

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, November 3, 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
Mr. Robert Merchant, Long-Range Planner
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman Jim 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 their October 6, 2008, meeting minutes, and noted one correction—delete Chmelik and Riley from the motion paragraph for the rezoning request for Callawassie that is on page 5. **Motion:** Mr. Brian Flewelling made a motion, and Ms. Diane Chmelik seconded the motion, **to accept the October 6, 2008, minutes as corrected.** The motion **was carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

CHAIRMAN’S REPORT:

1. **Addition to Tonight’s Agenda:** Chairman Hicks noted that a presentation on the Intergovernmental Agreement that was being considered by Beaufort County, the Town of Port Royal and the City of Beaufort would be given at tonight’s meeting. He noted that the Agreement would be the process by which those entities would handle annexations.
2. **Memorial:** Chairman Hicks commented on the passing of Retired General Robert Barrow, one of the Commandants of the U.S. Marine Corps, and Chairman Hicks’ personal mentor.

INTERGOVERNMENTAL AGREEMENT: Mr. Robert Merchant reviewed a power point presentation on the agreement that was recommended by the Northern Regional Plan. The Agreement denotes the municipalities agreeing not to annex outside of the growth boundaries in Northern Beaufort County. The Northern Regional Plan also recommended a 10-year Capital Improvements Plan (CIP) and establishing baseline standards within the growth boundaries. Developing baseline standards proved to be difficult so the agreement includes interim development notification and coordination between the participating governments, annexation principles, and conflict resolution.

Discussion included a clarification on the definition of contiguous, and an explanation of annexation within and not outside of the growth boundaries.

PUBLIC COMMENT for items other than agenda items: Mr. David Tedder, in following the intergovernmental agreement process, has a problem regarding the conflict resolution since the property owner is not involved in the process. He is concerned that the multi-level review process would delay project approvals. ??Baseline standards for traffic impact statement – he quoted regional significant projects review.

BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR NORTHERN BEAUFORT COUNTY R700-20-98, 122 AND A PORTION OF 1, 78 ACRES IN GARDEN’S CORNER OFF HIGHWAYS 21 AND 17; FROM RURAL (R) TO RURAL BUSINESS (RB); OWNERS: E. CAMPBELL AND PARISH MARKET LLC, APPLICANT: C. CAMPBELL

Mr. Criscitiello briefed the Commission. He noted that the design of Highway 17 would affect the Garden’s Corner intersection. The Planning staff and the Northern Beaufort County Subcommittee both recommended deferral of this rezoning request. The Planning staff may be prepared to present the boundaries of the Garden’s Corner Rural Business District, so Mr. Criscitiello asked that the Planning Commission defer consideration on this request until their December 2008 meeting.

Applicant’s Comments: Mr. Chris Campbell, the applicant, agreed with the recommendation by the Planning staff to defer a Commission decision until their December 2008 meeting.

Discussion included:

- the legality of due process regarding this rezoning request,
- the standards applicable for the rural district,
- South Carolina Department of Transportation (SCDOT) requirements for the widened road,
- the zoning mapping process prior to the adoption of the 1999 Zoning and Development Standards Ordinance (ZDSO),
- the Applicant’s and the Commission’s options regarding this rezoning request,
- query on holding up this request which had little effect as opposed to another project that had ,
- a historical background regarding Garden’s Corner rural business district,

- the various factors involved such as Old Sheldon Church as a national register scenic highway and the two CP districts that are on either side on Highway 17 of Garden's Corner,
- an explanation of Mr. Criscitiello's options regarding this request,
- concern with the large number of acreage involved with this request,
- the subcommittee recommendation of deferral on this rezoning request, and
- public input regarding being included or not included in the proposed rural business district.

Motion: Ms. Chmelik made a motion, and Mr. Mullen seconded the motion, **to forward to County Council with a recommendation of denial, with a recommendation that the Planning Department expeditiously return to the Commission with the proposed boundaries of the Garden's Corner Rural Business District.** Discussion included a clarification regarding the applicant's position. The motion **was carried** (FOR: Chmelik, Flewelling, Hicks, Mullen, Petit, Riley, and Semmler; AGAINST: LeGree and Sutler).

