



COUNTY COUNCIL OF BEAUFORT COUNTY  
**BEAUFORT COUNTY PLANNING DIVISION**

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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, March 4, 2013, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Jim Hicks, Chairman	Mr. Robert Semmler, Vice Chairman	Ms. Jennifer Bihl
Mr. Charles Brown	Ms. Diane Chmelik	Ms. Mary LeGree
Mr. Ronald Petit	Mr. Edward Riley III	Mr. Randolph Stewart
Mr. John Thomas		

**Members Absent:** None

**Staff Present:**

Mr. Anthony J. Criscitiello, Planning Director  
Ms. Barbara Childs, Admin. Asst. to Planning Director

**CALL TO ORDER:** Chairman Jim Hicks called the meeting to order at approximately 6:03 p.m.

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

**REVIEW OF MINUTES:** The Commission reviewed their February 4, 2013, meeting minutes.

**Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to accept the February 4, 2013, minutes as written.** The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas; ABSTAIN: Stewart).

**CHAIRMAN’S REPORT:**

**1. Planning Commission Reappointments and New Appointments:** Mr. Hicks noted the reappointment of Mr. Charles Brown and Mr. Ronald Petit to the Commission. He also noted the parting of Mr. Parker Sutler from the Commission, and thanked him for his banking and small business expertise. Mr. Sutler stated that he enjoyed serving with the Commission, appreciated Mr. Hicks’ guidance and patience, and serving the citizens of the County. Mr. Hicks noted that Mr. Randolph Stewart is Mr. Sutler’s replacement. Mr. Stewart gave a brief history of his life and work experience. He looks forward to serving on the Commission and thanked County Council for appointing him to the seat.

Mr. Hicks noted this was the last time he would be serving on the Commission and as Chairman. His replacement as a representative of Lady’s Island is Ms. Jennifer Biel. She has a master’s degree in engineering, has her own engineering company, is a resident of

Lady's Island, is the past president of the Lady's Island Business and Professional Association, and the current president of the South Carolina Engineering Society.

Mr. Hicks explained that Ms. Bihl had a contractual agreement with the Graves, so she would have to recuse herself from discussing and voting on the project being discussed tonight; therefore, she was sitting in the audience.

**2. Annual Election of Officers:** Mr. Hicks noted that the election of chairman and vice-chairman of the Commission would occur at the end of the meeting during the other business portion of the agenda.

**3. Appreciation:** Mr. Hicks expressed his appreciation to:

- Mr. Gary Kubic, County Administrator.
- The Planning Staff who was always accessible to answer his questions and give guidance. The Staff do a marvelous and are unsung heroes. He noted Mr. Criscitiello's leadership during the challenging time of growth and the new development code, kindness and professionalism.
- The Planning Commissioners, both present and past, who were willing to take their voluntary time to see to the betterment of the County. He thanked them for their patience and willingness to listen to his explanations.
- He noted that the Commission Chairman has a unique relationship with Council chair and vice-chair as they often included him (as Chairman) in discussions on various issues.
- The Lady's Island residents whom he served. He noted that Lady's Island was the fastest growing area, other than South of the Broad River. It has been a pleasure to serve the residents of Lady's Island. They have been generous, gracious and supportive of him, and he thanks them.

Upon leaving the dais, he passed the gavel to Mr. Robert Semmler, Commission Vice-chairman, who would chair the remainder of the meeting.

**PUBLIC COMMENT** for items other than agenda items: Mr. David Tedder, a local attorney and Lady's Island resident, said that Mr. Jim Hicks was chairman of the Lady's Island Subcommittee and the Community Preservation Committee. Mr. Tedder said that Mr. Hicks has had the best interest of the Lady's Island residents and the entire county in mind when he made his decisions. He has watched Mr. Hicks help guide this County during some turbulent times. Mr. Tedder felt it appropriate to publicly thank Mr. Hicks for his body of work in dealing with the growth issues. Mr. Tedder believed everyone received equal treatment under Mr. Hicks' leadership. Despite not agreeing with every decision made, Mr. Tedder stated he received a fair shake each time he came before the Commission.

