



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION

Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, February 6, 2012, 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	Mr. Ronald Petit	Mr. Edward Riley III
Mr. E. Parker Sutler	Mr. John Thomas	

Members Absent: Ms. Mary LeGree

Staff Present:

Ms. Delores Frazier, Assistant Planning Director
Mr. Robert Merchant, Long-range Planner
Ms. Barbara Childs, Admin. Asst. to Planning Director

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

PLEDGE OF ALLEGIANCE: Chairman Hicks led those assembled in the Chambers with the pledge of allegiance to the U.S.A. flag.

REVIEW OF MINUTES: The following Commission meeting minutes were reviewed:

- **December 5, 2011: Motion:** Mr. Riley made a motion, and Mr. Sutler seconded the motion, **to accept the December 5, 2011, minutes as written.** No discussion occurred. The motion **was carried** (FOR: Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas; ABSTAINED: Brown).
- **January 5, 2012: Motion:** Mr. Petit made a motion, and Mr. Semmler seconded the motion, **to accept the January 5, 2012, minutes as written.** No discussion occurred. The motion **was carried** (FOR: Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas; ABSTAINED: Brown).

CHAIRMAN’S REPORT: Chairman Hicks welcomed Mr. Charles Brown back as the Northern Beaufort County Planning Commissioner and thanked him for returning to serve.

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

MAP AMENDMENTS OF SOUTHERN BEAUFORT COUNTY PROPERTIES R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, AND R603 021 000 0195 0000 (7 PARCELS TOTALING 142+/- ACRES OFF HIGHWAY 278/FORDING

ISLAND ROAD AND GRAVES ROAD KNOWN AS PEPPER HALL); OWNERS/APPLICANTS: PAUL B. GRAVES, JOHN T. GRAVES, JR., AND ROBERT L. GRAVES:

- **FUTURE LAND USE: FROM RURAL AND COMMUNITY COMMERCIAL TO REGIONAL COMMERCIAL AND NEIGHBORHOOD MIXED USE; AND**
- **ZONING / REZONING REQUEST: FROM RURAL (R) AND RURAL WITH TRANSITIONAL OVERLAY (R-TO) ZONING DISTRICT TO COMMERCIAL REGIONAL (CR) AND SUBURBAN (S).**

Chairman Hicks briefed the audience regarding the procedures tonight. The Commission will hear the information on both the future land use and rezoning maps amendments on seven parcels totaling 142 acres off Highway 278 and Graves Road known as Pepper Hall in Bluffton.

Mr. Robert Merchant briefed the Commission, showing a power point presentation. He affirmed the two actions that were required of the Commission—future land use and zoning maps amendments. When the land use map is not consistent with the rezoning request, the land use map must be changed to provide consistency. Currently the land use map shows 21 acres fronting Highway 278 as Community Commercial and the remaining 121 acres as Rural. The applicants are requesting approximately 64 acres fronting Highway 278 to Regional Commercial and the remainder to Neighborhood Mixed-Use.

Regarding the zoning map, the applicants' 43 acres fronting Highway 278 are zoned Rural with Transitional Overlay and the remainder is zoned Rural. The Applicants requested 64 acres (fronting US 278) to be rezoned to Commercial Regional and the remaining acreage to be rezoned to Suburban. The Staff recommendation, in cooperation with the Town of Bluffton and after looking at traffic and environmental impacts and existing land use patterns, is denial of both requests for the following reasons:

1. Development would add considerable amount of additional traffic to US 278 despite the road widening from four to six lanes that is to meet the impacts of already approved development—acknowledging that the six-lane roadway is expected to fail by 2025;
2. Allowing such intense upzoning on the properties, despite County stormwater and land use policies and the County purchasing property around the headwaters of the Okatie River to protect the area, goes counter to such County policies and actions; and
3. The proposed rezoning is not supported by the County Comprehensive Plan that was adopted in 2011, in a cooperative effort with the Town of Bluffton.

