

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, September 3, 2009, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair	Mr. Robert Semmler, Vice Chair	Ms. Diane Chmelik
Ms. Mary LeGree	Mr. Frank Mullen	Mr. Ronald Petit
Mr. Edward Riley III	Mr. E. Parker Sutler	Mr. John Thomas

Members Absent: None

Staff Present:

Ms. Delores Frazier, Assistant Planning Director
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 those assembled in the Chambers with the pledge of allegiance to the U.S.A. flag.

REVIEW OF MINUTES: The Commission reviewed their August 3, 2009, meeting minutes. Motion: Ms. Chmelik made a motion, and Mr. Semmler seconded the motion, to approve the August 3, 2009 minutes as written. The minutes were accepted (FOR: Chmelik, Hick, LeGree, Mullen, Petit, Riley, Semmler and Sutler; ABSTAIN: Thomas).

CHAIRMAN'S REPORT: Chairman Hicks introduced Mr. John Thomas, the newest Planning Commissioner.

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

ZONING MAP AMENDMENT / REZONING REQUEST TO LADY'S ISLAND R201-015-517, -518 AND -519, 0.917 ACRE AT THE INTERSECTION OF SAMS POINT ROAD AND MAYFAIR COURT (R201-015-517 & -518 FROM PROFESSIONAL OFFICE DISTRICT/POD TO VILLAGE CENTER/VC, AND R201-105-519 FROM COMMUNITY PRESERVATION/CP TO VILLAGE CENTER/VC); OWNER AND APPLICANT: MS. PAT HARVEY-PALMER

Ms. Frazier briefed the Commission. She noted that the applicant can reduce the street yard setback from 25 to 12 feet so that the new building will align with an adjacent building. Mayfair

Court is a dirt road with mobile homes. The area is within the designated redevelopment area, and is anticipated to be redeveloped. It does lack infrastructure. Staff and Planning Commission recommended denial last year when the former owner requested similar rezoning. Staff believes connectivity should be addressed before rezoning. Staff recommended denial of this request. The Lady's Island/St. Helena Island Subcommittee recommended approval.

Applicant's Comments: Ms. Pat Harvey-Palmer, the applicant, assured the Commission that whatever she does will enhance the community. The current zoning restricts the parking so customers have to park on the dirt road.

Public Comment: None were received.

Discussion by the Commission included a clarification of the Subcommittee's approval recommendation, the denial of the past request was because a stormwater plan did not exist but a drainage pond now exists, a synopsis of the stormwater plan that was presented to the subcommittee but no other group, the concept that the applicant has presented, recommending approval since the stormwater plan has not materialized, recommending rezoning all the lots south of Mayfair Court to Village Center, the zoning preference of geographical rather than arbitrary boundaries, recommending retaining the water on the property instead of waiting for the overall stormwater plan, the rationale for the current zoning to protect the mobile homes in Mayfair Court, supporting the approval recommendation, and the applicant's plans for the properties.

Public Comment: None were received.

Motion: Mr. Semmler made a motion, and Ms. LeGree seconded the motion, **to recommend approval to the Zoning Map Amendment / Rezoning Request for Lady's Island R201-015-517, -518 and -519, 0.917 acre at the intersection of Sam's Point Road and Mayfair Court (R201-015-517 & -518 from Professional Office District/POD to Village Center/VC, and R201-105-519 from Community Preservation/CP to Village Center/VC).** The motion was **carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler, Sutler and Thomas).

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SECTION 106-1845(2). BULKHEADS, RIP-RAP AND EROSION CONTROL DEVICES (ADDS THE REQUIREMENT OF A REVEGETATION PLAN FOR ANY DISTURBANCE OF THE RIVER BUFFER)

Ms. Frazier briefed the Commission. She noted that the Planning Commission recommended approval of this text amendment at their June 1, 2009, meeting.

Public Comment:

1. Mr. David Tedder noted that he made comment at the July 14, 2009, Natural Resources Committee meeting. He gave the history of the current ordinance. He noted that there were exemptions from land disturbances at ZDSO Sec. 106-7. But in 2002, in response to a

particular incident where a 4-foot high bulkhead failed, a County Councilman brought forth an amendment which stated an engineering plan must be submitted. Mr. Tedder worked with County Council and drafted the ordinance. He noted that the wording was redrafted to allow the landowner to replace in-kind landscape rather than use native plantings. The current ordinance has worked for 7 years. Why change it now? One incidence is causing this change. We are down a slippery slope where we are telling people how to landscape their yards. He argued for months to have the current ordinance passed (Sec. 106-1845(e)). He showed two pictures of someone with a bulkhead. He said "if it ain't broke, don't fix it." There is no scientific evidence of requiring revegetation when bulkheads are installed. There are some of us who don't believe that the Government knows best all the time, and in absence of clear danger to the community – leave us alone.

2. Mr. Duncan O'Quinn, of O'Quinn Construction in Beaufort, builds bulkheads for a living and has a bulkhead on his own property. He remembers Mr. Tedder participation during the 2002 amendment. The builders have finally gotten use to the system. He showed four pictures where a property owner's grassed area had fallen against the bulkhead. The disturbed area is approximately 670 square feet. The wall is 10-feet tall. With the proposed amendment, the owner will have to do a totally different backyard than what he has. He gave another example of a property owner's plight where old walls must be replaced. He read the public notice of this meeting, and he wished more people were at this meeting.
3. Mr. John Harvey, a Pleasant Point resident, approached Mr. O'Quinn to repair his bulkhead. Mr. Harvey has lost some of his property to erosion. He will be disturbing 1000 square feet. He will be adding fill dirt and the proposed text amendment may cost him double the cost. He asks for reconsideration on this text amendment.

Ms. Frazier said the text amendment is for anyone to tell the County when they disturb the river buffer. Sod replacement is allowed. Any disturbance is a code violation, unless they are placing a bulkhead or rip-rap. The amount of regulation is 2,500 square feet or 50 feet by 50 feet or 100 feet by 25 feet.

Discussion included a comment that research shows that single-family residences are causing pollution, a belief that had the person whose land eroded had used native plants his land would not have eroded, the strict federal government water quality standards, the accumulation of individual properties that is causing the problem, affirming that planting native plants will protect bulkheads, a query on the possibility of County monetary incentives for older homes with failed bulkheads, the 5 of 65 permits that were required to present revegetation plans under the current ordinance, the low cost of sod compared to native vegetation, and the verbiage interpretation on what can be planted in the disturbed area.

Mr. Tedder noted that the verbiage was intended that the property owner could replant what existed before the disturbance occurred. If more than 2500 square feet is affected, then a new plan must be presented; if less than 2500 square feet, then they can replant what was there.

Further discussion included the rationale for the proposed text amendment since the current one has not been working well, the County not knowing what was being removed and being planted back by the property owners, the property erosion along the river buffers, the creek and marsh pollution caused by property owners using herbicides, a recommendation to table the amendment

until Mr. Chris Marsh or someone like him can offer scientific background to support the amendment, a reiteration of what has been discussed, the non-support of the proposed text amendment, a support of landowner rights, and the County's water quality goals.

Motion: Mr. Petit made a motion, and Mr. Thomas seconded the motion, **to table the issue until the Planning staff has brought a scientist to explain the ZDSO text amendment that would require a revegetation plan for bulkheads, rip-rap and erosion control devices.** The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler, Sutler and Thomas).

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Mr. Thomas made a motion, and Mr. Semmler seconded the motion, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler, Sutler and Thomas). The meeting adjourned at approximately 7:12 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **October 2, 2009, as written**