

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, October 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. 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:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Delores Frazier, Assistant Planning Director
Mr. Eddie Bellamy, Public Works Director
Mr. Robert Merchant, Long-Range Planner
Mr. Jay Hogan, Current Planner
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman 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 September 3, 2009, meeting minutes. **Motion:** Ms. LeGree made a motion, and Mr. Petit seconded the motion, **to accept the September 3, 2009, minutes as written.** The motion was **carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler, Sutler and Thomas).

CHAIRMAN'S REPORT: No report was provided.

PUBLIC COMMENT for items other than agenda items: No public comment was received.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX I. LADY'S ISLAND COMMUNITY PRESERVATION AREA (LICP), DIVISION 5. VILLAGE CENTER (VC), SECTION 5.5 LIMITED AND SPECIAL USE STANDARDS -- BOAT SALES AND SERVICE (AMENDS LIMITED STANDARD TO EXTEND AREA ALLOWED); APPLICANT: D. TAYLOR

Mr. Anthony Criscitiello briefed the Commission. Ms. Delores Taylor applied for the text amendment. The original intent was to keep the boat repair use near the marina. The Staff recommended approval of the text amendment as a special use so that the applicant would go before the Zoning Board of Appeals for a final decision. The Lady's Island Community Preservation/CP Committee and the Lady's Island/St. Helena Island Subcommittee each recommended denial of this request.

Applicant's Comments: Ms. Taylor said that Beaufort was synonymous with water. She does not want to have boat sales, but she believes she is limited in the use of her property. Her former tenants were not allowed to do boat repairs and she now has a loss of revenue. The building in question is behind another building and there did not appear to have much foot traffic involved. She indicated that Butler Marine has boat trailers fronting the highway and asked if the Commission thought that was visually pleasing. She realized it is not personal. She asked for a little leeway.

Discussion included the current use of Ms. Taylor's property as a carpet business and the former use as a boat repair business, the required screening for the proposed boat repair use, the applicant's concern that too much screening would create a security problem for her as the landlord, the property having to go through the Corridor Review Board process, the non-conforming use of the property, the history of Butler Marine—including the time and cost for its current location, the boat sales and boat repairs uses that are allowed in rural areas, the original intent to keep boat sales from obstructing the view along the major corridors, a Lobeco boat business that is not near any marina, a clarification on the recommended denials by the CP Committee and the Lady's Island/St. Helena Island Subcommittee, the applicant's loss of the boat repair tenant, a clarification on the text amendment to extend boat sales and repair to include her property, whether non-boat small engine repair was an allowed use, a mixture of support and non-support of the approval recommendation made by the staff, complying with the existing standards as was adopted by Council, the ramifications of approving the text amendment that would allow such use along Sams Point Road as well, and the non-support of the text amendment by the community via the CP Committee's denial recommendation.

Public Comment: None were received.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend denial** to Beaufort County Council for the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix I. Lady's Island Community Preservation Area (LICP), Division 5. Village Center (VC), Section 5.5 Limited and special use standards -- Boat Sales and Service that would amends the limited standard to extend area allowed. The motion **was carried** (FOR: Hicks, LeGree, Riley, Semmler, Sutler and Thomas; AGAINST: Mullen, Chmelik and Petit).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) FOR STORMWATER MANAGEMENT STANDARDS:

- **Article I, Section 106-7(3) (Exemptions of Development Types) -- requires utilities to comply with applicable stormwater requirements.**
- **Article I, Section 106-8(2) (Minor Subdivision Exemption) -- requires minor subdivisions to comply with applicable stormwater requirements.**
- **Article I, Section 106-18 (Definitions) -- adds definitions.**
- **Article XIII, Division 4 (Stormwater Management Standards) -- amends division to update stormwater requirements and address volume control standards.**

Mr. Criscitiello introduced Mr. Eddie Bellamy, County Public Works Director, who briefed the Commission. The fecal coliform issue on the Okatie River raised concerns and caused a review of the Beaufort County Best Management Practices (BMP) Manual. New Environmental Protection Agency (EPA) standards will be required of the County. The Port Royal Sound Estuary, which includes Beaufort, is not affected by upstream contamination but from within the estuary.