Mr. Colin Kinton, the County Traffic and Transportation Engineer, noted that the applicant did not provide a traffic impact analysis so he did a quick calculation. The existing US 278 is a 4-lane divided highway carrying 33,000 cars a day. Graves Road, a dirt road, would be allowed a right-in/right-out access only in the future 6-laning of US 278. The plan is to provide access to the future relocated Hampton Parkway and to provide a traffic light when that parkway is developed. The projected volume from existing conditions on Highway 278 in 2025 is 75,000 cars per day (the projected capacity on US 278 is 68,000 cars per day for level of service (LOS) E and LOS D at 58,000 per day as the acceptable service level). The County's traffic model projects to the buildout level in 2025, however, with the significantly slowed growth due to the recession, the actual buildout date will be somewhat later than 2025. The reason for the

difference between the applicants' 29,960 vehicles per day and the County's proposed trip generations is the type of land use and vehicles per day associated with the use. There is limited potential for connectivity from these properties since there are no plans to build the Hampton Parkway at this time. US 278 would be significantly over capacity (at level of service/LOS F) with the proposed development. Mr. Kinton, in response to a Commissioner's query, reiterated that the applicant provided a trip generation report instead of a traffic impact analysis.

Applicants' Comments:

1. Mr. Jim Scheider, the applicants' representative, introduced the three applicants. The family has owned the 143 acres for 136 years. He personally has known Robert Graves more than 50 years and he has not found finer stewards of the land than the Graves family. Regarding the "bouncing back" between the Town of Bluffton and the County, Mr. Graves has not sought a rezoning since 2001. At that time a portion of the frontage was rezoned to Rural with Transitional Overlay, and then upzoned in 2002 to general commercial by Mr. Gordon Faulkner who ultimately bought that acreage. Mr. Graves in late 2009 and 2010 began a series of meetings at the urging of some Town councilmen with the Town of Bluffton. The Town commissioned a conceptual land plan for the Okatie headwaters. Last year the Town of Bluffton decided they did not wish to annex lands north of US 278. The Graves family has had extensive discussions with the Beaufort County Open Land Trust (BCOLT). The Graves family intends and is receptive and open to hear any proposal to protect the waters of the Okatie. Mr. Scheider noted that the County had acquired properties or conservation easements to protect the Okatie headwaters. He showed a concept plan with 200- and possibly up to 300-foot setbacks from river that the County should acquire or lease from the family. The Graves family has no present intention to develop these properties. Mr. Scheider noted the various commercial properties across and to the side of the Graves' properties. He noted that their engineering consultant, who worked for the County in the past, stated that the proposed development should not overload the traffic system. Mr. Scheider noted that, to date, there has been no response to the Graves' overtures to BCOLT.
2. Mr. Milt Rhodes, the applicants' representative, noted the content of a 2001 staff report that requested a comprehensive look that included concurrency with the road widening and transitioning into suburban and mixed-use center with commercial regional. He noted the February 2005 internal staff memo that addressed the signal access at the future Hampton Parkway to facilitate development on the north side of US 278—implying the Graves properties were assumed to transition in the future. He noted the Community Commercial boundary on the land use map that was drawn by Planning had not been communicated to the property owners. The line was put there to limit the amount of commercial development on that property. Regarding traffic, the trip generation report submitted shows the development would be capable of being accommodated by US278. He noted other "errors" in the County staff report including misquoting the acreage of the Community Commercial area (37 versus 43). He noted future consideration such as connecting other properties to Graves Road, and improving Graves Road. Mr. Rhodes stated that there were technical errors in the Comprehensive Plan, and when the errors were fixed he believed the rezoning would be consistent with the Comprehensive Plan. He said the land was suitable for development in the region—it is largely high, not wet and largely cleared. The proposed uses are not conflicting with the neighboring properties. He asserted that the traffic impact assessment is required when development occurs, no development is planned to date. The application

contains letters of verification indicating services are available to the properties. He believes the criteria for rezoning has been satisfactorily addressed. At the Southern Beaufort County Subcommittee meeting, two variables were discussed—environment and traffic. Mr. Rhodes stated that a concept plan is not a requirement of the current ordinance (when requesting a rezoning). Converting (rezoning) the properties from a rural basis to something else will have a potential to remove, and prevent new, septic tanks from area. The Traditional Neighborhood Development (TND) option is not available to these properties under rural zoning. The change (rezoning) from a rural district will eliminate the livestock problem from this property. Regarding control of stormwater from the streets, a development of a network of walkable streets on the property will provide that control. There is potential for retrofit of upland problems caused by development such as Berkley Hall. The commercial suburban zoning recommended by staff is not a mixed-use district and does not have the mixed use provisions provided by commercial regional zoning. The concept plan is an illustration requested by staff to convey an idea of how a mixed use with a neighborhood center, a neighborhood general area and a neighborhood edge might look on the property.

