

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, June 6, 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                      Mr. Cecil Martin, Jr.  
Mr. Frank Mullen                      Mr. Vernon Pottenger

**Members Absent:** Ms. Diane Chmelik; Mr. Thomas Mike, Sr.; and Mr. Ronald Petit

**Staff Present:**

Mr. Anthony Criscitiello, Planning Director  
Ms. Carol Tank, Community Planner  
Ms. Barbara Childs, Administrative Assistant to the Planning Division Head  
Mr. H.C. 'Buz' Boehm, Public Services Director  
Mr. Gregg Hunt, Mosquito Control Division Head

**CALL TO ORDER:** Chairman Hicks called the meeting to order at approximately 6:05 p.m.

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

**REVIEW OF MINUTES:** The Commission reviewed the March 7, 2006, meeting minutes.

**Motion:** Mr. Pottenger made a motion, and Mr. Herd seconded, **to accept the minutes of the May 2, 2006, meeting, as written.** The motion **was carried** (FOR: Herd, Hicks, Mullen, and Pottenger; ABSTAINED: Martin).

**CHAIRMAN'S REPORT:** Regarding moving the Commission meeting date, Chairman Hicks indicated no action had occurred. He had conveyed the feelings of the Commission not to move to first Thursdays, as was recommended by the County Administrator. Mr. Boehm indicated that the Beaufort County School Board will be using the Council Chambers on first and third Tuesdays from July 2006. He would check into this issue for the Commission.

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

**LADY'S ISLAND ZONING MAP AMENDMENT FOR R200-11-41 (7.20 ACRES) FROM RURAL (R) TO LADY'S ISLAND COMMUNITY PRESERVATION (LICP) DISTRICT**

Mr. Criscitiello briefed the Commission. The Lady's Island Community Preservation (LICP) Committee indicated that the zoning was an oversight or mismapping and recommended the correction. Staff is recommending approval of this map amendment.

Public Comment: None was received.

No discussion occurred.

**Motion:** Mr. Herd made a motion, and Mr. Pottenger seconded, **to recommend approval of the Lady's Island Zoning Map Amendment for R200-11-41 (7.20 acres) from Rural (R) to Lady's Island Community Preservation (LICP) District.** No further discussion occurred. The motion **was carried unanimously** (FOR: Herd, Hicks, Martin, Mullen, and Pottenger).

**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 briefed the Commission. He gave the history of the proposed amendment. He summarized the changes which included that all towers had 9 months from the effective date of adoption by County Council to come into compliance with this ordinance.

Ms. Mary Lohr of Howell, Gibson and Hughes, who represents the County, stated she had been working with the communications community. The reflective tape works only at night, not at pre-dusk which is when the County Mosquito Control pilots fly. She said that lighting at 150 feet would be acceptable to the County Mosquito Control department and the communication industry. This ordinance covers all structures and provides uniformity regarding tower lighting. The communications tower industry wants only new towers affected rather than requiring retroactive lighting of existing towers.

Mr. Criscitiello noted that the 150-foot requirement would have to be included in the text amendment, in place of the 100-foot requirement.

Mr. Mark Pilgrim of Santee Cooper noted that his company and SCANA, represented by Mr. Brad Samuels, were asking for an exemption from this text amendment. Their facilities are in marshes where Mosquito Control does not spray. He noted that adding lighting to the towers would require temporary loss of power to their clients.

Mr. Jonathan Yates, representing PCIA, noted that the 150-foot requirement was acceptable. His concern is pilot safety of non-Beaufort County pilots who know that lighting should be from 200-feet or higher. He reiterated Beaufort County's past requirement of shorter unlit towers rather than the industry's 300-foot lighted towers. His clients' towers were permitted without lighting, after the affected communities were notified of and agreed to the non-lighting of towers. He saw this new requirement as a breach of faith to those communities and to the State Historic Preservation Office regulating structures near historic properties. 29 of his clients' towers were affected by this new requirement. He does not see any good reason to light the towers since the County pilots say they know where the towers are located. It is unfair to change the rules.

Mr. Gary Pennington, representing Verizon, has not built a tower in Beaufort County. His company has been fortunate to co-locate on existing towers or on other structures. He is concerned that the wireless network would not be able to meet his customers' needs with these new requirements. Tower lighting would be disruptive to the citizens near the existing towers. He would support the 150-foot lighting requirement, but not the 100-foot requirement. He supports the amendments requested by Mr. Yates.

Mr. Brad Samuels of SCANA noted that he would have two structures affected by this amendment. He believes retrofitting structures with light would be impossible. He asked that his company's structures be exempt from this requirement, as noted in his past letter to Mr. Criscitiello.

