

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, February 5, 2007, 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. Frank Mullen	Mr. Ronald Petit

Members Absent: Mr. Thomas Mike, Sr., and Mr. Vernon Pottenger (Note: Mr. Cecil Martin resigned effective February 1, 2007.)

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Carol Tank, Community Preservation Planner
Ms. Barbara Childs, Administrative Assistant to the Planning Division Head

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:00 p.m.

PLEDGE OF ALLEGIANCE: Chairman Hicks led those assembled in the Chambers with the pledge of allegiance to the U.S.A. flag.

REVIEW OF MINUTES: The Commission reviewed the December 4, 2006, meeting minutes.

Motion: Mr. Petit made a motion, and Mr. Herd seconded, **to accept the minutes of the December 4, 2006, meeting, as written.** The motion was carried unanimously (FOR: Chmelik, Herd, LeGree, Mullen, and Petit).

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

CHAIRMAN'S REPORT:

1. **Rezoning Process and Planning Commission Meeting Procedures:** Chairman Hicks advised to audience of the rezoning process and the meeting procedures.
2. **2007 Election of Planning Commission Officers:** Chairman Hicks noted that the elections would be held at the end of the meeting during "Other Business."

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS/REZONING REQUEST FOR 1,205.9 ACRES ON DAUFUSKIE ISLAND (INCLUDING PORTIONS OF MELROSE AND BLOODY POINT PLANNED UNIT DEVELOPMENTS/PUDS, MELROSE LANDING AND EIGELBERGER TRACT); FROM COMMUNITY PRESERVATION/CP AND PLANNED UNIT DEVELOPMENT/PUD TO PUD (TO BE

**KNOWN AS THE DAUFUSKIE ISLAND RESORT PLANNING DISTRICT PUD);
OWNER: DAUFUSKIE ISLAND PROPERTIES, LLC**

Mr. Criscitiello briefed the Commissioners on the history of PUDs, noting that this request involved several properties. He gave a breakdown of the various zones of the proposed planning district. The applicant is proposing higher building heights than existing buildings, commercial areas, and increased densities. Without a Master Plan, it is difficult to determine if the proposed development is consistent with the surrounding areas. The Staff recommends master plan approval of the Melrose and Bloody Point zones and conceptual approval of Eigelberger and Melrose Landing zones subject to the following conditions:

1. Non-residential resort facilities, including the inn(s), shall count towards the commercial square footage of the development. Inn rooms shall also count towards the residential density at a rate of 2.5 rooms equal 1 dwelling unit.
2. Institutional residential shall count towards the residential density at a rate of 2.5 beds equal 1 dwelling unit.
3. Perimeter buffers shall be increased to 50 feet for multi-family, mixed-use or commercial development.
4. Building height shall be measured in accordance with the Standard Building Code as adopted by Beaufort County (i.e. measured from grade).
5. For non-residential uses, the maximum gross floor area ratio (FAR) shall be 0.50, and minimum landscaped surface ratio (LSR) shall be 0.10.
6. Prospect Road and Pappy's Landing Road shall remain open to the public. If the developer wishes to relocate these roads, alternative facilities must provide comparable public access and be approved by Beaufort County.
7. Zone 1 (Melrose Landing) shall not include multi-family development. Apartments may be permitted above commercial buildings at a height not to exceed 35'.
8. Zone 14 (Bloody Point) shall be used for single-family detached development only.
9. Zone 15 (cemetery site) shall not be utilized for any residential development. The developer agrees to continue to provide reasonable access for visitors to the cemetery and to maintain the cemetery including, where necessary, the construction of erosion control devices.
10. All development shall meet the Resource Protection Levels of Table 106-1814 for "All Other Districts" (Column 5). The developer shall abide by all local, state and federal standards with regard to setbacks from and protection of wetlands, river buffers, and beach/dunes.

The Commission asked for a definition of "reasonable access" as stated in condition 9 of the staff recommendation. Ms. Tank asked that the wording be changed to read "previously agreed to access" instead of "reasonable access." Mr. Criscitiello apologized for not including the change in the Commission packet.

