

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, November 6, 2006, in County Council Chamber, 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. Mary LeGree	Mr. Thomas Mike	Mr. Ronald Petit
Mr. Vernon Pottenger		

Members Absent:

Mr. Cecil Martin, Jr.	Mr. Frank Mullen
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Staff Present:

Mr. Anthony Criscitiello, Planning Director
Ms. Carol Tank

CALL TO ORDER: Mr. Hicks called the meeting to order at approximately 6:00 PM.

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

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

Motion: Mr. Mike made a motion, and Ms. Chmelik seconded, **to accept the minutes of the August 7, 2006 meeting as written.** The motion **was carried** (FOR: Hicks, Chmelik, Mike, Pottenger, LeGree, Petit. ABSTAIN: Herd)

CHAIRMAN’S REPORT: Mr. Hicks deferred his report in light of the large audience, explained the Public Comment process, and asked the Commission to move Agenda Item VI to the first discussion. Commission agreed.

PUBLIC COMMENT on non-agenda items: None were received.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX A – AIRPORT OVERLAY DISTRICT (TO AMEND REGULATIONS APPLICABLE TO THE AIRPORT OVERLAY DISTRICT SURROUNDING THE MARINE CORPS AIR STATION BEAUFORT)

Mr. Criscitiello briefed the Commission. He noted Beaufort County, Town of Port Royal, and City of Beaufort adopted the Joint Land Use Study (JLUS) in 2004 to protect the public's health, safety, and welfare and to prevent incompatible development around MCAS. He shared a map indicating the Accident Potential Zones (APZ) and the noise contours. He noted there are 12,849 acres in the airport overlay district. Of those, 10,121 acres are undeveloped. 73% of the undeveloped land is zoned Rural, 5% is Rural Residential. Components of the proposed airport overlay district include:

- ❖ Notification requirements, including notification that property is located within an APZ and/or the noise zone would be required for real estate closings (currently required), lease agreements, subdivision plats (currently required), and building permits.

- ❖ Use limitations will apply to new development only. Uses that typically have congregations of people at one time will not be permitted within an APZ or within Noise Zone 3 (with a DNL decibel level of 75 or higher). Such uses as hospitals, schools, restaurants, churches, and mobile home parks would be prohibited. Gross density for new residential development shall not exceed 1 dwelling unit per 3 acres in an APZ and/or a Noise Zone 3; 1 dwelling unit per acre in Noise Zone 2B; 2 dwelling units per acre in Noise Zone 2A. Every existing lot shall be entitled to at least one home. If the underlying base zoning is more stringent than the overlay district, the base zoning prevails.
- ❖ Noise attenuation requirements
- ❖ Non-conforming use standards for non-residential may not be expanded and must be replaced by a conforming structure if more than 50% damaged. It must be replaced by a conforming structure if it is abandoned for more than 90 days. It cannot use the special use permit process to become conforming. It must install noise-level reduction measures if there are renovations of more than 50% of market value. For residential non-conforming uses, it must install noise-level reduction measures if the renovations are more than 50% of market value. Residential units may be replaced if damaged or destroyed.
- ❖ The provisions for variances will remain. MCAS will be asked to give an opinion on requests for variances before the request goes to ZBOA.

Mr. Hicks asked what affect these provisions would have on current residents of the area. Mr. Criscitiello said none. Mr. Hicks asked if a home could be built back if a hurricane damages the home. Mr. Criscitiello said if the home is damaged beyond 50%, the homeowner could rebuild.

PUBLIC COMMENT:

- 1) Jerome Goode commented on family compounds in the Northern Beaufort County area and reminded the Commission that the ZDSO was meant to be a “living document”. He asked the Commission to make their recommendation worded in a manner that the family compound culture would be left intact. Mr. Goode then addressed the issue of MCAS of leaving the County and did not feel that if MCAS left the community there would be much of an impact. If there are too many restrictions on people living around MCAS, there would potentially be the issue of the community versus MCAS. Regarding grandfathering uses, Mr. Goode asked again that the Commission word their recommendation to include grandfathering.
- 2) John Etney spoke about the safety elements of the MCAS not being at the expense of owners of modest homes and churches. He also asked exactly what these changes were meant to embody and wanted mobile homes to be grandfathered into the recommendation.
- 3) Pastor Norman Jenkins noted the Grays Hill community was not against the MCAS. He wanted to know why the Commission was considering these recommendations when the Northern Beaufort County Steering Committee had not finished their plan and recommendation. He stressed the family compound structure be included in the recommendation. He left a map with the Commission to consider.
- 4) Carrie Allen noted she was in agreement with Pastor Jenkins. Her concern was the affect upon the churches and their future growth and expansion. She felt the Grays Hill area was “taking the hit” for the entire County. She wanted to know if there were federal monies involved in pushing these recommendations to County

Council. She further asked that the Commission consult community representatives so that their input may be added to the recommendations before being forwarded to County Council.