Mr. Boehm asked if anyone had written letters to parents of their sons who had died. He noted the recent tragedy where a Hunter Air Base helicopter had hit the guy wires and died. He stated that a County administrator in Louisiana noted that unlit towers were problematic to the incoming helicopter pilots arriving to assist in the Katrina disaster. He believes the red balls on the lines would be acceptable. He noted the SHPO requirements would not be affected by the changes. The cost and expense of the changes could not be compared to a loss of life (the pilot). This is not a monetary issue, but a pilot safety issue. The Planning Commission is not the final authority. There will probably be more heated debate on this issue at other levels.

**Public Comment:** None were received.

**Discussion included** whether a good faith effort had been made to avoid this problem by investigating alternative solutions, the mosquito control practices used by the Marine Corps bases in Beaufort, the number of towers affected by the retroactive lighting requirement, the mosquito control practices of other counties with and without lighted tower requirements, the definition of vertical structures, notifying the municipalities in the County of this lighting requirement in hopes that they would adopt as their own, the flying practices of Beaufort County Mosquito control pilots, the number of structures actually affected by this proposed amendment, the data base referred to by Mr. Yates, the health and welfare versus the aesthetics issues of this amendment, requiring lighting only on the structures identified by Mr. Hunt, and receiving written FAA approval regarding these amendments.

**Motion:** Mr. Pottenger made the motion, and Mr. Herd seconded, **to recommend approval to the following text amendments of the Beaufort County Zoning and Development Standards Ordinance/ZDSO that amend or add lighting standards for commercial communication towers in Article V, Section 106-1357(c), Lighting (Commercial communication towers); Article V, Section 106-1363(4), Lighting (Utilities, regional); and Article VI, Table 106-1556, Lot and Building Standards; with the following changes:**

- 1. That the lighting requirement apply only to those existing structures indicated by Mr. Gregg Hunt, the Beaufort County Mosquito Control Division Head, as hazardous to his staff;**
- 2. That the Beaufort County municipalities provide official comment on these text amendments;**
- 3. That the Federal Aviation Administration be advised of these text amendments; and**
- 4. That these text amendments affect all new structures that are 150 feet or taller.**

The motion was carried unanimously (FOR: Herd, Hicks, Martin, Mullen, and Pottenger).

**TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE III--ADMINISTRATIVE PROCEDURES, SEC. 106-372--DEVELOPMENT PERMITS (new section outlines conditions that apply to all development permits)**

Mr. Criscitiello briefed the Commission. The 9 stipulations from the DRT development permits will be included in the ZDSO. If the ordinance is passed, the DRT form will be changed to mirror the ordinance. Mr. Kubic noted that a 30-day time out would be of more impact than a monetary fine.

Public Comment: None were received.

Discussion included changing the wording in subparagraph (b)(4) to “shall receive” rather than “shall request”, define “any conditions” in subparagraph (c) to read “those conditions noted in subparagraph (b) above”, clarification of a tree aeration system, concern expressed by the building community on the 30-day rule with non-specific conditions, clarification on pre-selling of lots occurring if a bond were posted, adding an arbitration clause in subparagraph (c) to read “a minimum of 30 days or upon resolution of the violation, whichever occurs first”, and clarification of the new wording on the development permits.

**MOTION:** Mr. Herd made a motion, and Mr. Martin seconded, **to recommend approval with the following changes:**

- 1. Subparagraph (b)(4) to read “shall receive” rather than “shall request”;**
- 2. Subparagraph (c), first line, to read “including those conditions noted in subparagraph (b) above” instead of “including any conditions”;** and
- 3. Subparagraph (c), third line, to read “a minimum of 30 days or upon resolution of the violation, whichever occurs first.”**

The motion was carried unanimously (FOR: Herd, Hicks, Martin, Mullen, and Pottenger).

**TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE VII--RESOURCE PROTECTION, TABLE 106-1876--USES IN OPEN SPACE AND SEC. 106-1917--RESIDENTIAL ACCESSORY USES (permits minor recreational uses within the River Buffer when accessory to single family residences and new section provides standards for such uses)**

Mr. Criscitiello briefed the Commission.

Public Comment: None were received.

Discussion included agreement to the recommended amendments.

**Motion:** Mr. Herd made a motion, and Mr. Martin seconded, **to recommend approval of the Text Amendments to the Zoning and Development Standards Ordinance/ZDSO, Article VII--Resource Protection, Table 106-1876--Uses In Open Space and Sec. 106-1917--Residential Accessory Uses which permit minor recreational uses within the River Buffer when accessory to single family residences and provides standards for such uses.** The motion **was carried unanimously** (FOR: Herd, Hicks, Martin, Mullen and Pottenger).

**OTHER BUSINESS:** None were discussed.

**ADJOURNMENT:** Mr. Mullen made a **motion**, and Mr. Martin seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Herd, Hicks, Martin, Mullen and Pottenger). The meeting was adjourned at approximately 7:30 p.m.

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

\_\_\_\_\_  
Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:** July 6, 2006