

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, June 4, 2007, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair
Mr. Brian Flewelling
Mr. Ronald Petit

Mr. Alan Herd, Vice Chair
Ms. Mary LeGree

Ms. Diane Chmelik
Mr. Frank Mullen

Members Absent: 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 6:07 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 May 3, 2007, meeting minutes. The following corrections were noted:

1. Page 2, third paragraph, correct the spelling for Ronald Broome, and indicate that he is the Chairman of the Buckingham Landing Community Preservation Committee;
2. Page 4, fourth paragraph, the motion was made by Mr. Petit and seconded by Ms. LeGree.

Motion: Mr. Flewelling made motion, and Mr. Herd seconded, **to accept May 3, 2007, minutes as corrected.** The motion **was carried** (FOR: Flewelling, Herd, LeGree, Mullen and Petit; ABSTAINED: Chmelik).

CHAIRMAN'S REPORT: Chairman Hicks noted that the Beaufort County Capital Improvement Program (CIP) Report will be heard at the next Commission meeting in July 2007. He also commented that the South Carolina Governor had signed a bill that designated specific areas for priority investment and should be coordinated with a CIP.

PUBLIC COMMENT for items other than agenda items: None were received. Chairman Hicks did clarify to two individuals that public comment would be taken for each item on the agenda as the items were being addressed by the Commission.

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)

Section 9:

Mr. Criscitiello briefed the Commission regarding the concerns of the Daufuskie Island Community Preservation (DICP) Committee. Ms. Tank passed out a version of the text amendments which explained the reasons for the changes. One concern was Prospect Road and its possible realignment which would be addressed by the Development Review Team (DRT). Mr. Criscitiello showed the DRT process (Sec. 106-369). The other concern was the compatibility of uses along Prospect Road where a vegetated buffer would be required. Light trespass concern will be included in the CP standards. Item 9.5(k) will include language regarding the scale and services will relate to – rather than the entire Daufuskie island resort.

Public Comment:

1. Mr. Corky Ingraham, a representative of Daufuskie Island Properties, acknowledged agreement with the amendments, with the exception of two items: item J(2) on page 9 and the second to the last in the matrix on page 5 should include waste water treatment facility.

Commission discussion included a clarification on the highlighted portions of the text amendments, clarification on the staff recommendation on 9(j)(2) and “any realignment of Prospect Road and a minimum of 20 foot opaque buffer.....” (listen to Herd’s comment).

2. Ms. Peggi Noon, vice president of the Daufuskie Island Community Preservation (DICP) Committee, noted that Prospect Road was a concern to the Committee. She noted that Prospect Road had existed since 1870 and had an oak canopy. The CP Committee was willing to allow the increase height issue to retain the road. She noted various sections on Section 9 did not mention Prospect Road. When you are looking at the document, remember that your Southern Beaufort County Subcommittee members voted to maintain Prospect Road. Please keep Prospect Road. She noted that Ms. Tank always represented the CP Committee. The CP Committee asked that Prospect Road be replaced in the amendment.
3. Ms. Sylvia Wampler, a 22-year resident of Daufuskie and a DICP Committee member, noted the numerous CP meetings that were held. It seemed that at each CP meeting, the Committee’s desires had been ignored. She noted that during a hurricane evacuation the road would not be adequate. The Southern Beaufort County Subcommittee recommendation was not strong enough. The Committee members asked for a longer timeframe of notification. Save Prospect Road. She also stated that the forest reserve had not been mentioned.

Mr. Criscitiello noted that the compromise between the DICP Committee and the developer are basically what would be allowed on the various roads. The use table relates to the interior part of the property where Prospect Road exists.

4. Mr. Irvin Simmons, a native of Daufuskie Island, was concerned with the density of 1 house per acre. He noted that the indigenous residents would not have the opportunity to give a portion of their land to their family with such a density. Home business appears restrictive and the native people will not be able to grow with the expected development. How will the native people economically progress? Are we going to zone people into poverty and, even if they had land, how are they (the native people) to progress? He lives on Haig Point Road and School Road. There should not be a difference along the road. Mr. Simmons had raised questions but his questions have not been addressed.

Commission discussion included an explanation that the DICP Committee tried to preserve the unique nature of the community outside of the planned unit developments (PUDs) while allowing for growth in certain areas, a clarification that these text amendments related only to the Egleberger and the Melrose Landing tracts, an explanation of the DICP Committee process, and a query regarding the applicability of the family compound and the home business standards.

5. Dr. Herman Blake has owned property on Prospect Road since 1970. The indigenous population has a very unique history and circumstances; sometimes planning and organizations ignore that uniqueness. There should be a more sensitive approach to this area as problems arise. He asked the Commission to listen with a third ear and see with a third eye, since Government had not does so in the past.

Commission discussion included the non-enforceability of item 5 of Sec. 9.5(5) on page 6 indicating dormitories could not be turned into employee housing, a clarification on dormitory uses, a query as to the future road alignment plans by the developer (Mr. Ingraham noting that prescriptive rights allow road relocations but the developer had not plans to move the road; but, if they do move it, the road would be equal to or better than the existing road.), and assurance that the Development Review Team (DRT) will maintain the integrity of the ordinance.

