

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, October 6, 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. Diane Chmelik
Ms. Mary LeGree	Mr. Frank Mullen	Mr. Ronald Petit
Mr. Edward Riley III	Mr. Robert Semmler	Mr. E. Parker Sutler

Members Absent: None

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 6:10 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 August 4, 2008, minutes and noted the following corrections:

1. The "Adjournment" paragraph where the second sentence should read: The motion **was carried unanimously** (FOR: Flewelling, LeGree, Hicks, Mullen, Petit, Riley and Sutler).
2. The "Review of Minutes" paragraph for:
 - June 25, 2008, subparagraph where the last sentence should read: The motion **was carried** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, and Sutler; ABSTAINED: Riley).
 - July 7, 2008, subparagraph where the last sentence should read: The motion **was carried unanimously** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, Riley and Sutler).

Motion: Ms. LeGree made a motion, and Mr. Flewelling seconded the motion, **to accept the August 4, 2008, minutes as corrected.** The motion **was carried** (FOR: Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler; ABSTAIN: Chmelik).

CHAIRMAN'S REPORT:

1. **Meeting Procedure:** Chairman Hicks requested that speakers limit their comments to 5 minutes.

2. **Meeting Agenda Change:** Chairman Hicks noted that the Text Amendment regarding the tree ordinance was removed from tonight's agenda by the Planning Staff for further work.

PUBLIC COMMENT for items other than agenda items:

1. Ms. Sandy Stephen commented on the proposed tree ordinance that was withdrawn by staff. Ms. Stephen lives in the Pleasant Point subdivision on Lady's Island. Most people say they love trees, but they do not know enough about them and usually will cut them down. Her subdivision has a defunct golf course where over 65 pine trees have been cut down. Because of the cuttings, she can now see a boat in disrepair that was being used as a planter and a home in disrepair. The Beaufort community is known for its beautiful marshes and greenery. She asked that the Commission to consider carefully that diversity is important. Educate the property owners on the importance of trees. Property owners have a right to do what they want, but they are ruining their neighbors' property values by cutting trees indiscriminately. Ms. Stephen suggested having Veronica Miller, the Keep Beaufort County Beautiful project coordinator, to start a new campaign – Keep Beaufort Beautiful.
2. Mr. George Johnston of St. Helena and Dataw Island reiterated Ms. Stephen's comments. He noted that there were tree lovers, those that did not know anything about trees, and those that did not like them. When forming tree ordinances, he recommended incorporating more expert knowledge from Chris Marsh of --, Michael Murphy of Preservation Tree, Ed McMahon of Urban Land Institute, and the U.S. Forest Service. He also suggested considering the biological impact of tree removal, and including comparative ordinances from other government entities.

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. Mr. Criscitiello noted intensity of density will be controlled by DRT. The Planning staff recommended split zoning 6.52 acres of the 10.18-acre property to Commercial Regional, and leaving the remainder as Urban zoning.

Applicant's Comments: Mr. Gary Bensch, the applicant, noted that Mr. Criscitiello spoke well to the issue. He wants to rezone 6.52 acres of the 10.18 acres so he can move forward with his proposed development as was discussed at the August 2008 Commission meeting.

Discussion included the Town of Bluffton's opposition to the rezoning, and an extended appreciation to Mr. Bensch for working with the staff regarding the split zoning.

Public Comment: None were received.

Motion: Mr. Flewelling made a motion, and Mr. Riley seconded the motion, **to forward a recommendation of approval to County Council on the Southern Beaufort County Zoning**

Map Amendment/Rezoning Request for 6.52 acres of the 10.18 acres of R600-41-168, 170 and 172; from Urban (U) to Commercial Regional (CR). The motion was carried **unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

ST. HELENA ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R300-16-69B, 2.00 ACRES AT THE CORNER OF SEA ISLAND PARKWAY AND YARD FARM ROAD; FROM RURAL (R) TO RURAL BUSINESS (RB) DISTRICT; OWNER: ORANGE GROVE PLANTATION INC, APPLICANT: JOHN TRASK JR., AGENT: ED JERUE

Mr. Criscitiello briefed the Commission. The Planning staff recommended denial of the rezoning request. Mr. Criscitiello has spoken to the applicant's representative regarding having a large acreage for consideration for the Rural Business rezoning.

