

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, December 1, 2008, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair
Mr. Ronald Petit
Mr. E. Parker Sutler

Ms. Diane Chmelik
Mr. Edward Riley III

Ms. Mary LeGree
Mr. Robert Semmler

Members Absent: Mr. Brian Flewelling, Vice Chair, and Mr. Frank Mullen

Staff Present:

Mr. Anthony Criscitiello, Planning Director
Mr. Jay Hogan, Current 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 November 3, 2008, meeting minutes. **Motion:** Mr. E. Parker Sutler made a motion, and Ms. Diane Chmelik seconded the motion, **to accept the November 3, 2008, minutes as written.** The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler and Sutler).

CHAIRMAN'S REPORT: Chairman Hicks announced that the Commission would hold a workshop on December 16, 2008, to review the proposed rural policy that is part of the Beaufort County Comprehensive Plan, Chapter 5. The workshop will occur in the Planning Department.

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

ST. HELENA ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R300-16-69 AND 69B; 23.0 AND 2.0 ACRES RESPECTIVELY, NEAR THE CORNER OF SEA ISLAND PARKWAY AND YARD FARM ROAD; FROM RURAL (R) TO RURAL BUSINESS (RB) DISTRICT; OWNERS: J. TRASK, JR., AND ORANGE GROVE PLANTATION INC, APPLICANT: J. TRASK JR., AGENTS: DAVID TEDDER AND E. JERUE

Mr. Criscitiello briefed the Commission. The Planning staff recommended denial of the request; the Lady's Island/St. Helena Island Subcommittee recommended approval.

Applicant's Comments: Mr. David Tedder, representing the applicant, noted the initial objection to Mr. Jerue's first submission was spot zoning. The property owner/applicant added another parcel to the request. Mr. Jerue's 2-acre parcel has a non-conforming use where he sells crafts to Penn Center and builds lawn chairs. The use has a built-in restrictive size. The parcel was not included in the Corners Area Community Preservation (CCP) District. Had he been included, light commercial could not be done on the parcel. The Rural Business District was drawn to encourage in-fill development, not sprawl. There is a 20-year old asphalt business behind the parcel. Mr. Jerue is trying to bring jobs to the area for craftsmen. The Rural Business District is more restrictive than rural zoning. The site needs a 100-foot buffer, so five-acres were added. It is an environmentally safe use that Mr. Jerue is proposing for an historically depressed area. The existing retail is not competing against Mr. Jerue. Addressing the spot zoning issue, Mr. Tedder noted that the spot zoning issue relates to exclusionary zoning and Beaufort County's ordinance is performance zoning where buffers are involved. He noted a legal case where if the request is consistent with the Comprehensive Plan, then it is not spot zoning. In this economy, the non-conformity status must be removed so that the business can expand and thrive. The staff's concern was that the business would compete with existing businesses. This is a small business and small businesses are a major part of the County. He has not heard major objections to the existing retail use.

Public Comment:

1. Ms. Kim Statler, Executive Director of the Lowcountry Economic Network, commented that Beaufort County is not known for light manufacturing or industrial development. Mr. Jerue approached her for location in the Commerce Park that was owned by the Network. He waited about a year, but the Network was unable to find another tenant to co-occupy with him. She did not know Mr. Jerue had a zoning issue with his existing location. She noted that Mr. Jerue was an honest businessman and would do as he said he would. She noted vertical integration of someone making and selling the product is what will bring jobs to this County. She did apologize to Mr. Jerue for not being able to help him into the Commerce Park. Mr. Jerue's business gives an opportunity for diversification on St. Helena that currently does not exist.
2. Mr. Francis Newton, a Dataw Island resident, noted that there are seven different colors of chairs that Mr. Jerue is marketing. Mr. Jerue is going to operate a paint shop and it cannot be termed environmentally neutral. Airborne pollutants from a paint shop. If significant controls are not imposed on this kind of business, it would be a mistake to grant the request.
3. Ms. Liz Santagati, a St. Helena resident, noted that the St. Helena Community Preservation (CP) Plan did not include the parcel. There were numerous meetings over a two-year period where people could have made recommendations for such inclusion. Before the Plan was presented to County Council, the community was invited to review the Plan. Light manufacturing involving dangerous chemicals to the community should be reviewed carefully. The Rural Business appears to be an introduction of commercial uses into the area. She personally does not have any issues with Mr. Jerue's business. The CP Committee has always been open to anyone who would ask their opinion on

