



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
ADMINISTRATION BUILDING, 100 RIBAUT ROAD
POST OFFICE DRAWER 1228, BEAUFORT, SOUTH CAROLINA 29901-1228
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The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Thursday, September 7, 2017, 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-Chairman Ms. Diane Chmelik
Ms. Caroline Fermin Mr. Jason Hinchey Mr. Ed Pappas

Member Absent: Mr. Harold Mitchell; Vacancies: St. Helena Island (Mr. Marque Fireall) and Southern Beaufort County (Mr. Eric Walsnovich)

Staff Present:

Mr. Anthony Criscitiello, Planning Director
Mr. Robert Merchant, Long-range Planner
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 MEETING MINUTES: The Commissioners reviewed the August 7, 2017 minutes.
Motion: Mr. Ed Pappas made the motion, and Ms. Diane Chmelik seconded the motion, **to accept the minutes.** The motion carried (**FOR: Chmelik, Fermin, Hinchey, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island and Southern Beaufort County (Walsnovich and Fireall).**)

CHAIRMAN'S REPORT: Mr. Semmler commented on Hurricanes Harvey and Irma. Mr. Semmler noted that there are two vacancies on the Commission that County Council must fill. He noted he would like a full Commission, but is awaited appointments from County Council.

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

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 3.1.70 LAND USE DEFINITIONS, AGRICULTURE (TO ADD THE AQUAPONICS USE TO AGRICULTURE AND CROP HARVESTING LAND USE TYPE); APPLICANT: EDWARD D. KREBS

Mr. Criscitiello briefed the Commission and noted his research regarding aquaponics. There has been a decline in farming and this concept may reverse that trend in Beaufort County. He contemplated the reasoning adding the use to one district that the applicant requested versus all other districts where agriculture was allowed. Staff concurred with the applicant and felt it was beneficial to broaden the requested text amendment to all districts that allow agriculture uses. Staff has included the special use approval and other areas of changes. The special use was recommended so that the applicants would go before the Zoning Board of Appeals to weigh their individual applications. He noted that excavation of the ground was prohibited to prevent any mining applications under this proposed amendment.

Applicant's Comment: Mr. Ed Krebs, the applicant, noted that when he spoke to the Planning staff, they had no idea what was aquaponics. He gave kudos to the deeply researched staff report supporting his request. He noted his property was in Pritchardville in T3-Edge zoning that was allowed a greenhouse garden, but disallowed aquaculture (fish growing). He noted his handout to the Commissioners. He

noted the traditional ways of raising fish was in outdoor ponds. He would be raising koi, not tilapia, in his aquaponics system. He mentioned that his wife was a biologist and a naturalist, so would not support outdoor fish ponds. His system would be an all-natural, completely organic system, where he would feed the fish--no fertilizer, no chemicals, no pesticides, and no herbicides. The system will produce 120,000 heads of lettuce a year and 100 koi each month that will grow in the system for a year. They will have a store where they will sell their lettuce and koi, and have a small classroom for people to view and learn about the aquaponics system—especially children and college level students. The investment is slightly under \$400,000 and will employ three people. He was looking for something that was lightweight.

Discussion by Commission included determining the regulatory authority for aquaponics systems (*Mr. Krebs stated that his research indicated Clemson Extension had the authority.*), the types of fish allowed in aquaponics (*Mr. Krebs noted that catfish, koi, brim, tilapia, etc.; but processing fish would involve another authority.*), acknowledging aquaponics systems elsewhere (*Mr. Krebs noted Hawaii and Midwest, with Hawaii being outdoors because the weather is mild. As a commercial entity, being outdoors would not work because there would be a 5-month season. Technically outdoors would work, but practically you would not cover your investment in such a short season. The greenhouse system would require 4 months before the first lettuce can be harvested.*), clarifying the site requirements involving greenhouses rather than outdoors (*Mr. Krebs noted that 10-20 acres of farmland equates to 80,000 square feet of greenhouse for aquaponics.*), agreeing with the staff for a controlled environment on this innovative process, and concern with private fish pond verbiage confusing for one who wants decorative fish pond (*Mr. Criscitiello noted that this concern would be related to the next text amendment.*).

