

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, February 2, 2009, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair
Ms. Mary LeGree
Mr. Robert Semmler

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

Mr. Alan Herd
Mr. Edward Riley III

Members Absent: Mr. Frank Mullen

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 Hicks called the meeting to order at approximately 6:06 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 January 5, 2009, meeting minutes. The following changes were noted:

- Page 2, first paragraph:
 - line 2, should read, "...was to recognize the existence of fishing businesses.";
 - line 3, capitalize Mr. White's name;
 - line 4, should read, "...current district is 105 acres; changing it to 9.5 acres....";
- Page 2, Public Comment, paragraph number 2, line 6, should read, "...he wanted all his property....";
- Page 3, paragraph number 6, first line should read, "...St. Helena Cultural Protection Overlay";
- Page 3, paragraph number 7, third line should read, "...Historical Places.";
- Page 4, Commission discussion, bullet point 13, should read, "...Gullah-Geechee Heritage Corridor Act that should...."

Mr. Semmler recalls all Mr. White's property, but only 3 were named. Discussion included Mr. White's properties that were not included in the CFVO. Mr. Hicks noted that Land Management is addressing the properties.

Motion: Ms. Chmelik made a motion, and Mr. Petit seconded the motion, **to accept the January 5, 2009, minutes as corrected.** The motion **was carried** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler and Sutler; ABSTAINED: Herd).

CHAIRMAN'S REPORT:

1. **Absence of Commissioner:** Chairman Hicks noted that Mr. Frank Mullen, Commissioner for Northern Beaufort County, was absent because he had the flu.
2. **Newest Commissioner:** Chairman Hicks welcomed Mr. Alan Herd as the newest Planning Commission. Mr. Herd had served for several years on the Commission in the past. Mr. Herd is very knowledgeable on what the Commission does and how planning is done in the County. He is from the Bluffton area and holds an at-large Commission seat. He is the acting chair of the Southern Regional Plan Implementation Committee. Chairman Hicks offered a sincere thank you to Mr. Herd for returning to the Commission.

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

NORTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR R700-15-85 (4.84 ACRES AT THE CORNER OF U.S. 17 AND JENKINS ROAD) FROM BIG ESTATE COMMUNITY PRESERVATION (CP) DISTRICT TO RURAL (R) DISTRICT; OWNER/APPLICANT: H. MUFUKA

Mr. Criscitiello briefed the Commission. He noted that the property previously had not been a commercial development so the applicant could not use the property for his proposed business while zoned in the Big Estate Community Preservation District. Mr. Mufuka's former business was displaced for the widening of Highway 17. The staff and the Northern Beaufort County Subcommittee recommended approval of the rezoning.

Applicant's Comments: Mr. Howard Mufuka noted that his Garden's Corner business was displaced. He purchased another property so that he can apply for a special use to start a small business on the property. (Chairman Hicks asked if Mr. Mufuka understood what was allowed in the rural zoning district and Mr. Mufuka replied that he had spoken to the Planning and Zoning staff.)

Public Comment:

1. Mr. Wayne Galloway, owner of the funeral home in Lobeco, agreed with the rezoning request. He noted the lack of gas stations in the area. He also noted that Mr. Mufuka provided a fish market at his former location so the community did not have to travel into Beaufort for fish. With the high cost of fuel and the economic recession, allowing Mr. Mufuka's business to continue would assist the community.
2. Ms. Karen Ulmer, a Sheldon resident, supported Mr. Mufuka's zoning request. She stated that Mr. Mufuka's business has been an asset to the community. His business also serves the community as a gathering place.

Discussion by the Commission included:

- a clarification of the property location,

- the six months Mr. Mufuka's has experienced a loss of business that had existed previously for 25 years,
- the estimated timeframe that the staff would begin work on the Big Estate Community Preservation (CP) District development standards,
- the requirements of a community impact and a traffic impact studies that Mr. Mufuka must provide under the Special Use process,
- a clarification of the road widening configuration,
- the request appearing to be spot zoning, and
- a clarification that the property may be reabsorbed into the Big Estate CP District when the CP process does occur.

Motion: Mr. Sutler made a motion, and Mr. Semmler seconded the motion, **to forward to County Council a recommendation of approval for the Northern Beaufort County Zoning Map Amendment/Rezoning Request for R700-15-85** (4.84 acres at the corner of U.S. 17 and Jenkins Road) **from Big Estate Community Preservation (CP) District to Rural (R) District.** The motion was carried unanimously (FOR: Chmelik, Herd, Hicks, LeGree, Petit, Riley, Semmler and Sutler).

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V, TABLE 106-1098 (GENERAL USE TABLE): ADDS RESIDENTIAL STORAGE USE TO URBAN ZONING DISTRICTS

Mr. Criscitiello briefed the Commission. He noted that the Planning Commission and the Land Management had approved the rezoning of Mr. Gary Bensch's property. However, County Council, at first reading of Mr. Bensch's rezoning request, recommended a text amendment instead of rezoning. This text amendment was returned to the Commission for its recommendation. The staff recommendation of approval of the text amendment is based on the need for residential storage in urban zoning.

Public Comment: Mr. Gary Bensch said that he had nothing to state regarding the text amendment.

Discussion included a clarification of urban districts in the County, the effect of residential storage in existing urban districts, concern for past cases where text amendments have allowed boat business and dog grooming in rural districts, and support for the text amendment.

Motion: Ms. Chmelik made a motion, and Mr. Sutler seconded the motion, **to forward to County Council a recommendation of approval on the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article V, Table 106-1098 (General Use Table) that adds residential storage as a limited use in Urban zoning districts.** Further discussion included a clarification on the motion. The motion was carried unanimously (FOR: Chmelik, Herd, Hicks, LeGree, Petit, Riley, Semmler and Sutler).

