



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
ADMINISTRATION BUILDING, 100 RIBAUT ROAD
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The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, May 2, 2016, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman Mr. Randolph Stewart, Vice-Chair Ms. Diane Chmelik
Ms. Caroline Fermin Mr. Marque Fireall Mr. Ed Pappas
Mr. Eric Walsnovich

Members Absent: Mr. George Johnston, and VACANCY-Northern Beaufort County representative (Mr. Charles Brown)

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Mr. Robert Merchant, Long Range Planner
Mr. Eric Larson, Environmental Engineering Director
Ms. Barbara Childs, Administrative Assistant to the Planning Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:05 p.m.

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

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

- A. **December 7, 2015:** No discussion occurred. **Motion:** Ms. Diane Chmelik made motion, and Mr. Eric Walsnovich seconded the motion, **to accept the December 7, 2015, minutes as written.** The motion carried (**FOR: Chmelik, Semmler, and Walsnovich; ABSTAIN: Fermin, Fireall, Pappas, and Stewart; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative.**)
- B. **March 7, 2016:** No discussion occurred. **Motion:** Mr. Marque Fireall made motion, and Mr. Eric Walsnovich seconded the motion, **to accept the March 7, 2016, minutes as written.** The motion carried (**FOR: Chmelik, Fireall, Semmler, and Walsnovich; ABSTAIN: Fermin, Pappas, and Stewart; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative.**)

CHAIRMAN'S REPORT:

- **Welcome to New Commissioners:** Mr. Semmler welcomed two new Planning Commissioners--Mr. Ed Pappas, who replaced Mr. Ed Riley, and Ms. Caroline Fermin, who replaced Ms. Carolyn Davis. He noted that the Commission was getting more and more really good people from across the community and Mr. Semmler is happy with that.

- **Other:** Mr. Semmler remarked that people should not lose faith in the Atlanta Braves because they will do better. They are in the basement right now; but, I have faith that by the time of the All-Star break, we will have a much better team.

PUBLIC COMMENT on non-agenda item: None were received.

TEXT AMENDMENTS TO ARTICLES 1, 2, 3, 4, 5, 6, AND 7 OF THE COMMUNITY DEVELOPMENT CODE AS A RESULT OF THE ONE-YEAR REVIEW OF THE CODE ADOPTED DECEMBER 4, 2014; APPLICANT: BEAUFORT COUNTY

Mr. Semmler noted that when the Community Development Code (CDC) was adopted, a codicil was included where the CDC would be reviewed six months and one year from its adoption. If any changes were found, they would be added to the CDC via the amendment process. He stated that it does not mean that other amendments would not occur in the future. He noted that there were many meeting attendees who wanted to speak on the tree amendment (Article 5) and he would allow them to address that portion last. The remaining amendments would be discussed first.

Text Amendments to Articles 1, 2, 3, 4, 6, and 7 (excluding Article 5):

Mr. Robert Merchant briefed the Commissioners on the one-year review of the CDC. He noted that staff suggested the amendments after they had used the CDC. There are several types of amendments:

- Transect zone amendments that included reducing the side yard setbacks in T3-N, and using T4-HCO or T4-NC in the place type overlay section.
- Parking amendments that included allowing 20% parking increase that matches what was in the former zoning and development standards ordinance (ZDSO), and changing the parking requirements for restaurants, banks, and medical offices.
- Sign amendments that included allowing wall signs in S1 and T2 zoning districts and one menu sign per drive-thru order lane.
- Corrections, clarifications, and Provisions from the ZDSO that included planned unit development (PUD) changes, driveway separation standards, manufactured home community density and side yard setback standards, the dedication of right-of-way in thoroughfare design, a community care facility typographical correction, changing the gross density of single family density in the C3 zoning district, setting 100-foot buffers for campgrounds, adding more flexibility for accessory uses and structures/outbuildings in T2-Rural District, and setting stormwater standards for the pond size to be appropriate to the use/expected runoff.
- Definition amendment that allows height flexibility for chimneys, cupolas, and spires.

