

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, July 7, 2008, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair
Mr. Frank Mullen
Mr. Robert Semmler

Mr. Brian Flewelling
Mr. Ronald Petit
Mr. E. Parker Sutler

Ms. Mary LeGree
Mr. Edward Riley III

Members Absent: Ms. Diane Chmelik

Member Vacancies: None

Staff Present:

Mr. Anthony Criscitiello, Planning Director
Ms. Delores Frazier, Assistant Planning Director
Mr. Robert Merchant, Long-range Planner
Ms. Barbara Childs, Admin. Asst. to 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 1, 2008, meeting minutes.

Motion: Mr. Sutler made a motion, and Mr. Petit seconded the motion, **to accept the June 2, 2008, meeting minutes as written.** The motion **was carried** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, Riley and Sutler; ABSTAIN: Semmler).

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

CHAIRMAN'S REPORT: Chairman Hicks introduced the newest Planning Commissioner, Mr. Robert Semmler, who is a representative at-large.

PORT ROYAL ISLAND ZONING MAP AMENDMENT/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 Mr. Petit has recused himself from this project. Mr. Petit left the room.

Mr. Criscitiello briefed the Commission. He displayed a book entitled "The Not So Big House" by Sarah Susanka and noted that the Habersham subdivision was mentioned in the book. The Cherokee Farms PUD will contain 315 dwelling units, 50 shop fronts, and 100,000 square feet of commercial use. The 45.5 acres in the Air Installation Compatibility Use Zone (AICUZ) are limited to two units per acre. Cherokee Farms will have 89 units in the AICUZ. The staff is concerned with adjacent properties and has asked for deeper buffers. The staff has 12 conditions to be met by the developer, as noted in the staff report. Fire Chief Edward Bostain desired certain road standards as noted in his letter that was attached to the Commission packet.

Applicant's Comments: Mr. Patrick Kelly, applicant's designer, noted several discussions over several years regarding this project and the AICUZ district with the Marine Corps Air Station (MCAS) and the County Planning staff. The Applicants resubmitted their plan and Ms. Alice Howard of MCAS and the County Planning staff agreed to the plan. The Port Royal Island Subcommittee expressed concern regarding residential units above the shop fronts not being included in the residential density. In regards to the Staff's recommendation #6, the developer plans to connect Cherokee Farms to Cherokee Farms Road as noted in Exhibit M of the PUD submittal, but only as far as the Habersham development. Fire Chief Bostain's concerns for road widths have been addressed with a road width of 26 feet that allows parking on one side of the road. The Applicants were surprised by the requirement of another traffic impact analysis for commercial square footage over 100,000. The County used an outside traffic consultant who agreed that an additional 50,000 commercial square footage would not affect the road. The Applicants want 150,000 commercial square feet for this project. Mr. Kelly understood that the impact fees collected from Habersham and Cherokee Farms would be used to 3-lane Joe Frazier Road. Joe Frazier Road will be at level E by 2025 with or without the Cherokee Farms PUD.

Public Comment:

1. Ms. Alice Howard, a MCAS representative, noted their concerns regarding the shop fronts not being included in the residential density. They appreciated Habersham meeting with the MCAS personnel. (Mr. Riley asked for clarification on shop fronts and density of residential units. Ms. LeGree asked for clarification of height of buildings regarding AICUZ.)
2. Mr. Reed Armstrong of the Coastal Conservation League clarified that the Transfer Development Rights (TDR) program was to try to prevent encroachment near the Air Station. He noted that the PUD would be denser than the current suburban zoning. Help protect the Air Station.
3. Ms. Wendy Zara would like to see workforce housing in the Cherokee Farms phase of Habersham.
4. Mr. Jimmy Daniels noted that real estate is in troubled times. He thanked Ms. Zara for her comment. As a shop owner, we have to see this growth. Burton is struggling. We need this development.
5. Mr. Colin Kinton, County Traffic and Transportation Engineer, noted he had reviewed the studies and was concerned with the sustainability of Joe Frazier Road should Cherokee Farms occur.

