

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, July 1, 2010, 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	Mr. Charles Brown
Ms. Diane Chmelik	Mr. Ronald Petit	Mr. Edward Riley III
Mr. E. Parker Sutler	Mr. John Thomas	

Members Absent: Ms. Mary LeGree

Staff Present:

Mr. Anthony Criscitiello, Planning Director
Ms. Barbara Childs, Admin. Asst. to Planning Director
Ms. Linda Maietta, Planning Assistant

CALL TO ORDER: Chairman 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 will review their June 7, 2010, meeting minutes at the next meeting.

CHAIRMAN'S REPORT: Agenda Change--Chairman Hicks noted that he would be moving the Lady's Island rezoning to the front of the meeting because of interested parties present in the audience.

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

ZONING MAP AMENDMENT/ REZONING REQUEST TO LADY'S ISLAND R201-15-118, -508, -509, AND -510 (4 PROPERTIES) FROM LADY'S ISLAND COMMUNITY PRESERVATION (LICP) AND PROFESSIONAL OFFICE DISTRICT (POD) TO VILLAGE CENTER (VC); OWNER: OAKWOOD PROPERTIES, APPLICANT & AGENT: JANE HINCHER.

Mr. Anthony Criscitiello briefed the Commission. 2.14 acres are involved in this rezoning request. There are existing businesses on the properties. The retail uses are not allowed in the current zoning of Professional Office District; however, the Village Center does allow retail uses. The Planning Staff supports the rezoning that is consistent with the surrounding zoning and the Comprehensive Plan. The Lady's Island Community Preservation (LICP) Committee

and the Lady's Island/St. Helena Island Subcommittee both recommended approval of the request.

Public Comment: Mr. Cecil Mitchell noted that Oakwood I has been in existence since 1983. There is a gas station to the right of the properties and the Village Center is to the left of the properties. The property owner would like to have the ability to accommodate other businesses on the properties.

Commission discussion included either adding the abutting gas station as a courtesy to the upzoning or sending a letter to the gas station owner to upzone to the Village Center District, and desiring a list of the existing uses on properties.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend approval to County Council of the Zoning Map Amendment/Rezoning Request to Lady's Island R201-15-118, -508, -509, AND -510 (4 properties) from Lady's Island Community Preservation (LICP) District and Professional Office District (POD) to Village Center (VC); and further recommended that the Planning Department send a letter to the abutting property owner regarding the upzoning possibilities.** No further discussion occurred. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas).

MAY RIVER COMMUNITY PRESERVATION AREA:

- **TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN ADDING SECTION 8 OF APPENDIX F, MAY RIVER PLAN (ADDS NEW PLAN FOR MAY RIVER COMMUNITY PRESERVATION AREA).**
- **BEAUFORT COUNTY FUTURE LAND USE MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL TO RURAL COMMUNITY PRESERVATION AREA.**
- **TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX Q, MAY RIVER COMMUNITY PRESERVATION (CP) DISTRICT (ADDS NEW APPENDIX FOR DEVELOPMENT STANDARDS FOR THE MAY RIVER CP DISTRICT).**
- **SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL, RURAL-RESIDENTIAL, AND RURAL-TRANSITIONAL OVERLAY DISTRICTS TO MAY RIVER COMMUNITY PRESERVATION DISTRICT.**

Mr. Anthony Criscitiello briefed the Commission. This is an opportunity to create a new community preservation district. Grass-roots planning has occurred. He noted that the May River Community Preservation (CP) Committee was appointed by the Planning Commission and it took 5 years to reach this point. The citizens wanted to preserve the rural character of the area. Small scale limited commercial uses and residential uses are being promoted to preserve May River Road and the May River water quality. Along the river itself, the recommended minimum lot size is 5 acres. Cluster development is recommended. A substantial 60% of open space is recommended, with 80% open space in cluster developments. Guest houses are limited on the south side of May River Road. The basic principle is the preservation of a rural environment. The community wants an opportunity to review projects in their area and recommends that two

voting members from the CP Committee be placed onto the Corridor Review Board for that purpose. The Town of Bluffton endorsed this proposal and sees this district as the rural edge of its town. This is the basis of the form-based code that is to be adopted in the future.

Public Comment:

1. Mr. Jimmy McIntyre, chairman of May River Community Preservation (CP) Committee and a resident living along the May River, noted that there has been a huge amount of sprawl along the river. When a 5-acre property developed into five 1-acre lots, the community was galvanized into preserving the rural character of the area. He noted that a large amount of acreage was put into conservation easement during the Committee's existence. He thanked the Planning staff for their efforts.
2. Mrs. Virginia Brannon lives along Stoney Creek which flows into the May River. She lives on a family compound that her husband's family has lived on for 200 years. They feel that they have been penalized by the proposed amendment. They have 6 acres and they have two sons and one son will not have property under the proposed amendment. Their family's 66 acres are currently zoned rural--6 family members have 6 acres each and their great aunt has 30 acres. The aunt will not have a problem with her 30 acres. All the other families will have similar problems with their 6 acres.