Public Comment: None were received

Motion: Mr. Randolph Stewart made a motion, and Ms. Caroline Fermin seconded the motion, to **recommend to County Council approval of Text Amendment to the Community Development Code (CDC): Section 3.1.70 Land Use Definitions, Agriculture, to add the Aquaponics use to agriculture and crop harvesting land use type, as a special use and with the other recommendation by staff.** Further discussion included clarification of the motion. The motion carried (**FOR: Chmelik, Fermin, Hincer, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island and Southern Beaufort County (Walsnovich) and Fireall**)

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 4, SECTION 4.2.20 GENERAL STANDARDS AND LIMITATIONS, T3-NEIGHBORHOOD (TO ALLOW PRIVATE FISH PONDS); APPLICANT: GREG HUMPHRIES Mr. Merchant briefed the Commission with the current requirements. He noted the proposed requirements included a 1-acre private fish pond on a minimum 3-acre lot, with slope and noise standards. The proposed text amendment is restricted to a 1-acre pond to prevent mining activity where dirt is removed from the property for resale. He gave the rationale for the staff including all the T3 Zoning Districts in this text amendment. Staff recommended approval with the additional requirements including all the T3 zoning districts, a truck routing plan, and returning the road to the standard it was prior to hauling the dirt off the property. He noted that this is not aquaculture which is restricted to the T2 Zoning Districts.

Discussion by Commission included clarifying fish ponds for personal use, concern that this would exclude those in smaller lots from building a small personal fish pond for aesthetics, concern that a small water feature would be denied for smaller lots, clarifying the difference between a fish pond and a stormwater pond, clarifying the staff's goal to limit land mining, concern with the cleanliness of 1-acre pond—especially algae bloom, safety concern for trucks on the roads during school hours, and adding a requirement to prevent algae bloom in such ponds.

Applicant's Comment: Mr. David Karlyk of Carolina Engineering, is a representative of the applicant (Mr. Humphries) and the owner of the property—Mr. Trey Smith, noted that Mr. Smith owns and lives on

the property (behind Bi-Lo in Shell Point) with his family. He is trying to encourage his 4 sons to be involved with nature. His sons currently fish out of the drainage pond behind the Medical Center. Mr. Smith has 8 acres and he realizes the pond would attract wildlife—birds, fish, etc.; however, his children will not have to leave his property to fish. His property is surrounded by a County park and undeveloped property currently owned by the bank, so he is not impacting any of his neighbors. Mr. Karlyk noted that wet detention ponds are promoted by the County drainage standards to treat fecal coliform. He also noted he lives in the Telfair subdivision where there are several drainage ponds that have existed for 15-18 years, that are without algae blooms. Mr. Karlyk sees this as a benefit to Mr. Smith's property, not a detriment.

Commission discussion included clarifying whether the applicant could ask for a special use (*Mr. Merchant said the Code specifically does not allow such application since the applicant's property is in the T3-Neighborhood zone.*), concern that such hauling of dirt should be regulated, clarifying that a 12-foot deep 1-acre pond did not involve a lot of dirt, querying the number of properties in the Shell Point area near Shell Point Park that would be able to take advantage of this text amendment considering it must be a 3-acre or larger property (*Mr. Merchant noted that very few lots will be involved.*), consider changing the start time trucks can operate from 7:00 a.m. to 9:00 a.m. in residential area or wherever school children must wait for school buses, recommending a provision to take the Clemson Extension Master Pond Management classes where proper safety and safeguards are taught, and belief that such a provision would not be used by property owners of a 1-acre pond.