Public Comment:

1. Mr. David Tedder, noted that he has known Mr. Campbell for 30 years. He believes the Commission is confusing the Rural Business District with the Community Preservation District. He believes the concern should be the size of the Rural Business District and the South Carolina Department of Transportation standards. He was disappointed with the denial being forward to County Council. He believes the Commission is making a premature decision and should defer until next month.
2. Mr. John Stratos, a Garden's Corner property owner, noted that eight years ago a Garden's Corner rural business district was proposed. He has joined with 16 other property owners who desire to be included in the district. He noted concern for language in the rural business district that does not allow including additional properties until the properties in the district are filled up. He petitioned the State that the road be moved from his property, the Carolina store. There is strong interest in being included in the Garden's Corner rural business district.
3. Mr. Chris Campbell noted that his 78 acres are more that the Commission would desire for the district. There is no septic for the area. He has agreed to reduce the amount of acreage in his request. (Mr. Hicks noted that the Commission will have to consider what the request was made originally.)

Discussion included the Planning staff providing a profession plan for the area, a deferral on the request that will keep things in limbo, concern for those property owners that desire to be included in the Garden's Corner Rural Business District, and an explanation of how Mr. Campbell's request should be handled.

Mr. Campbell asked for a deferral of his request for 30 to 60 days.

Since public comment was not received before the earlier motion, the motion was nullified and a new motion was made.

Motion: Ms. Chmelik made a motion, and Mr. Mullen seconded the motion, **to forward to County Council a recommendation of denial of the Northern Beaufort County Zoning Map Amendment/Rezoning Request for R700-20-98, -122 and a portion of -1, a total of 78 acres in Garden's Corner off Highways 21 and 17; from Rural (R) to Rural Business (RB) District.** The motion was carried **unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

Note: Chairman Hicks recessed the meeting at approximately 7:20 p.m. and reconvened the meeting at approximately 7:29 p.m.

TEXT AMENDMENTS TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE II (ADMINISTRATIVE BODIES AND AGENTS), SUBDIVISION VI. CORRIDOR REVIEW BOARDS (CREATES THE TOWN OF BLUFFTON AND BEAUFORT COUNTY JOINT CORRIDOR REVIEW BOARD)

Mr. Criscitiello briefed the Commission. This is a fulfillment of one of the recommendations from the Southern Regional Plan for a joint corridor review board (CRB) with the County and the Towns of Bluffton and Hilton Head Island.

Public Comments: None were received.

Discussion included kudos on the amendment, the standards for the joint CRB that will be worked on at a later date, the makeup of the joint CRB board, the municipality agreement to this joint board, and a clarification of the two County CRB boards—northern and southern,

Motion: Mr. Flewelling made a motion, and Mr. Chmelik seconded the motion, **to forward to County Council a recommendation of approval on the text amendments to Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article II (Administrative Bodies and Agents), Subdivision VI. Corridor Review Boards, to create the Town of Bluffton and Beaufort County Joint Corridor Review Board.** The motion was carried **unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

TEXT AMENDMENTS TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX A1. AIRPORT OVERLAY DISTRICT / MCAS-BEAUFORT, SECTION 5. USE LIMITATIONS (CLARIFIES THAT RESIDENTIAL UNITS OVER COMMERCIAL SHALL BE COUNTED TOWARDS THE ALLOWABLE DENSITY WITHIN ACCIDENT POTENTIAL AND NOISE ZONES)

Mr. Criscitiello briefed the Commission.

Public Comment: None were received since there was no general public present.

Discussion included the Commission having faced this issue earlier in the year with another project.