Mr. Criscitiello noted that the existing family compound provisions are carried forward so that the family compound would prevail. The guest houses can be used by family units not to exceed a total of 5,000 square feet, which is provided in the proposed ordinance.

Discussion regarding family compounds included:

- a reiteration that the family compound standards override the Community Preservation (CP) standards;
- the provisions for family members to live on the land using guest houses;
- the difference between guest houses on a single property and a subdivided lot for ownership;
- the current rural zoning compared to the proposed CP district;
- the CP Committee's willingness to accommodate family members but not to allow subdivision for sale to non-family members; and
- clarification on subdividing under the family compound standards.

Mr. McIntyre noted that the family compound issue was widely debated by the CP Committee. He himself has owned 17 acres since 1946 and had the same concerns. He believes the family compound issue has been addressed by the proposed ordinance.

Mr. Criscitiello noted that the family compound guidelines (Section 106-2105) included a sliding scale where the density is based on the number of acreage, that the property was in the family for 50 years or more, and proof of family membership. Subdivisions of property are allowed to be sold outside of the family after a certain period. There are other opportunities for guest houses.

Mr. Robert Brannon, a Stoney Creek resident, asked "If we build a guest house, who owns the guest house? Presently there is a house on one acre and five acres are basically timberland. When I pass it on, how does the son without a house put his own house on the property?" He stated that at most there will be 2 homes on their 6 acres.

Chairman Hicks replied that if you qualified as a family compound then the general mood was not to remove the family compound rule from the proposed May River CP District.

Additional discussion included:

- a reiteration that the family compound laws were included in the proposed May River Community Preservation (CP) District;
- a clarification on the boundaries of the May River CP District that was selected by the May River CP Committee;
- newspaper, not individual, public notification of the May River CP map and text amendments that was made as was the practice recommended by the County Attorney for large areas of map amendments;
- a query on the public notification of the May River CP Committee meetings;
- the May River CP Committee mailing letters to individual property owners at the onset of the CP meetings;
- the interim density standard that was changed from 1 unit per acre to 1 unit per 3 acres;
- the May River CP Committee receiving no negative public comment on the proposed density;
- the tremendous amount of land on the southside of May River Road that has gone into conservation easement;
- the five-year period of the May River CP Committee process that might have caused the fall-out/fatigue of interest;
- recommending changing the open space language to requiring a percent of open space to remain as undisturbed open space, suggesting planting native/indigenous vegetation and not mandating irrigating non-native species;
- the difficulty of enforcing the requirement of non-leasing or non-renting the guest houses—suggesting instead “not to be used as a commercial entity”;
- recommending the specific measurement used to determine the building height;
- clarifying the standards for fencing, private gate houses and monumental/ornamental entryways;
- a recommendation that the Commissioners or the Planning staff rewrite the document;
- agreeing with the May River CP Committee forming an Implementation Committee;
- disagreeing with the May River CP Committee adding two members to the Corridor Review Board (CRB) since all the other CP Districts do not have that provision and it would disturb the CRB with non-technical voting members;
- a suggestion for the Planning Commission to defer for 30 days;
- recommending an additional notification to the public; and
- the options open to the Planning Commission regarding these map and text amendments.

Mr. McIntyre wanted the Commission to understand that the CP process has been going on for five years. There appears to be some concerns that not a lot of people knew about this and that there has been some skullduggery has occurred. There were 40 or so people when the meetings originally occurred, with the S.C. Department of Transportation briefing the CP Committee. The longer this takes, the more development occurs. Businesses are coming back to the area. Delaying the vote is delaying the adoption process. The Planning staff informed the CP Committee of the consequences of the Corridor Review Board (CRB) provision. The CP Committee felt it made sense that they should have a say so in the CP District on CRB projects.

Chairman Hicks noted that the Lady's Island was the first Community Preservation (CP) District and they did not consider being a part of a technical committee. Once the CP amendments were adopted the Committee disappeared.

Note: Chairman Hicks recessed the meeting at approximately 7:36 p.m. and reconvened the meeting at approximately 7:42 p.m.