- 5) James Trask noted that not only the African-American was being pushed out, but some of the larger landholders out there, too. He asked where the fairness was in their devaluing their land (the government recently gave estimates of \$3,000 and \$7,000 per acre). He noted that he had been on a turnip truck, but he did not fall off of it. He further noted that they had lost 700 acres of land for \$150/acre back in the 1950s in addition to the two miles of waterfront. He asked that they be fairly compensated for the restrictions.
- 6) Patrick Burrus said the three inalienable rights include pursuit of happiness, life, and liberty and these rights are being lost in what is being done. There is no fairness in what is happening.
- 7) William Trask asked for fairness from the Commission and County and noted there were no lawsuits from any community members to MCAS. He asked that the County please pay fair market value for their property. He wanted to know if it was fair that Grays Hill residents take the hit for everyone else.
- 8) Carlotta Ungaro noted MCAS employs 900 civilians in Northern Beaufort County and there wasn't anything to replace those jobs. Ms. Ungaro felt the transfer development rights process fit perfectly into the Steering Committee process and this was the perfect time to implement this strategy. The APZ is less than a half mile wide and there are many things that could be done to ensure safety. She said the process was not being rushed and it started two years ago. She hoped there would be a favorable recommendation to County Council on the proposed changes.
- 9) It was commented that the noise zones be shifted about to spread the noise.
- 10) William D. Walsh, Jr. asked that MCAS be nicer to the people. He noted that he couldn't sell his property and he was down to "dirt cheap". He further noted that he had helped build the airstrip out there and was a veteran.
- 11) Shay Pinckney asked why if the industrial park was in the AICUZ, you could build a plant for that could hire 1,000 people but you couldn't add onto a church.

A discussion ensued amongst Commission members regarding family compounds. Mr. Hicks wanted to know what restriction other than the rebuild issue would be affecting land and home values. Mr. Criscitiello noted the Rural Residential areas would be affected 1.2 dwelling units per acre and the new gross density is .34 units per acre.

A discussion followed regarding community notification of the proposed changes and when and where meetings were held. It was noted there had been six community meetings hosted over the past year. Mr. Mike addressed the audience on his concern about mobile homes and how they would not be allowed after a hurricane. Mr. Criscitiello said that was not correct. Mr. Mike asked the ordinance be more user friendly. Mr. Petit asked if there had been any discussion about federal funds being available to compensate landowners and what the possibility of this was. Mr. Hicks said he didn't know of any funds available right now.

Mr. Hicks said that if this was an interim plan then it needed to be noted as to how long. He suggested that a TDR or alternate vehicle for payment be written into the ordinance. He said the issue with churches needed to be addressed and while there may be risk of a plane running into the church, perhaps that was a risk that should be taken. He further felt that the community had not

had enough time to consider and ask more questions. He wanted the staff to take a look at churches and add in a TDR provision or perhaps delay for 30 days. Mr. Herd felt that exempting churches was a good idea. He further commented that the lack of comment on raising the 50% threshold was surprising and that it was often discussed in the Southern part of the County. Mr. Pottenger commented that the 50% requirement was reduced significantly during the catastrophic events in Louisiana.

MOTION: Mr. Petit made a motion, and Ms. Chmelik seconded, **that no final action be taken until the matter of funding is clearly determined, an increase in the damage percentage that triggers the upgraded rebuild requirements is created, and the issue of church expansions is addressed.** (FOR: CHEMLIK, HICKS, HERD, POTTENGER, LEGREE, PETIT. AGAINST: MIKE).