Motion: Mr. Flewelling made a motion, and it was seconded, **to forward to County Council a recommendation of approval of the Text Amendments to Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix A1. Airport Overlay District / MCAS-Beaufort, Section 5. Use Limitations, to clarify that residential units over commercial shall be counted towards the allowable density within Accident Potential and Noise Zones.** The motion was **carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, NATURAL RESOURCES ELEMENT (REPLACES IN-KIND THE EXISTING ELEMENT)

Mr. Merchant briefed the Commission on the recommendations included in this Element, as requested by Chairman Hicks.

Discussion included a correction noted on page 20, a clarification of Mr. Merchant's comment regarding tree issues on Callawassie Island, the County's process on protecting isolated wetlands, and a clarification on the disclosure statement regarding climate change.

Public Comment: None were received since there was no general public present.

Motion: Mr. Flewelling made a motion, and Mr. LeGree seconded the motion, **to forward to County Council a recommendation of approval for the Text Amendment to the Beaufort County Comprehensive Plan, Natural Resources Element, that replaces in-kind the existing element.** The motion was **carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Semmler, Sutler and Riley).

RESOLUTION FOR A JOINT REVIEW OF REGIONALLY SIGNIFICANT PROJECTS

Mr. Criscitiello briefed the Commission. This resolution, recommended by the Southern Regional Plan Implementation Committee, would have participating governments in the Southern Beaufort area to review jointly projects of regional significance.

Public Comment: None were received since there was no general public present.

Discussion included the adoption of this resolution by the Town of Bluffton, and the involvement by Jasper County and the Town of Hardeeville with this joint review.

Motion: Ms. Chmelik made a motion, and Ms. LeGree seconded the motion, **to forward to County Council a recommendation of approval of the Resolution for a Joint Review of Regionally Significant Projects.** The motion was **carried unanimously** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Semmler, Sutler and Riley).

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, LAND USE ELEMENT

Mr. Merchant briefed the Commission. Chairman Hicks commented on the element and asked that the Commissioners consider the proposed recommendations. Mr. Merchant explained the process that was used to analyze the existing rural policy and provided a power point presentation on the proposed recommendations.

Discussion included:

- disagreeing with the neighborhood mixed use designation for the Okatie Village since it was four units per acre which was more like urban mixed use;
- disagreeing with encouraging road grids--instead favoring cul-de-sacs and wandering roads;
- disagreeing with the inclusion of heavy industrial uses;
- concern for the discouragement of gated communities;
- recommending “establish” instead of “create” the liaison position in Recommendation 4-18 so that existing staff is utilized;
- clarifying the Transfer of Development Rights (TDR) recommendation; and
- concerns regarding Page 42, Recommendation 4-15 that included:
 - the rural policy that may accelerate growth,
 - the elimination of the rural-residential zoning,
 - the large parcels not receiving a higher density,
 - the recordkeeping of such subdivisions,
 - a clarification on the density in the rural areas,
 - the impact on the infrastructure because of this policy,
 - the methodology on calculating buildout on the proposed and the existing policies,
 - the desire to defer this recommendation until there is a wide distribution for public input on this recommendation,
 - the wide variety of rural areas in the county, within and outside of the growth areas, affected by this policy,
 - the exemption of Lady’s and Coosaw Islands from this policy,
 - a suggested briefing to the affected municipalities on the proposed rural policy, and
 - the buildout projections of within and outside of the growth area.

Public Comment: None were received since there was no general public present.

Motion: Mr. Hicks 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 Comprehensive Plan, Land Use Element, with the exception of Recommendation 4-15 where further analysis and coordination with the affected municipalities should occur prior to its approval.** Further discussion included concern for some of the Northern Beaufort County residents desiring the newer rural policy, the overall effect of the Recommendation and concern that the municipalities are not fully aware of the effect the Recommendation will have on them. The **motion was carried** (FOR: Chmelik, Flewelling, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

OTHER BUSINESS: Chairman Hicks noted that Mr. Flewelling would not be attending the December 2008 Commission meeting. No other business was discussed.

ADJOURNMENT: Motion: Mr. Flewelling made a motion, and it was seconded, **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 9:14 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **December 1, 2008**