



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, December 4, 2017, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Dr. Caroline Fermin
Mr. Ed Pappas

Mr. Randolph Stewart, Vice-Chairman
Mr. Jason Hinchey

Ms. Diane Chmelik
Mr. Harold Mitchell

Member Absent: Kevin Hennelly and Vacancy (St. Helena Island representative/formerly Marque Fireall)

Staff Present:

Mr. Robert Merchant, Interim Community Development Director
Mr. Eric Larson, Director, Environmental Engineering & Land Management
Mr. Colin Kinton, Director, Transportation Engineering
Ms. Barbara Childs, Administrative Assistant to the Community Development Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:03 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 September 7, 2017 minutes.
Motion: Dr. Caroline Fermin made a motion, and Mr. Jason Hinchey seconded the motion, **to accept the minutes as written.** The motion carried (**FOR: Chmelik, Fermin, Hinchey, Mitchell, Pappas, Semmler, and Stewart; ABSENT: Hennelly and Vacancy/St. Helena Island representative**).

CHAIRMAN'S REPORT: Mr. Semmler noted that there still was a vacancy on the Commission from St. Helena Island. The Commission would like to have the vacancy filled as soon as possible.

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

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 1.3.50 (EXEMPTIONS) (TO EXEMPT EXISTING DIRT ROADS PAVED AS PART OF THE COUNTY'S DIRT ROAD PAVING PROGRAM FROM THE STANDARDS OF THE CDC); APPLICANT: BEAUFORT COUNTY PUBLIC FACILITIES COMMITTEE AND COMMUNITY DEVELOPMENT STAFF

Mr. Robert Merchant briefed the Commissioners on the text amendment that was initiated by the County Engineering Department. The County's dirt road paving program has limited funding, and the County would not be able to pave as many roads as originally intended if the CDC standards were strictly applied regarding stormwater standards. In order to maximize the efficiency of the dirt road paving program which was intended to assist the rural areas, the staff is recommending exempting the roads that are funded by the county dirt road paving program. With each County road paving project, an engineer designs the roads. The Public Facilities Committee requested a formal text amendment occur. The Stormwater Board when reviewing the text amendment was concerned with equity issues on affected private property owners who wish to pave their own roads. Mr. Merchant explained the proposed text amendments in detail. He noted that there were safeguard in respect to private property owners paving their own roads.

Commission discussion included the road paving scheduling process (*Mr. Merchant indicated that there was a rating system that included the number of houses affected and the traffic volume of the road.*); the negative impacts of road paving (*Mr. Merchant explained the pros of paved roads to compacted dirt roads. He noted that most road projects are in rural areas*); concern with stormwater replacement/repair on paved roads (*Mr. Eric Larson addressed the concerns on stormwater runoff regarding roads scheduled for paving, especially not*

polluting the existing waterways by using grassed ditches); concern that adequate drainage standards are met with the paved roads; and noting that roads that were paved prior to the year 2000 had no stormwater standards.

Public Comment: Ms. Juanita DeGregorio, a USC-B student, asked if the community would be affected and whether the community had a say on whether the road should be paved since some people like the rural setting with unpaved roads (*Mr. Merchant is unfamiliar with the program, but he believes that the residents usually petition for the paving and paving prioritization is dependent on number of homes and the traffic volume of the road. Mr. Hinchler indicated that he knew of a road on Lady's Island that the residents requested to be removed from the paving schedule.*)

Motion: Mr. Randolph Stewart made a motion, and Mr. Harold Mitchell seconded the motion, to recommend approval to County Council on the Text Amendment to the Beaufort County Community Development Code (CDC), Section 1.3.50 Exemptions (to exempt existing dirt roads paved as a part of the County's Dirt Road Paving Program from the standards of the CDC). The motion carried (FOR: Chmelik, Fermin, Hinchler, Mitchell, Pappas, Semmler, and Stewart; ABSENT: Hennelly; VACANCY: St. Helena Island representative).

LADY'S ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R200 019 000 013A 0000 (0.21 ACRES AT 391 SEA ISLAND PARKWAY) FROM T2-RN (RURAL NEIGHBORHOOD) TO T2-RC (RURAL CENTER); OWNER: CAVU HOLDINGS, LLC/ APPLICANT: STAFF (TO CORRECT A MAPPING ERROR)

Mr. Merchant briefed the Commission that the property was mistakenly zoned T2-Rural Neighborhood (T2-RN) in 2014 when the County adopted the Community Development Code. The property is located in the Eustis community (between the Lady's Island airport and Chowan Creek bridge) on Lady's Island at the corner of Sea Island Parkway and Hudson Drive. The property was part of the Rural Business Zoning that was created in 2004-2005. He showed a map that indicated the Rural Business Zoning that included the property. There is a 1500-square foot commercial building on the property since 1980. The T2-Rural Center zoning is analogous with the Rural Business zoning, and the property was inadvertently left out of the T2-RC zoning. Staff looked at several strategies including a scrivener's error, but Legal stated that a rezoning was required.