The Dale Community Plan 2006 Review

Ms. Tank briefed the Commission and noted several people were present that assisted in drafting the plan. The plan was written in 2001 and Mr. Dawson from County Council asked for a review of the document. Seven near-term goals were organized for implementation and presented in Committee's packs. Ms. Tank felt it was most important the Committee meet more regularly to maintain progress on the goals. The Committee created specific tasks within the recommendations to assist with the implementation. Ms. Tank asked the Commission recommend to County Council their recommendations, including:

- ❖ Implement a streetscape program that creates a visually attractive, safe, and comfortable street and give scale and definition to the public realm.
- ❖ Pave Wimbee Landing Road (the portion west of Kinloch Road) to serve as an alternate route for Keans Neck Road. The paving of Wimbee Landing Road is to be of a higher priority than other roads in the Dale area.
- ❖ Enhance entrayways to the community.
- ❖ Identify ways to build on the history of the Dale area and identify sites for historic markers.
- ❖ Make a special effort to acquire additional parkland around the Dale Community Center Park to accommodate further facilities and passive recreation.
- ❖ Investigate the development of passive recreational facilities at Wimbee Creek Landing.
- ❖ The Dale Community Preservation Committee should meet regularly to monitor the progress of Plan implementation and to address community trends.

PUBLIC COMMENT:

1) Miller Barnes was concerned that Wimbee Landing Road only had 25 homes and it was being considered as a priority to be paved whereas the road he lived on had more than 85 homes on it and it was not being considered. He felt some "backroom" politics were in play.

Mr. Hicks said the request was the Commission simply forward the report from the Committee.

MOTION: Mr. Pottenger made a motion, seconded by Mr. Petit, **to send forward the Dale Community Plan Process to County Council.** Mr. Petit said the plan was a 1,000% improvement over the previous report. (FOR: CHEMLIK, HICKS, HERD, POTTENGER, LEGREE, PETIT, MIKE.)

Mr. Herd asked the staff if there was a need to put a minimum meeting requirement on CP committees. Mr. Criscitiello felt it was necessary to continue to develop communities' identities and meet the needs.

Beaufort County Zoning Map Amendment to Twelve (12) Southern Beaufort County parcels from Light Industrial District to the following:

- A) R600-21-9, 9A, 10, and 199 (4 parcels, 44.45 total acreage) to Resource Conservation District. Owner: Beaufort County**
- B) R600-21-11, 11B, 11F, 76, 77, 78, 81, and 311 (8 parcels, 17.69 total acreage) to Research and Development District. Owners: Gordon K. Faulkner (11 AND 11B), Henry Bumgardner, Jr. (11F), Dorothy & Martin Porter (76), Melanie Martin Reeder (77), Molande Group, Ltd. (78), Martin Kirk (81), AND Bemis P. Howell (311).**

Mr. Criscitiello briefed the Commission. He presented a map indicating the areas with the current and proposed zonings. He said the four parcels should have been rezoned years ago due to the ZDSO. Research and Development District are the most stringent codes in the County and the headwaters of the Okatie are important to the County and must be protected. The adjacent Okatie Center PUD would be better fit with the RD District. Lastly, there is no remaining undeveloped land in Beaufort County zoned RD. He also asked that minimum acreage requirements be deleted to allow for more RD zoning.

APPLICANT'S COMMENT:

Brantley Harvey, Esquire, appeared for the three of the property owners – Dorothy Martin Porter, Melanie Martin Reeder, and Kirk Martin. These three women are the granddaughters of Ms. Lois McGarvey of McGarvey's Corner and are citizen property owners. Mr. Harvey was astounded that the County staff would make a recommendation to "make it better" for the out-of-state developers of the next-door PUD. He then referred to a handout distributed to the Commission and the loss of value and use if this rezoning was approved. He said the development from Sun City needed the services that would be disallowed under this rezoning. Regarding the headwaters, Mr. Harvey said the PUD was much closer to the headwaters than the land owned by his clients and if they're concerned about the headwaters, the Commission was too late. He suggested compensation for the landowners and that the County already owned a buffer and this would be a buffer on the buffer. He asked that the request by the staff be denied.

Jim Tiller came on behalf of Gordon Faulkner and agreed with all points made by Mr. Harvey. He asked the Commission how people were notified of this zoning change hearing. Mr. Hicks said that letters were mailed and the Commission would do a better job in the future for notification.

Murphy Lemon, a real estate broker, was here representing Molande Group and they did not get a notification either. He said Molande planned to build "flex-space type buildings", but he was not at liberty to say what exactly would be built. The property was purchased in May and had spent \$ 60,000 in developing the plans. By changing the zoning, this project may be disallowed and it would be devaluing the property.

PUBLIC COMMENT:

1) Ann Rebhan said that if property was never bought or sold, how could it be devalued? The value of the property was really the beauty of it. She thanked the Commission for their time and effort in helping to save the County's beauty.

