

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, August 4, 2008, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Jim Hicks, Chair	Mr. Brian Flewelling, Vice Chair	Ms. Mary LeGree
Mr. Frank Mullen	Mr. Ronald Petit	Mr. Edward Riley III
Mr. E. Parker Sutler		

**Members Absent:** Ms. Diane Chmelik and Mr. Robert Semmler

**Staff Present:**

Mr. Anthony Criscitiello, Planning Director  
Ms. Delores Frazier, Assistant Planning Director  
Ms. Barbara Childs, Admin. Asst. to Planning Director

**CALL TO ORDER:** Chairman Hicks called the meeting to order at approximately 6:00 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. **June 25, 2008:** Chairman Hicks stated that Ms. LeGree had noted two minor administrative errors which Mrs. Childs has corrected. **Motion:** Mr. Flewelling made a motion, and Mr. Sutler seconded the motion, **to accept the June 25, 2008, minutes as corrected.** The motion **was carried** (FOR: Flewelling, ~~Herd~~, Hicks, LeGree, Mullen, Petit, Riley and Sutler; **ABSTAINED: Riley**).
2. **July 7, 2008: Motion:** Mr. Petit made a motion, and Mr. Sutler seconded the motion, **to accept the May 1, 2008, minutes as written.** The motion **was carried unanimously** (FOR: Flewelling, ~~Herd~~, Hicks, LeGree, Mullen, Petit, Riley and Sutler).

**CHAIRMAN'S REPORT:**

1. **Meeting Location Change:** Chairman Hicks noted the location change for tonight's meeting from the Council Chambers to the Executive Conference Room.
2. **Meeting Agenda Change:** Chairman Hicks noted that item 7 of tonight's agenda (a text amendment to the Zoning and Development Standards Ordinance/ZDSO to allow a recycle concrete center in the rural district) was withdrawn for further staff work.

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

**REQUEST FOR EXTENSION OF THE GREENHEATH PLANNED UNIT DEVELOPMENT (PUD), INVOLVING 97.80 ACRES ON LADY'S ISLAND; OWNER/APPLICANT: GLEASON PLACE LP**

Mr. Criscitiello briefed the Commission. The applicant is requesting an extension of the 2010 sunset date. Coosa Elementary School is over capacity and this development will further exacerbate the problem.

The Planning staff recommended approval with the following conditions:

- Concurrent with this PUD action, the applicant shall address school deficiencies through a development agreement with Beaufort County.
- Improved access shall be provided between the development and Coosa Elementary. If golf cart type vehicles are envisioned for Greenheath residents, then connectivity to the school should allow for golf cart type vehicle access.
- The landscape buffer along Brickyard Point Road shall include a 15-foot easement to allow construction of a future 10-foot wide multi-use pathway.

The Lady's Island/St. Helena Island Subcommittee did not have a quorum, but forwarded the following comments:

- If approved, the Greenheath PUD must meet all of the development requirements of the ZDSO.
- All current impact fees must apply to this PUD.
- A Development Agreement must accompany this PUD and, as part of the Development Agreement negotiations, a sunset date for this project should be considered.
- At the Planning Commission meeting, the County's Transportation Engineer shall address the impacts of increased traffic from this development on Brickyard Point and Fiddlers Drive.

Applicant's Comments: Mr. David Tedder, the applicant's representative, noted that the project was approved in 1997 after community input was received. The PUD has stormwater controls built into it. The Applicant does not have a problem with the recommendations. The Project has alleyway similar to the Newpoint Subdivision. Mr. Tedder noted that Mr. Trask had waited to build his development; however, with the current market, he was not prepared to begin any activity. He does not mind a development agreement, but feels a five-year limit should be discussed. Also, he does not have a problem with impact fees, if it is equitable.

Public Comment: Mr. Mike Edmonds, a resident in the Country Club Bluff subdivision that is across from the property, is questioning the 3.1 units per acre density. If an extension is given, the project should comply with the new zoning regulations of 2 units per acre. Lady's Island does not need the 3.1 units per acre. Mr. Edmonds is concerned with how electrical power would be brought into the project—the powerline path and transformer placement. He is also concerned with the increased transportation caused by the project.

