

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, March 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
Mr. Vernon Pottenger		

Members Absent: Mr. Thomas Mike, Sr.

Staff Present:

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

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:08 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 February 5, 2007, meeting minutes. The following changes were noted:

1. Page 4, item 7, the correct spelling is Wampler;
2. Page 4, item 12, the correct spelling is Peggi Noon;
3. Page 5, item 14, the correct spelling is Catherine; and
4. Page 2, .second to the last paragraph should read, "Commissioner LeGree asked...."

Motion: Mr. Herd made a motion, and Ms. Chmelik seconded, to accept the minutes, as corrected. The motion was carried unanimously (FOR: Chmelik, Herd, LeGree, Mullen, Petit and Pottenger).

CHAIRMAN'S REPORT: Chairman Hicks advised the audience that the Public Comment phase of the meeting would be held after the Administrative Appeal was heard by the Commission.

ADMINISTRATIVE APPEAL OF DECISION BY THE DEVELOPMENT REVIEW TEAM (DRT) ON DENYING APPROVAL FOR PLATTING & SUBDIVISION OF 6 LOTS IN HARBOR ISLAND PUD NOT MEETING CURRENT ENVIRONMENTAL

QUALITY STANDARDS; APPELLANT: PREFERRED ISLAND PROPERTIES, INC. / ROBERT HONEYCUTT / DAVID TEDDER

Note that Court Reporter Jeannie Wells, hired by David Tedder, recorded and transcribed the proceedings. A copy of the transcript is attached for the record.

Mr. Petit recused himself from the hearing because he was active in the Harbor Island property owners' association and he left the room.

NOTE: Chairman Hicks recessed the meeting at 7:00 p.m., and reconvened the meeting at 7:08 p.m.

PUBLIC COMMENT for items other than agenda items: None were received.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX I – LADY’S ISLAND COMMUNITY PRESERVATION (LICP) AREA, DIVISION 2 – EXPANDED HOME BUSINESS, TABLE 1 – LAND USE (ADDS AN ALLOWABLE LAND USE OF ADMINISTRATIVE OFFICES) – APPLICATION WITHDRAWN

Chairman Hicks noted that the Lady’s Island Community Preservation Committee will present at a later date changes to the LICP district. The Applicant withdrew her request when she understood that the LICP Committee would be recommending the amendment she had wanted discussed.

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS/REZONING REQUEST FOR 1,205.9 ACRES ON DAUFUSKIE ISLAND (INCLUDING PORTIONS OF MELROSE AND BLOODY POINT 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

Chairman Hicks noted that the Commission may take action on this agenda item.

Mr. Criscitiello noted the staff recommended a Master Plan PUD approval of the Melrose zones and the Bloody Point zones, and denial of PUD zoning for Eigelberger and Melrose Landing subject to the following conditions based on: (1) the Planning Commission meeting held February 5, 2007; (2) concerns raised by Haig Point property owners in a letter dated February 3, 2007; (3) a meeting between the applicant and several members of the Daufuskie Island CP Committee on February 21, 2007; and (4) a subsequent meeting of the CP Committee held February 22, 2007. The recommended changes are shown ~~struck through~~ for deletions and underlined for additions.

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. The maximum height of the inn shall be 55 feet. (Source: Clarification by the applicant, and agreed to by the CP Committee.)
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. (Source: Agreement by the Applicant and CP Committee that Eigelberger will remain zoned CP. The road issue will be addressed in the CP Plan/Zoning Regs.)~~
 - ~~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'. (Source: Agreement by the Applicant and CP Committee that Melrose Landing will remain zoned CP. Uses and development standards to be addressed in the CP Zoning Regs.)~~
 - ~~86.~~ Zone 14 (Bloody Point) shall be used for single-family detached development only.
 - ~~97.~~ Zone 15 (cemetery site) shall not be utilized for any residential development. The developer agrees to continue to provide ~~reasonable~~ previously agreed to access for visitors to the cemetery and to maintain the cemetery including, where necessary, the construction of erosion control devices. (Source: Condition as amended by the Planning Commission on 2/5/07.)
 - ~~108.~~ 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.
 9. The maximum allowable height for structures in Zone 8-I(M) shall be 35 feet. (Source: Concerns raised by Haig Point residents regarding heights along the beach adjacent to Haig Point.)