Mr. Semmler noted an error in the staff report where the property should be shown as T2-RN to T2-RC.

Public Comment: None were received.

Motion: Ms. Diane Chmelik made a motion, and Dr. Caroline Fermin seconded the motion, to recommend approval to County Council on the Lady's Island Zoning Map Amendment / Rezoning Request for R200 019 000 013A 0000 (0.21 acres at 391 Sea Island Parkway) from T2-RN (Rural Neighborhood) to T2-RC (Rural Center) to correct a mapping error. The motion carried (FOR: Chmelik, Fermin, Hinchler, Mitchell, Pappas, Semmler, and Stewart; ABSENT: Hennelly and Vacancy (St. Helena Island representative)).

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

—AND—

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

Mr. Merchant briefed the Planning Commission on the history of the Osprey Point PUD property, including a 2008 rezoning that included three properties—Okatie Marsh, Osprey Point and River Oaks, as a unified plan. 284 acres were involved, with 900+ dwelling units, 270,000 square feet of commercial development, 300+ assisted/independent living units, and a nursing home on the River Oaks site. The intent was a master plan of a traditional neighborhood with a walkable community, a mix of housing units with a commercial center, with internal trips captured, and capitalizing on the walkability to the neighboring school. County Council adopted the PUDs in 2008 where the properties were formerly zoned rural. Recession occurred and the properties have changed hands—Okatie Marsh was bought by County's Rural & Critical Land Preservation Program, and

Osprey Point came in for major amendments with a reduction of density and commercial square footage and making it an age-restricted community. The proposed amendment is removing the age restriction concept from the Osprey Point PUD. The River Oaks PUD is being changed from assisted/senior living and a nursing home to all single-family homes which will affect the neighboring school. The Osprey Point applicant has made soil borings and changed the positioning of the homes with a connectivity to River Oaks. Other minor changes include an improvement of a more direct connection with two connections versus one circuitous route. Staff has not received the Traffic Impact Analysis (TIA) that was requested at the September 2017 Commission meeting. Staff believes a conditional approval recommendation could be considered until the County Traffic Engineer reviews and approves the TIA. Other staff concerns include eliminating the right-in/right-out turn based on the County's adopted Access Management Plan, requiring current stormwater best management practices, and adding the verbiage of Mailand Bluff maintaining the abutting 13-acre County park which was part of the last submittal but not the current submittal. Mr. Merchant noted comments by the Beaufort County School District and the Coastal Conservation League that were added to the meeting packet.

Mr. Semmler queried having both projects (Osprey Point and River Oaks PUDs) to be addressed by all parties, and there were no objections from the Commissioners.

Mr. Merchant briefed the Planning Commission on the River Oaks PUD and its history. The existing PUD calls for independent/assisted living, age-restricted, with 118 cottages, 146 apartment units, and a 66-bed nursing facility. The Applicant is converting all into a single-family subdivision of 315 lots, including converting the 66-bed nursing home into single-family homes (not age-restricted). The proposed subdivision will have 30' X 110' and 40' X 110' lots. Staff concerns from the September 2017 proposal include parking, vehicular traffic, and pedestrian safety with the narrower proposed lots. The new proposed layout is more formal, with the perimeter lots being front loaded. Staff current concerns are the missing TIA, the impact of the proposed community to the surrounding properties and Okatie Elementary School, and the stormwater handling that was not addressed.

Commission discussion included the staff's rationale to eliminate the right-in/right-out along Highway 170 and for traffic to use one of the existing roads instead, and the traffic light concerns for Osprey Point.

Applicants Comments:

1. Mr. Lewis Hammet, the attorney representing both applicants, regarding the Osprey Point PUD stated that improvements and long-term maintenance of the abutting County owed park has not been withdrawn and the verbiage will be part of the current proposal. The original Osprey Point was for families and walkability to the school; the applicant is simply returning to the original concept but cutting the density. The applicant will provide for meeting stormwater standards. On River Oaks, it was expected to be age-restricted. He noted that the development agreement states that 330 units were allowed, including single-family units at the developer's discretion. While the footprint looks considerably different, the development agreement language allows for single-family units, it gave flexibility to the developer. Age-restricted was not imposed on the developer. He noted that schools and growth have always been an issue. Having family oriented development next to the school was a good idea to avoid bussing students to the school. The development agreement terms will be discussed with County Council.
2. Mr. Josh Tiller, the applicants' representative and of J.K. Tiller Associates, handed out a couple of pages to the Commission for their convenience. He noted that Mr. Hammet has mentioned a reduction in density from the original 3 PUDs of 1670 units—395 units for Okatie Marsh, 527 units for Osprey Point, 330 units for River Oaks. The proposal is 396 units from 527 for Osprey Point, and 315 units from 330 for River Oaks. Mr. Tiller noted the loss of 395 units from the Okatie Marsh purchase by the County. Mr. Tiller noted that Pulte Developers will be developing Osprey Point. The TIA is being held until Mr. Kinton reviews it. Ms. Bihl, the applicants' transportation consultant, will speak on her TIA. Mr. Tiller noted that family housing, not age-restricted, is being proposed. The active amenities were moved to the central of the property and the river site became a passive park area. The commercial area has the right-in/right-out feature that was in the original PUD and the applicant wants to keep it. The applicant is willing to add the maintenance responsibility verbiage of the abutting County's 13-acre park. *(Commission queries included details of the right-in/right-out whether there would be separate roads, and ad for clarification on the staff's recommendation to eliminate the right-in/right-out feature.)* Mr. Tiller showed the trails and open space plan as part of a power point presentation.