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

Mr. Robert Merchant briefed the Commission.

Public Comment: Ms. Wendy Zara thanked Rob Merchant and Tony Criscitiello on their work with this element. She recommended the following changes:

- On page 2, the second line of the first bullet to read "...effective incentives, including inclusionary zoning." She stated that since builders make more money on higher end homes, there is not enough workforce housing in Beaufort. Inclusionary zoning ordinances are common in rapidly growing areas. If you want to have employers, they have to have workers that are able to live in Beaufort. Inclusionary zoning offers certain bonuses to builders of lower-end housing, including allowing the developer to pay a fee in lieu of building workforce housing.
- In the recommendations section, recommend the option of joining the "Lowcountry Housing Trust" that is based in Charleston. The Trust will allow Beaufort to join if Beaufort can find its own dedicated funding source. The Trust has been innovative in finding Federal funding sources, especially for heirs' properties.

Commission discussion included:

- kudos to the staff on this element;
- prioritization of the recommendations;
- kudos to the comments by professionals that helped form the recommendations;
- making sure that the municipalities are on board with our recommendations;
- concern that finding dedicated revenue sources means raising taxes;
- support for resolving heirs' properties issues, rehabilitating existing housing for the elderly, infill housing and the Habitat for Humanity work;
- concern that inclusionary zoning ordinances means increased density, waived impact fees and more requirements on the developers who in turn would drive up the cost of housing;
- managing the growth so that the infrastructure is not outpaced;
- the lack of affordable housing in Beaufort;
- a clarification on the impact of available military housing on the rental market;
- rewording the last sentence of Recommendation 10-12 to include several organizations instead of singling out Beaufort Housing Authority;
- the absence of agreed upon growth boundaries in Southern Beaufort County;
- rewording the fourth sentence in the first paragraph of "Conclusions" on page 8 to read "Therefore, housing policies for the region, designed to make affordable housing accessible to employment, will need to emphasize higher density, mixed use, transit-friendly development that promotes internal trip capture and reduced vehicle miles traveled."; and
- qualifying that affordable housing policies will not result in greater density overall throughout the document in order to alleviate the concern that this element was promoting greater density.

Ms. Zara, responding to the bigger government-higher taxes comment by the Commission, said that a Housing Trust is an independent body that has membership consisting of developers and stakeholders of affordable and workforce housing, and removes the burden from governmental jurisdiction. Instead of raising taxes, other types of fees can be used. Inclusionary zoning

incentives are enough that the builders' cost is covered so that they do not have to raise their prices. State law states impact fees cannot be waived, but there are trade-offs. Look at the cost of employers who are not being able to hire, such as Beaufort Memorial Hospital, police, firemen, and teachers who can not afford to live in Beaufort.

Further Commission discussion included:

- suggested changes that would enable some Commissioners to vote for the element,
- concern for revenue sources for affordable housing,
- concern that the other government entities had not reviewed this element,
- presenting this element to the Northern and Southern Regional Plans Implementation Committees,
- non-support of the element due to several concerns regarding increasing government control and more public taxation,
- tabling the element for another month so that the Commission can thoroughly review the document,
- Commission choices to table or to forward the element to County Council,

Motion: Mr. Semmler made a motion, and Mr. Riley seconded the motion, **to table for thirty days the Text Amendment to the Beaufort County Comprehensive Plan, Housing Element.** The motion **failed** (FOR: Semmler; AGAINST: Chmelik, Herd, Hicks, LeGree, Petit, Riley and Sutler).

Motion: Mr. Riley made a motion, and Mr. Petit seconded the motion, **to forward to County Council a recommendation of approval of the Text Amendment to the Beaufort County Comprehensive Plan, Housing Element, with the following notes for consideration:**

- **Page 21, add this sentence to the end of the first paragraph, "Before approval of any of the following recommendations, a thorough analysis will be conducted to analyze the cost and impact of the recommendations to the overall growth pattern."**
- **Page 22, Recommendation 10-3, change the first sentence to read, "Beaufort County should adopt a regional and local intergovernmental approach to affordable housing."**
- **Page 24, Recommendation 10-8, change the first sentence to read, "Beaufort County should consider/evaluate inclusionary zoning...."**

The motion **was carried** (FOR: Herd, Hicks, LeGree, Petit, and Riley; AGAINST: Chmelik, Semmler and Sutler).

OTHER BUSINESS:

1. **Election of Commission Chair and Vice-Chair:** Chairman Hicks asked the Commissioners to consider one officer from Northern Beaufort County and one from Southern Beaufort County.
 - **Chair:** He opened the floor to nominations for Chair. Mr. Riley nominated Mr. Jim Hicks as Chair, Ms. LeGree seconded the nomination. No other nomination was received. The nominations for Chair were closed. Mr. Hicks was unanimously elected as Chair.
 - **Vice Chair:** Mr. Petit nominated Mr. Alan Herd as Vice-chair, and Ms. Chmelik seconded the nomination. Discussion included asking Mr. Herd's opinion on his

being nominated as Vice-Chair. No other nomination was received. The nominations for Vice Chair were closed. Mr. Herd was unanimously elected as Vice Chair.

2. **Commission Discussion on Agenda Items:** Chairman Hicks noted that the disagreement within the Commission showed concerns within the Commission. Such discussions show County Council that all concerns were voiced and considered.

ADJOURNMENT: Motion: Mr. Herd made a motion, and it was seconded, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Herd, Hicks, LeGree, Petit, Riley, Semmler, and Sutler). The meeting adjourned at approximately 7:52 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: March 2, 2009