

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, March 3, 2008, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Jim Hicks, Chair  
Ms. Mary LeGree  
Mr. E. Parker Sutler

Mr. Brian Flewelling  
Mr. Ronald Petit

Ms. Diane Chmelik  
Mr. Edward Riley III

**Members Absent:** Mr. Frank Mullen

**Member Vacancies:** One (At-Large representative--formerly Alan Herd since November 2007)

**Staff Present:**

Mr. Anthony Criscitiello, Planning Director  
Mr. Brian Herrmann, Community Planner  
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 Commission reviewed the following meeting minutes:

- 1. January 3, 2008. Motion:** Ms. LeGree made a motion, and Ms. Chmelik seconded, to accept the January 3, 2008, minutes as written. The motion was carried unanimously (FOR: Chmelik, Flewelling, Herd, LeGree, Petit and Riley; ABSTAIN: Sutler).
- 2. February 4, 2008.** The following change was noted: Page 9, second paragraph under Other Business, last sentence should read: "Mr. Flewelling was elected as Vice-Chair unanimously...." **Motion:** Ms. Chmelik made a motion, and Mr. Petit seconded, to accept the February 4, 2008, minutes as amended. The motion was carried unanimously (FOR: Chmelik, Flewelling, Herd, LeGree, Petit and Riley; ABSTAIN: Sutler).

**CHAIRMAN'S REPORT:**

- 1. Welcome to Newest Commissioner:** Chairman Hicks welcomed Mr. E. Parker Sutler as the newest Beaufort County Planning Commission. Mr. Sutler is an at-large representative who lives in the Okatie area.
- 2. Procedure Regarding Public Comment:** Chairman Hicks noted that County Council adopted a time limit of five minutes per person giving public comment. He was instituting the five-minute time limit at the Commission meetings.

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

**SOUTHERN BEAUFORT COUNTY MAP AMENDMENTS FOR THE FOLLOWING PROPERTIES LOCATED ON THE EAST SIDE OF HIGHWAY 170 IN THE OKATIE AREA:**

- **R-600-13-3, 3A, 3B and 61 (101.36 acres to be known as Okatie Marsh PUD, located directly south of the River’s End Subdivision); Applicant & Owner: La Casa Real Estate and Investment, LLC**
  - **Comprehensive Plan Future Land Use from Rural Service Area to Neighborhood/Mixed-Use Area**
  - **Zoning/Rezoning Request (with 64,800 square feet of commercial space and 395 dwelling units) from Rural (R) Zoning District to Planned Unit Development (PUD) Zoning District**
- **R600-13-6 (119.25-acre tract to be known as Osprey Point PUD, located directly south of the proposed Okatie Marsh PUD and north of Okatie Elementary School; Applicant & Owner: James Y. Robinson / Lowcountry Partners III, LLC (also known as LCPIII, LLC)**
  - **Comprehensive Plan/Future Land Use from Rural Service Area to Neighborhood/Mixed-Use Area;**
  - **Zoning/Rezoning Request (with 204 single-family homes, 102 “live/work” residential units above retail/office spaces, 221 multi-family units, and 25 acres of non-residential uses) from Rural (R) Zoning District to Planned Unit Development (PUD) Zoning District**
- **R600-13-8C—a portion of (63.54 acres to be known as River Oaks PUD, located south of the proposed Osprey Point PUD and east of Okatie Elementary School); Applicant: James Y. Robinson / ARD Hilton Head, LLC**
  - **Comprehensive Plan/Future Land Use from Rural Service Area to Neighborhood/Mixed-Use Area**
  - **Zoning/Rezoning Request (with 118 single family dwelling units/cottages, 146 multi-family units/apartments in two 3-story buildings, a clubhouse, a 66-bed nursing home, a 10,000-square foot rehab facility, a 1,500-square foot chapel, and other ancillary uses) from Rural (R) Zoning District to Planned Unit Development (PUD) Zoning District**

Chairman Hicks stated that at the last meeting, the Commission had heard the briefing for the three PUDs and had asked for additional information on the cost to provide infrastructure to support these PUDs. The applicants had forwarded additional information to the staff and the Commission.

Mr. Criscitiello briefed the Commission on the details of the overall master plan for the Okatie Village which included the three PUDs—Okatie Marsh, Osprey Point and River Oaks.

**Applicants’ Comments:**

1. Mr. John Thomas of Edward Pinckney Associates noted that smart growth anticipates the change in demographics. He noted the development would reduce the vehicle miles traveled, and provide a financial benefit to the County over a 10-year period. He noted

the walkable feature for the community, the various subdivisions surrounding the area including the Jasper County projects, and the buffers along Cherry Point Road that would hide the development from the road.

