

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, November 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	Ms. Mary LeGree	Mr. Ronald Petit
Mr. Edward Riley III	Mr. E. Parker Sutler	Mr. John Thomas

Members Absent: None

Staff Present:

Mr. Anthony Criscitiello, Planning Director
Mr. Brian Herrmann, Community Planner
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman Jim Hicks called the meeting to order at approximately 6:04 p.m.

PLEDGE OF ALLEGIANCE: Chairman Hicks led those assembled in the Chambers with the pledge of allegiance to the United States of America.

REVIEW OF MINUTES: The Commission reviewed their October 4, 2010, meeting minutes. **Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to accept the October 4, 2010, minutes as written.** The motion **was carried** (FOR: Brown, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas; ABSTAINED: Chmelik).

CHAIRMAN'S REPORT: Chairman Hicks noted that three items on the agenda were related to the Daufuskie Code. He recommended that the Commission take the Code in steps with a briefing tonight from the staff and discussion on the finer points at next month's meeting. He noted that the last three agenda items were tied to the Daufuskie Code and also will be deferred with the Code.

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

TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX J. DALE COMMUNITY PRESERVATION (DCP), DIVISION 2. DALE MIXED USE DISTRICT (DMD), SECTION 2.4/TABLE 1. LAND USES AND SECTION 2.5 (ADDS SPECIAL USE STANDARDS ALLOWING COMMERCIAL COMMUNICATION TOWERS IN DMD); APPLICANT: J.L. YATES

Mr. Anthony Criscitiello, the County Planning Director, briefed the Commission. Mr. Criscitiello recommended an additional amendment to Section 106-1357(d)(8) that addresses additional standards for commercial communication towers—change the first sentence to read: “New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county.” This text amendment request would allow for maximum cell coverage in Dale. The Community Preservation (CP) Committee requested that the applicant select a property where the property owner lived on the property to afford the economic benefit to the owner.

Applicant’s Comments: Mr. Jonathan Yates, the applicant, noted that the Dale Community was not adequately wired for wireless infrastructure. He met with the Dale community at the Dale CP and the Northern Beaufort County Subcommittee meetings. The Dale community is at a disadvantage without wireless use. His tower will be designed with four (4) co-location opportunities for other wireless companies to use. The text amendment will allow applicants to go through the Development Review Team (DRT) process for a special use request before the Zoning Board of Appeals (ZBOA).

Commission discussion included:

- whether there were sufficient sites in the Dale CP District for such towers;
- the rationale for the community request that on-site ownership be a primary consideration;
- supporting wireless reception in the Dale community;
- which other areas in Beaufort did not receive wireless service; and
- thanking Mr. Yates for attending both the Dale CP and the Northern Subcommittee meetings to discuss his text amendment request.

Motion: Mr. Semmler made a motion, and Mr. Riley seconded the motion, **to recommend to County Council approval of the following Text Amendments to the Zoning and Development Standards Ordinance (ZDSO) that adds special use standards allowing commercial communication towers in the Dale Community Preservation Mixed-Use District (DMD):**

- **Appendix J. Dale Community Preservation (DCP), Division 2. Dale Mixed Use District (DMD), Section 2.4/Table 1. Land Uses; and**
- **Appendix J. Dale Community Preservation (DCP), Division 2. Dale Mixed Use District (DMD), Section 2.5 Limited and special use standards.**

Additionally, recommend including the change recommended by the Planning Director for Article V. Use Regulations, Section 106-1357. Commercial communication towers, subparagraph (d)(8) – Additional standards for all towers by changing the first sentence of the subparagraph to read: “New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county.”

No further discussion occurred.

Public Comments: None were received.

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

FUTURE LAND USE MAP AMENDMENT FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL SERVICE AREA TO COMMUNITY COMMERCIAL; APPLICANT: D. MALPHRUS

-- AND --

ZONING MAP AMENDMENT/REZONING REQUEST FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL (R) TO COMMERCIAL SUBURBAN (CS) ZONING DISTRICTS; APPLICANT: D. MALPHRUS

Mr. Anthony Criscitiello, the County Planning Director, briefed the Commission. The request involves two map amendments—future land use and zoning. The property is surrounded by the Jasper County Planned Development District and part of a large light industrial/industrial development in Jasper County. Beaufort County wants access to the property to be through internal roads and non-access to Highways 170 and 462. Beaufort County requested that a Transportation Impact Analysis be performed because of the proposed development.

Applicant's Comments: Mr. Andy Smith, the applicant's representative, noted that the applicant has owned the property for 20 years. It was a horse farm with three residential homes. The development vision is for commercial frontage. The developer will pay for widening Highway 462 and will submit a master plan of the development to Jasper County.

Public Comments: None were received since there were no public present in the audience.

Commission discussion included a confirmation that Highway 462 had been realigned, a confirmation on the proposed development, support by the Southern Beaufort County Subcommittee on the rezoning request, and the minimal impact of the rezoning to Beaufort County.

