



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, June 6, 2011, in the County Council Chambers, in the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Jim Hicks, Chair  
Mr. Edward Riley III

Mr. Robert Semmler, Vice Chair  
Mr. E. Parker Sutler

Ms. Mary LeGree  
Mr. John Thomas

**Members Absent:** Mr. Charles Brown, Ms. Diane Chmelik and Mr. Ronald Petit

**Staff Present:**

Mr. Anthony Criscitiello, Beaufort County 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 6:00 p.m.

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

**REVIEW OF MINUTES:** The Commission reviewed their May 2, 2011, meeting minutes.

**Motion:** Mr. Riley made a motion to **accept the May 2, 2011, meeting minutes, as written.** Mr. Semmler seconded the motion. The motion was **carried unanimously** (FOR: Hicks, LeGree, Riley, Semmler, Sutler and Thomas).

**CHAIRMAN'S REPORT:** Chairman Hicks noted with regret that Mr. Charles Brown, who represented the Northern Beaufort County, has tendered his resignation from the Commission. The Northern district is represented by Councilman Gerald Dawson. Anyone interested in applying for the position should contact Ms. Sue Rainey, the County Clerk to Council.

**PUBLIC COMMENT on non-agenda items:** No comment was received.

**BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND, PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT/PUD, 31.7 ACRES ADJACENT TO DATAW ISLAND; TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED; OWNER: GEJ OAK ISLAND LLC; APPLICANT: DAVID R. KARLYK OF CAROLINA ENGINEERING, BEAUFORT, SC**

Chairman Hicks noted this was a continuation from last month's meeting. He noted that the Planning Commission postponed any decision last month and asked that the Dataw Island Architectural Review Board (ARB) look at the project regarding the height issue and architectural details to insure that the ARB was comfortable with what was proposed. He noted that the floor would be open to comment by the Dataw Island representatives before public comment is received.

Mr. Anthony Criscitiello, the Beaufort County Planning Director, briefed the Commission. The 30-day delay was requested by the Planning staff. The staff agrees to allow the proposed 42 duplex units instead of 35 single-family units originally approved for Oak Island. Of the 352 unused density/dwelling units still available for the Dataw PUD, the 42 duplexes would reduce the amount to 310. There are 1546 dwelling units allowed for the Dataw Island PUD—1143 are single-family units, 403 are multi-family units. The Planning staff has cleared up the height issue regarding how it will be measured and recommends approval of the request. The Building Inspection office has submitted a drawing explaining how the height is to be measured—from grade plane to the mid-point of the roof. Mr. Hakim Bayyoud of the Building Inspections office stands ready to answer any questions that the Commission may have.

Ms. Pat Bell, president of the Dataw Island Homeowners Association, reiterated what she said last month that the residents voted by paper ballot on February 22, 2011, overwhelming approving the increase in density. The diversity of housing on Dataw range from patio homes to conventional homes valued at a million dollars or more. The duplex units would be in the middle range of the current homes, keeping with the average size homes on Dataw and making them more saleable. The developer must adhere to County and Dataw ARB guidelines. She has had several conversations with Mr. Criscitiello and Mr. Arthur Cummings, County Building Inspector, regarding building codes and County versus Dataw ARB requirements. The special guidelines for Oak Island references that the maximum roof height for all conventional homes built in special condition areas has to be in compliance with the 1983 Dataw conventional home guidelines. There are a good number of homes built along the marsh and have never had problems with the building height or design guidelines. They hope that the Commission votes favorably for the change. Our island is beautiful and it has been kept that way through the responsible guidance of our ARB. Oak Island will add more diversity of housing and will add to the beauty of our community. The Chair and another member of the ARB are present if you have any other questions.

Applicant's Comments: Mr. David Karlyk of Carolina Engineering, a representative of the applicant, agrees with the staff. He said it will be a great project and will fit in with Dataw. The staff report indicates it is in keeping with the Comprehensive Plan, is consistent with the neighborhood. He had several conversations with Mr. Criscitiello and believes the height issue has been addressed. Multi-family uses on Dataw currently do exist. The 50-foot buffer will screen the development on Oak Island. The Oak Island density will be 0.75 per acre versus 1.78 on Dataw itself. The architecture is not final and has not been before the ARB. The architecture will be tasteful and will meet Dataw's approval.

Public Comment: Mr. Reed Armstrong of Coastal Conservation League said since this is an island and because what is proposed is a rather intense development, consideration should be given to requiring pervious materials for driveways to address water quality issues in the community.

