

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, October 1, 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
Mr. Brian Flewelling	Ms. Mary LeGree	Mr. Frank Mullen
Mr. Vernon Pottenger		

Members Absent: Mr. Ronald Petit *(Note: There has been a vacancy on the Planning Commission for the Bluffton-Daufuskie area since February 2007.)*

Staff Present:

Mr. Anthony Criscitiello, Planning Director
Ms. Barbara Childs, Admin. Asst. to 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 following minutes were reviewed.

1. **August 6, 2007:** The following corrections were noted on page 6, paragraph 1 of Other Business.
 - a. Second sentence to read: The MRCP Committee has met monthly since May. Mr. Herd is recommending the appointment of the thirteen individuals to the MRCP Committee: Stephen Bischoff, Scott Corkern, Joe L. Grant, Margaret Jones, Paul McCue, Peter Lamb, Jimmy McIntire, Ed Pinckney, Jerry Reeves, LuEllen Robertson, Carlus Schultz, Roberts Vaux and Don Blair (representing the Bluffton Planning Commission).
 - b. The motion to read: Ms. Chmelik made a motion, and Mr. Pottenger seconded, to appoint the thirteen individuals--Stephen Bischoff, Scott Corkern, Joe L. Grant, Margaret Jones, Paul McCue, Peter Lamb, Jimmy McIntire, Ed Pinckney, Jerry Reeves, LuEllen Robertson, Carlus Schultz, Roberts Vaux and Don Blair (representing the Bluffton Planning Commission)--to the May River Community Preservation Committee.

Motion: Mr. Herd made a motion, and Ms. Chmelik seconded, **to accept the August 6, 2007, minutes as corrected.** The motion was carried unanimously (FOR: Chmelik, Flewelling, Herd, Hicks, LeGree, Mullen and Pottenger).

2. **September 6, 2007:** A typographical error was noted for the second line of the second paragraph on page 2 that should be "South Carolina." **Motion:** Mr. Flewelling made a motion, and Ms. Chmelik seconded, **to accept the minutes as corrected.** The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Herd, Hicks, LeGree, Mullen and Pottenger).

CHAIRMAN'S REPORT:

1. **Northern Regional Plan Implementation Committee (NRPIC):** Chairman Hicks noted that the first meeting of the NRPIC had been held. The Commission will be brief on the Northern Regional Plan Intergovernmental Agreement that was recommended by the NRPIC. Chairman Hicks will open the floor to receive public comment after the briefing, even though it was not advertised as such.
2. **Agenda Changes:**
 - a. Item VI, the rezoning request on Rug Rack Road has been withdrawn.
 - b. Item VII, the rezoning request for the Cherokee Farms Phase of Habersham will be rescheduled at a later.
 - c. Item VIII, the Cottage Bluff administrative appeal has been withdrawn.

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

PORT ROYAL ISLAND MAP AMENDMENTS FOR R100-29-46A (5 ACRES) AT 118 BROAD RIVER BOULEVARD; OWNER/APPLICANT: DERST INVESTMENTS LP (NKA ATHENE INVESTMENTS LP); AGENT: COLDEN BATTEY

- A. Future Land Use Designation from Residential/Light Commercial to Regional Commercial.**
- B. Rezoning Request from Urban (U) District to Commercial Regional (CR) District.**

Mr. Criscitiello briefed the Commission. The property has a 3,400 square foot warehouse. The applicant wants to use the building for an aluminum can recycling center that is not allowed at its currently zoning. This map amendment is consistent with the Future Land Use designation and the Staff recommends approval of the request.

Applicant's Comments: Mr. Colden Battey, the applicant's representative, noted that the applicant, Mr. Derst, was approached by one person for an operation to recycle aluminum cans within the building. However, that person has not returned to complete the purchase. Mr. Derst does wish to continue with the rezoning request.

Discussion included a caution to the Commission not to consider rezoning based on a specific use for the property because certain zonings allow numerous uses, a query of potentially noxious odor or noise from the proposed use on the property, a clarification that the rezoning would allow the warehouse use and the present zoning would not, a query on how the rezoning would affect the community, a note that the allowed land uses in the regional commercial zoning contain the largest number of commercial uses but the size of the property would preclude many of those uses, and a reiteration that traffic would not increase with the same warehouse use.