**SOUTHERN BEAUFORT COUNTY FUTURE LAND USE MAP AMENDMENT FOR R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 PARCELS TOTALING 113+/- ACRES NORTH OF U.S. 278 AND WEST OF GRAVES ROAD) FROM COMMUNITY COMMERCIAL**

**(APPROXIMATELY 21 ACRES FRONTING US 278) AND RURAL (FOR REMAINDER OF PROPERTY) TO REGIONAL COMMERCIAL (APPROXIMATELY 65 ACRES FRONT US 278) AND NEIGHBORHOOD MIXED-USE (APPROXIMATELY 48 ACRES AT THE REAR OF THE PROPERTIES); OWNERS/APPLICANTS: ROBERT GRAVES, JOHN GRAVES AND PAUL GRAVES**

**--AND--**

**SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 PARCELS TOTALING 113+/- ACRES NORTH OF U.S. 278 AND WEST OF GRAVES ROAD) FROM RURAL WITH TRANSITIONAL OVERLAY (APPROXIMATELY 33 ACRES FRONTING US 278) AND RURAL (80 ACRES OF THE REMAINDER OF THE PROPERTIES) TO COMMERCIAL REGIONAL (APPROXIMATELY 65 ACRES FRONTING US 278) AND SUBURBAN (APPROXIMATELY 48 ACRES AT THE REAR OF THE PROPERTIES); OWNERS/APPLICANTS: ROBERT GRAVES, JOHN GRAVES AND PAUL GRAVES**

Mr. Criscitiello noted that Mr. Hicks is a gentleman and it always has been a pleasure to work with Mr. Hicks.

Mr. Criscitiello briefed the Commission on the rezoning request. He supports the staff recommendation and introduced Mr. Robert Merchant, the County Long-range Planner.

Mr. Merchant explained the current and proposed future land use and zoning maps. He compared the difference between the former and the current requests. Land along the Okatie River within 300 feet of the critical line will remain rural zoning and is not part of the current request. The applicant is proposing a development agreement to accompany these map amendments that would lock in the zoning for the duration of the agreement, limit the total ground floor to 700,000 square feet of commercial use, limit individual building footprints to 75,000 square feet, require connectivity and a frontage road, and allow transfer of residential and commercial uses as needed. The current total acreage is 113 acres—65 acres will be zoned commercial regional and the rest will be zoned suburban. Staff recommends denial of the requests because of traffic impacts and water quality concerns of the Okatie River. Even at 50% buildout, the traffic level of service will be E at Highway 278 and Hampton Parkway. The issue is the proposed rezoning would consume 41% of the added capacity on the current widening of Highway 278, further compounding the traffic level of service. Additionally, stormwater runoff from the potential development would add further degradation of the Okatie River. The requests are not supported by the Comprehensive Plan. The Applicant's traffic impact analysis uses the current traffic model that assumed a 4% growth of the area. The County asked the applicant to scale down the growth rate to 2-1/2% annually. The Applicant's statement that there was a 22% drop on Highway 278 is likely due to improvements such as the Bluffton Parkway and traffic lighting that had been taken into account by the County's transportation model. That current reduction probably will not remain when growth picks up. The County approved traffic level is D; increase from this rezoning probably would raised it to Level F. It is difficult to mitigate impacts because of the geography of the site. Connectivity is difficult with the only possibility of a connector road with Berkley Hall. The proposed flyover is not funded; it is an expensive opportunity that is not in the pipeline and is simply being considered at this moment. The County already spent \$140-150 million on road development in Southern Beaufort County. After consulting the County stormwater department, the Okatie River is an impaired waterway with high fecal coliform and closed waterbeds. A

study noted a 21-50% reduction to the Okatie headwaters was needed to bring the river to conformance. Runoff from the proposed development will go into the river. Commercial development, although mitigated, will impact the water quality. The County has a commitment policy to preserving the waters through fee simple or development rights purchases. Mr. Merchant noted an error in the map that will be corrected when it goes on to Council. The Okatie Marsh PUD was approved 4 to 5 years ago and has been purchased to preserve the land. The impacts to the river include the current PUDs and developments and road widening. The County is moving to promote mixed-use development and walkable communities with the proposed development code. Staff believes commercial development is not appropriate.

Applicant's Comments: Mr. Jim Scheider, the applicant's representative, introduced Mr. Milt Rhodes, Ms. Jennifer Bihl, and two of the applicants who were in the audience. Mr. Scheider noted the on-going discussions about the buffer area. He takes issue on Mr. Merchant's presentation. All of the numbers on the projections were from the 2004 model. When they did their traffic count on 2012, it was below. He used actual counts from South Carolina Department of Transportation (SCDOT), not the model counts--that are 40,414 instead of 32,900. The request is for a rezoning. He noted that the Zoning and Development Standards Ordinance (ZDSO) states that the Development Review Team (DRT) can require design modifications. He noted approved projects that were factored into their equation: Willow Run is dead in the water, the Johnson property at Highways 46 and 278 is not as busy but the developer is scrambling to move forward, and the "Harris Teeter" site is for sale. He noted that the Comprehensive Plan proposing 28 acres as park, and his applicant's buffer park was in keeping with the plan. He noted Mr. Dan Ahern, the County's former stormwater manager, stated that "development can be engineered to not cause problems in waterways." Mr. Scheider noted that the site would contribute to impact fees. He noted the taxes paid by the applicants were higher than the property that County purchased across the street. All we are asking for is fair treatment. Using speculative traffic information is detrimental to the applicant. We must meet Level D or scale down the project, when it comes before the DRT. As part of a balancing act, decide squaring the rights of the public with the rights of property owners. The applicants have cut the size of their commercial buildings and have reduced the requested cost for the buffer park. They believe they have tried to meet the public interest and to meet the County ordinances.