2. Mr. Roberts Vaux stated that he received preliminary water quality reports that indicated turbidity and fecal content. Any BJWSA water-sewer tie-in is voluntary to the neighbors. Run-offs from the Okatie Village PUDs will be maintained and monitored. The sample development agreement that was attached to his letter to the Commission required the developer to return to County Council if any changes occurred in the approved master plan. He asked that the Commission forward the plan with conditions that should be addressed.

Chairman Hicks noted that the Commission delayed a decision until capital cost was estimated. Mr. Criscitiello showed the estimates made by the County Comptroller, Mr. Tom Henrikson, which were essentially a straight-line projection of the development. Years 1 through 5 show negative costs that did not take into effect the facilities that the developer would contribute at his cost. Mr. Criscitiello could not give the reason for the difference between the applicant's and Mr. Henrikson's statistics.

Mr. Chris Poe, of the Beaufort County School District, stated that Dr. Valerie Truesdale (District Superintendent) does support neighborhood schools. Mr. Poe was concerned that a future middle school was shown on the Okatie Village plan but the School District did not intend that use for the site, and that a proposed road leading through the Okatie Elementary School property was not beneficial for the School District. He did note that there are two elementary schools proposed for the Bluffton area. When asked to clarify the bond issue in regards to Southern Beaufort County, Mr. Poe noted that the School District's 5-year plan included the number of schools needed to have the children out of portable classrooms, but there would not be a large number of excess spaces.

Mr. John Thomas agreed with Mr. Henrikson's numbers; however, it does not take into consideration the smart growth development of the Okatie Village.

Mr. Colin Kinton, the County Transportation Engineer, looked at the analysis indicating SC 170 would be carrying traffic projected at 40,000 per day on a road designed to carry 35,000. SC 170, which was widened three years ago, would have to be widened further from Del Webb to the Academy of Career Excellence (ACE) to six lanes at an approximate cost of \$19.1 million for engineering, right-of-way and construction costs for the 1.3 miles. Projected revenue from road impact fees would be \$3,000 per home or \$3.8 million, which is a shortfall of \$2.673 million toward the widening. \$12.627 million would still be needed to complete the widening. Also not taken into account would be other future developments on Highway 170.

Commission discussion included a summation that the financial transportation shortfall would continue to escalate with other future developments in the area, an awareness of the development occurring in the adjoining Town of Hardeeville and Jasper County properties, a query as to any transportation coordination with the two governmental entities to assist financially with the shortfall, a summation that Highway 170 will be overwhelmed if any further development occurs

along the road unless the road is widened and the cost of widening will produce a financial shortfall, and a note that the schools operating costs also reflect shortfalls.

Mr. Vaux countered that Mr. Henrikson's analysis did not take into account other facts such as certain existing developments not requiring many services. River Oaks only allows people 55 years or older. Another analysis is needed. The difference between the analyses by Mr. Henrikson and the Okatie Village applicants is that the Okatie Village analysis is based on build-out. The City of Hardeeville, not Jasper County, has jurisdiction over some properties along Highway 170 between the Oldfield PUD and Highway 278. Impact fees must be justified—Beaufort County has done such a justification. Jasper County and the City of Hardeeville do not have traffic impact fees. Jasper County asks for traffic contributions at the rate of \$4,000. per household through their development agreements.

***Note: Chairman Hicks recessed the meeting at approximately 7:05 p.m. and reconvened at approximately 7:14 p.m.***

Public Comments:

1. Mr. Joe Dugan has a daughter at Okatie Elementary School. We are creating a problem and trying to determine how to deal with it. Don't further burden the taxpayers; there are numerous news articles highlighting such shortfalls. Schools referendum that may or may not be passed. We can't pay for what we are dealing with now. He passed out pictures showing the portable classrooms at Okatie Elementary. The children will not get out of those portable classrooms. There is no room for more children. There are no children walking to school today. This area was zoned for 95 houses. There will be 12 times as many homes, with respective traffic problems, etc. And, there may be a domino effect with the other property owners.
2. Mr. James Scott opposes the rezoning. No matter how much they paint this rezoning, the truth is another high density development with a strip mall on the highway. He's heard so many pie-in-the-sky presentations by developers. Why are small towns dying? There are variations during spring and fall conditions. All the trees will be clearcutted. There won't be room for trees to grow between the homes. Mosquito breeding ponds won't pollute the river—he's heard that before. Who pays for the maintenance of the system? The amount received by the County versus the amount used to support the development is not equitable. Walking in a neighborhood does not work in Beaufort.
3. Mr. Reed Armstrong, of Coastal Conservation District, noted that properties are in a Tax Incremental Financing (TIF) district and the revenues will go toward paying off TIF bonds used to develop the University of South Carolina-Beaufort (USC-B) campus along Highway 278. Regional planning is now occurring with participating government bodies. How do these PUDs fit the Southern Regional Plan?
4. Ms. Cathy Scott asked the Commission to vote no. It's a nice development, but not now and not in Southern Beaufort. Rezoning to a higher density is not optimum. She noted various news headlines regarding the school referendum, the overcrowded schools in Bluffton and the reverse situation with the Northern Beaufort schools, the statewide water drought, the County Council tightening its belts for the upcoming budget, the jails strained, the tripling of 911 calls implying more personnel needed, the EMS evacuation currently takes 30 hours, and the area being rural for years. Keep the area rural. Jasper

