

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, December 4, 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. Mary LeGree	Mr. Cecil Martin, Jr.	Mr. Thomas Mike, Sr.
Mr. Frank Mullen	Mr. Ronald Petit	Mr. Vernon Pottenger

Members Absent: None

Staff Present:

Ms. Delores Frazier, Assistant Planning Director
Mr. John Holloway, Natural Resource Planner
Mr. Brian Herrmann, Planner
Mr. Gregg Hunt, Mosquito Control Division Head
Ms. Barbara Childs, Administrative Assistant to the Planning Division Head

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:06 p.m.

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

REVIEW OF MINUTES: The Commission reviewed the November 6, 2006, meeting minutes.
Motion: Mr. Herd made a motion, and Mr. Pottenger seconded, **to accept the minutes of the November 6, 2006, meeting, as written.** The motion **was carried** (FOR: Chmelik, Herd, LeGree, Mike, Mullen, Petit and Pottenger; ABSTAINED: Martin).

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

CHAIRMAN'S REPORT: Chairman Hicks noted that communication tower lighting (Item VI) would be discussed next instead of the rezoning, as originally shown on the agenda.

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, Commercial communication towers**
- **Article V, Section 106-1363, Regional utilities**
- **Article VI, Table 106-1556, Lot and Building Standards**

Chairman Hicks noted the history of this amendment. Ms. Frazier briefed the Commission. She noted the presence of Mr. Greg Hunt, County Mosquito Control Division Head, and Ms. Mary Lohr, representing the County Attorney, to answer any questions by the Commission. Ms. Frazier noted the changes to the ordinance, including allowing 200-foot towers and lighting towers over 150 feet tall, not requiring retrofitting existing towers with lighting unless the towers were extended higher than originally permitted, and requiring all utility towers to be lit except those in utility corridors must have aviation marker balls installed.

Mr. Hunt presented a power point presentation to reiterate the County's desire to protect the mosquito control pilots from vertical obstructions. He showed photos of a structure where the 2004 near miss occurred in the Sun City area.

Public Comment:

1. Mr. Jonathan Yates, representing PCIA (a wireless carrier organization), noted working with Ms. Lohr and Mr. Hunt on the ordinance. He supports the proposed text amendment. He also does not want to see near misses. He noted that 2004 miss was a cable, not communication, tower. He noted the change to meet Federal standards.
2. Mr. H. C. 'Buz' Boehm, County Public Services Director, has been passionate about the safety for the Mosquito Control pilots. The County is comfortable with the text amendments.

Commission discussion included clarification on the sentence in Section 106-1363(4) regarding the legality of towers, clarification on the purpose of the text amendments, reiteration of rewording the last sentence in 106-1363(4), clarification on the number of towers affected, clarification on the time limit for lighting existing towers, disagreement on exempting existing towers from lighting requirement, seeing the compromise between the County and private industry, and reiterating to the municipalities that reasonable compliance to this County ordinances would not interrupt County mosquito control services in their areas.

Motion: Mr. Pottenger made a motion, and Mr. Martin seconded, **to recommend approval of the Text Amendments to the Zoning and Development Standards Ordinance/ZDSO to amend or add lighting standards for commercial communication towers in Article V, Section 106-1357, Commercial communication towers; Article V, Section 106-1363, Regional utilities; and Article VI, Table 106-1556, Lot and Building Standards; as written by staff with a change to clarify the phrase "legally existing" in the last sentence of Section 106-1363(a)(4).** The motion was carried unanimously (FOR: Chmelik, Herd, LeGree, Mike, Martin, Mullen, Petit and Pottenger).

Motion: Mr. Pottenger made a motion, and Mr. Herd seconded, to recommend approval that all municipalities be notified that reasonable compliance to this County ordinance would not interrupt County mosquito control services in their areas. The motion was carried unanimously (FOR: Chmelik, Herd, LeGree, Mike, Martin, Mullen, Petit and Pottenger).