Mr. Bellamy introduced Mr. Tony Maglione from Applied Technology & Management (ATM), a consultant for the County, who stated that Beaufort County has been a leader in stormwater management. Stormwater runoff from the development in Beaufort has impacted the estuary. The text amendments will require: retaining excessive stormwater on site, requiring discharge of stormwater volume not to exceed predevelopment volume, reusing stormwater within the project, requiring engineers to demonstrate compliance with volume controls, and requiring Development Review Team (DRT) review of stormwater management for proposed developments. He gave examples of how residential and commercial developments could reduce runoff.

Public Comment: Mr. Garrett Budds of the Coastal Conservation League supports the text amendments. He believes retrofitting is required. Volume control is needed. Please consider impervious cover across the watersheds. The problem is the way development occurs. The Coastal Conservation League has researched the issue and has some recommendations for directing growth into the urban areas. He supports volume BMPs, but recommends reduction of impervious surfaces to achieve stormwater management improvements.

Discussion included kudos to the consultant and to environmental biofiltration processes, the inclusion of planning in stormwater control, believes water will be the crisis for this century, queried redevelopment of existing properties, concern with enforcement of the text amendments for new development and redevelopment projects, retention ponds are seen as amenities within the subdivisions, educating the community, amendments protect the environment, the 5% to 10% estimated increase in cost for a small commercial development to meet the proposed text amendments, a recommendation for intercounty interface for those in the Port Royal Estuary—including Jasper County, City of Hardeeville, Hampton and Colleton Counties; calculating the pre- and post-development volumes; incentivizing the amendments; a history of stormwater management 10 years ago; having shared the information with the staff of the municipalities; a desire to see a unified Stormwater ordinance for the municipalities and the County; an updated BMP Manual will contain these text amendments; and recommending placing these text amendments on the agenda for the Northern Regional Plan Implementation Committee for informational purposes.

Motion: Mr. Semmler made a motion and Ms. Chmelik seconded the motion, **to forward a recommendation of approval to County Council** on the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) for stormwater management standards:

- Article I, Section 106-7(3) (Exemptions of Development Types) -- requires utilities to comply with applicable stormwater requirements.
- Article I, Section 106-8(2) (Minor Subdivision Exemption) -- requires minor subdivisions to comply with applicable stormwater requirements.
- Article I, Section 106-18 (Definitions) -- adds definitions.
- Article XIII, Division 4 (Stormwater Management Standards) -- amends division to update stormwater requirements and address volume control standards.

Further discussion included kudos on the text amendments and the tougher regulations so that more people will want to live here. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler, Sutler and Thomas).

Note: Chairman Hicks recessed the meeting at approximately 7:31 p.m. and reconvened at approximately 7:41 p.m.

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)

Chairman Hicks noted that this amendment was returned to the Planning Commission from the June 2009 meeting. Mr. Criscitiello noted that the text amendment was returned by County Council because Mr. Tedder thought this amendment was not desirable to pursue. Mr. Criscitiello asked the Commission to consider that DRT has not received requests that involved disturbance of areas larger than 2,500 square feet. He has had an opportunity to view properties from the water and has noticed numerous such disturbances and urged for native vegetation plant back.

Public Comment: Ms. Wendy Zara noted that this issue was directly tied into the stormwater management text amendments heard earlier tonight and she does not believe the Commission would not approve this amendment. She noted the Special Area Management Plan (SAMP) study had included a recommendation of vegetated buffers, but a lot of the recommendations from the Plan have been shelved. Dr. Fred Holland, a noted scientist, has been advocating 50-foot buffers, whereas the SAMP recommended 100-foot buffers in certain areas. Unvegetated buffers created runoff pollution into the rivers. When individual property rights affect everyone else's rights, then the community rights should prevail. She recommended approval and follow-up enforcement of these text amendments.

Mr. Bellamy noted that natural vegetation has deeper roots and obtains water from the ground, whereas sod requires ground watering because their roots are not as deep. He did note differing maintenance styles for waterfront properties.

Mr. Dan Ahern, the County Stormwater Manager, noted that grass maintenance would require fertilization, but natural vegetation would not. Grass should not be planted up to the water.