Commission discussion included: clarification that the staff, the Dataw ARB and developer are in agreement regarding the height issue; clarification that the County standards are preeminent; affirming that pavement/driveways and stormwater standards are Development Review Team (DRT) issues; noting that stormwater conservation procedures are being considered by the Dataw ARB.

**Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend approval to County Council for the Beaufort County Zoning Map Amendment (Master Plan Amendment) for R300 009 000 0050 (known as Oak Island, part of the Dataw Island Planned Unit Development/PUD, 31.7 acres adjacent to Dataw Island) to allow 21 duplex units (42 total dwelling units) rather than the 35 single family dwelling units originally approved.** No further comment occurred. **The motion was carried unanimously (FOR: Hicks, LeGree, Riley, Semmler, Sutler, and Thomas).**

**BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING FOR R300 015 000 0101 0000 (KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24 ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21); FROM PUD TO RURAL (R) ZONING DISTRICT; OWNERS: GARY M. MEYER, E. LINWOOD JOHNSON, AND MICHAEL J. MYERS; APPLICANT: BEAUFORT COUNTY PLANNING STAFF**

Mr. Criscitiello noted that this PUD was approved in 1989 with no specific master plan and no development activity has occurred since then. The owners have met with the staff in January and in April 2011. He noted the County standards regarding sunsetting PUDs in the year 2010. The PUD has an approved density of 12 units to the acre, which is 4 times higher than the base Rural zoning density of 1 unit per three acres. The front half of the PUD is approved for unspecified general commercial uses. The St. Helena Corners Area Community Preservation District is 0.6 mile away and the Rural Business District is 0.2 mile away. Staff, as the applicant, is asking for Planning Commission guidance on how to proceed.

Chairman Hicks instructed the Commission regarding the rezoning as a reversion to the base zoning of Rural District.

Property Owner's Comments: Mr. Tom Holloway of Harvey & Battey is the property owner's representative. The PUD has been in existence for over 20 years ago. He recognizes the County's sunset ordinance and its right to go through the sunset process. He appeared before the (Planning Commission) Subcommittee where various options were discussed. He is asking that the Planning Commission recommend extending the PUD for a year so that 20 years of investment and land ownership is not sunsetted today and we can explore other options.

Public Comment: Mr. Reed Armstrong of the Coastal Conservation League stated that this property has sat undeveloped and unused for over 20 years. This serves as an opportunity to step in and try to reverse some of the sprawl that has evolved from the numerous PUDs throughout the county. By returning this to rural, fitting with the character of the area, we can try to reverse some of the sprawl pattern. I recommend that this property be returned to rural zoning.

Discussion included noting that another PUD had asked for a year-long extension but was unable to complete any action and was reverted as well, clarifying that the sunset ordinance was effective January 2010 and the property owner had had 18 months to date, noting the initial contact was initiated by the staff with the owners in the Spring of 2011, noting that the location would be spot zoned and recommended allowing the owner to begin again, and sympathizing with the owners' dilemma but noting that the owner had sat on his property for too long.

**Motion:** Mr. Thomas made a motion, and Mr. Semmler seconded the motion, to **recommend approval to County Council of the Beaufort County Zoning Map Amendment/Rezoning for R300 015 000 0101 0000 (known as St. Helena Station Planned Unit Development (PUD), 13.24 acres off Sea Island Parkway/Highway 21); from PUD to Rural (R) Zoning District.** No further Commission discussion occurred. The motion was **carried unanimously** (FOR: Hicks, LeGree, Riley, Semmler, Sutler, and Thomas).

Mr. Holloway asked when Natural Resources Committee would be held. Mr. Criscitiello replied the Natural Resources Committee would meet on June 28. (*Note: Mr. Holloway was notified at a later date that the meeting was actually scheduled for July 11.*)

**TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), TABLE 106-1098 LAND USE TABLE AND SEC. 106-1361(B) LIGHT INDUSTRY DISTRICT AND INDUSTRIAL PARK DISTRICT (RECYCLING/SALVAGE); APPLICANT: R. ALEX CANO (ALLOWS RECYCLING/SALVAGE/MATERIAL RECOVERY FACILITY IN INDUSTRIAL PARK DISTRICTS)**

Mr. Criscitiello noted that the use was recommended by staff to expand to Industrial Park District. Mr. Cano, the applicant, came to discuss the use with Mr. Criscitiello. The purpose is to provide a green solution to recycled/salvaged materials. He noted that Mr. Cano does not intend to have salvage automobiles.

