

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, February 7, 2006, 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	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 Director  
Mr. Robert Merchant, Long-term Planner  
Mr. Russell Byrd, Current Planner  
Ms. Barbara Childs, Administrative Assistant to the Planning Division Head

**CALL TO ORDER:** Chairman Hicks called the meeting to order at approximately 6:04 p.m.

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

**REVIEW OF THE MINUTES:** The January 5, 2006, Commission meeting minutes were reviewed. The following correction was noted on page 3, the fourth full paragraph should read: "Further discussion included the less than desirable attendance by Steering Committee members of the Southern Regional Plan, the Beaufort County growth being closely tied to Jasper County's, and a regional plan being desirable for both counties." **Motion:** Mr. Martin made a motion, and Mr. Petit seconded, **to accept the minutes of the January 5, 2006, meeting, as amended.** The motion **was carried** (FOR: Chmelik, Herd, Martin, Mullen and Petit; ABSTAINED: Guyer and Pottenger).

**CHAIRMAN'S REPORT:**

1. **Northern Regional Plan:** Chairman Hicks noted that the Northern Regional Plan was moving along. Mr. Criscitiello indicated the contract required signatures from the consultant and Mr. Gary Kubic, the County Administrator. The Towns of Yemassee and Port Royal and the City of Beaufort are included in this Plan.
2. **Agenda Revision:** Chairman Hicks noted that the commercial communication tower lighting project (Item IX, Old Business, as listed on the agenda) would be heard prior to the Okatie Marsh PUD project at tonight's meeting.

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

**TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO TO AMEND OR ADD LIGHTING STANDARDS FOR COMMERCIAL COMMUNICATION TOWERS**

- Article V, Section 106-1357(c), Lighting (Commercial communication towers)
- Article V, Section 106-1363(4), Lighting (Utilities, regional)
- Article VI, Table 106-1556, Lot and Building Standards

Mr. Criscitiello noted that this item was returned by the Land Management Committee since substantial text changes have occurred due to input from the legal community. The additional changes were to insure the safety of the mosquito control pilots.

**Public Comment:**

1. Mr. Jonathan Yates, representing Cingular Wireless from Charleston, noted that he or his staff had met with Mr. Gregg Hunt of the County Mosquito Control Department and his staff in the past and would like to meet with them again to address their concerns and come up with a better solution. Mr. Yates fears more problems are being created rather than solved with these text amendments. He respectfully requested that the Commission defer its decision until he can speak to other aviation and lighting experts to find the best solution. Beaufort County is the only county he knows of that is asking for these regulations.
2. Ms. Mary Lohr of Howell Gibson & Hughes noted that towers under 200 feet are not covered by FAA lighting regulations. Local government is allowed to require more stringent regulations, but it must not conflict with FAA regulations.
3. Mr. Clint Pappen of Boca Raton, FL, represented the PCIA communication towers company, noted that there are standard FAA lighting guidelines. By requiring lighting of towers below 200 feet, pilots used to lighting on towers over 200 feet would be confused. Since the FAA does not regulate towers under 200 feet, a pilot could still run into a tower if the lights were not operational. The GPS devices his firm was willing to contribute already existed in the County aircrafts. As an air safety specialist/analyst, he believes adding lighting to towers below 200 feet is not the answer.

When asked if a crisis would occur if a resolution was not found in thirty day, Mr. H.C. 'Buz' Boehm, Public Services Director, noted that the situation would not get any better. He noted that solutions were researched for the past year or two. Mr. Yates has approached the County with issues that would ameliorate the problem, but the pilots did not feel comfortable with his solutions. From a staff perspective, the two issues involved are safety and public health and welfare. The mosquito control pilots spray in diminished light during twilight and pre-dawn below 200 feet. Unlit towers become a safety hazard for these pilots. Because Beaufort is a series of islands with fresh water marshes, aerial, instead of truck, spraying is used to control mosquito infestation. By not spraying around the unlit towers, mosquito related diseases such as Nile virus may pose public health and welfare issues.

Discussion included:

- SCANA and Santee Cooper asking to be exempt from these text amendments;
- The ramifications of delaying these text amendments as requested by Mr. Yates;
- The legality regarding these proposed amendments;
- The 199 vertical obstructions that pose a safety hazard to the pilots (144 are between 100 and 200 feet and 40 are lit);
- The number of utility structures that would be exempt from these text amendments;
- The determining factors that required the 40 towers to be lighted; and
- The mosquito control spraying schedule for the next 30 days.