3. Mr. Scheider returned to discuss the Berkley Hall spine road that abuts Graves Road that could provide connectivity for Berkley Hall. The first order of business is to reach an agreement with the BCOLT or the County to protect the river. He wants to use the next 30 days to negotiate the protection of the river corridor and return with a tangible agreement to the next Commission meeting. Present by-right uses would allow the Graves to have twenty 1-acre water front lots with septic tanks. No one wants that to happen, certainly not us.
4. Mr. Robert Graves Sr., one of the applicants, noted that the land had been with the family for a century. We know the land, we love the land and it has been good to us. We are not land flippers. We have had plenty of opportunities to sell the land. We've tried to preserve the land. This property is symbolic of our family and our history. He noted that during his lifetime, he has seen development from Hilton Head Island to I-95. We've cooperated and paid our dues (especially taxes). We've been contributors. He asked for fairness in considering their request. He is open to placing covenants regarding the water run-off from his property.
5. Mr Scheider returned again to ask the Commission to take no action tonight. Instead, he asked the Commission to recommend to Council to facilitate negotiations with the Graves family to find an acceptable means to protect the integrity of the Okatie River.

Public Comment:

1. Mr. Reed Armstrong, of the Coastal Conservation League, agreed with the staff assessment of major problems with the property included non-compliance with the Comprehensive Plan, that potential commercial development along US 278 would add to a strip mall complex in the area, the incompatibility of the surrounding area, and traffic and water quality concerns. The Okatie is already impaired and plans show that runoff must be reduced to it. It is hard to see how increasing the density to four times what rural zoning allows will be accommodated. Whether or not RCLP could find the funds to purchase the buffers along the river might have an impact on the proposed bond referendum. The Form-Based Code (FBC) has not been adopted as yet. In preparation for the adoption, the Town of Bluffton and Beaufort County have growth framework maps designating where intense development should occur and this property is not included. Specific development plans for the property are needed to fully assess the effect to the County. Mr. Armstrong recommended denial of the request. He

noted the Transfer of Development Rights (TDR) program regarding the Marine Corps Air Station Beaufort and thought these properties could be designated as a sending area for such a program to transfer development rights to other areas such as Village Center or Town Center at the end of Bluffton and Buckwalter Parkways.

2. Beaufort County Councilman Stu Rodman stated he was commenting as a citizen rather than a County Council member. He noted that last summer the Council was considering another Rural and Critical Land Preservation (RCLP) Program bond of 25 million dollars. The Council had 90 million approved to date. He noted that consideration should be to protect the river with RCLP funds. The bond will be on the ballot in November 2012. As vice-chair of the Transportation Advisory Committee, he felt the traffic calculations were hard to understand. He believed a traffic model correction should occur in terms of the amount of current and projected traffic. He did not see how these properties could produce such high traffic counts compared to the numbers going over the bridge to Hilton Head.
3. Mr. Roberts Vaux noted that: 1- We've been trying to save the Okatie for 15 years, but it's been a lousy effort, a miserable failure. 2- It seems opponents are trying to stop development—it's unlawful. We would be better off to exercise leadership to save the Okatie and May Rivers. Ask the applicants to go into a conditional waiver of a 30-day notice. He recommended that the Commission pass a resolution asking County Council, if it is their will, that Commission, staff and RCLP work to develop a plan agreeable to all parties. Mr. Scheider noted that 20 houses with 50-foot setbacks were allowed by-right with septic tanks. Mr. Vaux remembered when the 50-foot setbacks came into effect and obviously it hasn't worked (to protect the Okatie). Obviously the family can use the property, and have used it for 136 years, for farming. Obviously it hasn't worked in the recent times. The runoff continues. We need to try something innovative. He suggested requiring that all stormwater be retained on-site. Let's try to have a win-win situation. The suggested covenants on the properties or producing a definitive plan before the rezoning do not work. If the applicants could be persuaded to donate some of the land to the County without the rezoning, the property value would be lower than if it were rezoned—it does not make sense and it isn't even fair. He recommended that the Commission recommend that County Council issue a directive that the applicants and the County meet to work out terms and conditions that might be agreeable to both sides. Denying the application is not the solution.
4. Ms. Ann Rubbin of Dory Court stated she has lived in Beaufort for 13 years. Taxpayers pay for experts (the staff) to study all the things they (the taxpayers) don't know. How have things gone down the road without paying attention to staff recommendations? (Chairman Hicks explained the rezoning process where several hearings are held so that the public would be informed of proposed rezonings.) Ms. Rubbin thanked Chairman Hicks for his explanation.

