



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, April 4, 2011, in the Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina 29902.

Members Present:

Mr. Jim Hicks, Chair
Ms. Mary LeGree
Mr. E. Parker Sutler

Mr. Charles Brown
Mr. Ronald Petit

Ms. Diane Chmelik
Mr. Edward Riley III

Members Absent: Mr. Robert Semmler, Vice Chair, and Mr. John Thomas

Staff Present:

Mr. Anthony Criscitiello, Beaufort County Planning Director
Ms. Delores Frazier, Beaufort County Assistant Planning Director
Ms. Barbara Childs, Admin. Asst. to Beaufort County Planning Director

CALL TO ORDER: Chairman Jim Hicks called the meeting to order at approximately 6:02 p.m.

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

REVIEW OF MINUTES: The Commission reviewed their March 7, 2011, meeting minutes.
Motion: Ms. LeGree made a motion, and Mr. Riley seconded the motion, **to accept the March 7, 2011, meeting minutes, as written.** The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, and Sutler).

CHAIRMAN'S REPORT: None was given.

PUBLIC COMMENT on non-agenda items: None was received.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE, ADDING A NEW ARTICLE: ARTICLE XVII. TRANSFER OF DEVELOPMENT RIGHTS (TDRS)

Chairman Hicks gave a historical summary that led to the TDR ordinance. He noted the work by Ginnie Kozak and the Air Station.

Mr. Anthony Criscitiello, the Beaufort County Planning Director, briefed the Commission on the ordinance using a power point presentation. This is an interim provision before the Form-Based

Code is adopted by the County. This is a pilot project for the property around the Air Station. None of the municipalities are involved in this project.

Chairman Hicks asked for a briefing from the Technical Advisory Committee (TAC). He noted that some of the members of the Committee were Reed Armstrong, Alice Howard, Amber Lavosky of the Department of Defense, Ginnie Kozak, David Tedder, Delores Frazier, etc. Chairman Hicks explained that a TAC was formed to determine how to establish the program. Hundreds of man-hours were involved. The TAC forwarded information to the Northern Regional Plan Implementation Committee and the Metropolitan Planning Commission for their review.

Ms. Alice Howard from the Marine Corps Air Station Beaufort reiterated that the TAC was a lot a work by a lot of people. She said serious hard thought went into the ordinance.

Mr. Criscitiello noted that there was available \$500,000 in State and Federal monies for this project. Commission discussion included clarification that the money was to purchase TDRs, clarification on details regarding the overlay district, explaining the term "in lieu of fee" where a developer pays a fee in lieu of finding a TDR sender, noting that the program was market driven, separating the TDR briefing from the public comment portion, and noting that the program served as an incentive to annex into the municipalities.

Public Comment:

1. Ms. Leilani Bessinger asked, "Do you know what the footprint is for the F-35B?" (Chairman Hicks explained that a buffer of a quarter of a mile from the existing footprint was set to anticipate the aircraft.) Ms. Bessinger asked if her property were outside of the footprint, how does she sell her property to a developer. Who will want to build with the noise? What about heirs property? (Chairman Hicks answered her questions.) She asked for clarification on the ordinance regarding property in the AICUZ. You are setting precedence tonight that will move as needed. She mentioned that Mr. Will Cook at the community briefing at Burton Wells stating it was "takings after the fact." She noted a Grays Hill property owner who has heirs property. She proceeded to read John Elwood's information regarding air space training maneuvering radius increases. She commented on the relationship of the Air Station and the surrounding community. (Chairman Hicks asked her to continue her comments on the ordinance solely; he was willing to discuss the other matters with her privately, if she would make an appointment.) Ms. Bessinger ended with, "You're setting yourself up for a lawsuit."
2. Mr. Reed Armstrong of the Coastal Conservation League (CCL) stated the CCL has been an active participant and supporter of the TDR program. The plan is an outstanding example of cooperation between the community and the Marine Corps Air Station Beaufort. He sees the program as a model and test bed for a County-wide TDR program necessary to implement the Form-Based Code in the County and its municipalities. He requested the Commission's endorsement of the program. (Chairman Hicks thanked Mr. Armstrong for his work on the TAC.)