At the February 22, 2007, Daufuskie Island CP committee meeting, the applicant and the CP Committee reached a consensus on the following items:

1. The Eigelberger Tract (18E) and Melrose Landing (1ML) would not be zoned PUD, but would remain within the Daufuskie Island CP District. The CP Committee recommends approval of the PUD application, as it pertains to the Melrose and the Bloody Point PUDs.
2. The CP Committee, along with the Planning staff, will create an interim zoning district known as Daufuskie Island CP-3 which will prescribe uses and development standards applicable to the Eigelberger Tract and Melrose Landing. This zoning district will take into account the uses and standards proposed by the applicant in the PUD document, along with input from the recent Daufuskie Island charrette and the Planning staff. The Daufuskie Island CP-3 district will be included in the final Daufuskie Island CP zoning ordinance.

3. The proposed PUD, as it pertains to Melrose and Bloody Point PUDs only, will move forward to County Council with a staff recommendation of master plan approval subject to conditions mentioned earlier. The master plan for the PUD will be amended prior to final approval by County Council showing only Bloody Point and Melrose zones, and the Eigelberger Tract and Melrose Landing will be removed from the approved dwelling units count. The density reduction of 192 units from Eigelberger that was transferred to Melrose and Bloody Point will be reflected in the maximum allowable density for Eigelberger in the new CP-3 zoning district. There will be density cap placed on Eigelberger tract to reflect the transfer agreed to into the PUD application.

When the Daufuskie Island CP committee met on February 22, 2007, there were additional items that Mr. Criscitiello wishes to place on record that represents the basis upon which the CP would be presented in the future, as offered by the developer and agreed to by the CP Committee.

1. The land uses and internal site planning standards proposed by the applicant for the 197-acre Eigelberger tract and the 4-acre Melrose Landing property are acceptable to the CP Committee, provided that the properties are not included in the PUD and remain in the Daufuskie Island CP district.
2. The exiting marina facilities (floating docks, covered pier heads, pier house, fuel pumps, ramps, loading docks, covered wood porches, and security office building) at Melrose Landing will be considered grandfathered.
3. The Daufuskie Island CP Committee, in concert with the Beaufort County Planning department, will create and recognize an interim zoning classification known as Daufuskie Island CP-3. This zoning classification will describe the approved land uses as noted above, as well as standards and stipulations associated with future development of Eigelberger tract. The interim zoning, its standards and stipulations, will be adopted as the final standards when the Daufuskie Island CP zoning ordinance is finalized.
4. The Daufuskie Island CP Committee recommends approval of the application as it pertains to the Melrose and the Bloody Point PUDs.
5. The Daufuskie Island Inn will not exceed 35 feet in height as measured by Beaufort County.
6. The applicant will dedicate Pappy's Landing Road right-of-way to Beaufort County. This will be in the CP district. A right-of-way easement will be deeded to Beaufort County providing access to the existing marina located at Melrose Landing.
7. Eigelberger perimeter shall be limited to single-family development, with the exception of 5,000 square feet of commercial development which may be located at the intersection of Pappy's Landing and Beach Roads. This will be subject to review and approval of the Development Review Team (DRT) when a development plan it is presented in the future. The Committee wanted the DRT to review this in context to a well designed development plan.
8. A 30-acre forest preserve will be planned as part of the Eigelberger tract, and public access will be afforded to the preserve.
9. Zone 15 (Bloody Point cemetery site) shall not be used for any residential development. The developer agreed to continue to provide agreed upon access for visitors to the cemetery site and to maintain the cemetery, including were necessary the construction of erosion control devices.

10. Agreements made under the first stipulations outlined above shall apply to the Eigelberger and Melrose Landing tracts. For example, Melrose Landing shall not include multi-family development, but apartments may be permitted above commercial buildings at a height not to exceed 35 feet. Also, the floor area ratio and landscape ratio recommended by staff at the last Planning Commission meeting shall apply to Daufuskie Island CP-3 zoning district which will be drafted by staff.

Mr. Criscitiello reiterated that the staff was separating the original PUD application because of the agreements that have taken place since the last Planning Commission meeting with the developer where the Eigelberger and Melrose Landing tracts would be part of the CP plan. The agreements as outlined in the last ten items listed above will be the basis upon which the Daufuskie Island CP-3 zoning district is crafted by the Planning Department to cover the Eigelberger and Melrose Landing tracts.

Discussion included the Commissions' recommendation that the applicant and the CP Committee meet and agree upon conditions regarding the PUD application, clarification on the modified PUD application with revised staff conditions and the additional conditions agreed upon by the applicant and the CP Committee regarding the parcels remaining in the CP district, an explanation of the CP zoning process which will entail additional work by staff and the CP Committee before the Commission can make its recommendation to Council, and clarification regarding limiting the building height to 35-feet without a change to the unit count.

