

In regards to the issue of connectivity to Buckwalter Parkway, the Applicant offered to construct the connection road as noted on the conceptual plan with the following conditions:

- a. The proposed 70-lot PUD is approved in a timely fashion without any conditions that would prohibit construction from proceeding.
- b. An access and utility easement for the connector road be deeded to CraftBuilt Homes

LLC.

- c. A binding agreement on this proposal executed by all involved parties by July 15, 2005.

Additionally, if an agreement of items b and c above is not accomplished by the ascribed time, but item 1 is completed, CraftBuilt Homes LLC will, in substitution for the road, make a contribution to the Beaufort County Parks and Leisure Services for the purpose of aiding in the construction of the Beaufort County park proposed for that area (where the connector road would be built) in the amount of \$35,000 paid to the County at the time of issuance of the Certificate of Completion for the development.

Mr. Criscitiello had hoped that working with the Applicant's offer and the Town of Bluffton, the road construction could occur. However, a letter from Mr. Joshua Martin, the Bluffton Town Manager, included the following:

- a. The Applicant had not presented to the Town a formal proposal regarding the proposed access easement through the Buckwalter Regional Park property. The Town requested a meeting with the Applicant to discuss issues relating to this access easement prior to the County Planning Commission approval; and
- b. The Barton's Run PUD was not compatible with the Town's template (the Rose Dhu development) for future development along the SC 46 Corridor.

Mr. Criscitiello noted that the base density proposed by the County Comprehensive Plan is .34 dwelling units. The Rose Dhu density is 1 dwelling unit per 5 acres.

The Southern Beaufort County Subcommittee of the Commission forwarded the request without a recommendation because of a lack of quorum of subcommittee members.

Applicant's Comment: Mr. Tim Franks, a representative of CraftBuilt Homes, noted that The Farm subdivision to the north had smaller lots than the 1 unit per two acres of Barton's Run. The original request was for a higher density (326 units) consistent with other portions of Buckwalter. The applicant voluntarily proposed a 150-foot buffer along Highway 46. The Rose Dhu development was originally granted one unit per acre, but was unable to achieve that density because of ecological issues. The Barton's Run property has been commercially harvested for years and currently has a 12-year pine forest, as compared to the Rose Dhu "ancient" oaks. The applicant's interaction with the Town of Bluffton bogged down because they were not being annexed into the Town. The applicant is willing to build the connecting road now, but is not willing to post a 10-year bond until an intragovernmental agreement occurs. Since the Town of Bluffton property will have a County-built park and all parties desire the connecting road, the applicant does not understand the hesitation regarding the road construction. The road would serve as an entry to the park. The applicant does not want to inconvenience the potential Barton's Run residents by constructing the road after the development is completed.

Public Comment: Ms. Wendy Zara noted that most of the PUDs were built between 1995 and 1999. The new PUD ordinance that was passed in 2003 was not supported by the public nor the Planning Commission. The PUD ordinance, if not properly implemented, has the potential to subvert the Comprehensive Plan by eliminating the rural areas. The purpose of a PUD would

allow the developer to obtain items that would not have normally been allowed in exchange for providing innovative design and higher standards elsewhere in the PUD. The increased density for an increased buffer is insufficient cause for allowing the Barton's Run density. Additionally, the increased buffer will not have natural vegetation as required by the ZDSO, instead the applicant proposed planted vegetation of their choice. The applicant also asked for a waiver on non-jurisdictional wetlands that the County should retain jurisdiction over. The property is zoned rural and one of the ways of retaining the rural character was to use open space design. The developer is asking a waiver of the open space design by using backyards of affected lots instead of dedicated open spaces. She noted open space clustering by-right design could be used by the applicant. The applicant's request does not comply with the Comprehensive Plan. The applicant noted that fees collected by County would be good tradeoff. She is unclear whether the staff still recommends denial after the latest changes by the applicant. She hopes the Commission does not recommend approval and definitely does not add conditions to the approval, because the conditions fall by the wayside during the approval process through Land Management Committee and County Council hearings.

Discussion by the Commissioners included:

- The 150-foot buffer on the latest concept plan compared to the original request.
- Confirmation on the number of units allowed through the clustering option.
- The nonjurisdictional wetlands on the property that are included in some of the lots on the concept plan.
- The applicant's rationale against using the clustering option.
- The formal application regarding the connecting road with the Town of Bluffton.
- Bufferyard and landscape requirements.
- Clarification on the staff recommendation of approval with the following conditions:
  1. Page 9, subparagraph L, last paragraph, third sentence: Delete the sentence regarding the layout being subject to modification as development progresses.
  2. Page 12, Article VII, Division 3, last sentence: Delete the sentence regarding wetland impacts and mitigation approval by DHEC.
  3. Page 12, Article XII: Insert the sentence after the first sentence, "DRT shall approve subdivisions as per Article XII of the ZDSO."
  4. Resolving the interconnectivity issue.

