

COUNTY COUNCIL OF BEAUFORT COUNTY  
BEAUFORT COUNTY PLANNING DEPARTMENT  
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The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, December 6, 2010, 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. E. Parker Sutler

Mr. Robert Semmler, Vice Chair  
Mr. Ronald Petit  
Mr. John Thomas

Ms. Diane Chmelik  
Mr. Edward Riley III

**Members Absent:** Mr. Charles Brown

**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 6:07 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 November 1, 2010, meeting minutes. **Motion:** Ms. LeGree made a motion, and Mr. Semmler seconded the motion, **to accept the November 1, 2010, minutes as written.** The motion was carried (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

**CHAIRMAN'S REPORT:** Chairman Hicks noted that there was a group of people at Mary Field School on Daufuskie Island who was connected to tonight's meeting by speakerphone and will be allowed to speak during the public comment period. Also, for the record, the Daufuskie Code is a 161-page document. The Planning Commission, the Planning staff and a representative of the Daufuskie Island Community Preservation Committee met and recommended changes to the Plan. Those changes will be made public in order to obtain further comments from the Daufuskie Island residents.

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

**TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX L. BUCKWALTER PARKWAY ACCESS MANAGEMENT PLAN, FIGURE 5 (ADDS NEW FUTURE SITE LOCATION ON BUCKWALTER PARKWAY)**

--AND--

**TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XIII. SUBDIVISION AND LAND DEVELOPMENT STANDARDS, SECTION 106-2796(h)(2)b. FUTURE SIGNAL LOCATIONS (ADDS NEW FUTURE SITE LOCATION ON BUCKWALTER PARKWAY)**

Mr. Anthony Criscitiello, the County Planning Director, introduced Mr. Colin Kinton, the County Transportation and Traffic Engineer.

Mr. Kinton briefed the Commission. He noted that due to increased development in the area, a proposed connectivity to alleviate the traffic has not been able to happen. Due to timing and funding constraints, the preferred roundabout could not occur as quickly. The proposed lighted intersection is warranted.

Commission discussion included: a clarification on both the Comprehensive Plan and Zoning and Development Standards Ordinance text amendments, and a clarification on the location of the proposed lighted intersection.

Public Comment: No comments were received.

**Motion:** Mr. Thomas made a motion, and Mr. Sutler seconded the motion, **to recommend approval to County Council for the Text Amendment to the Beaufort County Comprehensive Plan, Appendix L. Buckwalter Parkway Access Management Plan, Figure 5, that adds a new future site location on Buckwalter Parkway.** No further discussion occurred. No discussion occurred. **The motion was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

Public Comment: No comments were received.

**Motion:** Mr. Thomas made a motion, and Mr. Sutler seconded the motion, **to recommend approval to County Council for the Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Article XIII. Subdivision and Land Development Standards, Section 106-2796(h)(2)b. Future signal locations, that adds a new future site location on Buckwalter Parkway.** The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

Chairman Hicks asked the audience if there was anyone present for the last item on the agenda—removing the interim standards of several community preservation districts. There was no response to his question.

**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)**

Mr. Anthony Criscitiello introduced Mr. Brian Herrmann, the County Community Planner. Mr. Herrmann noted the following in the audience: Mr. Cooter Ramsey and Mr. Bill Harris, both of Allison Ramsey Architects, and Ms. Kathy Tillman, Chairman of the Daufuskie Island Community Preservation Committee.

Mr. Herrmann gave a brief power point presentation to the Commission. He noted that the ferry system is a constant issue. The Plan was presented earlier to the Commission. He noted the existing conditions on the island. He briefly summarized the standards for each of the proposed transect zones for the island. Mr. Herrmann thanked Mr. Ramsey and Mr. Harris for their work on the Plan.

Commission discussion included:

- respecting the architectural standards agreed upon by the residents;
- acknowledging that this Code is a prototype of the proposed Form-Based code for the County;
- requesting examples of the development and the appeal processes;
- querying the administrative appeal process on page 17;
- ascertaining the applicant's right to appeal the interpretation of facts by the Planning Director;
- concern that the Planning Commission is to determine whether the Planning Director properly interpreted the Code; and
- recommending language where items not covered by the Code can be interpreted by the Planning Director.

