



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 Thursday, January 6, 2011, in the Executive Conference Room, in 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 6:00 p.m.

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

REVIEW OF MINUTES: The Commission reviewed their December 6, 2010, meeting minutes. **Motion:** Ms. Chmelik made a motion to **accept the December 6, 2010, meeting minutes, with one amendment at the last bullet of the discussion paragraph on page 4 to read New Jersey Pine Barrens instead of New Jersey Great Swamp.** Mr. Semmler seconded the motion. The motion was **carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

CHAIRMAN’S REPORT: Chairman Hicks noted a change in tonight’s agenda. Under “Other Business” we are required by ordinance to elect a Chairman and Vice-Chairman for 2011. It is a standard procedure done annually.

Chairman Hicks noted the meeting was being held in the Executive Conference Room and asked the audience to introduce themselves to the Commission -- Alan Patterson of Home Builders of the Lowcountry; Tony Maglione of Applied Technology, consultant; Dan Ahern, County Stormwater Management; Eddie Bellamy, County Public Works Director; Paul Sommerville, County Councilman of District 7; Rob McFee, County Public Services Director; Tony Criscitiello, County Planning Director; Ruth James, New Life Christian Academy; Kevin Mack, New Life Christian Academy and County Zoning Board of Appeals; Rodney Small, New Life

Deliverance Temple Administrator; Reed Armstrong of Coastal Conservation League; and Russell Byrd of Marine Corps Air Station Beaufort.

PUBLIC COMMENT: Mr. Alan Patterson, representing the Home Builders, is new to the issue. He has read the material and attended a meeting yesterday afternoon. He stated we are not opposed to the text amendments. He does not want to see the Okatie and the May Rivers degraded by stormwater runoff. We are opposed to adding extra costs to houses. He is not sure if these text amendments will address the degradation issue. The rivers in Southern Beaufort County are already getting degraded by some runoff from some place. These houses aren't even here now and aren't hurting those rivers. Address what is causing the problem to these sensitive areas and rivers at-risk such as Battery and Albergotti Creeks and May and Okatie Rivers. We don't know what's going on there. I don't think engineering studies are complete. I don't think anyone has done any cost versus benefit studies. Home Builders and I think we should sit back and look at this a little more. Find out where are the problems. We have had a couple of months of studies, but we need years of studies. We need to get to the bottom of the problem and solve it. When growth picks up these amendments would be good; but now it will hurt the home builders industry, the affordability of housing, and the ability to attract businesses to the area.

Chairman Hicks noted to the televised audience that the comments made related to a stormwater amendment on tonight's agenda. He noted that there would be another opportunity for public comment when the amendment is addressed on the agenda. Chairman Hicks then closed the public comment portion of the agenda.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V. USE REGULATIONS; TABLE 106-1098. GENERAL USE TABLE; AND SECTION 106-1247. ASSEMBLY AND WORSHIP, SMALL (THAT ALLOWS SCHOOLS AS A LIMITED USE IN SMALL ASSEMBLY AND WORSHIP USES AND REMOVES SIZE REQUIREMENT); APPLICANT: PASTOR DANIEL L. RUSSELL, JR.

Mr. Anthony Criscitiello, the County Planning Director, briefed the Commission. The basic issue is that under assembly and worship, small, Pastor Russell is proposing an amendment to permit schools as long as the size of the church and all accessory uses do not exceed 15,000 square feet. Based on the staff analysis, the amendment would be consistent with the Comprehensive Plan by removing the regulatory barriers to permit small churches affiliated schools in rural areas. He pointed out that similar impacts already are available to private schools on surround properties. Traffic would not be a major consideration in placement of these facilities (small church schools). The Planning staff recommends approval of this amendment. He noted that the use would be a limited use and would not create an unnecessary burden on the County.

Applicant Comment: Mr. Rodney Small, a representative of the applicant, noted that the church had been in existence for over 20 years and is located on Halifax Road on St. Helena Island. a few years ago. The church would like to serve the island and the community. The church purchased two modular units to expand its ministries such as after-school program and childcare.

