

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, May 3, 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

Mr. Brian Flewelling

Ms. Mary LeGree

Mr. Ronald Petit

Members Absent: Ms. Diane Chmelik, Mr. Frank Mullen and Mr. Vernon Pottenger

Staff Present:

Mr. Anthony 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 6:05 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 April 2, 2007, meeting minutes.

Motion: Ms. LeGree made a motion, and Mr. Flewelling seconded, **to accept the April 2, 2007, minutes as written.** The motion **was carried unanimously** (FOR: Flewelling, Herd, Hicks, LeGree and Petit).

CHAIRMAN'S REPORT: Chairman Hicks personally thanked and appreciated Ms. LeGree for making her way from St. Helena to attend tonight's meeting (despite the cumbersome traffic flow from the McTeer Bridge partial closing).

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

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX F, SECTION 6, BUCKINGHAM LANDING COMMUNITY PRESERVATION AREA (NEW PLAN FOR THE BUCKINGHAM LANDING COMMUNITY) -- AND -- THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX P, BUCKINGHAM LANDING COMMUNITY PRESERVATION DISTRICT (NEW DEVELOPMENT STANDARDS FOR THE BUCKINGHAM LANDING COMMUNITY)

Mr. Criscitiello complimented Ms. Tank for her hard work and effort on most of the items that were on tonight's agenda.

He briefed the Commissioners on the community preservation process. As an appendix to the Beaufort County Comprehensive Plan, the Buckingham Landing Community Preservation Plan is an affirmation and a protection of the residential character of Buckingham Landing. The non-conforming commercial uses in the zoning ordinance are to preserve the residential character of Buckingham Landing.

Public Comment: Mr. Ronald Broome, a Buckingham Landing resident (and Chairman of the Buckingham Landing Community Preservation Committee), thanked Ms. Tank for her work. He stated that this Plan was important because the community wanted to maintain its character. He noted that a recent commercial development provided a wake-up call to the residents to preserve what they enjoy about the community, maintaining their quality of life, and safety. The widening of Highway 278 and the restaurant development would bring increased traffic to the community. He believes the Plan will benefit the community and the County. (Mr. Hicks asked Mr. Brown to pass on the thanks of the Commission to the Community Preservation Committee members for their involvement in the process.)

Discussion included a recommendation to insert two paragraphs at the end of the transportation portion on page 10 regarding parking and water traffic that were in the January 2007 version but inadvertently left off the April 2007 version, and a clarification of the grandfathered parcels that were included in the zoning standards but not included in the narrative letter to the Commission.

Motion: Mr. Herd made motion, and Mr. Flewelling seconded, **to forward to County Council a recommendation of approval of the text amendments to the Beaufort County Comprehensive Plan, Appendix F, Section 6, Buckingham Landing Community Preservation Area, that is a new plan for the Buckingham Landing community, with the exception of including the two paragraphs regarding parking and water traffic at the end of the transportation portion that were inadvertently omitted.** The motion was passed **unanimously** (FOR: Flewelling, LeGree, Herd, Hicks, Petit).

Mr. Criscitiello strongly suggested deleting the noise standards in Section 5(7)(b) and (c) from the proposed zoning ordinance since the County could not enforce noise standards.

Public Comment: Mr. Ronald Broom understood the recommendation by the staff and did not object to the change.

Motion: Mr. Herd made motion, and Mr. Flewelling seconded, **to forward to County Council a recommendation of approval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix P, Buckingham Landing Community Preservation District, that are new development standards for the Buckingham Landing community, with the exception of removing the noise standards in Section 5(7)(b) and (c) as recommended by the Planning staff.** The motion was passed **unanimously** (FOR: Flewelling, LeGree, Herd, Hicks, Petit).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX D—COMMUNITY PRESERVATION AREAS, SECTION 9—DAUFUSKIE ISLAND BUFFER DISTRICT AND SECTION 10—DAUFUSKIE ISLAND GATEWAYS (ADDS NEW ZONING AND DEVELOPMENT STANDARDS THAT ADDRESS THE EIGELBERGER AND THE MELROSE LANDING TRACTS, RESPECTIVELY)

Mr. Criscitiello briefed the Commissioners. These amendments, relating to the Eigelberger and Melrose Landing tracts, are to be included with the community preservation interim standards. The Daufuskie Island Community Preservation Plan and its standards will be brought before the Commission at a later date, and will include these amendments. Mr. Criscitiello complimented Ms. Tank on her work regarding these amendments and thanked Mr. Tom Crews for his work as a Daufuskie Island Community Preservation Committee member. At the April 30, 2007, Southern Beaufort County Subcommittee meeting, staff recommended the following: 1- a 44-foot maximum height for multi-family, dormitory and townhouse uses; 2- a dwelling unit density of 12 units per acre (that was requested for the Eigelberger tract in the Daufuskie Island Resort PUD application) with a maximum density of 8 units per structure; 3- that Prospect Road would not be considered as a perimeter road and would remain a public road; however, if in the future Prospect Road is developed, a 20-foot vegetated buffer would be required to provide screening of commercial, multi-family, dormitory and townhouse development; and 4- limiting accessory dwelling units to 50% of the square footage of the principle structure, but not to exceed 650 square feet. He noted that Table 5, Permitted Uses, had an expanded description of retail uses. On page 6, items 12 and 13, Mr. Criscitiello is recommending, at this time, deleting the requirements of conforming to the Melrose Architectural Review Board standards since the Planning staff does not know those exact standards. Additionally, he is recommending deleting the requirement for street lighting standards in accordance to SCDOT standards since he does not the extent of those standards. Under restaurant on page 7, the developer asked for additional requirements--exterior speakers shall be turned off between 11 p.m. and 7:00 a.m. and no outside live bands after 11 p.m.