**Motion:** Mr. Pottenger made a motion, and Ms. Guyer seconded, to delay action until the March 2006 Planning Commission meeting on the **Text Amendments to the Zoning and Development Standards Ordinance/ZDSO to amend or add lighting standards for commercial communication towers**. The motion was carried unanimously (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

**MAP AMENDMENTS for R603-13-3, 3A, 3B, and 61 (101.359 acres, to be known as Okatie Marsh PUD); Owner: Joel W. Pritcher, Bonnie J. Pritcher, Dale Pritcher Drinkwater & Gerald M. Pritcher; Applicant: Edward Pinckney Associates**

- **Comprehensive Plan Map: from Rural Service Area to Residential/Light Commercial Area**
- **Southern Beaufort County Zoning Map/Rezoning Request: from Rural (R) to Planned Unit Development (PUD)**

Mr. Criscitiello briefed the Commission regarding the proposed 324-unit PUD with a two-acre commercial area. He noted the laudable design plan and complimented the land planner for the design; however, the staff recommended denial of these map amendments for the following reasons:

1. The proposed density is nine (9) times more dense than the allowed current zoning, although the density is compatible to some of the developments in the area; and
2. Although the availability of infrastructure does exist, in 15 to 20 years the Highway 170 road capacity would be exceeded without this proposed PUD, and the Okatie Elementary School capacity has already exceeded its enrollment level of 539 students.

**Applicant's Comments:** Mr. Roberts Vaux, who represents the developer, gave color copies of the proposed master plan of the PUD to the Commissioners. The requirements of the Southern Beaufort County Regional Plan and the PUD ordinance have been addressed by the developer in this PUD. The PUD meets the buffer requirement with one access point off Highway 170 where a traffic light is planned in the Highway 170 Access Management Plan, and features townhouse units closer to Highway 170 as voiced by the community during the Okatie Regional area planning process. It features public access to the water, bikepaths, privately built and maintained roads with public parking, a dock for public use, an interpretive center near the archaeological site, three interconnectivity sites for future development on abutting sites, and stormwater retention on site. He noted that the Southern Beaufort County Subcommittee members of the Planning Commission liked the PUD design. He stated that the Commission does not have the

authority to block this development, but does have the authority to recommend this type of development. He asked them to vote on the issue of the quality of the design and to tell the Council to address the issue of the lack of classrooms.

Public Comment:

1. Ms. Mary Briggs, a School District representative, noted the overcrowding at Okatie Elementary School where they have a current enrollment of 721 instead of their estimated 539. The expected fall 2007 enrollment is 770. The school will add classrooms, but the current enrollment has exceeded that capacity. There have been 6 new developments built between Bluffton and Okatie Elementary Schools. The School District has planned the following for the Greater Bluffton area, assuming a referendum is passed this fall: an elementary school for the fall of 2008, another in the fall of 2009, and a middle school in the fall of 2009.
2. Ms. Suzanne Tillotson, a stay-at-home mother of 5, noted a lack of housing in the Okatie area. She had property that she had to sell because she could not subdivide the land. She desires to stay in the Okatie area, but must now rent. She said it does not make sense to have a home on 3 acres. By being allowed to subdivide, more people would be able to move into the area. Give people the option to have small pieces of land in the area.

Chairman Hicks complimented Ms. Edna Cruz, the Beaufort County School Superintendent, on having a school representative commenting at the Commission meeting regarding development affecting the School District.

Discussion included the transportation input; the community facilities required for the area (i.e. schools, roads, parks, and libraries); the expected cost of \$200,000 to \$300,000 for the homes in the development; and the lack of solutions to the current school and transportation deficits in the County that prevent a favorable recommendation for this development.

**Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend denial** of the Comprehensive Plan Map Amendments for R603-13-3, 3A, 3B, and 61 (101.359 acres, to be known as Okatie Marsh PUD); from Rural Service Area to Residential/Light Commercial Area. Further discussion included the quality of the project, the connectivity easements provided in the project, the compelling environmental aspects of this project, the significant development anticipated in Jasper County, the desire to control growth that affects people who want to live near schools, the expected population doubling in Southern Beaufort by 2020, and the infrastructure deficits and the funding solutions to resolve the deficits. The motion **was carried** (FOR: Chmelik, Guyer, Herd, Mullen and Petit; AGAINST: Martin and Pottenger)

**Motion:** Ms. Guyer made a motion, and Mr. Herd seconded, **to recommend denial** of the Southern Beaufort County Zoning Map Amendments/Rezoning Request for R603-13-3, 3A, 3B, and 61 (101.359 acres, to be known as Okatie Marsh PUD); from Rural (R) to Planned Unit Development (PUD) rezoning request. No further discussion occurred. The motion **was carried** (FOR: Chmelik, Guyer, Herd, Mullen and Petit; AGAINST: Martin and Pottenger)

**PORT ROYAL ISLAND MAP AMENDMENT/REZONING REQUEST FOR R100-28-77; FROM RURAL WITH TRANSITIONAL OVERLAY/R-TO TO PLANNED UNIT DEVELOPMENT/PUD (46.88 ACRES TO BE ADDED TO THE EXISTING HABERSHAM PUD); APPLICANT: T&D LAND HOLDINGS, LLC / AGENT: HABERSHAM LAND COMPANY, INC.**

Mr. Criscitiello briefed the Commission regarding the Cherokee Farms rezoning which required a development agreement. The Habersham PUD and the Cherokee Farms rezoning have worked together toward a resolution to improve the roads that abut both developments. The County Engineer department has evaluated the resolution.

Discussion included a clarification on the modified road design as the reason for returning this request to the Commission, and complimenting the two developments in resolving the road design to benefit both developments.

Applicant's Comments: Mr. George Johnson noted that the neighborhood development included a school and park to benefit the development and the surrounding community. He noted that non-development residents have been contacted regarding the multi-point access to Joe Frazier Road.

Mr. Criscitiello noted numerous access points for both developments.

Public Comment: None were received.

**Motion:** Ms. Chmelik made a motion, and Ms. Guyer seconded, **to recommend approval of the amended road structure** for the Port Royal Island Map Amendment/Rezoning Request for R100-28-77; from Rural with Transitional Overlay/R-To to Planned Unit Development/PUD that adds 46.88 acres to the existing Habersham PUD. 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, APPENDIX D--COMMUNITY PRESERVATION/CP AREAS (CHANGES DENSITY STANDARDS FOR PRITCHARDVILLE, BLUFFTON, BUCKINGHAM LANDING AND DAUFUSKIE CP AREAS)**

Mr. Criscitiello briefed the Commission. This action is a response to County Council's desire to reduce the density in the three CP districts in Bluffton. The Daufuskie Island CP District was added after the Daufuskie CP Committee requested, via a letter to Mr. Criscitiello, the same density as proposed for the other Bluffton CP districts.

Chairman Hicks noted a similar move occurred for the Lady's Island CP District during its development standards process.

Public Comment: Mr. Jim McIntyre asked for clarification of the proposed 1.66 density if sewer were available.

Discussion included clarification on the density for Daufuskie and Pritchardville, and noting errors on Table 1 of Appendix D that affected Daufuskie and Pritchardville CP Districts.

**Motion:** Mr. Herd made a motion, and Ms. Chmelik seconded, **to recommend approval** on the text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix D--Community Preservation/CP Areas that change the density standards for Pritchardville, Bluffton, Buckingham Landing and Daufuskie CP areas. The motion **was carried unanimously** (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger).

**OTHER BUSINESS:** The rezoning request in the Dale Community Preservation District that was discussed by the Planning Commission during its January 2006 meeting was forwarded to County Council by Land Management and after going to County Council was returned to Land Management. Mr. Criscitiello will brief the Land Management Committee on the rationale the CP community used in deciding not to include all the Evans property into its boundaries. Chairman Hicks felt that due process of notifying the property owners of the rezoning had occurred properly.

**ADJOURNMENT:** Mr. Martin made a **motion**, and Mr. Petit seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Guyer, Herd, Martin, Mullen, Petit and Pottenger). The meeting was adjourned at approximately 7:50 p.m.

**SUBMITTED BY:** \_\_\_\_\_  
Barbara Childs, Admin. Assistant to the Planning Director

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Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:** March 7, 2006