Applicant Comments: Ms. Kyle Theodore, representing the applicant, noted that she was prepared to address three particulars: 1- presenting a concept plan for the Eigelberger tract which was unveiled at the Daufuskie Island CP Committee meeting and at the Land Management Committee meeting, 2- presenting a concept plan for the Melrose Landing parcel similarly unveiled with the Eigelberger concept plan, and 3- to come to a resolution on the height issue at Melrose Beach Club (Zone 8(1)). She noted that some of the items present by Mr. Criscitiello were new to her and she would want some time to look at the details because they appear to have been recrafted from what the applicant and the CP Committee had seen. Ms. Theodore noted that the condition regarding shoring up the cemetery had not been discussed with her client. The Eigelberger concept plan included the reduction of density at Eigelberger, some of the land uses that were included in the original PUD application, the 195 dwelling units (including the 36 multi-family units that will be in the inner portions of the parcel), the 30-acre forest preserve and a point of public access off Beach Road, and does not include the 5,000 square feet of commercial development which will be at the corner of Pappy's Land and Beach Roads if it is pursued in the future. The Eigelberger concept plan reduces the density to approximately one dwelling unit per acre. The Melrose Landing concept plan limits commercial development to a maximum of 10,000 square feet, a multi-family component next to the commercial area, the 20-foot perimeter buffer, the 50-foot setbacks, and the existing marina facility. Ms. Theodore noted that the existing interim standards would not allow the transfer of dwelling units and additional land uses that the applicant is requesting, especially staff housing. She feels that the applicant should not be held hostage to the lengthy process of formulating permanent CP standards. She noted the Planning Commission's directive to the applicant to work with the CP Committee, which the applicant has done in good faith. With input from the CP Committee, the Applicant has formulated a proposal that is fair and equitable to most parties, after expending many hours

of work. They have been to the Land Management Committee twice, and was referred back to the Commission to clarify two or three loose ends. She is distraught to hear the direction this hearing is headed.

Discussion included clarification on authoring interim CP standards instead of waiting for the final CP standards, the approval process of interim CP zoning standards that involve a recommendation by the Planning Commission to County Council, clarification on a completion timeline of the Daufuskie Island CP zoning standards.

Chairman Hicks noted that the Commission would make a ruling on the modified PUD application, since the CP standards are not part of this agenda item. He stated that final approval of the PUD should not be granted until the CP is clarified

Public Comment:

1. Mr. David Tedder, an attorney representing the 52-member Haig Point Club and Community Association (CCA), noted that Zone 8 height limitations and setbacks were their main concerns. His clients believe the Melrose Inn is at the appropriate height and setback for the area. They had suggestions on how to measure the height and were unsure why the height measurement was being changed. They had met with the applicant and believed they had reached an agreement. They believe the appropriate beach setbacks should be Easter Beach Road where existing houses sit behind in Zone 8(II). His clients asked for the preservation of the viewshed and supported everything else on the PUD application except what is proposed for Zone 8. He referred to a recommendation of the Southern Regional Plan regarding protecting beach and dune areas.
2. Mr. Walter Nestor, an attorney representing the Applicant, felt the “created” photographs submitted by Mr. Tedder were not a true picture of the situation and felt they were scare tactics. He noted that there are approximately 900 Haig Point property owners, and the Haig Point CCA did not represent all the property owners. He noted his concern that a number of Haig Point property owners had homes along the beach that exceed the height limitation that the Haig Point CCA is asking the Commission to impose on the Applicant. His Applicant’s application noted setbacks and standards would be governed by State, federal and county laws. The existing Melrose PUD gives the Applicant the right to construct in Zone 8. He shares Ms. Theodore’s frustrations because the Applicant had done what was asked and the field has changed again. It is unfair that the Daufuskie Island property owners would ask the Applicant to follow height guidelines that they do not follow themselves.
3. Mr. Tom Crews, a CP Committee member, noted that an agreement had been made between the applicant and the CP Committee regarding keeping the Eigelberger and the Melrose Landing tracts within the CP District. He is looking forward to finalizing the Daufuskie Island CP standards. He noted that Pappy’s Landing Road and Prospect Road were of great concern to the CP Committee.
4. Mr. Lance Orchid, a Haig Point resident, noted that Haig Point does have some tall homes, but no multi-family developments which are being proposed by the Applicant for that point.

Mr. Criscitiello clarified that a special zone with separate standards, like the proposed Daufuskie Island CP-3 district, within Community Preservation areas existed in the Dale and the St. Helena Corners Community CP districts. The Planning staff could bring forth interim standards for the Daufuskie Island CP-3 area without hindering the Daufuskie Island CP planning process.

Discussion included clarification of the CP approval process that hinged on final approval by County Council regardless of any informal agreement made by the Applicant and the CP Committee, clarification on the staff' ability to provide interim CP standards for the Daufuskie Island CP-3 zone without hindering the remainder of the Daufuskie Island CP process, clarification on the elaborations of conditions earlier presented by Mr. Criscitiello.