Discussion by the Commissioners included clarification on planned unit development (PUD) minor changes (*Mr. Merchant stated that major changes include increase in the density cap, the addition of commercial uses, or the reduction of open space; minor changes are all items, unless the Staff Review Team (SRT) determines otherwise*); kudos to increasing restaurant parking; a query on driveway setbacks for manufactured housing; clarification of screening buffers for campgrounds; a query regarding accessory uses to store RVs rather than leaving them out in the open (*Mr. Merchant noted that it was at the discretion of the Planning Director for T2-R zoning districts*); and clarification on the PUD changes, especially subparagraph c regarding legacy PUDs getting extensions beyond the buildout schedule and the sunset clause for PUDs.

Public Comment: Ms. Sandy Stephen, a Lady's Island resident, is concerned with the grandfathering of PUDs. *(Mr. Semmler noted that PUDs were not grandfathered. Mr. Anthony Criscitiello clarified that a PUD was a designation on the zoning map and that removal of the PUD designation must occur through the rezoning process.)*

Motion: Mr. Randolph Stewart made a motion, and Ms. Diane Chmelik seconded the motion, to **recommend approval to County Council on the Text Amendments to Articles 1, 2, 3, 4, 6, and 7 of the Community Development Code (CDC) as a result of the one-year review of the Code adopted December 4, 2014.** The motion carried (**FOR: Chmelik, Fermin, Fireall, Pappas, Semmler, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County Representative**).

Text Amendments to Article 5 - Tree Amendments:

Mr. Criscitiello noted that the tree amendments included increasing the language for buffers to include no vegetation or tree removal or other construction activities shall occur within the perimeter buffers; adding standards regarding activity such as sidewalks, trails, and other elements associated with passive recreation in perimeter buffers to be approved by the Planning Director; protecting perimeter buffers during construction; including section 5.8.90 reference in the tree protection paragraph; tree removal standards on preservation of existing trees; and tree removal criteria requiring the approval of the Planning Director.

Regard the tree amendments, Mr. Semmler noted that he had received comments from Mr. Gordon Fritz and Ms. Kate Shaefer of Coastal Conservation League, and had spoken to Ms. Eliza Hill, the landscape architect of the City of Beaufort. Mr. Semmler noted that some of the public believe the tree amendments are not strong enough. There will be many opportunities for further changes. However, stopping these amendments would not be wise.

Public Comment:

1. Mr. Joseph Allard, a Lady's Island resident, thinks the amendment is reasonable and would work. It would be what we want for the lowcountry area. There should be more teeth to prevent developers from clearcutting.
2. Ms. Kate Shaefer of the Coastal Conservation League had a handout for the Commissioners. She thanked the Commission for reviewing the amendment. She has spoken to colleagues and municipal personnel regarding this amendment. Having buffers and preserving trees on site are important goals. She has posted the recommendations on her website and garnered over 200 signatures which are part of her handout. She advocates greater consistency with the local municipalities, an emphasis on habitat connectivity between forested and open spaces, and insuring that the fines and incentive system is scaled to the development. The County's tree ordinance should be consistent with the neighboring municipalities. Inconsistencies include when a permit is required; and the standards for a specimen tree, especially in the T3 and T4 zones. She wants to include protection of long-leaf pine and red cedar trees. She advocates connectivity for wildlife habitat. Forest cover should be maintained using Table 5.11.90. Perimeter buffers should also include critical area and waterfront buffers to preserve corridors for wildlife travel. She noted one of the municipalities required a percent of shading of the built environment which is an important ecosystem service that trees provide. She asked for consideration to adjust the language regarding tree removal based on the number and types of trees that

were removed. She offered providing incentive opportunities such as clustering or setbacks, etc. Replacement should be two times the cost of a tree rather than 1.25 times. Penalties for removed trees should increase according to the size removed. On Hilton Head Island, the Zoning Board of Appeals hears requests for removal of large trees. *(Mr. Semmler thanked the Coastal Conservation League for their work and gave kudos to Mr. Reed Armstrong, a League member.)*