Mr. Herd noted he was among those in the majority on the Commission that found the opportunity to restore the creation of PUD in the unincorporated areas of the County as desirable. He is pleased that the County has PUDs in its "tool belt." ~~He~~ However, he has a fundamental problem that, although the Barton's Run density is less than The Farm, the buildout is increased from 58 to 70. He stated that for this reason, he can not support the rezoning request from Rural to PUD. He further stated that he also could not support the request until the access easement issue is resolved. ~~He would like to see the access easement issue should be resolved before the Planning Commission moved the project forward to Land Management.~~

Ms. Guyer noted that the density increase from 58 to 70 units and the land use change from rural to PUD would occur with this request. Her concern would be how this request would affect the current and future growth problems faced by the Town of Bluffton.

Ms. Chmelik was concerned that the ZDSO would allow the applicant more units using the clustering option.

Mr. Petit asked if the Commission could table the request until the Town of Bluffton has resolved its issues with the PUD.

Chairman Hicks noted the ZDSO timeframe regarding forwarding items from the Commission. The applicant, not the Commission, can table the request.

Mr. Gary Wiggins, a representative of CraftBuilt Homes and Thomas & Hutton Engineering, noted that the old PUD ordinance would have produced a much higher density than the current PUD ordinance. The density compared to Hampton Hall and The Farm, both subdivisions abutting the property, has higher density with affordable costs.

Further discussion included the comparison of the higher density in the abutting subdivisions to Barton's Run, the applicant noting that his project had been in since April 2004 and any delay would not be favorable for the applicant, the management of growth in Southern Beaufort County, most roads in Southern Beaufort are at or near crisis, the schools in the area that are struggling with increased attendance, and is the Commission promoting growth in an area already struggling with growth development.

MOTION: Mr. Herd made a motion, and Ms. Guyer seconded, to recommend disapproval of the Southern Beaufort County map amendment/rezoning request for R600-38-1F (170 Acres; formerly The Tarver Tract, now known as Barton's Run) from Rural (R) to Planned Unit Development (PUD). The motion was carried unanimously (FOR: Chmelik, Guyer, Johnson, Herd, Hicks, Mullen and Petit).

NOTE: Chairman Hicks recessed the meeting at 7:45 p.m., and reconvened at 7:52 p.m.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) REGARDING STANDARDS FOR BODY BRANDING, BODY PIERCING AND TATTOO FACILITIES:**

- A. TABLE 106-1098, GENERAL USE TABLE (ADDS NEW USE AND LIMITED STANDARDS, AND AMENDS USE DEFINITIONS)**
- B. SECTIONS 106-1217, HOME BUSINESS (AMENDS LIMITED USE STANDARDS)**
- C. SECTION 106-2383, BODY BRANDING, BODY PIERCING & TATTOO FACILITIES (ADDS NEW USE STANDARDS)**
- D. APPENDIX D, TABLE 4, COMMUNITY PRESERVATION (CP) USE TABLE (AMENDS USE AND USE DEFINITIONS)**

Mr. Criscitiello briefed the Commission. Due to recent state legislation that allowed tattoo facilities in South Carolina, the County noted that its current ZDSO liberally allowed tattoo facilities throughout the County. The proposed standards are more stringent. Mr. Byrd further briefed the Commission on the changes to the interim CP districts.

Public Comment: None were received.

Discussion by the Commissioners included concern that home businesses in the interim CP standards were changed from allowable to limited use and current businesses would be affected, concern that exclusion would remove all other uses except tattoo facilities, clarification of 25% use of home business,

Staff withdrew this text amendment for further work due to the discussion from the Commission. Staff asked for Commission clarification on the remainder of the text amendments.

**OTHER BUSINESS:** Chairman Hicks asked for the continuation of the 5:30 workshop prior to the Commission meetings. No objections were noted.

**ADJOURNMENT:** Mr. Mullen made a motion, and Mr. Petit seconded, to adjourn the meeting. The motion was passed unanimously (FOR: Chmelik, Guyer, Herd, Johnson, Mullen and Petit). Meeting adjourned at 8:10 p.m.

**SUBMITTED BY:**

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Barbara Childs, Administrative Assistant to the Planning Division Head

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Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:**

**April 4, 2005, as amended** (Page 4 additions are underscored, deletions are ~~struck through~~.)