Mr. Colin Kinton, the County Traffic and Transportation Engineer, mentioned that this PUD was included in the traffic model and would not cause a failure to Brickyard Point Road. The access points into the project will have to be re-examined for turn lanes and traffic controls.

Commission discussion included the various PUDs that have not developed and will be facing the 2010 sunset date, a caution regarding consistency given to these PUDs facing the 2010 sunset date, recommending a sunset date for PUDs that have not developed, the state law that sets development agreements, the City of Beaufort reviewing development agreements and PUDs simultaneously with the County, a recommended action to deny or for a conditional approval for this request, the non-desire to return the PUD to the drawing board with a denial, an explanation of the Lady's Island CP density, and the Burlington PUD density and its effect to Joe Frazier Road.

Mr. Tedder asked for a clarification of the 50% vesting rule. He noted that getting the project 50% built before 2010 was an investment factor.

Further Commission discussion included a clarification of the staff recommendations, a clarification on the applicant's request, the opportunity to require additional standards for the PUD because of the applicant's request, and the possibility of filing a new PUD that would require new standards.

**Motion:** Mr. Flewelling made a motion, and Mr. Riley seconded the motion, **to forward a recommendation of approval to County Council on the Request to Extend the 2010 Sunset Date for Greenheath Planned Unit Development for an additional 10 years with the conditions recommended by staff and Lady's Island Subcommittee:**

- **Concurrent with this PUD action, the applicant shall address school deficiencies through a development agreement with Beaufort County.**
- **Improved access shall be provided between the development and Coosa Elementary. If golf cart type vehicles are envisioned for Greenheath residents, then connectivity to the school should allow for golf cart type vehicle access.**
- **The landscape buffer along Brickyard Point Road shall include a 15-foot easement to allow construction of a future 10-foot wide multi-use pathway.**
- **If approved, the Greenheath PUD must meet all of the development requirements of the ZDSO.**
- **All current impact fees must apply to this PUD.**
- **A Development Agreement must accompany this PUD and, as part of the Development Agreement negotiations, a sunset date for this project should be considered.**

Further discussion included a clarification on treating this PUD as a new PUD, the amended Melrose PUD that did not have a sunset clause, recommending a sunset clauses on new PUDs instead of the unlimited timeframe allowed, and the reasonableness of Beaufort County impact fees as compared to other states. The motion **was carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, Riley and Sutler).

**SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR R600-22-125; 63.12 ACRES KNOWN AS ST. GREGORY THE GREAT CATHOLIC CHURCH AND SCHOOL ON HIGHWAY 278 IN BLUFFTON; FROM RURAL (R) TO SUBURBAN (S); OWNER: THE BISHOP OF CHARLESTON; AGENT: SISTER PAMELA SMITH**

Mr. Criscitiello briefed the Commission. The applicant wishes to expand the church facilities to accomplish the church's growth proposal. The expansion will not depart from the current use of the property. The Planning staff recommended approval provided that a frontage road is constructed to Berkley Hall to the west and the fire department to the east along Highway 278, etc. The Southern Beaufort County Subcommittee recommended approval of the request and asked that traffic improvements and financing be provided to the Planning Commission.

Mr. Hicks noted that the Commission received letters from Berkley Hall and the Town of Bluffton. Both letters are added for the record. The Town of Bluffton supports the recommendation made by the Planning staff.

Applicant's Comment: Mr. Michael Brock, a land planner representing St. Gregory the Great, introduced several meeting attendees representing his client. Mr. Brock noted that his earlier meeting with Ms. Frazier and Mr. Kinton led to this Suburban zoning request instead of Commercial Suburban. The Church's Master Plan has been to expand the sanctuary and the school, and to add a rectory for the priests. The church membership has expanded from 90 families to 5,000 parishioners in 10 years. He showed a master plan, clarifying the expansion items.

*Note: Mr. Sutler departed from the meeting at approximately 7:00 p.m.*

Discussion included the importance of the recommended frontage road.