Discussion included clarifying that this would be the first material recovery facility in the county, confirming that the Energy Element of the County Comprehensive Plan promotes such facilities, verifying that the buffer requirements will remain intact, and noting that recycling works toward environmental and economic development, use currently.

Public Comment: Mr. David Tedder represents owners adjacent the Beaufort Commerce Park. He asked a clarification on the location of the property. He wanted to be certain that there would not be an auto salvage yard.

Further discussion included clarification that there is no specific requirement that storage must be on impervious surfaces, and clarification that the use is allowed in all industrial park districts.

**Applicant's Comment:** Mr. Alex Cano, the applicant, noted that he will not be a junkyard. His facility is the opposite of a junkyard. (Chairman Hicks thanked Mr. Cano for his vision. Vice-Chair Semmler noted that there was a huge buffer for the property.) Mr. Cano noted that they will be the second such facility in South Carolina. He intends to work with Beaufort County on meeting their Comprehensive Plan goals regarding recycling. He will deal primarily with cardboards, concrete, plastics, tree debris, metals, etc. He hopes to put together a storm plan in case of major disasters. His facility will accept almost anything, and the items will not be placed in any landfills, rather they will ship out the material.

**Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend approval to County Council of the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Table 106-1098 Land Use Table and Sec. 106-1361(b) Light industry district and Industrial Park district (Recycling/Salvage) to allow recycling/salvage/material recovery facility in Industrial Park Districts.** No further Commission discussion occurred. The motion was **carried unanimously** (FOR: Hicks, LeGree, Riley, Semmler, Sutler, and Thomas).

**TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS)**

Mr. Criscitiello noted that the Codes Enforcement Department brought forth this proposed text amendment. This will aid the enforcement of the river buffer standards for residential and commercial properties.

Discussion included clarification of the standards, clarification on the inch-per-inch replacement requirement and the reforestation fund; and disagreement with requiring an engineering study.

**Public Comment:**

1. Mr. Reed Armstrong, noted that the tree plant back states that if it is determined by staff that all tree inches cannot be planted back on site, then the tree reforestation fee will be assessed. Also, the Beaufort County Stormwater Utility Board has discussed and raised concerns about disturbances to the river buffer by developers, builders and individual property owners and difficulties in enforcement of river buffer protections. Their concerns were based on concerns about water quality and the value of river buffers for water quality. The Stormwater Board rightfully felt effective enforcement is necessary. So, I add my voice to those of staff and the Stormwater Board in supporting this amendment.
2. Mr. David Tedder noted that he assisted in the original standard but he wanted to point out the following:
  - a. He recommended a rewrite of the first two sentences in Sec. 106-1845 to read: "There shall be no disturbance of the river buffer except as otherwise allowed under this Chapter,

including bulkheads, rip-rap and erosion control devices, and view corridors as outlined in subsections (2) and (3) above. A river buffer disturbance violation shall require a revegetation plan to be submitted for review and approval by county staff.”

- b. It is a Pandora’s Box when you adopt this ordinance. How are you going to determine when the plants were planted? There needs to be some concern that at the behest of neighbors who might have problems with their neighbors who report such activities.

Discussion included noting that Mr. Tedder’s recommendations should be considered by staff when adding such into the motion, and clarification of the type of revegetation plans expected by the staff for review.

**Motion:** Mr. Semmler made a motion, and Mr. Riley seconded the motion, to **recommend approval to County Council of the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Sec. 106-1845(6) Buffer Disturbance that adds river buffer disturbance standards, and recommend that the Planning staff to consider Mr. David Tedder’s comments.** No further Commission discussion occurred. The motion was **carried unanimously** (FOR: Hicks, LeGree, Riley, Semmler, Sutler, and Thomas).

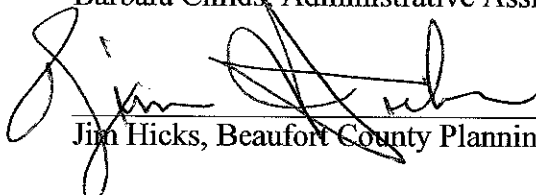
**OTHER BUSINESS:** No discussion occurred.

**ADJOURNMENT:** Ms. LeGree made a motion, and Mr. Thomas seconded the motion, to **adjourn the meeting.** The motion was **carried unanimously** (FOR: Hicks, LeGree, Riley, Semmler, Sutler and Thomas). Chairman Hicks adjourned the meeting at approximately 7:07 p.m.

**SUBMITTED BY:**



Barbara Childs, Administrative Assistant to the Planning Director



Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:**

**July 7, 2011,** as written