

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, November 1, 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. Ronald Petit

**Members Absent:** Mr. Frank Mullen and Mr. Vernon Pottenger

**Member Vacancies:** Two (Bluffton-Daufuskie representative since February 2007--formerly Thomas Mike, Sr.; and At-Large representative--formerly Alan Herd)

**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. **October 1, 2007: Motion:** Mr. Flewelling made a motion, and Mr. Petit seconded, **to accept the October 1, 2007, minutes as written.** The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, and Pottenger).
2. **October 18, 2007:** Mr. Flewelling made a motion, and Ms. LeGree seconded, **to accept the October 18, 2007, minutes as written.** The motion **was carried** (FOR: Flewelling, Hicks, LeGree, and Pottenger; ABSTAINED: Chmelik—since she was not present at the October 18, 2007, meeting).

**CHAIRMAN'S REPORT:** Chairman Hicks noted the resignation of Mr. Alan Herd from the Commission. An election will be held at the end of the meeting for the Commission vice-chair position.

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

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN TO UPDATE THE FUTURE LAND USE ELEMENT (CHAPTER 4), THE TRANSPORTATION ELEMENT (CHAPTER 8), THE AFFORDABLE HOUSING ELEMENT (CHAPTER 10), AND THE COMMUNITY FACILITIES ELEMENT (CHAPTER 11), AND TO ADD A NEW PRIORITY INVESTMENT ELEMENT (CHAPTER 12).**

Chairman Hicks noted that five elements of the Beaufort County Comprehensive Plan were discussed at a special Commission meeting on October 18, 2007. He noted that the Commission recommended approval of those elements that were forwarded to the Land Management Committee. The Land Management Committee met on October 30, 2007, to discuss those elements and requested changes to those elements.

Mr. Criscitiello summarized those changes.

- The Land Management Committee disagreed with the growth boundaries for Southern Beaufort County. Staff changed the language from “will and/or shall” to “should be considered” so that Southern Beaufort County could leisurely consider the concept.
- Since the Town of Yemassee has not adopted by resolution the Northern Regional Plan, the Land Management Committee asked the removal of such comment from the elements.
- The Land Management Committee wanted to wording in the Priority Investment Element to reflect that the 10-year CIP should not be considered tantamount to acceptance of the listed activities by the County Council.

The Land Management Committee forwarded the five elements to County Council for first reading. The other elements will be worked on by the staff in 2008.

Discussion by Commission included the rationale for having these five elements adopted by the end of 1007 rather than requesting an extension to the year-end deadline, the numerous changes made to the 1997 Comprehensive Plan as a testament of the living document, and the varying opinions regarding having sufficient time to review the documents.

Public Comment: Ms. Wendy Zara noted the following: 1- the Future Land Use element mentioned buffers, but not landscaped buffers; 2- the Paige Point boat landing was not mentioned in the CIP projects; 3- concern that the Community Facilities element allowed bringing sewer to rural properties; and 4- that critical to the success of affordable housing in the County would be creating a housing trust to assist with impact fees that cannot be subsidized, setting affordable housing at 120% of the median income, adopting an inclusionary zoning ordinance that requires projects of a set number of units to have a set number of affordable housing units by offering density bonuses, expediting permitting, and/or subsidizing fees.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX D, SECTION 9 (TO ADAPT THE ORDINANCE TO INCLUDE MORE THAN ONE PARCEL TO THE BUFFER DISTRICT)**

Mr. Criscitiello briefed the Commission. The Southern Beaufort County Subcommittee of the Planning Commission recommended approval of the staff recommendations.

Applicant's Comments: Mr. Aaron Crosby, the agent for the owner, indicated the lengthy Planned Unit Development (PUD) process that brought about the Buffer District. He noted that if his client were to submit an application today, by right they would have a density of two units per acre. His client is asking for 1.1 units per acre. He noted enormous inconsistencies throughout the ordinance—two being height limitations and allowable uses. The Daufuskie Island Community Preservation (CP) Committee displayed mixed feelings by forwarding a recommendation for approval with a close vote. Mr. Crosby clarified the 1.1 density for Ms. LeGree.

Public Hearing: Mr. Chris Hutton, a 24-year resident of Daufuskie and a Daufuskie Island Community Preservation Committee member, stated the CP Committee wanted clarification that the McDavid/Solco property would be part of the proposed Daufuskie Island CP District 3, single family resident subdivision, contractor's office would be field office placed for duration of project but not other heavy industry uses, ¼ acre lot was approved by one vote.

Mr. Hicks complimented the CP Committee for their work.

Mr. Criscitiello noted that the Eigelberger tract was created as a separate CP district called the Buffer District, which is Section 9 of the interim CP standards. With the McDavid property being included into the Buffer District, changing the density standards would affect the Eigelberger tract also. If the applicant wishes to develop single family homes, he may.