Public Comments:

1. Mr. David Tedder, representing Berkley Hall, noted that his client is not opposed to the church expanding. The site design is being addressed by changing the zoning instead of addressing the site design. If the open space requirement for large assemblies were amended, a rezoning would not be required. The frontage road will cause the failure of the Berkley Hall traffic light. The traffic analysis did not include signaling the fire station. The frontage road will be going through wetlands and a fully landscaped area on Berkley Hall. He asked for alternative considerations. The only left turn into the church at Berkley Hall is not a good option.
2. Mr. Colin Kinton, the County Traffic and Transportation Engineer, noted that the church currently has access problems. The frontage road was proposed in 2001. The traffic light will not fail since a widening is proposed. Currently, there are police officers providing traffic control during Saturday and Sunday services.
3. Mr. Barry Edwards, of Ward Edwards and a representative for St. Gregory, noted that he assisted the church in obtaining wetland permits. The wetlands are not protected through a restrictive easement but a covenant. He noted that the County asked for a provision to

build the frontage road. There is a pending application with the Corps of Engineers for a wetland permit.

Commission discussion included the interpretive nuances of the Berkley Hall letter, a clarification of the frontage road and traffic signalization, and the County's diligent traffic management of the Highway 278 corridor.

Mr. Tedder noted that there are no misrepresentations in the Berkley Hall letter. The Corps of Engineers is not going through with a wetland permit. Do not burden the church with the frontage road; instead, deal with Berkley Hall. He noted a traffic study that noted that Highway 278 operated at an overall deficient level. The traffic study was based on a certain amount of students in the school, but the school has scaled down its enrollment.

Public Comment: Mr. Dave DeRooney who lives at Berkley Hall and attends St. Gregory noted that there are a lot of people using the church. There was an arrangement made between the developer and the County to construct the road that was suppose to be a small road, not a frontage road. He noted that there are no stub outs. There are no documents showing the frontage road. The Berkley Hall property owners did not know about the frontage road. There is reasonable doubt as to the frontage road requirement. Berkley Hall has not conducted traffic studies, instead St. Gregory has. The fire station alternative was recommended in the first study, and was not recommended in the second study.

Mr. Criscitiello noted that the Meggett PUD master plan clearly showed the frontage road. (Note that the Meggett PUD was renamed Berkley Hall.)

Further Commission discussion included a recommendation that appropriate traffic modifications be addressed regarding the increased traffic from the church/school.

**Motion:** Mr. Flewelling made a motion, and Mr. Petit seconded the motion, **to forward to County Council a recommendation of approval on a Southern Beaufort County Zoning Map Amendment/Rezoning Request for R600-22-125 (63.12 acres known as St. Gregory The Great Catholic Church and School from Rural (R) to Suburban (S) with a condition of appropriate traffic mitigation.** The motion was carried unanimously (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, and Riley).

*Note: Chairman Hicks recessed the meeting at >> and reconvened the meeting at 7:41 p.m.*

**SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR R600-41-168, 170 AND 172; TOTALING 10.18 ACRES OFF BUCKINGHAM PLANTATION DRIVE IN BLUFFTON; FROM URBAN (U) TO COMMERCIAL REGIONAL (CR); OWNER: TOWNE CENTER LLC, APPLICANT/AGENT: GARY BENSCH**

Mr. Criscitiello briefed the Commission. The Bluffton Parkway will impact this property. The Planning staff recommended denial of this request. The Southern Beaufort County Subcommittee recommended approval of this request.

Applicant's Comments: Mr. Gary Bensch noted that he and his wife own the parcel. He gave the Commissioners a page listing commercial uses around his property. The uncertainty of the Bluffton Parkway plans has stifled his efforts to develop his property. He was downzoned in 1999 and requested a rezoning to Urban with the capability to build 15 units per acre. When he tried to develop multi-family homes on the property, he was told he was too close to another multi-family development. With the Parkway taking a portion of his property, he needs the rezoning to utilize the property to its fullest potential. He noted that the property would contain a proposed storage facility, underground parking and office spaces. There is an existing storage facility along Buckingham Plantation. Tanger Outlet II is to the west of his property. It is short-sighted of the County to deny his request. He has been told he would be allowed only one access road from the Parkway. He has experienced a large increase in the annual property taxes.