Applicant's Comment: Mr. David Tedder, the applicant's representative, disagreed with Mr. Criscitiello. Mr. Tedder was able to contact an abutting property owner and will bring the additional application to the Planning Department tomorrow. A single parcel zoning has been upheld by the courts. The purpose of rezoning is to legitimize a business that is currently a non-conforming use. Mr. Tedder mentioned that the rationale for Rural Business zoning was to assist existing businesses.

Discussion included the expansion of the proposed rural business district that will conflict with the St. Helena Corners Area Community Preservation District that is 0.6 miles from the intersection of Martin Luther King Boulevard and Highway 21, and a clarification on the location of the additional property that is west of the property requesting rezoning.

Public Comment: None was received.

Chairman Hicks asked Mr. Tedder to clarify that the rezoning request for R3000-16-69B was being withdrawn and would be combined with another application that the Planning Commission would be considering at a later date. Mr. Tedder affirmed that this rezoning application was being withdrawn from consideration tonight.

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST TO THE CALLAWASSIE PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN (R600-15A-124) TO ALLOW COMMUNICATION TOWERS IN THE AREA DESIGNATED UTILITY & SERVICE AREA; APPLICANT: CALLAWASSIE ISLAND MEMBERS CLUB INC.; AGENT: JONATHAN YATES

Ms. Diane Chmelik and Mr. Edward Riley of the Planning Commission asked to be recused since they are members of the Callawassie Island Members Club which is the applicant for this rezoning. They left the room during the discussion period.

Mr. Criscitiello briefed the Commission. He asked consideration be given to the mosquito pilots flying in the area. The Southern Beaufort County Subcommittee recommended approval of this request.

Discussion included a clarification on the height of the tower.

Applicant's Comments: Mr. Jonathan Yates, the applicant's representative, described the stealth pole that would be located on Callawassie Island. Co-location for 6 companies would be possible on the tower. He noted the numerous 911 calls placed on wireless phones. He remarked that the Federal Aviation Authority (FAA) had set tower lighting standards at 200 feet or higher, but Beaufort County requires lighting towers from 150 feet or higher because of pilot safety. Mr. Yates expressed concern that pilots would rely on the national standard of lighted towers 200 feet, not knowing Beaufort County's lighting requirement of 150 feet. The Applicant is requesting for an unlit 145 foot pole, as recommended by their agent. The Applicant is asking for approval as they submitted. Mr. Yates noted that towers are registered with the Beaufort County Geographical Information System (GIS) department.

Mr. Gregg Hunt, the Beaufort County Mosquito Control Department Head, noted that the new tower lighting ordinance covered tower between 150 and 200 feet tall. He is concerned that the stealth pole may cause problems with the pilots. He preferred lighting the pole. Chairman Hicks expressed concern changing the tower lighting rules unless it was standardized for all towers. The County's Zoning and Development Standards Ordinance (ZDSO) require tower lighting for towers at 150 feet or higher. He is hesitant to start setting tower light based on zoning. Mr. Hunt is recommending that the Commission approve a 150-foot lighted tower and deny the request for an unlit 145-foot tower. The stealth pole is new technology. He is concerned with the safety of his mosquito control pilots.

Mr. Criscitiello stated that he had heard of near accidents by the mosquito pilots regarding unlit towers. The development standards of a PUD can be crafted to the PUD only.