3. Mr. Chuck Newton, representing the Sea Island Corridor Coalition, noted that many Coalition members were in the audience tonight. He acknowledged the County's swift action during the Oyster Bluff tree removal incident. By enlarge, he supports the amendments; however, there were missing pieces in the amendment, especially penalties and enforcement. He believes that the recommendations deal minimally and somewhat cautiously regarding penalties. The offender is require to plant back even with a 25% penalty, and that is offensive in light of the build-out of a major development. With D.R. Horton putting 51 homes on the Oyster Bluff property, penalties have to hurt especially since it happened only after the (tree removal) damage is done. The penalties do not protect trees; it only requires the developer to factor in the cost of tree replacement. A 25% penalty is not particularly significant. Send a signal that trees are important. Retaining treed properties should be a priority. Trees are not just a natural source or just a renewable resource, it is a public resource that demands protection, irrespective of property ownership. Stronger tree protection means increasing the staff. He encouraged the use of the Safebuilt application on smartphones to be used to report violations.
4. Mr. Gordon Fritz, a Beaufort resident since 1972, has seen a lot of changes in Beaufort. It's one of the great places to live and retire. He taught school for 10 years. He became a developer and a real estate broker. There's no excuse for poor development. We want good growth. He's hoping that the staff will work toward that. You are the front line defense for preventing the developers from ruining the area. No regulation is too severe or too strict. *(One Commissioner noted that jail time was suggested, but it was not considered.)*
5. Mr. Robert Hendrick, a six-year resident of Beaufort County, owns two homes—one on Dataw and one on Habersham. This county allowed trees to get big. It's not overcrowded. It's disappointing to see the intense development. There's an overstressing on specimen trees. List trees that can be found—i.e., sweetgum, pine (on Dataw)—pines should be in groups to protect them. Reliance on arborists, most big trees are unhealthy (like humans). He stated he would forward his recommendations to the Planning staff.
6. Ms. Sandy Stephen appreciated the after-the-fact effort regarding the tree amendments. She suggested a site review board to consult with staff on large developments to arbitrate the development. Pine trees are a wonderful thing. We need those pine trees. Go thru thinking about specimen trees. Replacement trees should be increased from 2.5-inch.

Commission discussion included utility tree trimming, tree protection support, lots of opportunity for improvement, desired conversation regarding tree banks, and lamenting that entities such as SCDOT and School District having authority to trim trees without discretion,

Motion: Mr. Randolph Stewart made a motion, and Mr. Ed Pappas seconded the motion, to recommend approval to County Council on the Text Amendments to Article 5 of the Community Development Code (CDC) as a result of the one-year review of the Code adopted December 4, 2014. The motion carried (FOR: Chmelik, Fermin, Fireall, Johnston,

Pappas, Semmler, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative).

Note: Mr. Semmler recessed the meeting at 7:31 p.m., and resumed at 7:36 p.m.

SOUTHERN BEAUFORT COUNTY MAP AMENDMENT / REZONING FOR THIRTEEN (13) PROPERTIES TOTALING 39.02 ACRES LOCATED IN THE BLUFFTON AREA BETWEEN ULMER ROAD AND DEVONWOOD DRIVE; APPLICANT: BEAUFORT COUNTY:

- **From T3-Hamlet Neighborhood to T2-Rural Center for twelve (12) properties: R600 039 000 0205 0000, R600 039 000 0271 0000, R600 039 000 0229 0000, R600 039 000 0519 0000, R600 039 000 0226 0000, R600 039 000 226A 0000, R600 039 000 0860 0000, R600 039 000 226B 0000, R600 039 000 0287 0000, R600 039 000 0286 0000, R600 039 000 0285 0000, and a 2-acre portion of R600 040 000 0003 0000 (located at the northeast corner of Benton Field and Ulmer Roads); and**
- **From T3-Hamlet Neighborhood to T4-Hamlet Center for a 4.28-acre portion of R600 039 000 0850 0000.**

Mr. Robert Merchant briefed the Commissioners on the map amendment. During the six-month review of the CDC, there were two map amendments. This amendment is similar. Staff believes that this amendment should occur. There are several non-residential uses in the area including the Lowcountry Regional Transportation Authority (LRTA), and a concrete plant. The new zoning more closely resembles the past zoning from the Zoning & Development Standards Ordinance (ZDSO). The property of the Bluffton Fire District is also included in the map amendment; the property is split zoned and that would make it difficult for the fire department to develop their property.

