

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, January 5, 2009, 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

Ms. Diane Chmelik
Mr. Ronald Petit
Mr. E. Parker Sutler

Ms. Mary LeGree
Mr. Edward Riley III

Members Absent: None (Port Royal Island representative vacant / formerly held by Brian Flewelling)

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 6:05 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 December 1, 2008, meeting minutes. **Motion:** Ms. Diane Chmelik made a motion, and Mr. W. Parker Sutler seconded the motion, **to accept the December 1, 2008, minutes as written.** The motion was **carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

CHAIRMAN'S REPORT:

1. **Welcome to Mayor Billy Keyserling:** Chairman Hicks welcomed the newly elected Mayor of Beaufort, Billy Keyserling, to tonight's meeting.
2. **Election of 2009 Commission Officers:** Chairman Hicks announced that the election of Commission officers for 2009 will occur at the Commission's February 2, 2009, meeting.
3. **Joint Planning Commission of the City of Beaufort and Town of Port Royal:** Chairman Hicks noted that the Joint Planning Commissioners would join this meeting after they have adjourned their own meeting tonight, to participate in the proposed rural policy discussion that is part of tonight's agenda.

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

ST. HELENA ISLAND ZONING MAP AMENDMENT BEAUFORT COUNTY TO REMOVE THE FISHING VILLAGE OVERLAY DISTRICT FROM 52 PROPERTIES IN THE COFFIN POINT AREA (OFF A PORTION OF SALTWIND AND MCTEER DRIVES; INGLING ROAD; A PORTION OF WEST CEDAR AND COFFIN POINT ROADS AND OAKLAND DRIVE; AND SHIPMAN DOCK ROAD); LEAVING THE BASE ZONING OF RURAL (R) AND RURAL RESIDENTIAL (RR) DISTRICTS

Mr. Criscitiello briefed the Commission. The map amendment will affect 50 properties. The rationale was to recognize ~~existing~~ the existence of fishing businesses. Shipman Wharf property is being reviewed for a residential subdivision. The White property contains 9 acres. The current district is 105 acres; changing it to 9.5 acres would make a small FVO. Underlying zoning is rural and rural residential. Appendix H noted that FVO would have properties along the water and along a major roadway. Mr. White has 3 lots in the FVO. A special use permit is encouraged for the White's property. Speculation on charter business show that such business could continue under home businesses provided they meet eight standards. Home businesses are secondary to the primary use of the property as residential.

Public Comments:

1. Ms. Kathy McTeer, President of Coffin Point Homeowners Association, stated that they discovered in January 2007 that their property was part of the CFVO and they were not aware of the magnitude of the CFVO. She and he husband never intended that the ice plant be removed because it has been there since 1980.
2. Mr. George White, a Coffin Point property owner, felt like he was at a hanging. He stated that his fishing business was grandfathered. He could never expand his business beyond 15%. The County had a planner (Mr. Stan Williams) work on the CFVO to legitimize his fishing business. The CFVO was adopted about 6 or 7 years ago. He had been accumulating property with the intention of expanding the dock. As far as he is concerned, he wanted all his property to remain in the CFVO. He wants people to be able to tie up to his dock. The assessed value for the CFVO gives a tax break to him.
3. Mr. Ed McTeer, a Coffin Point property owner, noted that his property never met the CFVO criteria. He wanted his 10 acres removed from the CFVO. He discovered many property owners were not notified of the CFVO. He is comfortable with the rural zoning for his horse pasture. There are properties in the CFVO that were not historically part of the fishing industry.
4. Mr. David Tedder, representing the owners of Shipman's Wharf, said his clients are confused on the pending residential development that has been with the County since 2001. The owners have received a dock permit. He does not know how leaving the CFVO harms anyone. Tax assessment is based of how the property is used. He noted the Shipman's Wharf owners did not object to the CFVO designation. They do not have final approval on the subdivision and has not sold any of the lots. He also has been asked to speak for Mr. Boulware, another Coffin Point property owner, who is out of town at the moment. Mr. Boulware has a dock in construction on his property. His property is adjacent to Mr. White's properties. The Coffin Point area is an existing residential area. On behalf of those two landowners Mr. Tedder is gently objecting to the removal of the CFVO.