Discussion included a clarification on store fronts that would be used totally as commercial in the future; a clarification on the size of Cherokee Farms and the Air Installation Compatibility Use Zone (AICUZ) coverage; a clarification that the Cherokee Farms property was unimproved land; the complexity of the rezoning request within the growth boundaries of the Northern area; the City of Beaufort requesting the applicant to consider annexation; an affirmation that this was an expansion of an existing PUD; the existing Habersham PUD being within the Town of Port Royal's future expansion while Cherokee Farms was within the City of Beaufort's future expansion; the TDR program that was still being staffed; the impact fees that are purported to pay for the widening of Joe Frazier; the County's agreement with the Air Station for a density of two residential units per acre in the AICUZ area; the City of Beaufort's letter regarding a development agreement for this project; concern for future residents of Cherokee Farms being obligated to annex into the City of Beaufort; a clarification on impact fees collection; an agreement whereby the County and the municipalities must agree to upzoning contiguous properties; the Northern Regional Plan denoting the area for mixed-use development; a clarification on workforce housing within Cherokee Farms; a clarification on the traffic circle/roundabout between Burton Wells Park and Cherokee Farms; a concern regarding the twelve recommendations by the staff; a concern of the negative impact to the Air Station; the 2005 DeJong report indicating that Shanklin Elementary, Robert Smalls Middle and Battery Creek High were at capacity; the Charter school scheduled for the area; and the project being a great plan except for the density issue in the AICUZ area.

Motion: Mr. Flewelling made a motion, and Mr. Riley seconded, **to forward to County Council a recommendation of approval on the Port Royal Island Zoning Map Amendment/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) with the inclusion of the twelve (12) staff recommendations and a density of two (2) residential units per acre within the AICUZ district to include the commercial shop fronts and any other type of residential use.** Further discussion included the possible annexation by the City of Beaufort and commending the existing Habersham development. The motion was **carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Riley, Semmler and Sutler).

Note: Chairman Hicks recessed the meeting at approximately 7:16 p.m. and reconvened at 7:25 p.m. Mr. Petit rejoined the meeting when it was reconvened.

Public Comment on the Text Amendment to the Shell Point Community Preservation (CP) District: (allowed by Chairman Hicks) Ms. Caroline Davis noted that the Shell Point CP Plan created a blueprint for the area. Annexation and zoning should not be used to avoid the Plan. The Shell Point CP Plan should be continually monitored. She noted that the Shell Point CP Committee still exists, minus one member who moved out of the area. She is speaking as an individual, instead of a Shell Point CP Committee member, and concurs with the staff recommendation. Intense development is inevitable. The widening of Highway 802 is coming. The Town of Port Royal is considering annexing four parcels from the Shell Point CP area and rezoning them to general commercial.

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR R600-040-003B; 25.05 ACRES AT 1270 FORDING ISLAND ROAD, TO BE KNOWN AS TANGER OUTLET 1 PUD; FROM COMMERCIAL REGIONAL (CR) TO PLANNED UNIT DEVELOPMENT (PUD); OWNER: COROC/HILTON HEAD I LLC; AGENT: STEVEN B. TANGER

Mr. Criscitiello briefed the Commission. The proposed development will have an increased square footage from the existing development. The applicant wants to maintain the same signage as the existing sign. The staff finds the development to be in conformance but not in keeping with the Lowcountry architecture. The parking and traffic flow is conflicting with the walking traffic. The staff, and the Towns of Bluffton and Hilton Head Island, recommends denial of the project.

Applicant's Comments:

1. Mr. Walter Nestor III, the attorney for the applicant, introduced his client's representatives who were present at the meeting. He noted his June 12, 2008, memorandum to the County. His client has been speaking to Beaufort County since 2005 regarding the project. The national tenants in the mall have a legal binding agreement with the applicant. The applicant has not addressed the placement of the tenants during the redevelopment since an approved site plan has not occurred. He noted an incident where the Tanger Outlet II signage was destroyed during a car accident and the applicant was unable to duplicate the sign due to new signage standards. The applicant does not want this type of incident to happen with the Outlet I sign. The design meets the applicant's needs. Urban design does not work for this site. The outlet mall concept is driven by the automobile. Tanger Outlet had 6 million shoppers in 2007. Tanger is an outlet mall, not a shopping center. Holding up the Tanger project as an example is an abuse of discretion by the County.
2. Mr. Ross Adams, president of Adams Architect, noted that his firm has designed more outlet centers than any other firm. The design is not a dense design. The current site does not have the appropriate stormwater sites, and is too small in size. Shoppers spend more time and come from longer distances for outlet malls. Typical outlet center tenants occupy 50,000 square feet. Tanger is a LEED certified project. Mr. Adams showed display boards regarding the proposed project in contrast to a Mt. Pleasant shopping area.
3. Mr. Jon Rembold, of Ward Edwards and project manager for Tanger Outlet I, noted the LEED certification for the site design. Water and storm water quality designs are important. The current site does not meet the Beaufort County Best Management Practices (BMPs). In the current design, stormwater is treated in smaller areas and then moves to a larger pond, and finally passes to the Colleton River. There is an increased use of pervious materials in the new design that will reduce the stormwater footprint and increase the groundwater surcharge. The white roofs will reduce the heat index/impact to the site.
4. Mr. Michael Brock, of Ward Edwards and the planner for Tanger Outlet I, noted that parts of the site design were recommended by the County staff--12 instead of 9 parking spaces per island separator, a 50-foot buffer along Highway 278, access to the Bluffton Parkway, interconnectivity to the Ford dealership, a pedestrian access, and a village

center concept with streetscapes. Tanger has worked for several years to design this project.

Public Comment: Mr. Steve Wilson, Chairman of Southern Corridor Review Board, noted that the Board asked to review the project to set a precedent on aging developments that will be redeveloped.

Discussion included the query on how this project merited being a PUD, a clarification on PUDs, building the project under the current development standards, a clarification on the Tanger Outlet II site that was approved prior to the 1997 Beaufort County Comprehensive Plan, construction not being an issue with this project, a caution that the Commission was not in the design business, and the Bluffton Parkway design as it affects the Tanger Outlet I site.

Mr. Nestor noted the unfairness to the applicant that there were certain non-conformities that they desired to retain. His client delayed his project until the County Council passed the Bluffton Parkway plans. The outparcels and parking non-conformities cannot be developed by-right. The tenants have been waiting since 2005. The Outlet Mall is 77% occupied. The existing buildings do not have sprinkler capacity. His client does not know the affect the Bluffton Parkway will have on his property. Mr. Nestor disagrees with the statement made by Mr. Colin Kinton, County Traffic and Transportation Engineer, that the Bluffton Parkway does not affect the property. The applicant agrees to the 50-foot setback along Highway 278 and the Corridor Review Board (CRB) review. Trees, parking and signage are non-conforming to the existing standards and the applicant is seeking to retain the nonconformity.

Mr. Criscitiello noted that if his staff were to redesign the plan, it would take away from the applicant's design team. He is certain that several designs had been looked at prior to this design.

Further discussion included lauding the applicant's use of LEED certification, the non-uniqueness of the design to warrant a PUD, the negatives of the property site as an outlet center, the PUD process, the phased construction process during the redevelopment, a desire for fairness in dealing with other older developments that may desire redevelopment, and an increase in the level of uniqueness and state-of-the-art design rather than continuing a 1970 design for this project.

Motion: Mr. Flewelling made a motion, and Mr. Petit seconded, **to forward to County Council a recommendation of denial on the Southern Beaufort County Zoning Map Amendment/Rezoning Request for R600-040-003B; 25.05 acres at 1270 Fording Island Road, to be known as Tanger Outlet 1 PUD; from Commercial Regional (CR) to Planned Unit Development (PUD).** No further discussion occurred. The motion was defeated (FOR: Flewelling, Hicks, Petit, and Riley; AGAINST: LeGree, Mullen, Semmler, and Sutler).

Motion: Mr. Riley made a motion, and Ms. LeGree seconded, **to forward to County Council a recommendation of approval on the on the Southern Beaufort County Zoning Map Amendment/Rezoning Request for R600-040-003B; 25.05 acres at 1270 Fording Island Road, to be known as Tanger Outlet 1 PUD; from Commercial Regional (CR) to Planned**

Unit Development (PUD) with the condition that the Planning staff specifically identify the areas of concern prior to County Council approving the PUD. Further discussion occurred regarding withdrawing the current design and submitting another design. The motion **was carried** (FOR: LeGree, Mullen, Petit, Semmler, and Sutler; AGAINST: Flewelling, Hicks, and Riley).