Mr. Yates further commented that safety was a concern of his industry. He urged pilot briefings to insure such safety.

BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR PORT ROYAL ISLAND R100-24-78C (12.2 ACRES); FROM LIGHT INDUSTRIAL (LI) TO RURAL WITH TRANSITIONAL OVERLAY (R-TO); OWNER: NEW COVENANT FELLOWSHIP MINISTRIES / APPLICANT: PASTOR ALFRED S. GIVENS

Mr. Herrmann briefed the Commission. Staff recommended approval of this request and recommended the improvement of Lowen Road.

Commission discussion included clarification on the roadway improvement recommended by staff, clarification on the Commission's role regarding this request, reiterating that the downzoning of the property caused no traffic impact, reiterating the desire of the subcommittee to downzone an abutting parcel, staff contacting the owner who was considering all options but did not wish for the downzoning, and the conflicting opinions regarding the downzoning of light industrial property.

Public Comments: None were received.

Applicant's Comment: Pastor Alfred Givens noted that the surrounding properties were rural. He stated that his church would purchase Mr. Sherman's property (the abutting property the subcommittee wanted to downzone) in the future. Pastor Givens was unaware of the zoning of the property when it was purchased. His congregation is in the area and they want to have the church in the area.

Motion: Mr. Mullen made a motion, and Ms. LeGree seconded, to recommend approval of the **Beaufort County Zoning Map Amendment/Rezoning Request for Port Royal Island R100-24-78C (12.2 acres); from Light Industrial (LI) to Rural with Transitional Overlay (R-TO)**. The motion was carried unanimously (FOR: Chmelik, Herd, LeGree, Mike, Martin, Mullen, Petit and Pottenger).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO TO ADD OR AMEND TREE STANDARDS AND DEFINITIONS

- **Section 106-18 Definitions**
- **Sec. 106-1648. Resource protection**
- **Sec. 106-1846. Forests**

Mr. Holloway briefed the Commission on the various text amendments.

Commission discussion included clarification of Section 106-1846(b) wording regarding tree removal of homes built after 1999 since the Commission's original intent is not being interpreted by the Zoning and Development Administrator, an agreement that the County Planning Director would write a memo of interpretation for clarity, and notifying the larger tree contractors of the proposed text amendments.

Public Comment: Mr. Francis Thompson of the Bon Aire subdivision noted the ZDSO required documenting all existing trees prior to developing residential property and had the authority to tell the property owner which trees could be removed. He had a single-wide mobile home for 40 years, removed it to place a double-wide module home, and encountered the tree requirements. He was not supportive of the current ordinance.

Motion: Ms. Chmelik made a motion, and Mr. Herd seconded, **to recommend approval of the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO to add or amend tree standards and definitions in Sections 106-18 (Definitions), 106-1648 (Resource protection), and 106-1846 (Forests), as written by the staff.** Further discussion included clarification of the motion. The motion **was carried (FOR: Chmelik, Herd, Hicks, LeGree and Mike; AGAINST: Martin, Mullen, Pottenger and Petit).**

Mr. Martin noted his dilemma when building a home on property he had owned for a number of years. His property had numerous live oaks and the restrictions cause him not to build a new home. Mr. Mullen noted the recommended barriers have prevented him from reaching building sites in the past with his dump trucks. He feels the language is too restrictive. Ms. Chmelik noted that trees should be taken care of during the construction stage to preserve what we have. Mr. Pottenger believes the text amendments are taking property owners' rights. Mr. Martin noted his experience regarding paving around trees and those trees have not died.

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Mr. Petit made a **motion**, and Mr. Martin seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Herd, LeGree, Mike, Martin, Mullen, Petit and Pottenger). The meeting was adjourned at approximately 8:12 p.m.

SUBMITTED BY: _____
Barbara Childs, Admin. Assistant to the Planning Director

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: January 4, 2007