- County developments and the School District decisions should not affect tonight's decision.
5. Mr. Jack Alderman, a Southern Beaufort County resident, supports this plan. It meets all the requirements of the Southern Regional Plan. The area is consistent with the Regional Plan. The mixed use does spread traffic throughout the day, there is a great access to Highway 170, and the proposed uses are in demand by the market. It is a well crafted plan. He believes the engineers and the architects associated with the projects will bring a good development. The combined integrated unified plan is unique. The School and the road system are there. Demand will be met, but will it be met by this development or will Jasper County provide the demand.
  6. Mr. Ed Pappas from Okatie wondered if there was more that should be done. He heard the presentations by the staff and the developer, and about Superintendent Truesdale's support. Where will the shortfall come from? There are unanswered numbers that should be considered. Do the before math, so you don't suffer the aftermath.
  7. Ms. Shirley Wilkins of County Affordable Housing noted that Mr. Robinson approached her about workforce housing. She supports the Plan. She was surprised that the School Board had not asked for additional land to build another school. She noted what was agreed upon to bring workforce housing in this plan. She is looking into restrictions and subsidies for this workforce housing.
  8. Ms. Wendy Zara noted that she asked additional questions at the last meeting. She congratulated the staff for bringing the plan together. A mixed-use community will cost the taxpayers less than the past sprawl subdivisions. An affordable workforce housing will provide for the service workforce. She asked the developers to work with the Affordable Housing Consortium. Having seen the proposed stormwater management, she would like to see it as model for future subdivisions.
  9. Mr. Doug Plant is an independent consultant who installed the Traditions Subdivision stormwater management plan. The plan consists of the water system proposed for the Okatie Village. Rainwater management, not stormwater management, is proposed for the Okatie Village.
  10. Mr. C.E. Malphrus of Jasper County noted his background work with Charles Frasier and the Corps of Engineers. Developers state they have an opportunity for a school. Noted no windows in school trailers. The Beaufort County Plan was developed to limit growth and it is not being utilized. The Traditions Subdivision is scheduled to contain 9,400 houses, but only one has sold. Houses are not being sold nationwide. The bottom line is that Highway 170 is being developed and it will be like Highway 278, which is a nightmare. He is against the rezoning. Pay attention to costs, and say no.
  11. Mr. Terry Lassiter, a Cherry Point resident, noted the 32 mobile class rooms at Bluffton Elementary, and 16 at Okatie Elementary. Bluffton Elementary is asking for more classrooms. His oldest daughter has been in a mobile classroom for two years. She was accepted in a TIP program. Who will be responsible if my daughter is injured in the mobile classroom? The increased density was not allowed by the zoning. The positives from the Plan and the cost deficits don't outweigh each other. There is a large population of deer and squirrels on the property and there have not been problems since Del Webb started developing. The County should put a moratorium on building to let us catch up.
  12. Mr. John Payne owns property on Cherry Point. He noted the pristine part of the County. Growth will come. Scale it back to the retirement community. There is only one way

out, there needs to be some other access point for those residents. I cannot build on my land; I need water and sewer to build. He wants to see the developer pay for water, sewer and road paving. He also asked for a realignment of the road. He wants to pass his land on to his children with a home on it.

Applicant's Readdress: No further comments received.

Discussion by the Commission included the delay by the Commission from last month which forces the Commission to make decision tonight; the desirable 20% workforce housing provided by this development; concerns that the school and roads would be severely impacted, the pristine environment would be spoiled and hurricane evacuation would be problematic; a call for sensitivity in preserving the area; a desire to prevent widening the roads; smart growth sounding and looking great, but slowing growth should be considered; a belief that it was a nice plan but the wrong time for it; being mindful of the Southern Regional Plan; concern for upzoning a rural area and the ripple effect from other property owners desiring such upzoning or similar concessions; the Town of Hardeeville not being contiguous and not casting it as a villain; concern that such a debt would be passed to future generations; the annexation strategies used by the municipalities; the adjacent property owners not desiring raised property taxes from the development; concern that the Beaufort-Jasper Water and Sewer Authority (BJWSA) tie-in be the developer's cost instead of the existing residents; the numerous units that are being developed in adjacent municipalities; the build-outs that will severely impact Highway 170; the importance of Beaufort County opening a dialogue with adjacent municipalities to resolve traffic problems; the school superintendent asking for a referendum to solve the overcrowding problems; the approval of this Plan bringing more problems; the infrastructural problems mentioned in both regional plans; and non-support of the plan that would cause traffic problems and overtax the schools.