Upon the closing of another private school, the parents contacted the church asking if it would open a Christian school. A Christian Academy was not part of the church's immediately future; however, the Church saw an immediate need for an Academy. The church is a member of the S.C. Association for Christian Schools. He noted some church members had home schooled their children successfully with high SAT scores and have gone onto college. He asked the Commission for their consideration. The church was not familiar with the text amendment and thought they were in compliance when they started the school, until they found out otherwise. The church does plan to provide other outreach services to the community with the space they do have. The church has 150 active members. He noted that small churches are allowed other services but not schools.

Mr. Criscitiello noted that the 10-acre minimum requirement also was removed by the staff.

Commission discussion included noting that schools fall under state and county laws, noting that this text amendment was following a trend of establishing private church schools, querying a need for a minimum site area since setbacks and buffers must be complied with in this use, noting that church sizes are typically 3 to 5 acres, and confirming that the applicant's request is within the Comprehensive Plan guidelines.

Public Comment: No comments were received.

Motion: Ms. LeGree made a motion, and Mr. Semmler seconded the motion, **to recommend approval to County Council for the Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Article V, Table 106-1098. General Use Table and Sec. 106-1247 that will allow schools as a limited use in small assembly and worship uses and removes the size requirement. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).**

Chairman Hicks noted that the text amendment would move on to the Natural Resources Committee at a date and time to be determined. He advised the applicant's representative to contact the Planning Department for that information.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), that allow for control of stormwater volume from "lots of record but not built." These controls will mitigate water resource impacts from construction in previously approved developments that do not have volume controls.

- Section 106-7. Exemptions of development types.
- Section 106-8. Exemption from subdivision review.
- Section 106-18. Definitions. (adding new definition—best management practices, on-site)
- Section 106-732. Zoning Permit.
- Section 106-2857. Exemptions from site runoff control and drainage planning/design.
- Section 106-2861. Retention/detention facilities.
- Section 106-2865. On-site single family lot, Best Management Practices (BMP). (adding new section)

Mr. Dan Ahern, the County Stormwater Manager, briefed the Commissioners. This is the second and final step in the ordinance changes to control stormwater runoff volume in Beaufort County. The Commission was involved in 2009 with the first step with other text amendments. All these changes were developed by a number of consultants, including the developer of the Best Management Practice (BMP) Manual, Allison Ramsey (of which their report is attached in the Commission packet), and the County's primary stormwater consultant Allied Technology Management (ATM). Mr. Tony Maglione of ATM is present to answer any questions.

Mr. Ahern gave a power point presentation that included a history of volume control, problem explanation, a review of the changes (text amendments) to address the problem, and an explanation of how the problem can be administratively handled by the proposed text amendment. Beaufort County's strong interest in preserving the water quality led to these text amendments. The problem began in the May River with impairment of the shellfish harvesting. Excess fresh water runoff into the watershed is the problem. Factors such as development and irrigation of lawns with treated water cause a wide range of salinity changes that impact the water resources. Text amendments are to focus use of stormwater for irrigation on lots via use of infiltration capacity and raingardens.

Public Comments:

- Mr. Reed Armstrong, of the Coastal Conservation League, spoke in support of the text amendments. Many of our waterways are impaired and the remainder is near that impairment threshold. We need to do something to protect the quality of our waterways. Beaufort County and the Town of Bluffton have identified that volume control must occur. The first step had been taken to address new development; this second step involves existing lots that have not been developed. He differs with Mr. Ahern since there should be additional steps taken to retrofit existing developments and controls needed for in-fill and redevelopment.
- Mr. Rob McFee, the Beaufort County Public Services Director, asked that Mr. Ahern clarify his statement regarding steps 1 and 2. Mr. Ahern noted that these text amendments were the last of ordinance changes. He quotes Dr. Chris Marsh as "this will stop the bleeding, it will not get worst." There still leaves a major challenge of retrofitting existing development that requires studies and implementation of controls.
- Mr. Alan Patterson agreed with Mr. Armstrong. We ought to protect our rivers, but houses are not the problem. With houses there are roads and the runoff are from the roads. Ditches along highways runoff into the waterways. These text amendments will add \$4,000 to \$7,000 per new house. This will make it hard to build affordable houses for in-fill projects. He agrees it is important to address runoff. Where is the problem – homes or highways? He noted that the County complex and the City of Beaufort streets runoff into the waterways. This (the text amendments) is one solution, but we need to study other solutions.