Applicant's Comments: Ms. Kyle Theodore of Wood and Partners represented the applicant. She introduced several individuals who were involved in the project and were in the audience. She thanked the Planning staff for their assistance and stated she would address the staff's ten conditions at the end of her presentation. The PUD accommodates all the properties of one

owner under one PUD. One of the benefits of the combined plan would be the decreased density of the Eigelberger Tract by moving part of the density to the Melrose Inn. Her responses to the staff's conditions are as follows:

1. Applicant agrees with staff.
2. Applicant agrees with staff.
3. Perimeter buffers will be established for both Eigelberger and Melrose Landing as follows: Eigelberger Tract--50 feet for multi-family, institutional residential or commercial; and 20 feet for all other uses. Melrose Landing--25 feet.
4. Application will be modified to recognize the methodology used by Beaufort County, and will call out a specific building height for the Inn, of 55 feet.
5. Applicant agrees with staff.
6. Applicant agrees with staff.
7. Multi-family development will only occur above commercial and will not exceed 35 feet.
8. Applicant agrees with staff.
9. The site will not be used for residential or any development, and the treatment of the cemetery site is being finalized within the county.
10. Zones 2(ML), 2(M), 3(M), 8(M), 12(B) and 18(E) shall meet the Resource Protection levels of Table 106-1814 (of the ZDSO) for "All Other District" (Column 5). Development within these zones shall abide by all local, state and federal standards with regards to setbacks from and protection of wetlands, river buffers and beach/dunes.

Public Comment:

1. Ms. Miriam McEvoy, a Daufuskie resident living on Beach Drive, believed her quality of life and property values would be negatively affected. She bought her property after she was shown a plan for the Eigelberger tract. She believes a traffic study is necessary since the proposed development would greatly impact the traffic on Beach Drive which is a sandy road. She believes traffic would be worst with the resort transporting its workers at all hours of the day and night. She asked the Commission to protect the area by taking the Eigelberger tract out of the equation.
2. Mr. Tony Simonelli, a Daufuskie Island property owner, supports the Plan. The Bloody Point Property Owners Association (POA) does not object to the Plan. He has a 1991 plan showing that the Eigelberger property was intended to be included in the PUD. The decision by the Commission will influence Daufuskie forever. Each area of the plan has its strengths and weaknesses.
3. Mr. Andy Mason, a member of the Melrose Club and a land owner since 1993, stated that the proposal would provide services for the island, provide employment and commerce opportunities, enhance property values, move 165 septic systems from the Eigelberger tract, reduce stress to Mungen Creek, and provide local outlets for groceries and artisans. The pier could be rebuilt if it were destroyed by a catastrophe if it were included in the PUD. He asked the Commission to support the proposed PUD.
4. Mr. Aaron Crosby, a Daufuskie Island CP resident with a child at Daufuskie elementary school, appreciates what the developer is trying to do. The resort does not have enough beds to bring economic commerce to Daufuskie. The proposed PUD lessens the impact on the Eigelberger property. The uses in the proposed PUD are uses that would be allowed in the Daufuskie CP districts. He asked the Commission to support the plan.

5. Mr. Don Glenn represents 52 families protesting development in zones 8 (I) and 8 (II) with homes being 75 feet tall. There are no guarantees the hotel will be built. What happens when they transfer the density to elsewhere in the PUD. Two of the PUDs have existing thriving POAs. What is the height for the hotel?
6. Ms. Joanie Diamond stated some of the occurrences in the past 18 years on Daufuskie Island included three roads that were taken over by Mr. Steve Kiser (Bloody Point Beach Road, Melrose Beach Road and Church Road), Mr. Kiser of Melrose PUD building his reception center over the Cooper River Cemetery; Sandy Lane was moved without permission; and the Eigelberger tract had a dock built at the Mungen Beach which interfered with public access to the beach. Prospect and Pappy's Landing Roads do not belong to anyone (they are public roads). Someone has placed rocks along the Eigelberger tract boundary. It looks like anything the owners of the proposed PUD do not want in their resort will be placed in the Eigelberger tract such as vehicle parking and employee residents. The area will be another Harbor Town.
7. Ms. Sylvia Wompler, a Daufuskie resident and member of the Daufuskie CP Committee, does not want to have the Eigelberger property included in the PUD. It should stay in the CP District. The CP Committee asks if the developer is planning to give a community center for the non-resort residents, as was promised by the earlier owner. Tall hotels lining the beach are not desirable.
8. Mr. Tom Allemo, a resident on Haig Point, is pro-development of Daufuskie. He noted a lack of attention to area 8 in the proposed PUD. He is concerned that the 55-foot maximum height might be higher than actually expected, that building on the sandbar would disturb the turtle nesting, and that the natural resources would not be adequately protected.
9. Mr. Tim Foley, a full-time Daufuskie resident, asked for consideration on the aesthetics of the area. Allowing buildings in area 8 would take away from the pristine beach area.
10. Mr. Tom Beaver, a Melrose resident on Daufuskie Island, supported the proposed plan. As a realtor, he believed the applicant had hired the best team. The process has not reached the stage of structural design; it is merely at the stage of determining density. He believed the applicant's team would produce a supportable plan. He believed the fire marshal would not allow buildings that were too tall for the new fire engine which was bought by the Bloody Point developer.
11. Jamie Caravinchek, the President of Sandy Lane Condo Complex POA, supports the plan.
12. Ms. Peggy Noonan, the vice chair of the Daufuskie CP committee, lives in the Daufuskie historic district. She does not want the Eigelberger property to be included in the PUD. She asks for a meeting on Daufuskie to accommodate the residents that could not attend the Commission meeting. Currently less than one-third (1845 acres) of Daufuskie Island is in the Historic District. A PUD is not the magic ointment to make sales move. Once the Eigelberger property is included in the PUD, the Historic District is further reduced.
13. Mr. John Russell, the operator of the Daufuskie Island Resort, stated that the success of the Resort is success for the island. The Resort provides amenities to the island. The current business model does not work because there are not enough rooms to rent. Damaging Daufuskie would not serve the Resort.