development in the area. Development creates jobs; but what can be done once the land is destroyed. She asked that the Commission consider what the people of St. Helena want. She is concerned that there are not enough jobs involved with this rezoning. Keep the mess off of St. Helena.

4. Ms. Carlotta Ungaro of the Beaufort Regional Chamber of Commerce noted that she works closely with Ms. Statler to bring higher commercial tax revenue to Beaufort that would help reduce residential taxes. She is from a town where a paint industry exists and there are more problems regarding farm pesticides than the contained paint environment. She and Ms. Statler would love to see more manufacturing jobs in Beaufort.
5. Ms. Robbie DeLoach, the owner of three businesses in the area, stated she originally was against the request. The paint situation can be controlled. Mr. Jerue fits well in the community. She'd been in the area for nine years and felt the CP process was held behind closed doors and did not know who the CP Committee members were or how they were appointed.
6. Mr. Tim Rentz of Coastal Contractors noted that he has been working with Mr. Jerue and has witnessed his building process. Some of Mr. Jerue's workers will be working out of their homes. He noted that he was on the Planning Commission during the timeframe when the zoning ordinance was being formed. He asked that the Commission consider this bad economic period where existing businesses are reducing staff or closing and Mr. Jerue would be providing for jobs and adding to the tax revenue.

Discussion included:

- possibly placing a special use requirement to resolve Mr. Jerue's issue,
- using natural boundaries toward good planning,
- believing the request to be reasonable,
- clarifying the buildings on the drawing that was included in the Commission packet,
- questioning the staff report's mixed recommendation of denial despite the consistency with the Comprehensive Plan,
- noting the buffer requirements that may resolve the use,
- clarifying Ms. Santigati's comment that involved a proposed supermarket,
- clarifying that the Zoning and Development Standards Ordinance (ZDSO) was a living document where amendments will occur from time to time,
- reiterating that once rezoning occurs other allowable uses could appear like kennel services and may lead to a high intensity business district,
- clarifying the restrictions of the rural business district boundaries where additional properties cannot be added until all parcels are fully occupied, and
- clarifying which parcels were involved in the request.

Motion: Ms. LeGree made a motion, and Mr. Petit seconded the motion, **to forward to County Council a recommendation of approval of the St. Helena Island Zoning Map Amendment/Rezoning Request for R300-16-69B and a portion of -69, a total of 7 acres off Highway 21 and Yard Farm Road; from Rural (R) to Rural Business (RB) District.** The motion **was carried** (FOR: LeGree, Petit, Semmler and Sutler; AGAINST: Chmelik, Hicks, and Riley).

Note: Chairman Hicks recessed the meeting at approximately 7:02 p.m. and reconvened the meeting at approximately 7:09 p.m.

ST. HELENA ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R300-16-316, 0.82 ACRE AT CORNERS OF HIGHWAY 21 AND PETER SMALLS ROAD; FROM CORNERS AREA COMMUNITY PRESERVATION DISTRICT TO PUBLIC MARKET DISTRICT; OWNER: JBB HOLDINGS, LLC, APPLICANT/AGENT: R. SAMPLE

-- AND --

TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX K, DIVISION 2. PUBLIC MARKET DISTRICT, SECTION 11. LIMITED AND SPECIAL USE STANDARDS (ADD TO COMMERCIAL RETAIL NEIGHBORHOOD STANDARDS TO INCLUDE VARIETY STORES, LIMITED TO 8000 SQUARE FEET AND FRONTING HIGHWAY 21; APPLICANT: ROBERT SAMPLE

Mr. Criscitiello briefed the Commission. The Planning staff and the Lady's Island/St. Helena Island Subcommittee recommended approval of these two requests.