2) Harry Wells agreed with Ms. Rebhan's point. He was concerned with the "strip joints" and other uses under light industrial and hoped they would do everything to stop this. He wondered if the Rural and Critical Lands program could purchase this acreage.

Mr. Herd said purchasing some or all of this land under the Rural and Critical Lands would be the best possible outcome, but the problem is there is a limited amount of money in the program. The Planning Commission is not in a position to deal with that sort of resolution.

3) Joe Crowley noted that tomorrow is the Rural and Critical Lands Referendum on the ballot. A vote affirming the recommendation would be a good thing for the County.

A discussion ensued regarding different zoning types and their marketability, protection offered to the headwaters by the various zoning types, and it was noted that this recommendation might be considered downzoning an area.

MOTION: Mr. Herd made a motion, seconded by Ms. Chmelik, **that the 17 acres be rezoned to Research and Development.** (FOR: HERD, CHMELIK, MIKE, LEGREE, PETIT. AGAINST: POTTENGER, HICKS.)

On the County owned acreage of 44.45, Mr. Herd made a motion, seconded by Ms. Chmelik, **that the 44.45 acres be rezoned to Resource Conservation.** (FOR: HICKS, HERD, CHMELIK, MIKE, LEGREE, PETIT, POTTENGER).

Text Amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article IV, Section 106-962 Research and Development (RD) District (to amend the minimum acreage and road access standards)

Mr. Criscitiello briefed the Commission. This amendment would change 106-962, Item C, to "The district shall be located along or have direct access to major arterials or major collectors," removing the 100 acre minimum. This would allow flexibility in determining how many acres is feasible for Research and Development Districts to emerge.

PUBLIC COMMENT: None received.

COMMISSION DISCUSSION: None.

MOTION: Ms. Chmelik made a motion, seconded by Mr. Mike, **to remove the 100 acre minimum from 106-962, Item C.** (FOR: HICKS, HERD, CHMELIK, MIKE, LEGREE, PETIT, POTTENGER).

Text Amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Table 106-1098-General Use Table (that clarifies heavy truck, RV, and mobile home sales in the Light Industrial District)

Mr. Criscitiello briefed the Commission. This was a remedial effort to clean up discrepancies existing in the Use Table of the Comprehensive Plan. The uses being removed from this category are listed elsewhere in the Comprehensive Plan.

PUBLIC COMMENT: None received.

COMMISSION DISCUSSION: Ms. Legree felt removing ambiguity was a good thing.

MOTION: Mr. Herd made a motion, seconded by Ms. LeGree, **to remove commercial uses, mini-warehouses, and heavy truck, recreational vehicle and mobile homes sales from the General Use Table in the Light Industry use category.** (FOR: HICKS, HERD, CHMELIK, MIKE, LEGREE, PETIT, POTTENGER).

Beaufort County Zoning Map Amendment/Rezoning Request to Lady's Island R200-5-37A (1.28 acres) from Rural Residential (RR) District to Lady's Island Community Preservation (LICP) District. Owner: Lowcountry Investment Group of South Carolina, Applicant/Agent: Mr. Jason Watkins.

Ms. Tank briefed the Commission. On Springfield Road, this parcel cannot be subdivided. Ms. Tank felt this would be an incremental zoning change and not prudent. The Lady's Island CP group is looking at the zoning areas on each part of Lady's Island to make broad changes and recommendations.

APPLICANT COMMENT: The property owner, Mr. Jason Watkins, spoke to the Commission and indicated part of the property would be used to build a home for his son. He asked the Commission to consider these mitigating circumstances:

- 1) Has two separate addresses for the property
- 2) Has two separate septic permits
- 3) Land is now drastically reduced in relative value.

PUBLIC COMMENT: Louise Doyle, who owns the property across the road, is in favor of the homes being developed on the property.

COMMISSION COMMENT: Mr. Hicks reminded the Commission that Springfield Road was the dividing line of Community Preservation. The CP committee of Lady's Island felt the property should remain zoned as is. Mr. Petit said the request being made fits with what's currently around the property. Mr. Hicks said the road had not been jumped in zone changing. Mr. Mike said the situation was unique with the two addresses and septic tank permits.

MOTION: Mr. Mike made a motion, seconded by Mr. Petit, **to allow this parcel to be rezoned from Rural Residential to Lady's Island Community Preservation District.** (FOR: MIKE, PETIT, POTTENGER, LEGREE. AGAINST: HICKS, HERD, CHMELIK).