3. Mr. Dave Tedder, an attorney and a member of the TDR Technical Advisory Committee, noted that he has spoken to Ms. Alice Howard of the Marine Corps Air Station Beaufort and Ms. Delores Frazier, County Assistant Planning Director, regarding the following suggestions:
 - a. Sec. 106-3299, add “for MCAS – Beaufort” at the end of *AICUZ Buffer* definition.
 - b. Sec. 106-3301(a)(1), add “and AICUZ Buffer” after Overlay District.
 - c. Sec. 106-3301(a)(2), change the sentence to read “...(RR-TO), Suburban (S), or Limited Industrial (existing residential uses only).”
 - d. Sec. 106-3302(c), add subparagraph: (4) Notwithstanding this prioritization, this subsection shall not prevent a specific funding of a purchase outside of this prioritization on a case by case basis when requested by a funding entity or organization.
 - e. Sec. 106-3305(a)(3), change the first sentence to read: “The maximum number of allowable TDRs shall be the permitted dwelling units minus...”
 - f. Sec. 106-3305(a)(4), delete “non-conforming or” from the second full sentence; and add the following sentence to the end of the paragraph: “Non-conforming residential units, including residential units in excess of the baseline density, shall be entitled to receive a TDR upon agreement to remove the non-conforming residential unit within a reasonable time.”
 - g. Sec. 106-3306(c)(3), change the first sentence to read: “At the request of...”
 - h. Sec. 106-3307(a), change the last sentence to read: “...procedures specified in the ZDSO.”

After a lengthy explanation of his suggested changes, Mr. Tedder fielded questions from the Commission including requiring written consent by lienholders on sending parcels and the value of TDRs. Mr. Tedder asked the Commission to adopt the TDR ordinance. It is a pilot program. We need to get something going even if it isn't perfect. We can always adjust it along the way.

Chairman Hicks suggested making a motion to recommend approval or disapproval and have the Planning Department review Mr. Tedder's suggestions to deem if they are appropriate to adopt. If his suggestions are deemed to be significant, then the revised ordinance should be returned to the Metropolitan Planning Commission and back to the County Planning Commission. Without knowing the number of non-conforming units, Mr. Hicks was hesitant to recommend otherwise.

Further Commission discussion included desiring to see a complete document with the best recommendations that the Planning office can make and having the time to review the ordinance, and suggesting a 30-day delay on the ordinance or forwarding it on to County Council.

Mr. Tedder is aware that his recommendations must be reviewed; however, he noted that there is a time constraint that the state monies must be used by June 2011. The Commissioners, just having been made aware of the time constraint, indicated their decision to recommend approval of the ordinance.

Motion: Ms. Chmelik made a motion, and Mr. Petit seconded the motion, **to forward to County Council an adoption recommendation of the Text Amendment to the Beaufort County Zoning & Development Standards Ordinance, adding a new article: Article XVII.**

Transfer of Development Rights (TDRs); however, prior to forwarding, recommend that Mr. David Tedder's suggestions be reviewed by the Planning Department to determine if his suggestions should be included in the ordinance. Further comments included Ms. LeGree noting that her questions were answered during the presentation and discussion so she did not have to ask them. The motion was **carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, and Sutler).

Chairman Hicks commented that during the writing of the Comprehensive Plan ten years ago, Mr. Scott Graber, a Planning Commission at that time, was sent to review a TDR and noted that it was too complicated for Beaufort. He thanked the TDR Technical Advisory Committee for its work.

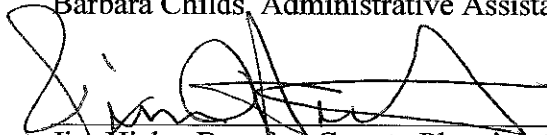
OTHER BUSINESS: None were discussed.

ADJOURNMENT: Mr. Brown made a motion, and Mr. Sutler seconded the motion, to adjourn the meeting. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, and Sutler). Chairman Hicks adjourned the meeting at approximately 7:22 p.m.

SUBMITTED BY:



Barbara Childs, Administrative Assistant to the Planning Director



Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED:

May 2, 2011, as written

Note: No electronic recording is available of the April 4, 2011, Planning Commission meeting. These minutes were reconstructed from notes made by Ms. Barbara Childs, and written comments by Mr. Reed Armstrong and Mr. David Tedder.