**Motion:** Mr. Flewelling made a motion, and Ms. Chmelik seconded, **to forward to County Council a recommendation of denial for the Okatie Village Plan.** The motion was carried **unanimously** (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

*Note: Chairman Hicks recessed the meeting at approximately 8:24 p.m. and reconvened at approximately 8:30 p.m.*

**Okatie Marsh PUD Comprehensive Plan Map Amendment:**

**Public Comment:** None were received.

No further discussion occurred.

**Motion:** Mr. Flewelling made a motion, and Mr. Riley seconded, **to forward to County Council a recommendation of denial for the Okatie Marsh PUD Comprehensive Map Amendment.** The motion was carried **unanimously** (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

**Okatie Marsh PUD Zoning Map Amendment/Rezoning Request:**

**Public Comment:** None were received.

No further discussion occurred.

**Motion:** Mr. Flewelling made a motion, and Mr. Riley seconded, **to forward to County Council a recommendation of denial for the Okatie Marsh PUD Zoning Map Amendment/Rezoning Request.** The motion was approved unanimously (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

**Osprey Point PUD Comprehensive Plan Map Amendment:**

**Public Comment:** None were received.

No further discussion occurred.

**Motion:** Mr. Flewelling made a motion, and Ms. Chmelik seconded, **to forward to County Council a recommendation of denial for the Osprey Point PUD Comprehensive Plan Map Amendment.** The motion was approved unanimously (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

**Osprey Point PUD Zoning Map Amendment/Rezoning Request:**

**Public Comment:** None were received.

No further discussion occurred.

**Motion:** Mr. Flewelling made a motion, and Ms. LeGree seconded, **to forward to County Council a recommendation of denial for the Osprey Point PUD Zoning Map Amendment/Rezoning Request.** The motion was approved unanimously (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

**River Oaks PUD Comprehensive Plan Map Amendment:**

**Public Comment:** None were received.

No further discussion occurred.

**Motion:** Mr. Flewelling made a motion, and Mr. Riley seconded, **to forward to County Council a recommendation of denial for the River Oaks PUD Comprehensive Plan Map Amendment.** The motion was approved unanimously (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

**River Oaks PUD Zoning Map Amendment/Rezoning Request:**

**Public Comment:** None were received.

No further discussion occurred.

**Motion:** Mr. Flewelling made a motion, and Ms. Chmelik seconded, **to forward to County Council a recommendation of denial for the River Oaks PUD Zoning Map Amendment/Rezoning Request.** The motion was **approved unanimously** (FOR: Chmelik, Petit, LeGree, Flewelling, Hicks, Riley and Sutler).

**MAP AMENDMENT TO MAP 4-7 OF THE LAND USE CHAPTER OF THE 2007 COMPREHENSIVE PLAN TO CORRECT A MAP ERROR WHERE ALL AREAS ON THAT MAP DESIGNATED AS “CORE COMMERCIAL” WILL BE CHANGED TO “URBAN MIXED-USE.”**

Mr. Criscitiello briefed the Commission that the staff was correcting a map error, and the map correction had been coordinated with the Town of Bluffton.

Discussion included the former zoning prior to the first amendment, the procedure for notifying the public of future land use amendments, and the Town of Bluffton’s zoning for the Palmetto Bluff area.

Public Comment: None were received.

**Motion:** Mr. Flewelling made a motion, and Mr. Petit seconded, **to forward to County Council a recommendation of approval on the Map Amendment to Map 4-7 of the Land Use Chapter of the 2007 Comprehensive Plan to correct a map error where all areas on that map designated as “Core Commercial” will be changed to “Urban Mixed-Use.”** The motion was **approved unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Petit, Riley and Sutler).

**OTHER BUSINESS:**

1. **Commission Subcommittee Assignments:** Chairman Hicks noted the handout on the revised subcommittee assignments for the Commissioners. Chairman Hicks noted that the subcommittees would meet if there were projects to review. He noted that the subcommittees provided to the community an opportunity to discuss informally with the Commissioners the various projects that would affect their area. He noted that Mr. Petit was moved from the Southern subcommittee to the Lady’s Island/St. Helena Island subcommittee, since Mr. Flewelling was assigned permanently to the Southern subcommittee.
2. **Mileage Reimbursements to Commissioners:** Commissioners should have received their reimbursements by their April 2008 meeting.



**ADJOURNMENT: Motion:** Mr. Sutler made a motion, and Mr. Riley seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley and Sutler). The meeting adjourned at approximately 8:47.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:**

**April 7, 2008, as amended**

(Additions are **bold and underscored**, deletions are ~~struck through~~)