NOTE: *Chairman Hicks recessed the meeting at approximately 7:09 p.m. and reconvened the meeting at approximately 7:19 p.m.*

Chairman Hicks offered the following thoughts to the Commissioners:

- When someone asks for a planning matter to be done, the Commission's role is to respond to the requestor and to forward a recommendation to Council within 30 days. The Commission could forward the request without a recommendation, instead suggesting that

the applicants and RCLP meet. However, it is not the role of the Commission to direct RCLP to do anything; it is Council's role. If you were RCLP would you want a 30-day limit on negotiations?

- The Town of Bluffton has not set growth limits like the northern municipalities, but did not wish to annex these properties. Upzoning properties that abut municipalities is a touchy subject, such an upzoning may cause a donut hole to occur.
- The Applicants have a right to withdraw their rezoning requests and to request a meeting with the RCLP consultant. When RCLP began, you could not have parallel tracks between rezoning and RCLP negotiations since it was zoning shopping.
- He urged the Commission to consider the requests as submitted. He agreed that the Graves have been good shepherds of their land. He urged the Commission not to get wrapped around the transportation issue.

Discussion by the Commission included:

- a confirmation on withdrawal of the request and how and when the Commission would rehear the request;
- the impossibility of a parallel track of the rezoning request and being considered for RCLP program;
- the conflicting opinions of denying property owners who have been good stewards in the past;
- a personal preference for non-development of the property;
- the high profitability to the owner on upzoning not being a Commission role;
- the potential uses for the upzoning to Commercial Regional allowing big box stores;
- the Commission not being in a negotiating business;
- the difference between the traffic counts by the applicant's consultant and the County's traffic engineer being based on the number of square footage used by each;
- concerns of enforceable stormwater drainage;
- the possible options of planned unit development (PUD) and transfer of development rights (TDRs);
- a plea to find a way to help these people;
- a recommendation to provide a development plan;
- the unrealistic thinking that the property will not be developed;
- the reverse spot zoning for the property considering the surrounding development;
- the existing controls that should provide the protections expressed;
- an expressed support for the rezoning request; and
- a recommendation for a 1% sales tax to assist the transportation crisis caused by overdevelopment in Southern Beaufort.

Motion: Mr. Semmler made a motion, and Mr. Petit seconded the motion. **to forward to County Council a recommendation to approve the Future Land Use Map Amendment of Southern Beaufort County properties R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, and R603 021 000 0195 0000 (7 parcels totaling 142+/- acres off Highway 278/Fording Island Road and Graves Road known as Pepper Hall); from**

Rural and Community Commercial to Regional Commercial and Neighborhood Mixed Use. The motion was **TIED 4 to 4** (FOR: Brown, Petit Semmler, and Sutler; AGAINST: Chmelik, Hicks, Riley and Thomas).

Motion: Mr. Semmler made a motion, and Mr. Petit seconded the motion. **to forward to County Council a recommendation to approve the Southern Beaufort County Zoning Map Amendment / Rezoning Request for R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, and R603 021 000 0195 0000 (7 parcels totaling 142+/- acres off Highway 278/Fording Island Road and Graves Road known as Pepper Hall) from Rural (R) and Rural with Transitional Overlay (R-TO) Zoning District to Commercial Regional (CR) and Suburban (S).** The motion was **TIED 4 to 4** (FOR: Brown, Petit Semmler, and Sutler; AGAINST: Chmelik, Hicks, Riley and Thomas).

Chairman Hicks noted that both motions would be forwarded to County Council indicating the indecision of the Commission regarding these requests.

Further discussion included:

- the minute possibility of the TDRs; and
- urging negotiations between the property owners and the County to protect the environment.

Mr. Scheider stated that the applicants have initiated discussion with BCOLT and that BCOLT were awaiting Council's decision/direction.

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Motion: Ms. Chmelik made a motion, and Mr. Semmler seconded the motion, **to adjourn** the meeting. The motion was **carried unanimously** (FOR: Brown, Chmelik, Hicks, Petit, Riley, Semmler, Sutler and Thomas). The meeting adjourned at approximately 7:55 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: **September 6, 2012**