Public Comments:

- Mr. Tom Crews, a "lifetime" member of the Daufuskie Island Community Preservation (DICP) Committee, noted the 6-year process has pulled the community together. He is a practicing architect that believes the Code provides an opportunity to bring vision to fact. It is a leading edge, a new frontier. He believes the questions are pertinent and reasonable; but some of the answers may not be found tonight or in a year. He believes the answers will be developed, but the Plan should move forward. There are gray areas and there would be opportunities of flexibility and interpretation for personal visions, all within the context of the Code. He is not afraid of moving it forward with some of the gray areas, nor of making mistakes because that is how we learn and do better. He asked that the Commission keep the spirit the residents have had and let it go forward. (Chairman Hicks commended Mr. Crews on his political campaign ethics.)
- Mr. Phil Nichols, a member of the Daufuskie Island Council, noted that the Code has been worked on and reviewed by capable people. The people of Daufuskie overwhelmingly approved the Code and would like to see the Commission pass it. (*Note: Mr. Nichols was audio linked from Daufuskie Island at Mary Field School.*)
- Mr. Aaron Crosby, chairman of the Daufuskie Island Council, stated that he had attended almost all of the DICP Committee meetings over the past years. The questions asked by the Commission were wise. But hearkening back to Commission Chairman Hick's words that this was the first form-based code for an unincorporated area of Beaufort County, we should be able to enjoy that which works well and to fix that which needs fixing. The process is not fixed in stone; it has the flexibility and can be revised as needed. When people who want to invest on Daufuskie are shown the Code that has not been passed, they see uncertainty which translates into risk which translates into non-investment. Your ability to pass the Code forward, recognizing that it is not a perfect—but a really good—plan, will remove that layer of uncertainty. Recognize that this is a working, living document and recommended to for approval to County Council. He thanked the staff and the DICP Committee for working so hard on the document. (*Note: Mr. Crosby was audio linked from Daufuskie Island at Mary Field School*)

Further Commission discussion included:

- kudos to the community-recommended Code and the Daufuskie Island Council;
- adding a caveat to Section 1.3.4 in support of stormwater standards where the sentence should read, "The provisions of this appendix, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards, except for historic preservation guidelines, health and safety codes, and stormwater ordinances."
- changing Page 14, Section 1.4.4.a.1 (Sustainable Planning Team/SPT responsibility) to be more in line with Section 1.4.4.b.1 where the role of SPT should be to advise the Planning Director on projects of his choosing;

- clarifying that there is no ordinance relationship between the Daufuskie Island Council and the SPT;
- clarifying the rationale for a five-year escrow regarding form types in public realm (new Page 13, Sec. 1.4.2.b on affordable housing);
- changing the phrase “escrow account” to “performance and payment bond for specific improvements”; and
- kudos to Mr. Brian Herrmann and Mr. Cooter Ramsey on their work on the Code.

Mr. Criscitiello noted that he contracted a consultant who will present a draft Transfer of Development Rights (TDRs) ordinance for Daufuskie to the Commission at the next meeting. The Code is fully implementable without the TDR program.

Mr. Ramsey explained that the TDR program was the ability to remove some of the density from rural areas and to place that density into the proposed denser areas. For example, the Public District by-right (minimum) density is four units per acre. If the TDR ordinance is passed, the Public District will have a maximum density of 12 units per acre by purchasing eight units from the program. All districts are set at minimum and maximum densities in relation to the TDR program.

Discussion regarding Transfer of Development Rights (TDRs) included:

- clarifying that the maximum overall density would not exceed existing build-out density;
- clarifying that the TDR ordinance will provide the implementation of TDRs;
- concern not to have reviewed simultaneously the Code and the TDR ordinance; and
- noting some areas that have used TDRs, including a town northwest of Atlanta and the New Jersey ~~Great Swamp~~ Pine Barrens.

Mr. Criscitiello suggest the following regarding the basis on which appeals may be made (Page 17, top of page, under subparagraph i) should read as follows: “When evaluating an appeal regarding final approval of procedural or administrative waiver, the Planning Commission shall primarily determine if an application is code compliant or can be code compliant in a different manner.”