Public Comment: Mr. Tom Crews, a Daufuskie Island Community Preservation Committee member, stated that the amendments are frequently changing. He noted several changes that he wanted to discuss with the other CP committee members. (Chairman Hicks noted that the four items discussed at the Southern Beaufort County Subcommittee meeting were incorporated into this version.) Mr. Crews stated that the issues involving height and Prospect Road were not unanimously agreed upon by the Committee.

Applicant's Comments:

1. Ms. Kyle Theodore noted that she was in agreement with all the changes except for the two-story restriction on multi-family and dormitories.
2. Mr. Walter Nester asked for the definition of a story and agreed with Ms. Theodore. The height restriction was sufficient without the additional two-story requirement.

Discussion included the rationale for requiring the number of stories, the definition of a story as habitable space from an architectural standpoint, the Community Preservation Committee's desire to maintain the Daufuskie character, the agreement between the developer and the

community, a concern that 44 feet could evolve into more than two stories, and a recommendation that the wording state 44 feet with two habitable stories.

Ms. Theodore stated that limiting her client to 44 feet has capped the maximum space. When the actual design is reviewed by the County's Development Review Team (DRT), the number of stories will be addressed.

Further discussion included eliminating the two-story requirement so as not to be restrictive on the non-habitable spaces in each building since the height restriction was responsive to the aesthetics desired by the Community Preservation Committee.

Motion: Mr. Petit made motion, and Ms. ~~Petit~~ LeGree seconded, **to forward to County Council a recommendation of approval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix D—Community Preservation Areas, Section 9—Daufuskie Island Buffer District and Section 10—Daufuskie Island Gateways, that add new zoning and development standards that address the Eigelberger and the Melrose Landing Tracts, respectively, with exception of including the staff amendments, except height will not limit the number of stories. The motion was passed unanimously** (FOR: Flewelling, LeGree, Herd, Hicks, Petit).

Chairman Hicks complimented the developer and the Community Preservation Committee on their compromises to the text amendments.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX I—LADY'S ISLAND COMMUNITY PRESERVATION AREA, DIVISION 2—EXPANDED HOME BUSINESS (EHB) DISTRICT (REVISES EHB DEVELOPMENT STANDARDS)

Chairman Hicks briefed the Commissioners. The Lady's Island Community Preservation Committee felt the widening of Sam's Point Road took away from the value of the abutting properties so the Committee created a separate district for the area called Expanded Home Business. The Lady's Island Community Preservation Committee recently reviewed the standards and made a significant change to allow administrative offices regardless of the actual business.

Mr. Criscitiello recommended the removal of the noise decibels standards (Section 2.5, paragraph G(7)b.) since the County could not enforce the requirement. Additionally, he recommended that the removal of the second column entitled Minimum Open Space Requirement in Table 2.2 on page 11, because it was redundant to the third column in the same table.

Discussion included a clarification that the owner of the home-based business must reside on the property or the immediately adjacent property, a clarification of the nature of the district, the rationale by the Lady's Island Community Preservation Committee not to have more intense uses on Sam's Point Road until the area is better improved by the County, the proposed connector

road that may change the character of the area, and a clarification on the uses not allowed in the Expanded Home Business,

Public Comment: None were received.

Motion: Mr. Flewelling made motion, and Ms. LeGree seconded, **to forward to County Council a recommendation of approval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix I—Lady’s Island Community Preservation Area, Division 2—Expanded Home Business (EHB) District that revises the EHB development standards, with the exception of including the staff requested changes to remove Section 2.5, paragraph G.(7)b. and the second column entitled Minimum Open Space Requirement on Table 2.2. The motion was passed unanimously (FOR: Flewelling, LeGree, Herd, Hicks, Petit).**

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE III—ADMINISTRATIVE PROCEDURES, SECTION 106-372. DEVELOPMENT PERMITS (AMENDS SECTION TO ADDRESS VIOLATIONS OF DEVELOPMENT PERMIT CONDITIONS)

Mr. Criscitiello briefed the Commissioners. This text amendment was directed by the County Administrator to address developers who have made massive unauthorized tree removals.

Discussion included a clarification on the tree ordinance amendments heard by the Commission a few months ago, the stronger sanctions established by this amendment that will affect owner and developer/contractor, some entities will do what they want and will pay the fine when they are caught, has seen abuse and likes the toughening up of standards, 30-day work stop, questioned if isolated cases or more rampant abuse,

Public Comment: None were received.

Motion: Mr. Herd made motion, and Mr. Flewelling seconded **to forward to County Council a recommendation of approval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article III—Administrative Procedures, Section 106-372. Development Permits, which amend the section to address violations of development permit conditions. The motion was passed unanimously (FOR: Flewelling, LeGree, Herd, Hicks, Petit).**

OTHER BUSINESS: The Commission welcomed Mr. Criscitiello back from his vacation, and complimenting Ms. Delores Frazier, the Assistant Planning Director, for her work while Mr. Criscitiello was away. The Commission also thanked Ms. Tank for her work on all the community preservation text amendments that were part of tonight’s agenda.

ADJOURNMENT: Motion: Mr. Petit made a motion, and Mr. Flewelling seconded, **to adjourn the meeting. The motion was carried unanimously (FOR: Flewelling, Herd, Hicks, LeGree, and Petit).** Chairman Hicks adjourned the meeting at approximately 7:03 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **June 4, 2007, as amended** (additions are underlined, deletions are ~~struck-through~~)