

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, May 3, 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	Mr. Alan Herd, Vice Chair	Ms. Diane Chmelik
Ms. Joy Guyer	<del>Mr. Ben Johnson, III</del>	Mr. Cecil Martin, Jr.
Mr. Frank Mullen	Mr. Ronald Petit	Mr. Vernon Pottenger

**MEMBERS ABSENT:** Mr. Ben Johnson, III

**STAFF PRESENT:**

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

**CALL TO ORDER:** Chairman Hicks called the meeting to order at approximately 6:08 p.m.

**REVIEW OF MINUTES:** The April 5, 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 April 5, 2005, meeting, as written.** The motion was carried (FOR: Guyer, Herd, Martin, Mullen, Petit and Pottenger; ABSTAINED: Chmelik).

**CHAIRMAN'S REPORT – Roadside Stands:** Chairman Hicks noted that staff was to report back to the Commission on Department of Health and Environmental Controls (DHEC) and S.C. Department of Natural Resources (DNR) regulations regarding roadside stands. Mr. Russell Byrd, the Current Planner, researched the issue and indicated that no health risks are associated with roadside stands. The DHEC official indicated that roadside stands are a self regulating industry. DHEC will investigate complaints and close down the roadside stands if problems exist. DNR is concerned with the legal acquisition of the seafood being sold. Chairman Hicks noted that since no health risk was associated with roadside stands, the Commission would abstain from getting involved in the issue.

**PUBLIC COMMENT on Non-Agenda Items:** Ms. Wendy Zara, regarding the Rural Business District issue, noted that the rural areas contained many allowed commercial uses which are conforming. The non-conforming uses have a remedy in the current ordinance to become a conforming use. By going through that process, the business is able to continue by rebuilding if the structure is destroyed. Only one business owner has made use of the ordinance

to replace his structure that was destroyed. Also, she does not want to see substantive changes to the Northern Beaufort area before the Northern Beaufort Regional Plan comes to fruition. She congratulated the Commissioners that spoke out about the Barton's Run Planned Unit Development (PUD).

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE III, SECTION 106-432, EFFECT OF APPROVAL (amends section to comply with State law regarding vested rights for approved developments)**

Mr. Criscitiello briefed the Commission. The S.C. Legislature amended the state law regarding vested rights determination; these amendments bring the existing ZDSO into compliance with that State law.

Public Comment: None were received.

Discussion by the Commissioners included a clarification of the amendments, the liberalization of the state law that allows developers a longer development timeframe, and the pros and cons of the legislation in regards to developers' rights.

**Motion:** Mr. Pottenger made a motion, and Mr. Martin seconded, **to recommend approval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article III, Section 106-432, Effect of Approval, that amends the section to comply with a State law regarding vested rights for approved developments.** The motion was carried unanimously (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE IV, SECTION 106-1023(A), RESOURCE CONSERVATION DISTRICT (amends section to permit application of this district to lands other than coastal islands)**

Mr. Criscitiello briefed the Commission. The staff is proposing broadening the application of the Resource Conservation District.

Public Comment: Ms. Stacy Collins, of 6 Victoria Bluff Court, thanked the Commission for approaching the rezoning from a different angle and including Victoria Bluff into the Resource Conservation District.

Discussion by the Commissioners included agreement with the amendment.

**Motion:** Ms. Guyer made a motion, and Ms. Chmelik seconded, **to recommend approval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article IV, Section 106-1023(a), Resource Conservation District, that amends the section to permit application of this district to lands other than coastal islands.** Further discussion included a clarification of the amendments, concern that other properties could be included in the district, the state regulated property that involves a 100-year term, and

the non-regulation of covenants by the county. The motion **was carried unanimously** (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

**ZONING MAP AMENDMENT FOR VICTORIA BLUFF HERITAGE PRESERVE (R600-24-2, 1247.23 ACRES) IN SOUTHERN BEAUFORT COUNTY FROM NO UNDERLYING ZONING DESIGNATION TO RESOURCE CONSERVATION (RC) ZONING; APPLICANT: BEAUFORT COUNTY PLANNING DIVISION**  
Mr. Criscitiello briefed the Commission.

Public Comment: None were received.

No discussion occurred among the Commissioners.

**Motion:** Ms. Chmelik made a motion, and Mr. Herd seconded, to recommend approval of the **zoning map amendment for Victoria Bluff Heritage Preserve (R600-24-2, 1247.23 acres) in Southern Beaufort County from No Underlying Zoning Designation to Resource Conservation (RC) Zoning**. No further discussion occurred. The motion **was carried unanimously** (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V, SECTION 106-1098, USE TABLE (adds grooming as allowed use in Rural zoning districts)**

Mr. Criscitiello briefed the Commission. The Lady's Island Feed and Seed Store is in rural zoning. The Development Review Team (DRT) allowed the owner to conduct pet grooming and boarding on his premises as an accessory use limited to 1,000 square feet of the 4,500 total square footage of the store. The applicant is requesting a text amendment allowing pet grooming and boarding as a permitted or limited use. His attorney has recommended two options; the staff recommended disapproval of both options.