Public Comment: None were received.

Commission discussion included:

- Traffic count disparities (Mr. Colin Kinton, the County Traffic and Transportation Engineer, noted that the traffic counts at the 2-1/2% growth rate were agreed upon between he and Ms. Bihl. He noted that she used December 2012 rates which were not peak time. One must account for approved development, whether active or not. The analysis presented was Ms. Bihl's analysis, not the County's analysis. Level of service E was still reached with her analysis—the road will fail. Weekday, instead of weekend timeshare, traffic calculations were used in the analysis. Not all approved development sites were included in the analysis. There are frontage road concerns, including construction costs, timeframe, etc.; however, the County is not planning a frontage road to the west of Berkley Hall. Mr. Milt Rhodes, the applicant's representative, noted that there are access points on the east and the west sides of Pepper Hall, and it has been presumed that access would connect across Highway 278.);
- The impact of suburban zoning behind the Commercial Regional portion of the property--how the public would be affected, the safety of children, etc. (Mr. Rhodes noted there was 65 acres of commercial uses and the Code does contain a mixed-use concept. The property to the west of Graves Road would transit to suburban zoning. Mr. Rhodes noted that the Habersham subdivision could be inspirational as a by-right zoning with a walkable mixed-use community.);

- A buffer between Berkley Hall and Pepper Hall (Mr. Rhodes noted that the Berkley Hall general manger spoke at the subcommittee meeting requesting coordination of activities between both subdivisions.); and
- The 28-acre buffer park.

Public Comment: Mr. Reed Armstrong of the Coastal Conservation League is in full agreement with the Planning staff's assessment which basically concludes that this is far too much for this location. He provided the following in comparison to the requested rezoning of 65 acres with 750,000 square feet of commercial use: Cross Creek Plaza at the intersection of Robert Smalls Parkway and Parris Island Gateway that serves as the main regional shopping center for northern Beaufort County that includes Belk, Penney's, Best Buy, TJ Maxx, Pets Mart, numerous other stores and restaurants, and a Super Wal-Mart within 61 acres of 500,000 square feet commercial use; Bluffton Gateway Center at the intersection of Highways 278 and 46 is a 65-acre parcel with 225,000 square feet of commercial space that is compatible with the Future Land Use map and the surrounding area; and the Tanger Outlets I and II combined are 500,000 square feet in about two-thirds of the acreage requested for the Graves property. Numerous studies show that impacts to water quality of the adjacent waterways occur when impervious surfaces exceed 10%. Using current data, if the property were developed in the current rural zoning, there would be 10% impervious surfaces. If the proposed buildout (70 of the 140 acres) occurs, there would be 49.7% of impervious surfaces. DHEC's TMDL (Total Maximum Daily Load) Study stated that because of the existing conditions in the area loads near the river should be reduced by 51%. New development will compound the situation. Additionally, soil maps show that the Pepper Hall soils are poor for infiltration and have the potential for high stormwater runoff. He requests denial of the rezoning request.

Commission discussion included:

- the adaptability of the community to past rezoning where traffic was of considerable concern;
- stormwater management being a best educated guess;
- using bio-filtration systems that can be engineered to protect the river;
- coliform bacteria not necessarily a pollutant, but an indicator that there could be pathogenic problems in the waterways;
- the 10% guide meant degradation of streams without mitigation, however, mitigation and filtration must be used to bring the property back to the level of 10% impervious surface;
- the viability of the stormwater ordinance if it is not sufficient to protect the Okatie;
- the zoning of a property with reasonable use;
- the Commission not being obliged to insure a financial reward for the sale of an owner's property;
- offering respect on the detailed work of the applicants' presentation;
- the property being located in a planned growth area and surrounded by commercial developments;
- acknowledging that the plans may be too intense, but consideration should be given to the rezoning request;
- clarifying the mapping error mentioned in the presentation;
- acknowledging the endless traffic debate, however the Commission must determine the reasonableness of the applicants' request if the stormwater can be engineered to protect the river;
- supporting approval of the rezoning request;
- protecting the water rights now for the future;
- concern for the 300-foot buffer that will remain in rural zoning;
- belief that the applicants have presented a good faith effort to correct the issues;
- concern that County Council will tie the river buffer with the rezoning;
- the balancing act of the applicants trying in all good faith to address the issues and the planning staff trying to protect the Okatie and the public;
- the map amendments having development agreements tied to each; and

- a recommendation to add conditions to the motion to accommodate the County and the applicants.