5. Ms. Cecily McMillan is a Coffin Point resident and supports the staff's recommendation. She was a joint planning commissioner 25 years ago. She understands the difficulty of the situation. She has observed fewer ice trucks going up and down the road. She understands that Mr. White could continue his business if the CFVO were removed. He should be able to continue his business as is, in a residential neighborhood. She asked to be notified of the Planning Commission's recommendation
6. Ms. Ann Politzer, a St. Helena resident and a St. Helena Cultural Protection Overlay Committee member, noted that farming and fishing were to be encouraged on St. Helena.
7. Ms. Ellen Newcomb, the treasurer of the Coffin Point Homeowners Association, noted the intense uses allowed in the CFVO. She said that Coffin Point was on the National Register of Historical ~~Properties~~ Places. She is concerned that the CFVO uses would jeopardize that standing. She is concerned that commercial seafood uses and marine transport services would be allowed. There is a potential for a large amount of traffic involved with those commercial uses. It is important that the Coffin Point Homeowners Association does not want to put Mr. White out of business, but they do not want expansion of his business. She was very concerned for the walking traffic on their roads.
8. Mr. Dave Smith of 61 McTeer Road and a member of the Coffin Point Homeowners Association noted that he was not informed of the petition to remove the CFVO. He has never been to meetings and never knew of the petition. He has spoken to several property owners about their properties and he does not know how we can take that right away from Mr. White without notification or compensation. Mr. Smith is not part of the Coffin Point Homeowners Association petition for the removal of the CFVO. He sees three tour buses everyday and school buses in the area. There is one shrimp truck every day. He noted that there are people not of the Coffin Point area that come into the area to crab.
9. Mr. Rob Latimer of 28 West Cedar Road noted that the only thing that is commercially being done there is the ice house. There is a shrimp boat tied out at another property's dock. He fishes at the dock many days in the year. You are looking at depriving the use of these properties.
10. Mr. Doug McGinnis said the CFVO backs up to his property. He heard about it three years ago. He's lived there since 1989 and purchased the property in 1984. He would not like the potential of a storage facility, of a processing plant, all kinds of commercial restaurants directly behind his property. The CFVO is a danger to property value.
11. Ms. Celeste Prince Brown, a Coffin Point resident, hoped that consideration is made before a final recommendation. Those who live on Oakland Drive are not in close proximity to the CFVO. She does not go down the Avenue of Oaks and does not experience the same things as property owners in the CFVO. Her husband has a charter boat business and he would like to be able to retain his business. What if he wanted to buy a shrimp boat and operate from their dock? She would like him to be able to retain that right. She recommended that the Commission drive through the neighborhood to see the properties involved. There are others that recognize potential for commercial endeavors. She asked that the Commission hear from all the property owners. 51% of all properties are in favor of such removal. As property owners of 3 lots, do they get 3 votes? She wanted to be sure that all property owners were involved.
12. Ms. Pat Harvey-Palmer, a property owner and member of the Coffin Point Homeowners Association, noted that she respects her covenants. We do not meet the criteria for the

CFVO. If it is about giving a tax break, then do so. Heavy traffic going up and down the Avenue of Oaks is not a way to preserve those trees.

13. Mr. Jerry Wayne, a homeowner at Coffin Point, bought his residential property 10 years ago. Now his property is in the CFVO and he does not want to be a part of it. He wants to be in a residential community.

Commission discussion included:

- a desire to maintain the beauty of the Coffin Point area;
- the lack of documentation on notifying the property owners of the overlay district;
- allowing Mr. White to remain in business;
- a recommendation to the Land Management Committee to allow each property owner to select removal from the CFVO since some wanted to remain and some did not;
- a concern that the topic is moving too fast through the system;
- disagreement with the blanket lifting of the CFVO;
- the importance of preserving the fishing culture, concern for fairness to all, the rationale for removing the CFVO;
- a clarification of the location of Mr. White's and the Shipman's Wharf properties;
- the perception to the natives that the historical area would become a private residential area;
- the existence of a Gullah cemetery in the area in which the natives desire access;
- agreement that existing businesses should be allowed to remain and expand;
- a noted gap in the standards for Mr. White's business;
- the area being a part of the Gullah-Geechie corridor that should not be discourage;
- the rationale for the boundaries of the Coffin Point CFVO that included Mr. White and the Shipman's Wharf properties;
- an explanation of how non-conforming uses lose their standing after being closed longer than 180 days;
- concentrating on the existing instead of possible uses;
- considerations for Commission action included removing the CFVO, shrinking the CFVP to Mr. White's properties, or asking everyone what they each want;
- the charter business as an allowed use in rural zoning;
- the area not being a fishing village for a long while;
- the reduced 9.5-acre CFVO as undesirable, but a doable solution, from a Planning standpoint; and
- the cost for Mr. White to go before the Zoning Board of Appeals.