Note: Chairman Hicks recessed the meeting at approximately 9:00 a.m. and reconvened at approximately 9:04 p.m. Ms. LeGree left the meeting during this recess.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, APPENDIX L—SHELL POINT COMMUNITY PRESERVATION (CP) DISTRICT, DIVISION 2—SHELL POINT NEIGHBORHOOD COMMERCIAL (SPNC) DISTRICT, TABLE 6—USE TABLE (INCLUDES ADDITIONAL LIMITED USES); APPLICANT: E. R. HEAPE

Mr. Criscitiello briefed the Commission. The property owner has approached The Town of Port Royal for annexation. The Town of Port Royal has determined that the property should be Mixed-Use District that coincides with the Shell Point Community Preservation (CP) District. The County staff agrees with one use – general retail center, but not animal boarding, etc.

Applicant's Comments: None were received.

Discussion included a disagreement with zoning shopping, a recommendation to table the request until the annexation action is completed, and kudos to the County Planning staff working with the municipalities.

Public Comment: (comment taken earlier in the meeting) Ms. Caroline Davis noted that the Shell Point CP Plan created a blueprint for the area. Annexation and zoning should not be used to avoid the Plan. The Shell Point CP Plan should be continually monitored. She noted that the Shell Point CP Committee still exists, minus one member who moved out of the area. She is speaking as an individual, instead of a Shell Point CP Committee member, and concurs with the staff recommendation. Intense development is inevitable. The widening of Highway 802 is coming. The Town of Port Royal is considering annexing four parcels from the Shell Point CP area and rezoning them to general commercial.

Motion: Mr. Flewelling made a motion, and Mr. Petit seconded, **to forward to County Council a recommendation of denial on the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance, Appendix L—Shell Point Community Preservation (CP) District, Division 2—Shell Point Neighborhood Commercial (SPNC) District, Table 6—Use Table (includes additional limited uses).** No further discussion occurred. The motion **was carried unanimously** (FOR: Flewelling, Hicks, Mullen, Petit, Riley, Semmler and Sutler).

TEXT AMENDMENTS TO THE 2008 BEAUFORT COUNTY COMPREHENSIVE PLAN: THE CULTURAL RESOURCES ELEMENT

Chairman Hicks introduced Mr. Merchant to the Commission and noted his work as the County Long-Range Planner.

Mr. Merchant briefed the Commission on the history of the Comprehensive Plan and the recommendations of the Cultural Resource element.

Discussion included adding the term “protection of” into the title for the natural resources recommendations, preserving the oyster cottages on Daufuskie Island, recommending Old Jericho Road as a local scenic road, kudos to Mr. Merchant for the element and its recommendations, using the Rural and Critical Land Preservation Board purchases to lease property back to farmers to continue farming the property and stimulating young farmers, an arts community on Daufuskie Island,

Public Comment: None were received.

Motion: Mr. Sutler made a motion, and Mr. Semmler seconded, **to forward to County Council a recommendation of approval on the Text Amendments to the 2008 Beaufort County Comprehensive Plan Cultural Resources Element.** No further discussion occurred. The motion **was carried unanimously** (FOR: Flewelling, Hicks, Mullen, Petit, Riley, Semmler and Sutler).

OTHER BUSINESS:

1. **Commendation:** The Commission congratulated Mr. Criscitiello and his staff on their work, especially with the Comprehensive Plan.
2. **Subcommittee Assignments:** Chairman Hicks assigned Mr. Semmler as a member of the Southern Beaufort County and the Lady’s Island/St. Helena Island Subcommittees.

ADJOURNMENT: Motion: Mr. Semmler made a motion, and Mr. Mullen seconded the motion, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Flewelling, Hicks, Mullen, Petit, Riley, Semmler and Sutler). The meeting adjourned at approximately 9:37.p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: August 4, 2008