Beaufort County Zoning Map Amendment/Rezoning Request to Lady's Island R200-15-597 from Lady's Island Community Preservation District and Lady's Island Expanded Home Business (LIEHB) to Lady's Island Expanded Home Business District; Owner: Steve Tully

Ms. Tank briefed the Commission. On the corner of Highway 802 and Oyster Factory Road, Mr. Steve Tully is asking to have the parcel that is a split parcel rezoned to be consistent throughout the parcel. The CP Committee on Lady's Island has voted for approval for this change.

PUBLIC COMMENT: None received.

MOTION: Mr. Petit made a motion, seconded by Mr. Mike, **to allow the entire parcel to be zoned as Lady's Island Expanded Home Business.** (FOR: HICKS, HERD, CHMELIK, MIKE, LEGREE, PETIT, POTTENGER).

Beaufort County Zoning Map Amendment/Rezoning Request to Lady's Island R200-18-2A AND 2B, zoned Lady's Island Community Preservation District, to be included within the Redevelopment District Overlay; Owners/Applicant: Julian and Richie Hightower (2A) and Michael Dubois (2B)

Ms. Tank briefed the Commission. These parcel owners were requesting an increase in density by being included in the Redevelopment District Overlay. The CP Committee on Lady's Island has recommended denying this application.

APPLICANT COMMENT: Mr. Dubois noted that the County approved a 12-unit development that overlooked his home and moved because of this. He presented a second map and said the County had already included a portion of Meridian Road and they were just asking to be a part of it. Julian Hightower could not understand why they were being "held hostage" on Meridian and said he was planning on building more than two houses on his lot.

PUBLIC COMMENT:

- 1) Steve Castle, a Meridian Road resident, was concerned that another 12-unit development could come of this.
- 2) Carl Eby, a Meridian Road resident, felt 12-unit development was a mistake and it would cause "creep" as each plot goes the same way.
- 3) Matthew Hermes, a Meridian Road resident, said Meridian was not a blighted area and Mr. Dubois's property would be a fine location for a large home.

COMMISSION COMMENT: Mr. Hicks reminded the Commission that the Redevelopment overlay was to promote development in blighted areas, not increase density in unblighted areas.

MOTION: Ms. Chmelik made a motion, seconded by Mr. Herd, **to deny the request to include these parcels in the Redevelopment District Overlay.** (FOR: CHMELIK, HERD, HICKS, MIKE, PETIT; AGAINST: POTTENGER; ABSTAIN: LEGREE).

Text Amendments to Beaufort County Zoning and Development Standards Ordinance /ZDSO, Article V, Table 106-1098 – General Use Table (to permit institutional residential uses in the Rural District as a Special Use)

Mr. Criscitiello briefed the Commission. The proposal is to continue with the use but to switch it from Limited Community Option as a Special Use in the District which would require impact statements and approval by the DRT and the ZBOA. Beaufort Marine Institute is an example of this use.

PUBLIC COMMENT: Ronald Von Fricken, founder and director of TCL Ministries, noted that a piece of property under consideration would be useful to three counties for a faith-based recovery mission.

MOTION: Mr. Petit made a motion, seconded by Ms. LeGree, **to permit institutional residential uses in the Rural District as a Special Use, subject to review and approval by the ZBOA.** (FOR: HICKS, HERD, CHMELIK, MIKE, LEGREE, PETIT, POTTENGER).

Lady's Island Road Renaming from Nymphaea Drive to Shire Drive

Ms. Tank briefed the Commission. She stated no one can spell the road name, no one can pronounce it, EMS and fire services have had difficulty finding it and the post office has trouble delivering mail.

PUBLIC COMMENT: None received.

MOTION: Ms. LeGree made a motion, seconded by Pottenger, **to change the name of Nymphaea Drive to Shire Drive.** (FOR: CHEMLIK, HICKS, HERD, POTTENGER, LEGREE, PETIT, MIKE.)

OTHER BUSINESS: Mr. Hicks asked the CP committees be discussed at the next meeting.

ADJOURNMENT: Mr. Mike made a motion, seconded by Mr. Petit, **to adjourn the meeting.** (FOR: CHEMLIK, HICKS, HERD, POTTENGER, LEGREE, PETIT, MIKE.) The meeting was adjourned at approximately 10:04 PM.