Mr. Hutton stated that the intent was that the McDavid tract would mirror the Eigelberger Tract.

Mr. Crosby said if the McDavid property was added to the district, then it should be given all the rights as the Eigelberger tract.

Mr. Criscitiello clarified that only single and multi-family units were allowed on the McDavid property.

Discussion included concern with the current density of 2 units per acre, the majority of the subcommittee members wanting to maintain the 1 unit per acre density consistency with the Eigelberger tract and as recommended by staff, and clarifying the annual review for the contractor's office use.

**Motion:** Ms. Chmelik made a motion, and Mr. Petit seconded, **to forward to County Council a recommendation of approval on the staff recommended Text Amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix D, Section 9 that adapted the ordinance to include more than one parcel to the Buffer District.** The motion was carried unanimously (FOR: Chmelik, Flewelling, Hicks, LeGree, and Petit).

**SOUTHERN BEAUFORT COUNTY MAP AMENDMENT/REZONING REQUEST FOR R800-25-40 (58.06 ACRES ON DAUFUSKIE ISLAND OFF OAK RIDGE LANE), FROM DAUFUSKIE ISLAND COMMUNITY PRESERVATION DISTRICT TO DAUFUSKIE ISLAND BUFFER DISTRICT; OWNERS: SOLCO, INC.; PATRICIA MCDANIEL; AND PAMELA BRIGGS**

Public Comment: None received.

**Motion:** Ms. Chmelik made a motion, and Mr. Flewelling seconded, **to forward to County Council a recommendation of approval on the Southern Beaufort County Map Amendment/Rezoning Request for R800-25-40, from Daufuskie Island Community Preservation District to Daufuskie Island Buffer District.** The motion was carried **unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, and Petit).

**NOTE:** *Chairman Hicks recessed the meeting at approximately 7:05 p.m. and reconvened the meeting at approximately 7:12 p.m.*

**PORT ROYAL ISLAND REZONING REQUEST FOR R100-027-13 AND 13A (104.85 ACRES TO BE KNOWN AS CHEROKEE FARMS PHASE OF THE EXISTING HABERSHAM PUD) FROM SUBURBAN (S) TO PLANNED UNIT DEVELOPMENT (PUD); OWNER: CHEROKEE BEAUFORT LLC, AGENT: CHEROKEE INVESTMENTS LLC/HABERSHAM LAND COMPANY, INC.**

Chairman Hicks noted that the Rezoning Request for Cherokee Farms had been withdrawn from tonight's agenda by the agent due to further discussions required with the U.S. Marine Corps Air Station Beaufort.

**INTERGOVERNMENTAL AGREEMENT (IGA) FOR THE NORTHERN REGIONAL PLAN**

Chairman Hicks noted that he had received comments from the Municipal Commission of the City of Beaufort and the Town of Port Royal, The Coalition for Smart Growth, and the Coastal Conservation League. Mr. Criscitiello noted that the staff would take the Commission recommendations and rework the document. He will incorporate the comments from the Municipal Commission in his brief to the Commission. Chairman Hicks asked that the Commission not to wordsmith the document.

The following is a summary of recommendations:

Page 1, paragraph A: A recommendation asked for the inclusion of Beaufort-Jasper Water-Sewer Authority; however, including non-governmental entities defeats the purpose of this agreement which is an intergovernmental agreement.

Page 1, paragraph B.1: What is the life expectancy of the IGA—5 or 10 years? Chairman Hicks noted that once growth boundaries are set, changes to the boundaries would be map amendments.

Page 1, paragraph B.2: A density of 1 unit per 3 acres in the rural areas.

Page 1, paragraph B.3: The 2 to 4 units per acre, average, would probably have higher densities in pocket areas of urban land. The City of Beaufort has a density of 15 units per acre. The Coalition for Smart Growth supports the higher density in order to accommodate affordable housing. Zoning and Planning staffs will monitor the average density. The Commission would like to see rural lands remain rural. The staff indicated that it was unusual for applicant to receive maximum density because natural resources must be considered. The Commission asks that staff insures that the municipalities are comfortable with the density.

Page 2, paragraph B.4: No comments.

Page 2, paragraph C.5: Paragraph should be renumbered to 1, the 5-year CIP references should be changed to 10-year, should include solid waste facilities, and should clarify/describe "fair share". Courts and jails are partially funded by the state.

Page 2, paragraph C.6: Paragraph should be renumbered to 2, the staff should reword the paragraph, if applicable.