Motion: Mr. Thomas made a motion, and Ms. Chmelik seconded the motion, **to recommend that the Planning Staff consider amending the May River CP Plan as follows:**

- 1. for the 60% open space requirement, consider requiring at least a major portion of the open space be undisturbed open space;**
- 2. for the irrigation requirement, consider it as an option not a requirement if indigenous materials are used;**
- 3. for preventing the leasing/renting of guest houses, consider removing or altering the language since enforcement of such requirements would be difficult;**
- 4. for building height measurements, consider adding language that determines how the measurement is calculated by citing the Building Code ordinance;**
- 5. for fencing, clarify the type/style that should be painted or left natural; and**
- 6. for private gate houses and monumental/ornamental entryways, clarify the requirements are to be pedestrian in nature.**

Further discussion included recommending that notification letters be mailed to individual property owners. The motion **was carried** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Sutler and Thomas; AGAINST: Semmler).

Motion: Ms. Chmelik made a motion, and Mr. Thomas seconded the motion, **to recommend that County Council approve the Text Amendment to the Beaufort County Comprehensive Plan adding Section 8 of Appendix F, May River Plan that adds a new plan for the May River Community Preservation Area, with the clarifications of removing the Corridor Review Board membership and the assurance of the inclusion of the family compound standards in the May River CP Plan.** No further discussion occurred. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas).

Motion: Ms. Chmelik made a motion, and Mr. Thomas seconded the motion, **to recommend that County Council approve the Text Amendments to the Zoning and Development Standards Ordinance (ZDSO), Appendix Q, May River Community Preservation (CP) District that adds a new appendix for the development standards for the May River CP District, with the clarifications of removing the Corridor Review Board membership and the assurance of the inclusion of the family compound standards in the May River CP District.** No further discussion occurred. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas),

Motion: Ms. Chmelik made a motion, and Mr. Semmler seconded the motion, **to recommend that County Council approve the Beaufort County Future Land Use Map Amendment for the May River Community Preservation District from Rural Area to Rural Community**

Preservation Area. No further discussion occurred. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas),

Motion: Ms. Chmelik made a motion, and Mr. Semmler seconded the motion, **to recommend that County Council approve the Southern Beaufort County Zoning Map Amendment for the May River Community Preservation District from Rural, Rural-Residential, and Rural-Transitional Overlay Districts to May River Community Preservation District.** Further discussion included a clarification of the boundaries, Pritchardville CP is separate from May River CP. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas).

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V: TABLE 106-1098. GENERAL USE TABLE, COMMERCIAL USES – COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS ALLOWABLE USE OF VARIETY STORES); AND SECTION 106-1285(D)(1) COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS 10,000-SQUARE FOOT LIMITATION FOR VARIETY STORES IN RURAL BUSINESS DISTRICTS); APPLICANT: C. CAMPBELL

Mr. Anthony Criscitiello briefed the Commission. He noted that the amendment adds the use of a variety store in the Rural Business District. The distinction between hardware and variety stores are similar. The planning staff recommended approval. This amendment would not create a problem in other rural business districts.

Commission discussion included:

- whether there were any consequences for other rural business districts;
- noting a typo for liquor stores;
- noting a trend of service stations turning into fast-food and convenience stores and hardware stores becoming variety stores;
- keeping the rural character of the rural business district;
- providing shopping opportunities in the rural area;
- the history of the rural business districts to legitimize existing businesses after the 1990 rezoning;
- concern that this ordinance will allow other upcoming 10,000-square foot variety stores throughout the County;
- the selectiveness of uses allowed in the rural business district;
- adding a distance proviso between such variety stores,
- concern that the failure of the business would bring about an upzoning request to fill the vacant building;
- the form-based code that is driven by building form instead of allowed uses;
- the traffic problems if commercial stores are spread out rather than clustered near residences;
- suggesting a holistic look at allowed uses in the rural business districts;
- the anticipated growth of the Garden's Corner Rural Business District;
- growth acting as a nutrient to other services for the area;
- impact fees on new businesses cannot be assessed for past deficiencies;
- the positiveness of rural business districts aiding development in such districts; and

- supporting the staff's recommendation to the amendment.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend that County Council approve the Text Amendments to the Zoning and Development Standards Ordinance (ZDSO), Article V: Table 106-1098. General Use Table, Commercial Uses – Commercial retail, neighborhood--that adds allowable use of variety stores--; and Section 106-1285(d)(1) Commercial retail, neighborhood—that adds 10,000-square foot limitation for variety stores in Rural Business Districts.**

Public Comment: Chairman Hicks noted for the record that there was no audience present, therefore no public comment was received.

No further discussion occurred. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas),

OTHER BUSINESS: None was discussed.

ADJOURNMENT: Chairman Hicks adjourned the meeting at approximately 8:25 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: September 2, 2010