Discussion by the Commissioners included the Town of Bluffton zoning for the adjoining properties, clarification on the fire station and its fire tower, clarification on what were the adjoining properties, the buffer size, the tower height (*45 feet to train fire personnel, per Bluffton Fire Chief John Thompson*), the non-requirement of lighting the tower, whether mitigation had occurred on the rezoned Fire District property that was heavily forested but clearcutted for the fire maintenance building, the tower being permitted under the ZDSO, residential use being allowed in T2 Rural Center, affirming that Devonwood Drive was a dirt road, disagreeing with the proposed zoning because the Town of Bluffton zoning was different from the proposed County zoning, whether the Town of Bluffton had been notified of the rezoning, the impact of the rezoning on the fire tower construction if the Commission defers their decision until next month (*the Bluffton fire fighters would train at the Lady's Island Airport, per Fire Chief Thompson*), the text amendment regarding height would be heard by the Commission at its June 2016 meeting, clarification on the existing zoning properties, and consistent zoning for fire station split zoned property.

Public Comment: None were received.

Motion: Mr. Marque Fireall made a motion, and Mr. Ed Pappas seconded the motion, to recommend approval to County Council on the Southern Beaufort County Map Amendment / Rezoning for Thirteen (13) Properties totaling 39.02 acres located in the Bluffton area between Ulmer Road and Devonwood Drive; Applicant: Beaufort County:

- From T3-Hamlet Neighborhood to T2-Rural Center for twelve (12) properties: R600 039 000 0205 0000, R600 039 000 0271 0000, R600 039 000 0229 0000, R600 039 000 0519 0000, R600 039 000 0226 0000, R600 039 000 226A 0000, R600 039 000 0860 0000, R600 039 000 226B 0000, R600 039 000 0287 0000, R600 039 000 0286 0000, R600 039 000 0285 0000, and a 2-acre portion of R600 040 000 0003 0000 (located at the northeast corner of Benton Field and Ulmer Roads); and
- From T3-Hamlet Neighborhood to T4-Hamlet Center for a 4.28-acre portion of R600 039 000 0850 0000.

The motion carried (FOR: Chmelik, Fireall, Pappas, and Semmler; AGAINST: Fermin, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative).

OTHER BUSINESS:

1. **Lady's Island Community Preservation Committee Nominations:** Mr. Semmler read the brief histories of Mr. Cecil Mitchell and Mr. Paul Butare, who were nominated for membership to fill the two vacancies on the Lady's Island Community Preservation Committee. No discussion occurred. **Motion:** Mitchell: unanimous. Butare: Unanimous.
2. **Next Meetings:** Mr. Semmler noted that the next Special Planning Commission meeting will be Tuesday, May 10, 2016, at 5:30 p.m.; and the next Planning Commission meeting is scheduled for Monday, June 6, 2016, at 6:00 p.m.

Mr. Stewart acknowledged the presence of Ms. Cameron Heyward as a meeting observer.

ADJOURNMENT: **Motion:** Ms. Caroline Fermin made a motion, and Mr. Ed Pappas seconded the motion, to adjourn the meeting. The motion carried (FOR: Chmelik, Fermin, Fireall, Pappas, Semmler, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative). Mr. Semmler adjourned the meeting at approximately 8:09 p.m.

SUBMITTED BY:



Barbara Childs, Admin. Assistant to the Planning Director



Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: June, 2016, as written

*Note: The video link of the May 2, 2016, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=2653*