Applicant's Comment: Mr. Robert Sample asked to be heard after public comments were received.

Public Comments:

1. Mr. John Colgan, a St. Helena Island resident and a representative of the Dataw Island Homeowners Property Association, noted that the Association voted to support denial of both requests. He noted that the Corner's Area Community Preservation (CP) Committee was to protect the Gullah culture and the area from gentrification. The Corners Area CP was formed to protect the Public Market District. The rezoning request reduces the buffer district that may affect that District. The applicant's earlier text amendment request was not supported by the Planning staff. Family Dollar is a national chain and not a locally owned store which is the intent of the Public Market District. If the store should close, there will be a large empty building. Developing outside of the Public Market District could lead to an erosion of that District. The spirit of the CP Plan was to protect the area, not to reward developers who will incrementally increase the tax base and provide a handful of jobs. The community includes those who were born here, as well as those who have moved into the area. He noted a couple of oversized projects that were proposed for the area but were withdrawn due to a lack of community support. The store will not meet the community's total needs.
2. Ms. Robbie DeLoach noted that the community wants to preserve the character of the community, including Old Polawana Road from being paved; but, this request will exceed the existing building sizes in the community. She was encouraged to do pervious parking for her stores and questioned if the proposed Family Dollar similarly would be required such parking. The $\frac{3}{4}$ acre property will be built upon and paved, with little landscaping on the sides of the building. The size of the building will hurt the community.

3. Mr. Jonathan Brown, a Corners Area CP committee member, noted that there were tons of unpaved roads on St. Helena. As a native of the island, he has not seen Afro-American people enter or use Ms. DeLoach's stores. The Family Dollar store will provide basic items to the community where transportation is not available. The store will be owned by a local person and leased to a chain store. Considering that the Commission just rezoned a parcel to Rural Business, the Commission should approval this request also.
4. Mr. Francis Newton, a resident of Dataw Island, noted that this request will change the use of this parcel to a variety store and the existing ordinance does allow a 5,000-square foot footprint. He noted a breakdown of communication and a mistake in the public notification process where the public was not notified of the text amendment.
5. Mr. George Johnston, a Dataw Island resident, noted that Ms. DeLoach built attractive businesses that appeal to tourists because of Hunting, Harbor and Fripp Islands. The balance will be tilted by this new business which neither conforms to the rules nor to Ms. DeLoach's buildings. He commended Ms. DeLoach on maintaining her business despite the road renovations. The Family Dollar is redundant because 5 miles down the road there are numerous stores that can meet their needs. He believes that those that will use the proposed store could use their vehicle to go further down the road to shop elsewhere. He supports the business if it would be fashioned in the architectural style as Ms. DeLoach's properties and were 5,000 square feet.
6. Ms. Bernice Wright, a life-long St. Helena Island resident, has spoken to St. Helena Island residents who shop at Family Dollar and would shop there rather than ride into town. The Dataw Island residents apparently do not shop at Family Dollar. The St. Helena residents want to see a Family Dollar store on St. Helena.
7. Mr. Michael Rivers, a life-long St. Helena Island resident and a CP Committee member, supports the request. He knows of many who would love to see the Family Dollar on St. Helena. The store will be vibrant to the area as a strength, the weakness might be competition to the existing businesses. Sometimes, new residents want to change the community to benefit their views rather than the views of those who have been there for years and who have been established. Be responsible and consistent; allow this request to move forward with an approval. Allow St. Helena to change into a vibrant community with goods and services provided to the community. There will be foot traffic to the store. This request would provide jobs and services to the area.
8. Ms. Liz Santagati, a member of the Gullah community for many years, is concerned for the Gullah community. The people of the community really want this store. She personally would prefer a smaller sized Family Dollar. The Commission has just created a new district for the area. Consider extending the existing Public Market District. This request will provide services within the community. The 8,000-square foot size is not the largest building in the area. She urged the Commission to approve both the rezoning and the text amendments.
9. Ms. Cathy Johnston, a Dataw Island resident, noted that there are several empty buildings that could be used instead of building a newer building. She mentioned the movie rental store. There are small Family Dollars elsewhere so why does it have to be so large. She travels the roads and rarely sees people walking the roads.