Motion: Ms. LeGree made a motion, and Mr. Riley seconded the motion, to recommend to the County Council to reduce the boundaries of the Coffin Point Commercial Fishing Village Overlay to the three parcels currently engaged in active fishing, mainly R300-13-260, 261, and 378 (totaling 9.2 acres). Further discussion included clarification of the parcels involved in the motion. The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

Chairman Hicks noted that the Land Management Committee was scheduled to meet on Tuesday, January 20, 2009, at 4:00 p.m. He also thanked the Coffin Point residents for caring enough about their community to provide comment on the map amendment for their area.

Note: Chairman Hicks recessed the meeting at approximately 7:23 p.m. and reconvened at approximately 7:30pm

Chairman Hicks asked that the staff confirm that the parcel numbers in the motion were Mr. White's properties.

**TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN,
LAND USE ELEMENT (ADDS RURAL POLICIES)**

Chairman Hicks noted that there are three members of the Joint Municipal Planning Commission and asked them to seat at the podium as non-voting members.

Mr. Criscitiello briefed the Commission. Chairman Hicks noted that Recommendation 4-15 changes the zoning density of rural and rural residential zoning districts. He noted that Councilman Paul Sommerville, who was present in the audience, and the Land Management Committee returned that policy to the Commission for further review.

Mr. Merchant gave a power point presentation regarding the proposed rural policy. He explained the existing rural zoning that included several standards. He noted the analysis made to form the proposed rural policy, and the concerns raised regarding the policy. He noted the difference between the 2-lot and 3-lot subdivisions prior to by-right rural zoning occurring. With this proposed rural policy, the rural residential zoning would be eliminated. Buildouts and traffic and school impacts were also discussed. Staff recommended 3 by-rights to all rural zones except 2 by-rights for Lady's Island, Coosaw Island and St. Helena Island. The Map 4-7 amendment is to reflect changing the core-commercial designation to urban mixed-use, in keeping with the Town of Bluffton's designation. Additionally, there are six other map changes recommended to coincide with the Town of Bluffton's designations.

Public Hearing

1. Mr. David Tedder is in favor of giving relief to small landowners in the rural area. He did not see in the analysis the effect on those rural-residential properties that would be downzoned to rural. He believes it was not publicized that those property owners were having their properties downzoned in bulk as this policy is implemented in the Comprehensive Plan. He asked if the rural-residential properties in the Air Installation Compatible Use Zone (AICUZ) would retain their 1.2 units per acre density. Those AICUZ properties already are restricted in uses by being in the AICUZ. Regarding wording in the bullet points of Recommendation 4-15, he suggested: 1- rewording the phrase "parcels of record" in the first bullet point to say "parcels of record existing as of the date of this policy," 2- consolidate the second bullet point into the first and fourth to read "all parcels of record in rural zones to have three or two 1-acre lots subdivided out" to be clear that the property owners have three or two 1-acre lots and the residual will be divided by the base zoning; and 3- to define which "base underlying zoning density would apply" by adding "after it has been rezoned". He suggested that more definitive wording should be used for the policy. He recommended clearly notifying the rural-residential property owners of the downzoning.

2. Ms. Wendy Zara agreed with Mr. Tedder that things should be very clear because gray areas could cause problems. The community preservation districts and family compound options provide more density than the rural 1 unit to 3 areas density. Rural zoning is not 1 unit to 3 acres, it is really suburban. The Dale Community Preservation District of 22,000 acres supposedly will have a buildout of 4400 units, which is double what exists now. Growth boundaries defeat the purpose of controlling growth.
3. Mr. Reed Armstrong, a St. Helena Island resident, is troubled with the 3 by-right for St. Helena and agrees with the 2 by-right instead. His property is zoned rural-residential and he would prefer the rural zoning. He agrees with the proposed policy.
4. Ms. Bernice Wright, a St. Helena Island resident, wanted to know what would happen to the rural-residential zoning. As a 5-acre property owner, she is not in agreement to the downzoning. The rural-residential zoning came about in 1997 because the rural zoning was too restrictive for the small property owners. The property owners wanted to subdivide to 1 unit per acre. In her opinion, St. Helena Island is not rural. We do not get the Federal or State benefits of other rural counties because St. Helena is not rural, it is rural-residential.

Commission discussion included an explanation on the implementation of the rural policy where the rural residential zoning will be eliminated, an explanation that Lady's Island and St. Helena Island contain smaller lots as opposed to Sheldon that contains larger lots, the handling of AICUZ rural-residential lots, the exceptions from the 3 by-right policy, supports rural policy which allows small property owners more freedom, any policy that reduces the traffic count on the roads would be beneficial, environmental and infrastructure concerns, clarification on those lots affected by the policy, kudos on the cooperation between the County and the municipalities, overpopulating the county affects the current and future residents, evacuation and family compound concerns.