Mr. Yates rebutted in disagreement with Mr. Hunt. Pilots have asked for the monopole towers. The mosquito pilots should be reviewing all notices regarding known obstructions. He asked that the Commission follow the ZDSO requirement of lighting towers 150 feet or higher. When asked by the Commission if the applicant had selected the tower height, Mr. Yates affirmed that the Applicant did not desire tower lighting so the 145-foot tower was selected. Mr. Yates stated that lights irritate people and birds. Neighbors of towers do not want the towers lit. Mr. Yates rebutted

Commission discussion included the number of towers that have lighting, the mosquito control planes that must fly during twilight, the availability of tower lighting deflective shields to keep the lights from being seen by the neighboring residents, the possibility of locating on the Beaufort-Jasper Water Sewer Authority (BJWSA) water tower, the coverage required for Callawassie Island residents, the straightforwardness of the tower lighting ordinance, the spirit of the ordinance paramountly being safety, using the light diversion devices, and the self-determination of the residents regarding what they want.

Public Comment: Mr. David Tedder stated that he had represented cell tower companies and that Beaufort County citizens did not want lights on the towers. Keep the consistency with lighting towers. Stick with a standard across the board, regardless that the property is a PUD. Pilots should be programming their GIS for all towers. The near accident incident by Sun City involved an unpermitted tower that was not on the County GIS maps.

Motion: Mr. Flewelling made a motion, and Mr. Petit seconded the motion, **to forward a recommendation of approval to the County Council on the Southern Beaufort County Zoning Map Amendment/Rezoning Request to the Callawassie Planned Unit Development (PUD) Master Plan for R600-15A-124 to allow a 145-foot unlit communication tower in the area designated utility and service area with the tower being a monopole design and meeting the current Zoning and Development Standards Ordinance (ZDSO) requirements.** Further discussion included agreeing to the motion. The motion was carried (FOR: ~~Chmelik~~, Flewelling, Hicks, LeGree, Mullen, Petit, ~~Riley~~—and Sutler; AGAINST: Semmler. Note: RECUSED: Chmelik and Riley who left the room before the discussion).

NOTE: Mr. Hicks recessed the meeting at approximately 7:24 p.m. and reconvened at approximately 7:34 p.m.

LADY’S ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R201-015-117, -510 TO -516, -519 TO -523, -525 AND -526, FIFTEEN PROPERTIES TOTALING APPROXIMATELY 6 ACRES ALONG MAYFAIR COURT OFF OF SAM’S POINT ROAD (HIGHWAY 802); FROM LADY’S ISLAND COMMUNITY PRESERVATION (CP) DISTRICT TO EITHER VILLAGE CENTER (VC) OR PROFESSIONAL OFFICE DISTRICT (POD); OWNER: RONALD HUDSON, ET AL., APPLICANT: RONALD HUDSON, ET AL.

Mr. Criscitiello briefed the Commission. Mayfair Court is a dirt road needing improvements. This rezoning request is premature until road improvements have occurred. The Planning staff recommended denial of this request.

Applicant’s Comment: Mr. Billy Dilsaver, a representative for one of the property owners, said he would wait for the recommendations for the area by the County Transportation and the County Stormwater Departments.

Public Comment: None were received.

Commission discussion included asking for a clarification on the applicant’s decision, a description of the area including the dirt road and the mobile homes with absentee homeowners, the area being a part of the Lady’s Island connectivity study that would include paving and stormwater infrastructure, and the prematureness to rezone the area prior to improvements occurring,

Motion: Mr. Petit made a motion, and Ms. LeGree seconded the motion, **to forward to County Council a recommendation of denial for the Lady’s Island Zoning Map Amendment/Rezoning Request for R201-015-117, -510 TO -516, -519 TO -523, -525 and -**

526, fifteen properties totaling approximately 6 acres along Mayfair Court off of Sam's Point Road (Highway 802); from Lady's Island Community Preservation (CP) District to either Village Center (VC) or Professional Office District (POD) at this time until the Lady's Island connectivity study is completed. The motion was carried unanimously (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V, SECTION 106-1098 (GENERAL USE TABLE); ALLOWS RECYCLE CONCRETE CENTER IN RURAL ZONING DISTRICT; APPLICANT: JOE PIZZO

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

Applicant's Comment: Mr. Joe Pizzo did not realize he was not in compliance with having the recycling concrete center in the rural district. There is no light industrial zoning on St. Helena and Lady's Islands. He was looking for a temporary location, with limited hours and limited days. He would be providing a cheap product to property owners living on dirt roads. The machinery is portable.