**Motion:** Mr. Ed Riley made a motion, and Mr. John Thomas seconded the motion, **to recommend to County Council to approve the Southern Beaufort County Future Land Use Map Amendment for R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 parcels totaling 113+/- acres north of U.S. 278 and west of Graves Road) from Community Commercial (approximately 21 acres fronting US 278) and Rural (for remainder of property) to Regional Commercial (approximately 65 acres front US 278) and Neighborhood Mixed-Use (approximately 48 acres at the rear of the properties).**

Further discussion included adding conditions regarding stormwater, traffic, and density; clarifying the motion process; adding a zero impact condition to the Okatie River; reducing the number of residential units and commercial square footage; agreeing that the land owner had the right to develop his property; believing that the market and not the zoning will drive the traffic impact; and inserting caveats to include development agreements.

**Amended Motion:** Mr. Thomas amended the original motion **to add the following conditions:**

- **that the 700,000 square feet of commercial development be a maximum total and not ground square footage;**
- **that there be a guaranteed protection of the Okatie River; and**
- **that the buffer area be set aside from development.**

Mr. Randolph Stewart asked to add a buffer that exceeded the current ordinance to protect the privacy of the Berkley Hall residents. Mr. Semmler agreed; however, he noted that the Commission should be concentrating on the Future Land Use Map Amendment instead.

Mr. Riley, accepted the amendments offered by Mr. Thomas, asked that the original motion be so amended.

The **motion, as amended, was carried** (FOR: Brown, LeGree, Petit, Riley, Semmler, and Thomas; AGAINST: Chmelik and Stewart; RECUSED: Bihl).

**Motion:** Mr. Thomas made a motion, and Mr. Petit seconded the motion, **to recommend to County Council to approve the Southern Beaufort County Zoning Map Amendment / Rezoning Request for R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 parcels totaling 113+/- acres north of U.S. 278 and west of Graves Road) from Rural with Transitional Overlay (approximately 33 acres fronting US 278) and Rural (80 acres of the remainder of the properties) to Commercial Regional (approximately 65 acres fronting US 278) and Suburban (approximately 48 acres at the rear of the properties) to add the following conditions:**

- **that the 700,000 square feet of commercial development be a total, and not, ground square footage;**
- **that there be a guaranteed protection of the Okatie River; and**
- **that the buffer area be set aside from development.**

No further discussion occurred. The **motion was carried** (FOR: Brown, LeGree, Petit, Riley, Semmler, and Thomas; AGAINST: Chmelik and Stewart; RECUSED: Bihl).

*Note: Mr. Semmler recessed the meeting at approximately 7:54 p.m. and reconvened the meeting at approximately 7:59 p.m. Ms. Jennifer Bihl took a seat on the dais with the Commissioners.*

**OTHER BUSINESS:**

- 1. Joint Code Review Committee:** Mr. Semmler noted that the Committee would meet every other week, on Wednesdays at 3:00 p.m. He noted that Mr. Stewart and Ms. Bihl attended the first meeting. Mr. Stewart volunteered to attend as a non-voting member. Ms. Bihl noted that she was part of the Technical Advisory Board during the earlier review of the Code.
- 2. Election of Commission Officers:**
  - a. Chairman:** Mr. Thomas nominated Mr. Robert Semmler as chairman, and Ms. LeGree seconded the nomination. Mr. Semmler called for other nominations. No other nominations were received. The nominations were closed. With a show of hands, **Mr. Robert Semmler was elected unanimously as Chairman** of the Planning Commission.
  - b. Vice Chairman:** Mr. Petit nominated Mr. John Thomas as vice-chairman, and Mr. Brown seconded the nomination. Mr. Semmler called for other nominations. No other nominations were received. The nominations were closed. With a show of hands, **Mr. John Thomas was elected unanimously as Vice-Chairman** of the Planning Commission.

Mr. Semmler welcomed Ms. Jennifer Bihl to the Commission.

**ADJOURNMENT: Motion:** Ms. Bihl made a motion, and Mr. Stewart seconded the motion, **to adjourn** the meeting. The motion **was carried unanimously** ((FOR: Bihl, Brown, Chmelik, LeGree, Petit, Riley, Semmler, Stewart and Thomas). The meeting adjourned at approximately 8:04 p.m.

**SUBMITTED BY:** \_\_\_\_\_  
Barbara Childs, Admin. Assistant to the Planning Director

\_\_\_\_\_  
Robert Semmler, Beaufort County Planning Commission Chairman

**APPROVED: June 1, 2013**