Discussion by the Commission included whether this was an aesthetic issue or a water quality issue, then the Commission should vote to improve the water quality; natural vegetation could include grasses to preserve the water view; setting a limitation on the amount of disturbance that would require a revegetation plan; a clarification of the text amendment coverage; this amendment being a natural adjunct of the stormwater quality issue; including the building inspector providing the info on the disturbance involved; providing a list of natural vegetation; support of the text amendments;

Motion: Mr. Thomas made a motion and Ms. Chmelik seconded the motion, **to forward a recommendation of approval to County Council** on the 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 that adds the requirement of a revegetation plan for any disturbance of the river buffer. The motion **was carried** (FOR: Chmelik, Hicks, LeGree, Mullen, Riley and Thomas; AGAINST: Petit, Semmler and Sutler).

For the record, Mr. Petit stated that he was not opposed to improving water quality management. He would like to see a coordinated program with the County and the municipalities so that all the citizens would have the same water quality regulations to follow.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO THAT REPLACES ALL THE COMMUNITY OPTIONS WITH A TRADITIONAL NEIGHBORHOOD DEVELOPMENT/TND OPTION:

- **Article V, Division 1, Table 106-1098 Use Table**
- **Article VI, Division 2, Table 106-1526 Open Space and Density Standards**
- **Article VI, Division 3, Table 106-1556 Lot and Building Standards**
- **Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards**
- **Article XI, Divisions 1 and 2**

Mr. Criscitiello noted that the Traditional Neighborhood Development (TND) text amendments are to replace the Community option which has not been used since the adoption of the Planned Unit Development (PUD) ordinance in 2003. He introduced Mr. Rob Merchant who provided a power point presentation on the proposed text amendments that would be used by developers interested in a human scale development with walkable communities where residences, business and commercial uses are included. Mr. Merchant noted several TND requirements—site, density, open space uses and street network. The TND option would have four neighborhood zones that could be used for a mixed-use development.

Discussion included a clarification on the term “pedestrian shed”, concern for the maintenance of the open space, the size of a commercial center in a subdivision being market driven, kudos for promoting walkable communities, comparing TNDs to PUDs, TNDs bypassing the political process and the school impact fee requirement that are required for PUDs, the availability to use

TNDs only in suburban and urban zoning districts, concern whether TNDs have been discussed/accepted by the municipalities' elected officials and planning staff, TNDs being a segway for the form-based code, the rationale for the 45-foot maximum height level, limiting the height to zones for commercial and residential combinations, and an affirmation that all adult uses are not allowed in TNDs.

Public Comment: Mr. Garrett Budds of Coastal Conservation League said the Commission has brought up all the points he would have addressed. The TND is a much more sustainable development model. This tool addresses neighborhood design in conjunction with the development pattern so that water quality improvements can be achieved. The functionality will be activated as we see more of these communities adjacent to each other. He does support the TND text amendments.

Motion: Mr. Petit made a motion and Mr. Sutler seconded the motion, to **forward a recommendation of approval to County Council** on the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that replaces all the Community Options with a Traditional Neighborhood Development Option:

- Article V, Division 1, Table 106-1098 Use Table
- Article VI, Division 2, Table 106-1526 Open Space and Density Standards
- Article VI, Division 3, Table 106-1556 Lot and Building Standards
- Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards
- Article XI, Divisions 1 and 2.

The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Mullen, Petit, Riley, Semmler, Sutler and Thomas).

OTHER BUSINESS: Chairman Hicks asked for details from the Planning staff on the tentative scheduling of educational opportunities for the Planning Commission on October 28, 2009. Such training may include the three-hour teleconference sponsored by South Carolina Associations of Counties and the conference scheduled by Department of Health and Environmental Control (DHEC). Staff will research if the DHEC conference is approved by the State for educational credits.

ADJOURNMENT: Motion: Mr. Thomas 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, Sutler and Thomas). The meeting adjourned at approximately 8:44 p.m.

SUBMITTED BY: _____

Barbara Childs, Admin. Assistant to the Planning Director

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: January 7, 2010, as written