Page 2, paragraph D: The baseline standards will be on a separate IGA. Recommend including the Special Area Management Plan (SAMP) that came up with a plan to protect environmental resources and is defensible in court because the plan was based on scientific data. Recommend freshwater wetlands protection standards.

Page 3, paragraph D.1.b: Recommend adding dock and bikeway and pathway standards in this section. Vegetation protection includes tree protection.

Page 3, paragraph D.1.c: No comments.

Page 3, paragraph D.1.d: Recommend establishing a joint corridor review board.

Page 4, paragraph D.1.e: Establish mitigation requirements and roadway Level of Service (LOS).

Page 4, paragraph D.1.f: Add bikeways and pathways

Page 4, Note 5: Clarification was requested about Note 5.

Page 5, Note 6: Clarification was requested on annexation agreements.

Page 5: Clarification was requested on when interim baseline standards are applied. Ms. Zara would like to be assured that all Planning departments will be talking to each other on all annexations. Mr. Criscitiello said that rezonings within municipal boundaries would follow their own standards, but those within growth boundaries would be collaborated with the

municipalities. He cautioned that if the standards were set too low, the staff load would be overloaded from coordinated reviews. He also noted that certain regulatory timelines must be maintained to prevent loss of individual rights. The Coalition for Smart Growth would like to see the cumulative impact addressed. The Coastal Conservation League noted that docks should be included as part of subparagraph 1.b. of interim environmental standards, and all annexations should be required to meet interim environmental standards by adding a new subparagraph b.4. "Are required to meet the interim environmental standards." The Commission recommended adding small tidal creeks standards to subparagraph 1.b. of interim standards.

***Note: Chairman Hicks recessed the meeting at approximately 8:14 p.m. and reconvened the meeting at approximately 8:17 p.m.***

Pages 6: No comments.

Page 7, last full paragraph at the bottom of the page: Ask the staff from the municipalities if they agree with the pre-application conference that appears to advocates more staff for the required review.

Page 8: Clarification regarding the pre-application conference prior to submittal of rezoning or annexation requests.

Page 8, paragraph F.1.: Ms. Zara noted that the takings laws meant that property was rendered useless; if the property owner is unable to have the use he desires because of zoning restrictions, it is not a takings. She suggested the wording "nothing in this plan will be construed as statutory ....." instead of mentioning the exception. The Coalition for Smart Growth and the Coastal Conservation League would like the takings language removed. Additionally, Coastal Conservation League believed that the County would not upzone within the growth boundaries. Mr. Criscitiello is concerned that belief of personal property rights infringement could lead to lawsuit possibilities. There is a belief that the County will not refuse development and hopefully the municipalities will determine what the zoning will be in the growth boundaries. Mr. Reed Armstrong of Coastal Conservation League asked that the upzoning issue be brought up at the next Northern Regional Plan Implementation Committee meeting.

Page 9, paragraph G: No comments.

Page 9, paragraph H: Commission would like to see participating party will take into consideration the comments of other parties, or mediate, or form a body that will resolve the conflict if parties are unable to come to an agreement. The resolution could be appealed at the state courts.

Page 9: Recommend a new paragraph I for amending IGA provisions.

Miscellaneous comments include forwarding the Commission recommendations to the Joint Municipal Commission for their information, and the anticipated deadline for the interim baseline standards.

Chairman Hicks indicated the Commission recommendations would be forwarded to interested parties. He noted that the Northern Regional Plan Implementation Committee meeting would be on November 16, 2007. The planning staffs will work together to produce a new document that will be reviewed in January 2008.

In regards to rural designation, Ms. Zara suggested that the smaller parcels should be mapped out because not all parcels will be developed in Northern Beaufort County. Mr. Criscitiello noted that the parcel analysis is being worked on by the County staff.

**OTHER BUSINESS:**

1. **Election of Commission Vice-Chair:** Chairman Hicks opened the floor for nominations for the Commission vice-chair. Mr. Petit nominated Mr. Flewelling, and Ms. LeGree seconded the nomination. Chairman Hicks apologized for not indicating that usually the chair and vice-chair had been represented the north and the south of Beaufort County. Mr. Petit and Ms. LeGree withdrew their nomination. Mr. Flewelling nominated Ms. Chmelik and Mr. Petit seconded the nomination. The floor was closed and Ms. Chmelik was unanimously chosen as Commission Vice-Chair for the remaining 2007 Commission meetings.
2. **South Carolina Legislative Mandated Commission Training:** Chairman Hicks noted the training for November 15, 2007.

**ADJOURNMENT: Motion:** Mr. Flewelling made a motion, and Ms. LeGree seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, and Petit). The meeting adjourned at approximately 9:00 p.m.

**SUBMITTED BY:**

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Barbara Childs, Admin. Assistant to the Planning Director

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Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED: December 3, 2007**