Mr. Ahern noted that the roads do impact the problem and the County is trying to address it. Retrofit of the County's parking lot and the expansion of Highway 278 are being studied to address runoff into the waterways.

Commission discussion included an explanation of a rain garden versus leaving a portion of the property in a natural state; support for retrofitting roadways to catch, treat and slow down runoff; clarifying the meaning of a gallon volume; determining the soil percolation rate of a property; acknowledging the existence of cheaper and more cost effective processes; clarifying that the text amendments pertain to new homes and retrofitting existing homes will occur after a study is completed; implementing low impact standards to save money for contractors; opposition to overburdening a fragile ecosystem with development; the burdening cost factor of these text amendments to the public; and concern with the lack of united participation by abutting Counties and municipalities.

Mr. Maglione noted that Jasper County received a grant to develop its own stormwater plan/program.

Further Commission discussion included desiring to see a timeline regarding retrofitting existing homes, querying solutions to offset homeowners costs, clarifying Sec. 106-732 / zoning permit, and adding wording in Sections 106-2865 and 106-7b to insure lots are not made unbuildable.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend approval to County Council on the following Text Amendments of the Zoning and Development Standards Ordinance (ZDSO) that allow for control of stormwater volume from “lots of record but not built.” These controls will mitigate water resource impacts from construction in previously approved developments that do not have volume controls.**

- **Section 106-7. Exemptions of development types.**
- **Section 106-8. Exemption from subdivision review.**
- **Section 106-18. Definitions. (adding new definition—best management practices, on-site)**
- **Section 106-732. Zoning Permit.**
- **Section 106-2857. Exemptions from site runoff control and drainage planning/design.**
- **Section 106-2861. Retention/detention facilities.**
- **Section 106-2865. On-site single family lot, Best Management Practices (BMP). (adding new section)**

Additionally, the following should be added to Sections 106-2865(d) and 106-7(2)b.:

“In no case will the imposition of storm water volume controls for lots of record result in the lots becoming un-buildable. The Zoning ~~Administration~~ Administrator shall be empowered to make this determination at his or her discretion without recourse to the Zoning Board of Appeals for hardship.”

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

OTHER BUSINESS:

- **Election of Commission Chairman:** Mr. Petit nominated Mr. Hicks as chairman and the nomination was seconded by Mr. Thomas and Ms. Chmelik. No other nominations were received. Mr. Hicks was unanimously elected as Planning Commission Chairman for 2011.

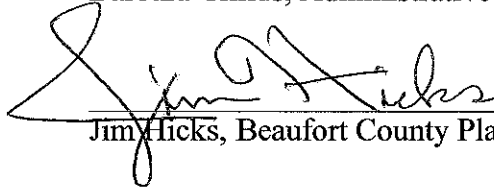
- **Election of Vice-Chairman:** Mr. Thomas nominated Mr. Semmler as vice-chairman and the nomination was seconded by Ms. Chmelik. No other nominations were received. Mr. Semmler was unanimously elected as Planning Commission Vice-Chairman for 2011.

ADJOURNMENT: Ms. Chmelik made a motion, and it was seconded, to adjourn the meeting. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas). Chairman Hicks adjourned the meeting at approximately 7:11 p.m.

SUBMITTED BY:



Barbara Childs, Administrative Assistant to the Planning Director



Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED:

March 7, 2011, as corrected

(additions are underlined; deletions are ~~struck through~~).