Motion: Mr. Thomas made a motion, and Mr. Sutler seconded the motion, **to recommend approval to County Council on the Future Land Use Map Amendment for R603-008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 170 and 462, Okatie, SC) from Rural Service Area to Community Commercial.** No further discussion occurred. The **motion was carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

Motion: Mr. Thomas made a motion, and Mr. Sutler seconded the motion, **to recommend approval to County Council on the Zoning Map Amendment/Rezoning Request for R603-**

008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 170 and 462, Okatie, SC) from Rural (R) to Commercial Suburban (CS) Zoning Districts. No further discussion occurred. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE (ADDS A NEW APPENDIX WITH DEVELOPMENT STANDARDS FOR DAUFUSKIE ISLAND COMMUNITY PRESERVATION DISTRICT)

-- AND --

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR DAUFUSKIE ISLAND (CHANGES THE ZONING DISTRICTS) (SEE PAGE 29 OF THE DAUFUSKIE ISLAND CODE FOR THE REGULATING PLAN WHICH SHOWS THE NEW ZONING DISTRICTS)

-- AND --

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX D. COMMUNITY PRESERVATION AREAS (DELETES ALL INTERIM STANDARDS RELATED TO BRIGHTON BEACH, BUCKINGHAM AND DAUFUSKIE ISLAND, INCLUDING SECTIONS 9 AND 10—DAUFUSKIE ISLAND BUFFER DISTRICT AND GATEWAYS)

Mr. Brian Herrmann, the County Community Planner, thanked Mr. Cooter Ramsey and Mr. Bill Harris who were in the audience for their work on the Daufuskie Island Code.

Mr. Herrmann gave a power point presentation to the Commissioners. The current zoning allows 1 unit per acre or 2 units per acres with sewer connections. The proposed zoning standards are form-based code. Daufuskie lacks infrastructure—public transportation, sewer, etc. He summarized the proposed zoning standards.

Mr. Herrmann also noted that Ms. Linda Bridges of the Town of Port Royal was in the audience. The Town of Port Royal has used form-based code for a few years.

Public Comments: None were received since there were no public present.

Discussion included:

- requesting a clarification by staff of page 10, Administration of the Code;
- requesting that staff provide some examples to the Commission;
- clarification of the Administrative Form Waiver (AFW)—its guiding principles, the purpose of allowing an applicant that does not meet the code but meets the intent of the code, applies to certain areas that are flagged in the Code, and the deciding authority on such waivers;
- clarification on the five-person Daufuskie Sustainable Planning Team (SPT)—its role as advisory design authority on certain proposed projects that are not covered by the Code or is out of character with the community, membership and selection requirements to include professional coverage, and appointment by the Planning Commission to the SPT;

- concern that the Planning staff will be overworked or designing buildings;
- the custom tailoring of the Code for Daufuskie where the major lots are rural in nature;
- building flexibility into the Code;
- the elimination of the Community Preservation Committee upon the adoption of the Code;
- the development process for Daufuskie projects—the Planning office will accept the application, a planner will review the application, the Director will determine if SPT input is required or staff should make the decision;
- the Daufuskie Island Council that was voted into office by residents as a policy group and did not address development standards;
- developing a checklist for developers to use in this new process;
- a suggested word change on page 12 of the code: Planning Director “shall”;
- the Development Review Team (DRT) involvement being dependent upon the Planning Director’s determination;
- the Zoning and Development Administrator (ZDA) issuing a development permit after the Planning Director/planner has determined that an application has fulfilled the Code;
- the Planning Commission hearing appeals to denied applications;
- recommending legal counsel presence on such appeals;
- concern that non-professionals on the Commission would be judging Planning staff decisions on appeals;
- agreeing with oversight for Commission on Planning staff;
- the appeals process after the Planning Commission would be to judicial court—similar to appealing the Corridor Review Board denials;

Note: *Chairman Hicks recessed the meeting at approximately 7:47 pm and reconvened at approximately 7:54 pm.*

Continued discussion included:

- the role of the Planning Commission on appeals—concurrence or overriding the original decision;
- recommending a change in paragraph 4.12.13, page 116, Traditional Community Development where “...Planning Director may...”;
- how the digital submission requirement would affect Planned Unit Developments (PUDs);
- sunsetting undeveloped PUDs to come under the Code;
- asking staff to bring 2 or 3 hypothetical projects to Commission from start to finish;
- kudos to Mr. Hermann and Mr. Ramsey on the quality of work and flexibility / receptivity to suggestions; and
- replacing the typographical error “ARB” with “staff”.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **that the Planning Commission delay its recommendation to County Council on the Daufuskie Code, and its two associated actions, until the December 2010 meeting.** Discussion included

thanking Mr. Hermann for his work. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Mr. Brown made a motion, and Mr. Sutler seconded the motion, **to adjourn the meeting**. The motion **was carried unanimously** (FOR: Brown, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas). Chairman Hicks adjourned the meeting at approximately 8:10 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

Approved: December 6, 2010 as written