Motion: Mr. Herd made a motion, and Ms. Chmelik seconded, **to forward to County Council a recommendation of approval for the Text Amendments to the Beaufort County Zoning And Development Standards Ordinance/ZDSO, Appendix D—Community Preservation Areas, Section 9—Daufuskie Island Buffer District that add new zoning and development standards that address the Eigelberger Tract, with an amendment that adds Section 9.6.(i), Any realignment of Prospect Road must be reviewed by the Development Review Team (DRT) with a minimum of two week’s notice of such review provided to the Daufuskie island Community Preservation Committee, Daufuskie Island residents and other interested parties. A 20-foot opaque, vegetated buffer is required along Prospect Road for all uses except single-family detached dwelling units.** Further discussion included a cautionary word to the developer regarding the historic importance and sensitivity to the

residents. The motion **was carried** (FOR: Chmelik, Flewelling, Herd, LeGree and Petit, AGAINST: Mullen).

Section 10:

Mr. Criscitiello briefed the Commission. He summarized that multi-family was excluded, single-family was included, townhouse structures had a limited density, and car ferries were not allowed.

Public Comment:

1. Mr. Corky Ingraham, a representative of Daufuskie Island Properties, acknowledged agreement with the amendments.
2. Ms. Tank, speaking for the DICP Committee since Ms. Noon and Ms. Wampler could not stay for the rest of the meeting, noted that the DICP Committee did not have a problem with the amendments.

Commission discussion included complimenting the staff on its work, and clarification on the tree and the river buffer standards,

Motion: Mr. Herd made a motion, and Ms. Chmelik seconded, **to forward to County Council a recommendation of approval for the Text Amendments to the Beaufort County Zoning And Development Standards Ordinance/ZDSO, Appendix D—Community Preservation Areas, Section 10—Daufuskie Island Gateways that add new zoning and development standards that address the Melrose Landing Tract, as recommended by the staff.** The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Herd, LeGree, Mullen and Petit).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, SECTION 106-1187(B) MULTIFAMILY RESIDENTIAL-URBAN DISTRICT (ALLOWS MULTIFAMILY USES WITHIN ONE QUARTER (1/4) MILE OF EXISTING MULTIFAMILY USES IF ENTRANCE AND EXIT ARE ON DIFFERENT ROADWAYS); APPLICANT: BENSCH

Mr. Criscitiello briefed the Commission. Because of the implications and impacts of upzoning for the northern area, staff recommended denial of this request.

Applicant's Comment:

1. Mr. Roberts Vaux, representing the applicant, gave a history of the applicant's property in Bluffton which was first zoned light industrial. The quarter mile would be applied if there was adequate movement of traffic. He disagrees with the staff recommendation. He noted that his client's property was in Southern Beaufort and he wanted to reword the amendment to require a 4-lane traffic road since the possibility of such a road in the Northern Beaufort urban districts would not occur too soon. He asked that the Commission direct staff to change the wording.

Commission discussion included the clarification of the urban zoning district since there appeared not to have such intense urban development between Charleston and Savannah, an explanation that the term urban was due to the anticipated growth in the area, an explanation of the applicant's property rezoning from light industrial to urban, a clarification of the urban zoning in Southern Beaufort County, an explanation that all urban properties would be affected by this text amendment and the unintended consequences of having multifamily complexes less than one-quarter mile from each other, a traffic impact analysis requirement for multifamily projects, the problem of over capacity roads if Mr. Vaux's request to reword the text amendment were considered, a comparison of the size of the applicant's property to the number of acres involved should the text amendment occur (10.18 acres versus 115 acres).

2. Mrs. Gary (Cynthia) Bensch, the applicant's wife, stated that when the property was bought it was zoned light industrial and it was rezoned to urban. She and her husband sold the property and had to buy the property back. Because of the sale being on the Assessor's record, the taxes have increased on the property. She noted that the County mentioned her property would be part of the Bluffton Parkway. She and her husband have been harmed by the County. She asked for consideration, they need some sort of relief. When they purchased the property the density was 15 units per acre. She noted that another person bought the property and tried to do a planned unit development (PUD), but the County has not been able to settle with them. What can be done where the Northern area is not harmed?

Commission discussion included the 2.6 units per acre density for the Bensch property as is presently zoned, a clarification on the taxes and the zoning involved for the Bensch property, a reiteration of the Commission's goal to consider what is good for Beaufort County, a recommendation to the Bensches to appeal the increased taxes on the property, a comment that the Commission cannot base its recommendation on personal hardships, a comment on the fairness of the quarter mile separation requirement, a comment on the increased density impacting all infrastructures, and that her only solution by law was a planned unit development (PUD).

Ms. Bensch countered the Commission discussion with asking the Commission to consider Mr. Vaux's request to reword the text amendment, stating that her property had its own sewer and water connection, noting that the County's was unable accurately determine which part of her property would be impacted by the proposed phase of the Bluffton Parkway, and noting that the bridge was not meeting 65% capacity

Motion: Ms. Chmelik made motion, and Mr. Herd seconded, **to forward to County Council a recommendation of disapproval of the text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Section 106-1187(B) Multifamily Residential-Urban District that allow multifamily uses within one quarter (1/4) mile of existing multifamily uses if the entrance and the exit are not on roadways that existing multifamily uses access.** The motion was carried unanimously (FOR: Chmelik, Flewelling, Herd, LeGree, Mullen and Petit).

Commission discussion following the carried motion included commending the willingness of the Planning Commission to talk to Ms. Bensch about a PUD, clarifying the allowed uses of the urban district, noting the consequences of real estate investment, and a recommendation of revising the standards of the urban district.

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Mr. Petit made a motion, and Mr. Flewelling seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Herd, LeGree, Mullen and Petit). The meeting adjourned at approximately 7:45 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: July 2, 2007