Public Comment:

1. Mr. Ted Hambrick, representing the Church of the Nazarene, noted that the church owns the abutting property to the east of Mr. Derst's property. He asked when the applicant would lose his grandfather rights. (Mr. Criscitiello believed the grandfather status would be lost after the use had ceased for 120 days, but he would have to verify that by checking the ordinance. The uses would revert to the current urban zoning of residential.) Mr. Hambrick noted that his church would be building next door to Mr. Derst's property. A bread company would not be a problem because they knew the company existed when they bought the property; however, an aluminum crushing business can be nasty. He appealed to Commission to determine the property use before voting. He knew the property had been vacant and wanted Mr. Derst be able to use his property. He asked Mr. Derst to consider the uses on his property and how it would affect his neighbors.
2. Ms. Patty Hambrick stated that their property was not regional commercial.
3. Ms. Louise Allen, a Broad River Boulevard resident, is opposed to the can crushing operation. It is messy. She noted that the people in the area were opposed to the use; however, they are unable to attend tonight's meeting. She asked how the operation will be kept within the building. She noted an existing church across the street.
4. Ms. Lila Meeks owns the property on the west side of the Derst property. She bought the property to have it developed as an affordable apartment building. She noted Chairman Hicks' cautionary comment to the Commissioners regarding rezoning based on the proposed use; however, the proposed zoning district has a multitude of allowable commercial uses. If Mr. Derst's rezoning is approved, she would want to rezone to regional commercial also.

Further discussion includes a clarification of the church property zoning as regional commercial; a reiteration that other uses may require DRT review depending on the changed use and especially the recycling use; a clarification of the DRT purpose to rule on other uses which may require additional standards; and a clarification of the property being in the Northern Regional Plan growth area and whether the City of Beaufort has been informed.

Motion: Mr. Flewelling made a motion, and Mr. Pottenger seconded, **to recommend approval to the County Council on the following Port Royal Island Map Amendments for R100-29-46A (5 acres at 118 Broad River Boulevard):**

- a. **Comprehensive Plan Future Land Use from Residential/Light Commercial to Regional Commercial, and**
- b. **Rezoning Request from Urban (U) District to Commercial Regional (CR) District.**

Additional discussion included how the development would affect the community tax-wise, that approving this request would start a commercial zoning down Broad River Boulevard and would set a precedence for other such requests; and a consideration to obtain the City of Beaufort's opinion on this rezoning. The motion **was carried** (FOR: Chmelik, Herd, Hicks, Flewelling, Pottenger and LeGree; AGAINST: Mullen).

INTERGOVERNMENTAL AGREEMENT FOR THE NORTHERN REGIONAL PLAN

Mr. Criscitiello briefed the Commission. The Northern Regional Plan Intergovernmental Agreement (IGA) will include the parties involved; growth boundaries and annexation; planning for public facilities within the growth boundaries; baseline standards (including environmental, development, regional open space, corridor overlay, traffic and public facility) incorporated within participating governments plans and regulations by 2009; interim baseline standards (until baseline standards are adopted) including environmental, traffic, school, open space, fire/emergency management services (EMS), library and land use standards; annexation principles and resolution on conflicts on annexations; and notification procedures. The IGA is designed to eliminate regional zoning shopping by developers.

Discussion included an explanation of growth areas, the revenue deficit for infrastructure improvements, annexations, the interim standards that will be adopted at the same time as the IGA, clarifying the Commission process in the IGA, a recommendation of meeting jointly with the Joint Municipal Planning Commission of the City of Beaufort and the Town of Port Royal to discuss the IGA, verifying that the planning staffs of the participating government recommended the IGA, clarifying the current and the projected population of the Northern Beaufort County area, clarifying the recommendation to maintain 60% of rural land in the Northern area; and the dichotomy of providing economic development but still maintaining the rural character in the area,

Public Comment: Councilman Laura Von Harten thanked the Planning staff for its work and noted the level of cooperation among the municipalities. Rural does not mean worthless. It's a mistake. There are lots of people who would pay top dollar for what we can grow here—local food, especially with the tainted food recalls. She will research the Amish open market concept for Beaufort. Efforts are being made to improve the economic development. She asked about transfer of development rights (TDRs).

Further discussion included a TDR program with a TDR bank that would assist developers in high growth areas of the County, a proposed plan in the Okatie area that would have benefited from a TDR program, a recommendation to forward the Northern Regional Plan IGA to the Southern Regional Plan Implementation Committee for their reference, the Commission discussing at its November 2007 meeting the Northern Regional Plan IGA, and Clemson Extension's efforts to promote the consumption of local agriculture.

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Mr. Flewelling made a motion, and Mr. Herd seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Herd, Hicks, LeGree, Mullen, and Pottenger). 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: **November 1, 2007**