Chairman Hicks indicated if the Commission was comfortable with Mr. Criscitiello’s suggestion, he was comfortable also. No opposition was voiced.

Mr. Criscitiello is hesitant to add a comment regarding gray areas because it may sound arbitrary and capricious on the part of the Planning Director. He would prefer coming back to address the gray areas at a later date. After a lengthy discussion regarding the gray areas, the Commission agreed with Mr. Criscitiello to address gray areas at a later date.

**Motion:** Mr. Semmler made a motion, and Ms. Chmelik seconded the motion, **to recommend approval to County Council on the Text Amendments to the Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, that adds a new appendix with development standards for Daufuskie Island Community Preservation District; with the following conditions:**

1. **add the following on page 17, Section 1.4.5.l.3.i: “When evaluating an appeal regarding final approval of procedural or administrative waiver, the Planning Commission shall primarily determine if an application is code compliant or can be code compliant in a different manner.”**
2. **change Section 1.3.4 in support of stormwater standards to read: “The provisions of this appendix, when in conflict, shall take precedence over those of other codes, ordinances,**

**regulations and standards, except for historic preservation guidelines, health and safety codes, and stormwater ordinances.”**

- 3. change the phrase “escrow account” to “performance/payment bonds” in Section 1.2.4.b.**
- 4. add “when requested by the Planning Director” at the end of Section 1.4.4.a.1 regarding SPT requirements.**
- 5. add the proviso that the Planning Commission authorizes the Planning Director to make administrative changes to the Daufuskie Island Code prior to forwarding it to the Natural Resources Committee.**

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

**Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, to recommend approval to County Council on the Beaufort County Zoning Map Amendment for Daufuskie Island that is on page 29 of the Daufuskie Island Code for the Regulating Plan that shows the new zoning districts. Chairman Hicks opened the floor for public comment and no public comment was received. Mr. Criscitiello noted that the map amendments to Daufuskie Island would affect Planned Unit Developments (PUDs) that would transform from PUDs to the Daufuskie Island Code when adopted. No further Commission discussion occurred. The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

**NOTE:** *Chairman Hicks recessed the meeting at approximately 7:47 p.m. and reconvened at approximately 7:57 p.m.*

**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. Criscitiello briefed the Commission on the text amendments removing the interim standards for the following community preservation (CP) districts: Brighton Beach, Buckingham, Bluffton-May River / Highway 46 Corridor, and Daufuskie Island, including Sections 9 and 10—Daufuskie Island Buffer District and Gateways. These four CP districts have final development standards that were adopted by the County Council and the interim standards no longer apply.

Discussion included the process regarding deleting interim standards and concern that Daufuskie Island interim standards would be removed prior to the adoption of the Daufuskie Island Code (the Planning staff would insure that this text amendment would move with the Daufuskie Island Code).

Public Comment: No public was present, therefore no comments were received.

**Motion:** Mr. Thomas made a motion, and Mr. Sutler seconded the motion, to recommend approval to County Council on the Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix D. Community Preservation Areas that deletes all interim standards related to Brighton Beach, Buckingham, Bluffton-May River/Highway 46 Corridor, and Daufuskie Island, including Sections 9 and 10—Daufuskie Island Buffer District and Gateways). No further discussion occurred. The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

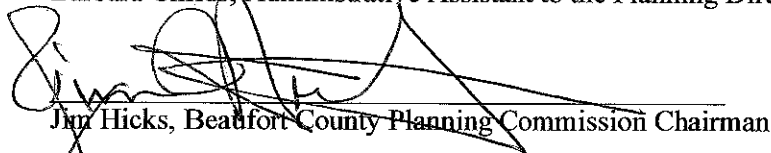
**OTHER BUSINESS:** Chairman Hicks noted that there was no other Commission business this year. Elections of Commission officers will occur next year in January. The proposed Form-Based Code is further along than expected. He believes the municipalities will adopt form-based codes and the rural areas will provide a challenge to form-based code.

**ADJOURNMENT:** Chairman Hicks adjourned the meeting at approximately 8:02 p.m.

**SUBMITTED BY:**



Barbara Childs, Administrative Assistant to the Planning Director



Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:**

January 6, 2011, as amended  
(deletions are ~~bold and struck through~~, additions are **bold and underlined**)