Applicant's Comment: Mr. David Tedder, the applicant's representative, noted that this amendment has been worked on since 2003. He noted that boarding and grooming of pets is logical for a feed and seed store. He takes issue that the feed and seed store could morph over into a pet store since a pet store has an independent NAICS code. The NAICS code is an independent statistical gathering tool for economic data. The NAICS code does not relate to the performance standards of our zoning ordinance. If boarding and grooming are allowed in more intense areas such as urban, suburban and Community Preservation District, then it should be allowed in rural areas where there are lower densities, more buffering and a less adverse impact on others. Breeding pets and farm animals is allowed, but boarding pets—a similar use to breeding—is not allowed. The ZDSO interpretation notes that if an exact NAICS code cannot be found, use one that is most similar. Veterinarians and horse stables are allowed. The impacts to the surrounding community under the performance standards should determine the allowed uses, not the NAICS codes. He recommended adding a new category for feed and seed stores as a limited use so that additional buffering is required.

Public Comment: None were received.

Discussion by the Commissioners included the Zoning Board of Appeals returning this applicant's variance request without a recommendation of approval or denial, the wide variety of rural areas from farm lands to residential areas such as Burton, pet grooming allowed as a cottage industry, requiring larger parcels and deeper buffers for boarding kennels, the problems from past text amendments that met individual cases but not the overall needs of the districts, looking at the function rather than the occupation since veterinarians are allowed to board and groom, consideration as part of the proposed rural business district, the morphing of the use from a feed and seed store into a pet store for grooming and boarding, the difference between boarding and breeding uses, limiting the flexibility of small businesses to adapt to the needs of the community, individual cases affecting other properties in the area, the restrictions on home business/cottage industry allowed uses as kennels, the complexity with other impacts such as parking, a hesitance to adopt the amendment, clarifying the applicant's situation, the applicability of the amendment to the applicant's situation and to all rural districts, and the preference to option 1.

**Motion:** Ms. Guyer made a motion, and Mr. Petit seconded, **to recommend disapproval of the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article V, Section 106-1098, Use Table, that adds grooming as an allowed use in Rural zoning districts**. Further discussion included clarification of the motion and the inequity of the use. The motion **was carried** (FOR: Chmelik, Guyer, Herd, Hicks and Petit; AGAINST: Martin, Mullen and Pottenger).

#### **OTHER BUSINESS:**

- 1. Recommendation on Southern Beaufort County Map Amendment/Rezoning Request for R600-38-1F (formerly The Tarver Tract) from Rural (R) to Planned Unit Development (PUD) to be known as Barton's Run; Applicant: William B. Tarver, Jr. / Agent: CraftBuilt Homes, LLC, John Cardamone)**

Chairman Hicks noted the return of this rezoning request from County Council. Mr. Criscitiello briefed the Commission on the history of the rezoning and the reasoning for the return from Council. The developer, working with the Town of Bluffton, agreed to concessions that were acceptable by the Land Management Committee upon recommendation by Mr. Criscitiello.

Applicant's Comment: Mr. Lewis Hammet, the applicant's representative, noted the various residential styles and density that his client could have used. He noted the evolution of the project, including deepening the buffer to 150-foot, an access road to Buckwalter Parkway, concurrent review with the Town of Bluffton, and possible interconnectivity to neighboring parcels.

Public Comment: None were received.

Discussion by the Commissioners included concern that the Council and the Commission were not reviewing the same project because of changes that occurred after the Commission meeting that were forwarded to Council instead of returning to the Commission; agreement with the proposed changes; concern that Council did not know the Commissioners' reasoning for their original disapproval since Commission minutes were not included in the Council packet; the need for refinement of the application process; clarification of the application process; the access easement to Buckwalter Parkway; concern that the Town of Bluffton was not represented at the Commission meeting; and concern with the proposed density as it affects buildout in the area.

Mr. Ed Blakely, another representative for the applicant, noted an easement agreement with the Town of Bluffton regarding the access easement to Buckwalter Parkway via the Town's property for a proposed park.

Mr. Hammet explained the developer's reasoning for the proposed density which was lower than what would have been allowed with the planned or cluster options.

Further discussion by the Commissioners included concern that Highway 46 maintain its scenic highway designation; appreciation that the developer met density, buffer and access road concerns expressed by the Commission; and the access management easement agreement between the developer and the Town of Bluffton that met the Town's concerns regarding future widening of the affected roads and adequate buffering.

**Motion:** Mr. Herd made a motion, and Mr. Pottenger seconded, **to recommend approval 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)**, based on the changes presented to the Commission tonight and with the publicly stated support from the Town of Bluffton, thereby reversing the Commission's earlier recommendation of disapproval. Further discussion included concern that some of the Town of Bluffton officials are unaware of the proposed changes to this PUD and the developer obtaining legal concurrence with the Town of Bluffton on the changes. The motion **was passed unanimously** (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

2. **Rural Business District:** Chairman Hicks explained the process required to untable the project that was tabled by the Commission. **Motion:** Mr. Mullen made a motion, and Ms. Guyer seconded, **to untable the Rural Business District and return to staff for further review.** The motion **was passed unanimously** (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

**ADJOURNMENT:** Mr. Petit made a motion, and Mr. Martin seconded, to adjourn the meeting. The motion was passed unanimously (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger). The meeting was adjourned at 8:03 p.m.

**SUBMITTED BY:** \_\_\_\_\_  
Barbara Childs, Administrative Assistant to the Planning Division Head

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Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:**     **June 7, 2005, as corrected (Deletion on page 1 is struck-through.)**