

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Thursday, September 6, 2007, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair

Ms. Diane Chmelik

Mr. Brian Flewelling

Ms. Mary LeGree

Mr. Frank Mullen

Members Absent: Mr. Alan Herd, Vice Chair; Mr. Ronald Petit and Mr. Vernon Pottenger *(Note that the Planning Commission representation for the Bluffton/Daufuskie area has been vacant since Mr. Thomas Mike’s resignation in February 2007.)*

Staff Present:

Mr. Anthony Criscitiello, Planning Director

Mr. Colin Kinton, Transportation Engineer

Ms. Barbara Childs, Administrative Assistant to the Planning Director

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:03 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: Chairman Hicks noted that the August 6, 2007, Commission meeting minutes will be reviewed at the October 1, 2007, Commission meeting.

CHAIRMAN’S REPORT: Chairman Hicks noted that the Commission would have two meetings in October 2007—the regularly scheduled meeting on October 1, and a special meeting on October 18.

PUBLIC COMMENT (on other than agenda items): No comments were received.

ADMINISTRATIVE APPEAL OF A DECISION BY THE DEVELOPMENT REVIEW TEAM (DRT) REGARDING ACCESS REQUIREMENTS FOR A PROPOSED TWENTY-ONE (21)-LOT SUBDIVISION ON LADY’S ISLAND; APPELLANT: DAVID POLK, ET AL..

Chairman Hicks read the ordinance regarding Administrative Appeals, and noted the format of tonight’s hearing.

Mr. Criscitiello was just notified by Mr. Ackerman, the appellant's representative, that the appellant may have a solution to the project. Mr. Criscitiello asked that the Commission listen to Mr. Ackerman and if further discussion was needed then Mr. Criscitiello would answer any questions.

Appellant's Comments: Mr. Jeff Ackerman, the Appellant's representative, noted that the project consisted of a 21-lot subdivision on Lady's Island. He showed a vicinity map of the property. He noted that Ms. Selena Barksdale has an access point to the right of the proposed subdivision. The Development Review Team (DRT) had asked that the proposed access point for the subdivision be shifted to as close to Ms. Barksdale's driveway as possible. South ~~Caroline~~ **Carolina** Department of Transportation (SCDOT) indicated that Ms. Barksdale's access must be relocated. The appellant's representative had sent Ms. Barksdale written notification, but she had not responded until today. She does not agree with the relocation until she has spoken to her legal counsel. Mr. Ackerman is asking for a 30-day delay on the appellant's administrative appeal. If the appellant has not received Ms. Barksdale's approval, the appellant is asking that the Commission hear his administrative appeal at its October 2007 meeting.

Mr. Hicks asked if Mr. Ackerman had read what the Commission had the authority to do in administrative appeals. The argument would be if the DRT had the authority to require the appellant to shift its access point. The Commission can only interpret if the DRT has or has not misinterpreted its authority in the appellant's project. It is a matter of legal interpretation.

Mr. Ackerman agreed that the findings of the DRT have put his client into conflict with the SCDOT who controls access for the road. The SCDOT will not allow access as recommended by the DRT, and the DRT's decision to eliminate his client's road has made his client's property undevelopable. This is the basis for the administrative appeal.

Mr. Criscitiello agreed to the delay.

Motion: Ms. Chmelik made a motion, and Mr. Flewelling seconded, **to grant the appellant a delay, at his representative's request, of their administrative appeal until the October 2007 Planning Commission meeting.** The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, and Mullen).

Mr. Ackerman questioned whether he had to mail another set of letters to the abutting property owners regarding the new meeting date of October. Mr. Hicks agreed that Mr. Ackerman should do the mailing, and the appeal would be on the October 2007 Commission agenda.

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Mr. Flewelling made a motion, and Ms. Chmelik seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, and Mullen). The meeting adjourned at approximately 6:19 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: October 1, 2007, as corrected (deletions are ~~struck through~~, additions are **bolded and underscored**)