Additional Public Comments:

5. Councilwoman Laura Von Harten, noting that she was not a member of the Land Management Committee, gave her perception that everything was agreed upon by all parties except for Zone 8. The Land Management Committee wanted to see a resolution regarding Zone 8. The CP standards will be worked out by the Planning staff.
6. Mr. Walter Nestor noted that Melrose Landing, as it currently exists, is a non-conforming use. If it is destroyed by a hurricane, the Applicant is concerned that he would not be able to rebuild because of the existing interim CP standards.

Mr. Criscitiello clarified the modifications which were handed to the Commission for their visual reference. Further discussion occurred regarding details to the modifications.

NOTE: Chairman Hicks recessed the meeting at approximately 8:30 p.m., and reconvened the meeting at approximately 8:35 p.m.

Mr. Corky Ingram, the Applicant's representative, is in agreement with the modification, except for number 9. It is difficult to see how Haig Point can impose restrictions on Daufuskie Island Resort since both Haig Point and Melrose PUDs have existing homes that exceed the height restrictions proposed by Haig Point for Daufuskie Island Resort.

Ms. Kyle Theodore, representing the Applicant, noted that the existing PUDs allow new units to be built without a height restriction. The Application is prepared to build to the lesser of 48 feet or 3 stories instead of their proposed 55 feet for Zone 8(1M).

Mr. David Tedder noted that he represented approximately 700 owners through the Haig Point CCA, but his letter contained only 52 signatures. He readdressed the height and the setback issues by stating that his client agrees that the further back from the beach, the higher the building height should be allowed. He agreed that some of the Haig Point homes are higher than 35 feet, but they are not out on the beach where it sticks out like a sore thumb. He asked for an amendment to the PUD applicant to give them three times the acreage to keep them from building there. Height limitations do exist in the zoning ordinance. He agrees with Ms. Von Harten that the Land Management Committee asked for resolution on height and setback issues in Zone 8. The pictures he provided were intended to show an approximation of how the height would affect the viewshed. He noted that a master plan amendment would be required since the existing master plan does not show development in Zone 8.

Ms. LeGree asked Mr. Tedder whether his Haig Point clients were opposed to Zone 8 for environmental or aesthetic reasons. Mr. Tedder responded it was both.

Ms. Kyle Theodore clarified that there is a minimum of 400 to 450 feet of marsh between the edge of the existing lots and the OCRM critical line, along with the 50-foot river buffer where they will not be building. The beach baseline and a beach setback line have been established by the state and were not affected by the beach renourishment.

Mr. Don Glen, representing the Haig Point Board, stated the island's character was in jeopardy. Zone 8 is the only beach we have. The area was a sandbar. He had to place pylons on his property and he believed likewise would be required in Zone 8.

Ms. Caroline Orchid, a Haig Point resident, does not live near the water. She feels compassion for both sides. She complimented the Daufuskie Island Resort Applicant on working with the CP Committee. She asked the Applicant to consider lowering their building heights to preserve the beauty of the island.

Motion: Mr. Herd made a motion, and Ms. Chmelik seconded, **to recommend that County Council approve the master plan for the proposed Melrose and Bloody Point zones, subject to conditions one through nine, as recommended by the Planning staff on March 5, 2007, and listed below;**

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. The maximum height of the inn shall be 55 feet. (Source: Clarification by the applicant, and agreed to by the CP Committee.)**
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. **Zone 14 (Bloody Point) shall be used for single-family detached development only.**
7. **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. (Source: Condition as amended by the Planning Commission on 2/5/07.)**
8. **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.**

9. **The maximum allowable height for structures in Zone 8-I(M) shall be 35 feet. (Source: Concerns raised by Haig Point residents regarding heights along the beach adjacent to Haig Point.);**

and that the Eigelberger Tract and Melrose Landing both remain in the Daufuskie Island Community Preservation;

and that third and final reading not be considered by County Council until such time after interim standards for the Eigelberger tract and Melrose Landing are presented to County Council for approval.

Discussion included complimenting the Applicant on their compromise and hoping that they will be environmentally conscientious in their development. The motion **was passed unanimously (FOR: Chmelik, Herd, Hicks, LeGree, Mullen, Petit and Pottenger).**

ADJOURNMENT: Motion: Ms. LeGree made a motion, and Ms. Chmelik seconded, to adjourn the meeting. The motion was carried unanimously (FOR: Chmelik, Herd, LeGree, Mullen, Petit, Pottenger). Chairman Hicks adjourned the meeting at approximately 8:55 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: April 2, 2007