Public Comment: None were received

Motion: Mr. Jason Hinchler made a motion, and Mr. Robert Semmler seconded the motion, to **recommend approval to County Council on the Text Amendments to the Beaufort County Community Development Code (CDC): Article 4, Section 4.2.20 General Standards and Limitations, T3-Neighborhood that will allow private fish ponds with the conditions recommended by the staff.** Further discussion included not including the requirement for pond management training, and staff providing clarification on private fish ponds for personal use. The motion failed (**FOR: Chmelik and Hinchler; AGAINST: Fermin, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island (Fireall) and Southern Beaufort County (Walsnovich)**)

SOUTHERN BEAUFORT COUNTY MAP AMENDMENT / OSPREY POINT (MALIND BLUFF) PUD MASTER PLAN AMENDMENT REQUEST FOR R600 013 000 0006 0000 (119.90 ACRES EAST OF HIGHWAY 170, OKATIE); OWNER / APPLICANT: LCP III, LLC / MR. J. NATHAN DUGGINS, AGENT: MR. JOSH TILLER

Mr. Merchant briefed the Commission that there are two Planned Unit Development (PUD) amendments coming forward (*for consideration by the Commission*) that are next door to each other and very much related. In relation to Okatie Elementary School, Osprey Point is to the north and River Oaks is to the east. He gave the history of Okatie Village, originally zoned rural, that was formed by three individual Planned Unit Developments (PUDS)—Okatie Marsh, Osprey Point, and River Oaks in 2008. The County, through the Rural & Critical Land Preservation Program, purchased Okatie Marsh (97 acres with *potentially* 325 dwelling units) in 2011 with a conservation easement and restriction to passive recreation use. In 2014 Osprey Point requested a significant amendment with an age-restricted single-family subdivision and it was approved by County Council. The current applicant is proposing a different connection to River Oaks PUD thereby removing a traffic circle, a reduction of open space by 1-1/2 acres due to the reconfiguration of lots, and removing the age-restricted requirement that would have impacts on traffic and the neighboring Okatie Elementary School. Staff recommends approval with the following conditions:

- encourage a cross access/internal trip connection through Osprey Point to the commercial area for River Oaks rather than using Cherry Point Road/Highway 170,
- removing the proposed right-in/right out from Highway 170 to the commercial area as recommended by the County Traffic Engineer since it does not meet the Access Management Plan for Highway 170, and

- providing a new Traffic Impact Analysis (TIA) with the combined impact of both Osprey Point and River Oaks since the TIA presented with the application did not take into account the current traffic conditions nor was the new regional traffic model used.

Additionally, since 700 single-family lots (with both Osprey Point and River Oaks) with the removal of the age-restricted requirement are involved, the school district would like to analyze the data to see the impact on Okatie Elementary before providing their comments.

Discussion by Commission included desiring a TIA clarification to include all development on Highway 170, including Jasper County; concern with Highway 170 capacity and expansion financing (*Mr. Criscitiello noted that payment would be made by the developer, per the Code.*); clarification on when the School Board could provide their input (*Mr. Merchant noted that the school district analysis would be available within one month.*); the Commission's options in relation to this request, and querying which zoning districts allow 30-foot wide lots (*Mr. Merchant state he would discuss that when the River Oaks PUD request occurred.*).

Applicant's Comments:

1. Mr. Lewis Hammet, a local Bluffton-Hilton Head attorney for 35 years and a representative for the applicant, stated he was involved with these properties since their inception. He noted that all the studies were done on the three properties and any nearby properties that may develop to make sure the road system and stormwater system were adequate to handle to proposed population. When the economy declined, Okatie Marsh and River Oaks went into bankruptcy. Okatie Marsh was purchased by the County. He explained that a national builder had wanted to build an age-restricted community in 2014. He gave the history of the PUDs. He noted that a lot of the students at Okatie Elementary School did not live near the school. He noted a new builder is interested in Osprey Point. Mr. Hammet noted that an Osprey Point connector road would be built for River Oaks to reach the commercial area of Osprey Point. He noted that more homes are allowed than what is being asked for with the current applications. River Oaks can develop 330 single-family units without age-restriction. Neither PUDs are vested under the current Code. The original design was for all to access the school. The developer is prepared to build a park on the Okatie Marsh PUD (currently owned by the County). He noted that the right-in/right-out is necessary since there will be a safety feature for a possible police/fire station/library use and he would not like that removed. The roads were designed for traffic at the build-out level. Mr. Hammet believes that the old model was more restrictive than the current one, so having another TIA would be costly and take 4 months or so. He believes that the traffic system is more than adequate. He acknowledges that this development will pay toward the traffic enhancements on Highway 170. Mr. Hammet noted that the developer/owner is subject to stricter environmental requirements than the Code. The developer envisions working people living in this community and enjoying the amenities—commercial area, park, and school. The developer has tripled the affordable housing units required. He thinks that this community is what Beaufort County purports to want.

Mr. Semmler noted that the school board had not offered its comments on the amendments.

2. Mr. Josh Tiller, representing the applicant, noted his history with the PUDs. There are only two changes: removal of the age restriction and a reduction of dwelling units allowed. He noted that there was another connection for River Oaks residents to access through Osprey Point rather than going on Cherry Point Road. He noted that there is a 13-acre area delineated for the park that the developer will build and maintain (on County property—Okatie Marsh).

Discussion by Commissioners included a clarification on the units being front-loaded garages in the proposed amendment (*Mr. Tiller said that the 45-foot lots had been eliminated, all other lots are front-loaded as in the previous PUD.*), preferring another circle connecting River Oaks to Osprey Point, concern whether workforce housing would be clustered together or spread around the development (*Mr. Hammet noted that 15 were committed originally; a total of 45 units are proposed for Osprey Point and*

River Oaks, but are not specifically assigned to one or both PUDs.); and concern for signalization on Highway 170 for Cherry Point and Pritchard Roads.

Public Comment:

1. Ms. Kathy Scott, a resident on Cherry Point Road, noted that there were no major changes on this development. Will the developer have to get approval removing the age-restricted requirement on residents? She noted she has been with around since the onset of these PUDs. There is a big difference between a family and age-restrictive population.
2. Mr. Troy Davis, a property owner on Cherry Point Road but a Georgia resident, asked why the two projects that were so closely linked could not be presented together. (*Mr. Semmler noted that there were individual PUDs. Mr. Criscitiello gave the history of the Okatie Village concept.*) Mr. Davis noted that the difference between an age restricted and a family community. He believes the traffic and other impacts would be quadrupled.

Further Commission discussion included the lack of municipalities' comments for the Planning Commission decision making, concern with the growth on the Highway 170 corridor, delaying the Commission recommendation for a month, and desiring a current TIA and school data before making a Commission recommendation.

Motion: Mr. Diane Chmelik made a motion, and Mr. Ed Pappas seconded the motion, to **postpone a Commission decision for a month in anticipation of receiving a new TIA and the school board data.** Further discussion included a clarification of the motion. The motion **carried (FOR: Chmelik, Fermin, Hinchey, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island (Fireall) and Southern Beaufort County (Walsnovich).**

SOUTHERN BEAUFORT COUNTY MAP AMENDMENT / RIVER OAKS (MALIND POINTE) PUD MASTER PLAN AMENDMENT REQUEST FOR R600 013 000 008C 0000 (+/- 63.54ACRES EAST OF HIGHWAY 170, OKATIE); OWNER / APPLICANT: BBI HOLDING / MR. ROGER L. SAUNDERS; AGENT: MR. JOSH TILLER