Public Comment: Mr. John Moore, an Eddings Point resident, said that Industrial zoning is near the Lady's Island airport. He would like to have one of those machines himself because it is profitable; however, the use is dusty and noisy. He does not think his property value should suffer if someone else does not follow the ordinance. If a person is not in compliance, he should not be allowed. Please deny the request for him and his family's safety.

Discussion included applauding the recycling efforts but the use is light industrial, and clarifying that the text amendment would include the use in all rural zoning districts.

Motion: Mr. Flewelling made a motion for denial of Mr. Pizzo's text amendment. No second was received.

Mr. Pizzo noted the lack of available light industrial zoning on St. Helena Island. He has friends that cannot keep their dump trucks at their homes. This use is monitored by the State in regards to dust control. He withdrew his application.

Note that Mr. Flewelling withdrew his motion of denial and Chairman Hicks noted no further action was required by the Commission regarding this request.

TEXT AMENDMENTS TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX K (CORNERS AREA COMMUNITY PRESERVATION DISTRICT), SECTION 4 PERMITTED ACTIVITIES & SECTION 5 LIMITED AND SPECIAL STANDARDS (TO ALLOW GENERAL MERCHANDISE STORE); APPLICANT: ROBERT SAMPLE

Mr. Criscitiello briefed the Commission that the applicant, Mr. Sample, wishes to withdraw his application until the staff can assist in revising the application.

Applicant's Comment: Mr. Robert Sample, the applicant, affirmed Mr. Criscitiello's statement that this application is withdrawn.

TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX D (COMMUNITY PRESERVATION AREAS), TABLE 1 (RESIDENTIAL LOT SIZE & DENSITY STANDARDS FOR CP AREAS) & TABLE 2 (DEVELOPMENT STANDARDS FOR CP AREAS) -- AMENDS INTERIM DENSITY STANDARDS FOR A PORTION OF THE BLUFFTON CP THAT ACCESSES THE MAY RIVER ROAD

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

Public Comment: None were received.

Discussion included a concern regarding the amendment, a mention of a similar action by the Lady's Island Community Preservation (CP) Committee to lower the density until the roads could handle the traffic, the May River CP Committee's desire to keep the tree canopy along Highway 46, the restrictiveness of the proposed text amendment to the interim CP standards, the proposed May River CP density development standards, a concern that affected property owners were not notified of the restrictions, protecting the public at large from the desires of few, kudos to the Planning staff for providing balance to the CP Committee recommendations, and placing a sunset clause to force the CP Committee to finalizing their work.

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), Appendix D (Community Preservation Areas), Table 1 (Residential Lot Size & Density Standards For CP Areas) and Table 2 (Development Standards For CP Areas) that amends the Interim Density Standards for a portion of the Bluffton CP that accesses the May River Road to be in effect for no longer than six months.** The motion was carried unanimously (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

OTHER BUSINESS: The reactivation of the St. Helena Island Corners Area CP Committee: Ms. LeGree will forward recommendations to the Planning Staff. Mr. Hicks recommended contacting Mr. Ben Johnston Jr. for guidance. Mr. Criscitiello agreed with the action.

ADJOURNMENT: Motion: Mr. Semmler made a motion, and Mr. Riley seconded the motion, **to adjourn** the meeting. The motion was carried unanimously (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler). The meeting adjourned at approximately 8:24 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **November 3, 2008, as corrected** (deletions are ~~crossed through~~ and additions are underlined)