14. Ms. Katherine Tillman is a Daufuskie resident, the editor of the Daufuskie publication "The Front Porch", a member of the Daufuskie CP Committee, and a member of the Resort Club. She stated that everyone agrees on responsible planning for Daufuskie. Bloody Point and Melrose PUDs should expand; however, do not include the Eigelberger tract in the PUD. There is very little land left in the CP District. There will be a charrette next week to determine the location of the commercial uses in the Historic District. How will Melrose Landing fit into the CP district? She supports responsible increases within the PUDs. The Daufuskie CP Committee would like to determine the fate of the Eigelberger tract and Melrose Landing.
15. Mr. Russ Brown, a Daufuskie property owner, supports the Plan regarding moving densities from the Eigelberger tract to the PUDs.

NOTE: *Chairman Hicks recessed the meeting at approximately 7:43 p.m., and reconvened the meeting at approximately 7:55 p.m.*

Public Comment continued:

16. Mr. Tim Foley is all for development. He wants to see the applicant succeed. He does not see a problem about shifting the density, but would like to know what the developer plans with the density transfers. If they are not presenting a master plan, how are people going to know about the makeup of the PUD.

Discussion by the Commission included the staff recommendation to approve the master plans for the Melrose and the Bloody Point zones, but only give conceptual approval for the Eigelberger and Melrose Landing zones, with the ten conditions noted earlier; the nearly two-year Daufuskie Island CP Committee process to develop CP development standards; the dramatically overstated Daufuskie Island growth projections; the 56-unit housing structure to be built in zone 8(I); the CP Committee not wanting the density transferred from the Eigelberger property but not objecting to increases within the existing PUDs; a desire to view a Master Plan before recommending approval of the Eigelberger and Melrose Landing properties; concern that the charrette had not occurred prior to this Commission meeting; a lack of understanding of the PUD process; and a caution to the CP Committee not to give away density without considering the long-range ramifications.

MOTION:

Mr. Herd made a motion, and it was seconded by Mr. Petit, that the Planning Commission recommend that County Council approve the Master Plan for the proposed Melrose and Bloody Point zones, subject to the following conditions recommended to the Commission by the staff:

1. **Non-residential resort facilities, including the inn(s), shall count towards the commercial square footage of the development. Inn rooms shall also count towards the residential density at a rate of 2.5 rooms equal 1 dwelling unit.**
2. **Institutional residential shall count towards the residential density at a rate of 2.5 beds equal 1 dwelling unit.**
3. **Perimeter buffers shall be increased to 50 feet for multi-family, mixed-use or commercial development.**