Public Comment: Mr. Kinton noted the Bluffton Parkway right-of-way acquisition is scheduled to start this fall.

Discussion included the pros and cons of upzoning the property in the pathway of the right-of-way acquisition of the Bluffton Parkway that would elevate the property value, the allowed uses in Commercial Regional for the size of the property, the Commission's inability to rezone and restrict the uses, and a recommendation to upzone the portion of the property where the Bluffton Parkway would not be placed.

Public Comment: Mr. Tedder noted that the applicants may withdraw their request in order not to take a negative request to County Council. By not allowing the rezoning, this action is coming close to pre-condemnation blight which usually means downzoning the property.

Mr. Bensch noted that his request was a result of his discussion with the County. He had not been asked to split the property. He is asking that his request be split as recommended by one of the Commissioners. The county took his light industrial zoning and zoned the property rural. If the split zone is not allowed by the Planning Commission, Mr. Bensch will ask that his request be tabled.

Mr. Criscitiello noted that the split zoning would have to be evaluated by the staff.

*Note: Chairman Hicks recessed the meeting at approximately 8:27 p.m. and reconvened at approx. 8:34 p.m. in order to allow Mr. and Mrs. Bensch to discuss further action on their request.*

Mr. Bensch stated that he is withdrawing his request in order to resubmit at a later time on the portion of the property that the highway would not be located.

**TEXT AMENDMENTS TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XIII, SECTION 106-2828(B)(4) PRIVATE WATER SYSTEMS REQUIRING FIRE FLOW BE ESTABLISHED ACCORDING TO INTERNATIONAL FIRE CODE TABLE B105.1; 106-2828(C) ALTERNATIVE WATER SUPPLY TEXT CHANGE CODE SHOULD BE 1142**

**INSTEAD OF 1231; APPLICANT: BEAUFORT COUNTY FIRE CHIEFS ASSOCIATION**

Mr. Criscitiello briefed the Commission. The Planning staff recommended approval of the request.

Applicant's Comment: No comment received.

Public Comment: Mr. Tedder noted that the version of the International Fire Code would be needed to correctly identify the code being used.

Commission discussion included concern for increased insurance rates with the adoption of this text amendment, a clarification of the text amendment request, and an affirmation that the 2006 version of the International Fire Code would be included in the working of the text amendment.

**Motion:** Mr. Flewelling made a motion, and Mr. Petit seconded the motion, **to forward to County Council a recommendation of approval for the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XIII, Section 106-2828(b)(4) Private Water Systems that required the fire flow be established according to the 2006 International Fire Code Table B105.1.** The motion was **carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, and Riley).

**Motion:** Mr. Flewelling made a motion, and Mr. Petit seconded the motion, **to forward to County Council a recommendation of approval for the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XIII, Section 106-2828(c) Alternative Water Supply that changes the National Fire Protection Association code to 1142.** The motion was **carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, and Riley).

**TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V, SECTION 106-1098; ALLOWS RECYCLE CONCRETE CENTER IN RURAL ZONING DISTRICT; APPLICANT: JOE PIZZO (NOTE: THIS ITEM WAS POSTPONED FOR FURTHER STAFF REVIEW.)**

**TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SECTION 106-1846 (FORESTS): AMENDS SECTION TO ALLOW THE REMOVAL WITHOUT A PERMIT OF ANY TREE ON AN INDIVIDUAL SINGLE-FAMILY LOT EXCEPT SPECIMEN TREES.**

Mr. Criscitiello briefed the Commission. He noted that Mr. Kubic had asked the Planning staff to review the requirement of an arborist when removing trees on residential property. The Planning Staff recommended approval of this amendment.