Applicant's Comments: Mr. Robert Sample, the applicant, noted that he had a friend living on Dataw who did not oppose his request; in fact, she wished she had thought of it first. He noted

the differences between a dollar store and a variety store. The people on St. Helena want value and convenience. If we want a vibrant commercial district on St. Helena, we need businesses that feed off each other and this will be a start. Why create a commercial hub when you don't want businesses in it? He named several buildings that were larger than his proposed store, so how does his building not fit the area. He noted that Family Dollar allowed him to architecturally change their store that coincidentally resembles another business in the area. His request only changes the size of variety stores along Highway 21 in the Public Market District. He noted that the existing gas stations and the proposed supermarkets in the area are chains. He noted several other contradictions of support for others but not his requests. He asks for the Commission's support. He will own the property, but not operate the building. He was told by Family Dollar that the smallest store he could have was 8,000 square feet.

Discussion included admiration for Mr. Sample's business risk, a query if the neighboring residents were asked if they supported the proposal, the stucco architecture of the building, clarification on both requests before the Commission, the existing Public Market District boundaries that appear to benefit certain property owners, and support for the requests because of the size of the existing buildings within the Public Market District.

Motion: Ms. LeGree made a motion, and Mr. Chmelik seconded the motion, **to forward to County Council a recommendation of approval on the St. Helena Island Zoning Map Amendment/Rezoning Request for R300-16-316, 0.82 acre at the corner of Highway 21 and Peter Smalls Road; from Corners Area Community Preservation District to Public Market District.** No further discussion occurred. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler and Sutler).

Motion: Mr. LeGree made a motion, and Mr. Petit seconded the motion, **to forward to County Council a recommendation of approval of the Text Amendments to Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix K, Division 2. Public Market District, Section 11. Limited and Special Use Standards that will add to Commercial Retail Neighborhood Standards to include variety stores, limited to 8,000 square feet and fronting Highway 21.** Further discussion included the reasoning for voting against the request at the Lady's Island/St. Helena Island Subcommittee, the lengthy discussion by the CP Committee on size requirements. The motion **was carried** (FOR: Chmelik, LeGree, Petit, Riley and Sutler; AGAINST: Hicks and Semmler).

TEXT AMENDMENT TO BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XV, SECTION 106-3176(2) (SIGNAGE REQUIREMENTS FOR CORRIDOR OVERLAY DISTRICT); ADD "RESTAURANT FOOD SPECIALS" AS ALLOWABLE CHANGEABLE COPY ON A SIGN

Mr. Criscitiello briefed the Commission. This amendment occurred because of a code violation on St. Helena Island where an individual could advertise live entertainment but not food specials for a restaurant.

Discussion included a clarification on signage standards.

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

Motion: Ms. Chmelik 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 (ZDSA), Article XV, Section 106-3176(2) (Signage Requirements for Corridor Overlay District) that adds "restaurant food specials" as allowable changeable copy on a sign.** The motion was **carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Semmler, Sutler and Riley).

OTHER BUSINESS:

1. **Agenda Adjustment:** Chairman Hicks noted that Item IX, Text Amendment to Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix B. Corridor Overlay District Guidelines that clarifies and/or amends standards was withdrawn by the staff.
2. **Commission Workshop:** A Commission workshop is scheduled for December 16, 2008, at 5:30 p.m. with the Joint Planning Commission of the City of Beaufort and the Town of Port Royal to discuss the proposed rural policy for the Beaufort County Comprehensive Plan. Chairman Hicks noted that Mr. Criscitiello would brief the municipal Councils involved. The workshop was to inform both Commissions on the proposed rural policy before both could recommend approval to their respective Councils.

ADJOURNMENT: Motion: Mr. Semmler made a motion, and Mr. Petit seconded the motion, to **n** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler and Sutler). The meeting adjourned at approximately 8:30 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: January 5, 2009