4. **Building height shall be measured in accordance with the Standard Building Code as adopted by Beaufort County (i.e. measured from grade).**
5. **For non-residential uses, the maximum gross floor area ratio (FAR) shall be 0.50, and minimum landscaped surface ratio (LSR) shall be 0.10.**
6. **Prospect Road and Pappy's Landing Road shall remain open to the public. If the developer wishes to relocate these roads, alternative facilities must provide comparable public access and be approved by Beaufort County.**
7. **Zone 1 (Melrose Landing) shall not include multi-family development. Apartments may be permitted above commercial buildings at a height not to exceed 35'.**
8. **Zone 14 (Bloody Point) shall be used for single-family detached development only.**
9. **Zone 15 (cemetery site) shall not be utilized for any residential development. The developer agrees to continue to provide previously agreed to access for visitors to the cemetery and to maintain the cemetery including, where necessary, the construction of erosion control devices.**
10. **All development shall meet the Resource Protection Levels of Table 106-1814 for "All Other Districts" (Column 5). The developer shall abide by all local, state and federal standards with regard to setbacks from and protection of wetlands, river buffers, and beach/dunes.**

Additionally, the Planning Commission recommends that the County Council deny the conceptual approval of the Eigelberger Tract and Melrose Landing until such time a conceptual plan is presented to and considered by the Planning Commission.

Mr. Criscitiello's interpretation of the motion by the Commission would be that the Commission wanted to see specific PUD master plan criteria as outlined in the Zoning and Development Standards Ordinance (ZDSO).

Chairman Hicks stated the Commission wanted to see more than was being presented tonight.

Amended Motion: Vice-Chairman Herd amending the second part of his motion, and Mr. Petit agreed to the amendment, to read: **Additionally, the Planning Commission recommends that County Council not consider approval of the Eigelberger Tract and/or Melrose Landing properties until such time after a Master Plan is presented to and considered by the Planning Commission.**

Discussion by the Commission included a clarification of the amended motion, allowing the completion of the charrette prior to any recommendations to Council, and the obligation of the Commission to know the details of a PUD before recommending approval.

The amended motion was carried unanimously (FOR: Chmelik, Herd, Hicks, LeGree, Mullen and Petit).

Councilman Laura Von Harten noted that an attorney had raised his hand to comment. Chairman Hicks allowed additional public comment. Mr. Walter Nester, representing the applicant, questioned the legality of the motion passed by the Commission regarding moving density from

one tract of land to another, and noted a disservice to his client regarding requiring a master plan instead of considering the conceptual plan that was presented.

Chairman Hicks noted some past examples such as Cane and Cat Islands PUDs, and further clarified that the Commission was not comfortable with the conceptual plan presented by the applicant--which met the law, but not the spirit, of the ordinance.

Further discussion occurred between Mr. Tim Foley and Chairman Hicks regarding the recommendation by the Commission.

Mr. Corky Ingram, representing the applicant, stated that he had met the letter of the law and the Zoning and Development Standards Ordinance. He noted there were more details that were not mentioned during the earlier abbreviated presentation of his PUD.

Mr. Hicks recommended that Mr. Ingram attend the charrette to see what the residents desired.

Mr. Ingram disagreed that the Clemson charrette would know better than the three consultants he had hired.

NOTE: *Chairman Hicks recessed the meeting at approximately 8:33 p.m., and reconvened the meeting at approximately 8:38 p.m.*

TEXT AMENDMENT TO THE PLANNING COMMISSION RULES OF PROCEDURE

Mr. Criscitiello noted that Rules and Procedure for Commission regarding posting of property should mimic the Rules of Procedure for the Zoning Board of Appeals.

OTHER BUSINESS:

1. **Election of Commission Officers:**

Chairman Hicks opened the floor for nominations for the Commission Chairman. Mr. Herd nominated Mr. Hicks and Ms. Chmelik seconded the nomination. No other nominations were received and the call for nominations was closed. Mr. Hicks was reelected as chairman unanimously.

Chairman Hicks opened the floor for nominations for the Commission Vice-Chairman. Ms. Chmelik nominated Mr. Herd and Mr. Petit seconded the nomination. No other nominations were received and the call for nominations was closed. Mr. Herd was reelected as vice-chairman unanimously.

Chairman Hicks noted that 2007 would contained important projects that the Commission would be reviewing such as the Comprehensive Plan ten-year review, the Northern and the Southern Regional Plans, and

2. **Location Change of the Monthly Commission Workshop Prior to Commission Meetings:** Chairman Hicks asked the Commissioners to note the location change of the workshop to Conference Room 280 instead of the Executive Conference Room.

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 8:43 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **March 5, 2007**