Public Comment: Mr. David Tedder noted that in 1997 and 1998 during the Comprehensive Plan timeframe cutting of trees on individual lots was a firestorm. He doesn't have a problem protecting trees. He noted a pine tree in hurricane weather was a deadly prospect. He has a

problem requiring tree surveys by individual property owners. Make it equitable for landowners. If a landowner has a wooded lot, why should he have to mitigate the trees that would have to be cut in order to place his home? Why should a homeowner have to mitigate trees on his residential property? Don't infringe on the property owner's rights to cut down trees for firewood or what the owner would consider as dangerous.

Commission discussion included desiring a listing of specimen trees that are to be excluded, recommending a reexamination of this text amendment because of the possible varied interpretations, allowing the residential property owner to remove whatever trees they desire except 12-inch live oaks, over-regulating residential tree removal, the Staff's frustration in preserving trees during pre-construction review that the homeowner will remove in post-construction period, and recommending changes to the amendment by substituting "may" instead of "shall" mitigate and excluding only live oaks instead of specimen trees.

**Motion:** Mr. Petit made a motion to forward to County Council a recommendation of approval on Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Section 106-1846 (Forests) that allows owners of single-family residential lots to remove any tree on their property without a permit except for live oak trees greater than 16 inches dbh and trees within a required buffer. Further Commission discussion included a clarification of the motion. **No second was received to the motion. Mr. Petit withdrew his motion.**

**Motion:** Mr. Flewelling made a motion, and Mr. Petit seconded the motion, to forward to County Council a recommendation of approval for the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Section 106-1846 (Forests) that allows the removal without a permit of any tree on an individual single-family lot, as recommended by the Planning staff, with the following two exceptions:

- (1) the first sentence to read "...excluding live oak trees greater than 16 inches dbh in any zoning district without a permit.", and,
- (2) the third sentence to read "..., the owner may be required to mitigate...."

Further discussion included a clarification of the motion that involves single-family lots with dwelling units. The motion was **carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, and Riley).

Further discussion included the county not having an arborist on staff.

**TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V (USE REGULATIONS), TABLE 106-1426 (ACCESSORY AND MISCELLANEOUS USE STANDARDS): AMEND TABLE TO PERMIT FREESTANDING TWO-CAR GARAGES ON ANY RESIDENTIAL LOT,**

Mr. Criscitiello briefed the Commission. The Planning Staff recommended approval of this text amendment.

Public Comment: None were received.



Discussion included a concern that small dwelling units will have substantial two-car garages, a fact that the setbacks will limit the garage sizes, a clarification on the placement of the garages, the issue of covenants and this text amendment, the maximum size and height of allowable garages, and the Planning staff adding a maximum height requirement of garages not to exceed the height of the principal structure as the text amendment moves to Land Management,

**Motion:** Mr. Flewelling made a motion, and Mr. Riley seconded the motion, **to forward to County Council a recommendation of approval for the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article V (Use Regulations), Table 106-1426 (Accessory and Miscellaneous Use Standards) that will permit freestanding two-car garages on any residential lot, with a provision that the staff add a maximum height requirement of garages not to exceed the height of the principal structure as the text amendment moves to Land Management.** The motion was **carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, and Riley).

Mr. Hicks complimented the Commission on their exchange of opinions. Mr. Petit complimented the Planning Staff on their work. Mr. Hicks noted that the Planning staff does not guarantee conditions to the public. Mr. Petit recommended a uniform code of development standards for the County and the municipalities.

**OTHER BUSINESS:** None were discussed.

**ADJOURNMENT: Motion:** Mr. Riley made a motion, and Mr. Flewelling seconded the motion, **to adjourn** the meeting. The motion was **carried unanimously** (FOR: ~~Chmelik~~, Flewelling, **LeGree**, Hicks, **Mullen**, Petit, ~~and~~ Riley and **Sutler**). The meeting adjourned at approximately 9:33 p.m.

**SUBMITTED BY:** \_\_\_\_\_  
Barbara Childs, Admin. Assistant to the Planning Director

\_\_\_\_\_  
Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:** **October 6, 2008** (deletions are ~~struck through~~, additions are **bolded and underscored**)