Motion: Mr. Mullen made the motion, and Ms. LeGree seconded the motion, to forward a recommendation of approval to County Council for Recommendation 4-15 that: 1- the small lot subdivision of two by-right be applied to all rural areas, except Northern Beaufort County where it will have three by-right, considering Mr. Tedder's comments on wording of the policy; 2- Coosaw Island will be excluded from this policy because it will be addressed as a community preservation district, and 3- those properties in the Air Installation Compatible Use Zone (AICUZ) areas are excluded from this policy. Further discussion included affirming that family compounds retain its 50-year ownership requirement, the need to readdress this policy if Transfer of Development Rights (TDRs) standards are not adopted, and affirming that AICUZ rural-resident properties retained their 1.2 units per acre density. The motion was carried (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley and Semmler; AGAINST: Sutler).

Mr. Petit noted that sewer service should be available to the entire county, especially St. Helena Island. The septic tanks on St. Helena Island in 20 years will probably fail.

Note: *Chairman Hicks recessed the meeting at approximately 8:50 p.m. and reconvened at approximately 8:54 p.m.*

Motion: Mr. Petit made the motion, and Mr. Semmler seconded, to forward a recommendation of approval to County Council on the amendments to Map 4-7 and the staff recommended six map amendments. No further discussion occurred. The motion was carried unanimously ((FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

INTERGOVERNMENTAL AGREEMENT BETWEEN BEAUFORT COUNTY, THE CITY OF BEAUFORT AND THE TOWN OF PORT ROYAL TO IMPLEMENT THE NORTHERN REGIONAL PLAN

Chairman Hicks noted that the Agreement had been before the Land Management Committee. The rural appendix was added because the Town of Port Royal asked for the definition of rural.

Mr. Criscitiello noted that the language change reflected the desire for a definitive change to the definition of rural.

Mr. Merchant noted the change in paragraph 2 of the agreement and the addition of Appendix A that defined the rural areas.

Chairman Hicks recommended postponing the release of the Intergovernmental Agreement until County Council has agreed on the small-lot subdivision standards / rural policy. Mr. Criscitiello asked for clarification on the timeline for the Intergovernmental Agreement to be sent to the Northern Regional Plan Implementation Committee. Chairman Hicks agreed to sharing the document but not asking the municipalities to sign off until County Council has signed it.

Mr. Merchant explained the various aspects of Appendix A.

Discussion included an example of higher density allowed when appropriate wastewater treatment is available, concern that the wording would allow any type of wastewater treatment, a desire for more definitive wording, a recommendation to use “clustering of units” instead of “higher densities” at the second bullet of Appendix A, an explanation on the compatibility of the wording to Recommendation 4-15, and economic concerns that clustering would not be near the water.

Public Comment

1. Mr. David Tedder stated that the second bullet on Appendix A was confusing and proceeded to explain what he believed the wording meant to him.
2. Mr. Reed Armstrong wondered if that second bullet was even needed and whether it addressed any circumstance.
3. Ms. Wendy Zara asked about the second paragraph in the Intergovernmental Agreement where urban was mentioned, but suburban was not mentioned. (Mr. Criscitiello noted that the wording should say rural land would not be developed as urbanized areas; the Joint Municipal Commission in attendance also agreed to Mr. Criscitiello’s recommendation.) Ms. Zara also asked whose Best Management Practices (BMPs) would be used, per paragraph D.1.a.i of the Agreement. (Mr. Criscitiello noted that the Stormwater BMP is a joint effort of all the municipalities and the County.) Ms. Zara

noted that vegetated buffers were difficult. Regarding Appendix A, she asked about the percentage of open space required.

Motion: Mr. Semmler made a motion, and Mr. Riley seconded the motion, to forward to Land Management Committee with a recommendation of approval on the Intergovernmental Agreement with a change to the wording in the second bullet from higher to clustering; in addition, recommend forwarded the approved document to the Northern Regional Plan Implementation Committee for distribution to the municipalities. Further discussion included clarification on whether to enumerate all the Planned Unit Developments in the Agreement. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler).

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Mr. Semmler made a motion, and Mr. Sutler seconded the motion, to adjourn the meeting. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler and Sutler). The meeting adjourned at approximately 9:38 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **February 2, 2009, as corrected**
(Additions are underscored and deletions are struck-through.)