Mr. Merchant briefed the Commission, noting the information concerns similar to Osprey Point. He gave the location and history of the River Oaks PUD which consisted of nursing home beds, cottages, etc. The applicant is asking to turn a senior village into a single-family development. Lots are 30-foot and 40-foot wide, with front-loaded garages. The existing Code allows such lots in T4-Hamlet and T4-Neighborhood Districts. The Town of Port Royal has such lot sizes but with rear-loaded garages. A development near Pritchard Elementary has 35-foot wide lots. The existing code would not permit such proposed lot sizes. Staff suggested using the Code to come up with a better neighborhood. Staff noted that 45 affordable housing units are being proposed. There are issues regarding the school district and the paving of Cherry Point Road for access to the River Oaks PUD. If the development is targeted to families with children, there are safety concerns. Staff is recommending denial, strongly urging that the applicant use the Code for a revised plan.

Discussion by Commission included concern with tiny homes fitting into the proposed lots, desiring more connectivity, and believing a postponement would be beneficial for the applicant to use Code for a revised plan.

Applicant's Comment: Mr. Josh Tiller, the applicant's representative, noted that the original proposal for Okatie Marsh was not age-restricted, and the River Oaks PUD density is reduced from the original PUD. The property is adjacent to the Okatie Elementary School and walkability has been afforded for the school children. The lot sizes are equal to the New Riverside development in Jasper County. The proposal has reconnected both Osprey Point and River Oaks developments, and the stormwater conditions still exist. He stated that affordability is lost with alleys. To soften the driveways, open spaces have been added at terminuses with pocket parks and walking trails around the lagoons.

Further Commission discussion included disagreeing with front-loaded garages, suggesting shared driveways; desiring inputs from the municipalities and the school district, and desiring a new traffic impact analysis (TIA).

Public Comment: Ms. Kathy Scott, a resident at Cherry Point Road, noted that reduced units of a different type of community should be considered. She is speaking for a number of her neighbors who are workers preparing to evacuate the area (with the approaching Hurricane Irma). The Cherry Point Road contains former fish-camps. She has lived there for 35 years. In the past, the community came out in droves, when the PUDs were originally formed. They questioned the environmental controls. She noted that the original concept of cottages and senior living was now being changed to a single-family development. She read from her prepared notes that the general consensus is why pour good money after bad. The Okatie River continues to be polluted, and is monitored at Camp St. Mary's. There's no recovery in sight. The main culprit is the stormwater washout from the developments. She noted traffic concerns, especially during evacuations. She has a compromise—the Cherry Point residents will live with the elimination of an access road on Cherry Point Road. When construction traffic occurs, she urges having daily monitoring of the roads. This will provide the residents with the security that they desire.

Further Commission discussion included not agreeing with the proposed lot density.

Motion: Mr. Ed Pappas made a motion, and Ms. Diane Chmelik seconded the motion, **to postpone a Commission decision for a month, like the Osprey Point PUD, in anticipation of receiving a new TIA and the school board data.** Further discussion included clarification of the motion. The motion **carried (FOR: Chmelik, Fermin, Hinchler, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island (Fireall) and Southern Beaufort County (Walsnovich).**

NEW BUSINESS: None were discussed.

OTHER BUSINESS: Next Planning Commission Meetings:

1. The next scheduled regular Planning Commission meeting is Thursday, September 7, 2017, at 6:00 p.m. in the Council Chambers, County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. A Special Planning Commission meeting is scheduled for August 15, 2017, at 5:30 p.m. in the Executive Conference Room, County Administration Building, 100 Ribaut Road, Beaufort, SC.

ADJOURNMENT: Motion: Ms. Caroline Fermin made the motion, and Mr. Jason Hinchler seconded the motion, **to adjourn the meeting.** The motion **carried (FOR: Chmelik, Fermin, Hinchler, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island (Fireall) and Southern Beaufort County (Walsnovich).** Mr. Semmler adjourned the meeting at approximately 8:25 p.m.

SUBMITTED BY:



Barbara Childs, Administrative Assistant to the Planning Director



Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: September 7, 2017

Note: The video link of the September 7, 2017, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=3420