Regarding River Oaks, Mr. Tiller noted that the lot setbacks would be 5 feet on the sides, 10 feet on the rear, and 20 feet on the front. Alleyways were provided for the smaller lots, while the larger lots were front loaded. He noted that the alleyway lots have zero lot lines.

Further Commission discussion included concern with the small rear yard setback, an explanation of the deeper front yard setback for parked cars, and a clarification on the width of the garages.

Public Comment:

1. Ms. Carol Crutchfield, Planning Coordinator with Beaufort County School District, noted School Board Superintendent Dr. Jeff Moss' letter. Okatie Elementary is full. They are concerned with school impact fees and would like to see the fees continued. She noted the 711 single-family units proposed. She is uncertain about the full impact of the development on Okatie Elementary. An easement to the school has been discussed with the developer. She is looking forward to seeing the TIA. Commission discussion included the 87% capacity that included Rose Hill, the district having property at a New River site and the abutting property but lacking funding to develop either, concern with traffic from the current enrollment at Okatie Elementary (the issue being the cars and busses coming from the same entrance/exit), and a proposed walking path from River Oaks/Malind Point and Osprey Point/Malind Bluff to Okatie Elementary School.
2. Mr. Colin Kinton, the County Transportation Engineering Director, stated that he was looking for a TIA of the proposed developments. He noted that it would take a couple of weeks from the receipt of the TIA for him to make his recommendations. Regarding the rationale to eliminate the right-in/right-out feature along Highway 170, Mr. Kinton stated that the County's Access Management Ordinance that was adopted by County Council shows the allowed access points in order to continue the flow of Highway 170 did not include the requested right-in/right-out from Osprey Point. He did note that the TIA on the original PUDs was adopted. However, uses and density issues have caused a need for a new TIA. Mr. Kinton noted that the new regional transportation model includes Jasper County development; the old model did not.
3. Ms. Jennifer Bihl, of Bihl Engineering, the applicant's traffic consultant, noted that Mr. Tiller covered everything. She noted that her calculation uses the 9th Trip Generation edition since the 10th has just come out. A different mix of development is involved with the proposed project.
4. Mr. Joe Dugan, a resident at 254 Cherry Point Road for 25 years, was involved in the original process that took 4 years. There was tremendous resistance because of the bottle neck traffic. Okatie River is compromised. Walking to school is not acceptable. Turning River Oaks from assistant living to single-family housing is a huge change and density will cause traffic from hundreds of homes to dump onto Highway 170. Freshwater is detrimental to the marsh. He noted the earlier comment regarding what about folks wanting to live in a rural area. As a resident in Cherry Point he is trapped by the lighted intersection on Cherry Point Road and further down at the intersection of Highways 278 and 170. The homes will be built in my backyard—they are too close to my home.
5. Mr. Shawn Custer addressed the River Oaks plan. He believes it a step in the right direction toward affordable housing. He is a business and homeowner. There was only 1 affordable housing project he could purchase into. He noted hundreds of commuters coming into Beaufort County due to the lack of affordable housing. Businesses need these homes. If this is affordable housing, this is exactly what is needed. It's impossible to find affordable housing. He supports this plan that is very needed.
6. Ms. Jane Hornburger, a new resident in Bluffton from Hilton Head, moved into housing next to May River School. She noted that existing children would go from renters to homeowners. She noted that this community will help, not tax, the school. She believes the children are already being serviced by the school.
7. Ms. Allison Melton, a realtor in Bluffton, has a child attending a Bluffton school. She noted that she has families that are not ready to purchase the surrounding developments such as Oldfield and River Bend. Families are desperate to purchase in the area. She noted taking her child to school on golf cart. Highway 170 is growing.
8. Ms. Julie Forton, a Cherry Point resident, realizes growth happens. Her children went to Okatie Elementary. There have been numerous accidents on Highway 170. She would not let her children walk to school. There is a growing population of retirement people. Assisted living is desperately needed. She urges catering to the different ages. An age-restricted development will not impact the roads as much. She believes the proposed project will negatively affect waterways.
9. Mr. Terry Lassiter, a resident at 146 Cherry Point Road, noted the history including the impact fees involved. Adding another lane because of the traffic impact is costly. He is touch by the affordable housing issue. He queried if the tax money has been taken from the USC-Beaufort development. He disagrees with the numbers. Cherry Point was a quaint little fishing village; he doesn't want his quality of life messed up. If it can be guaranteed, then he will get on board. He believes Okatie River has been shut down—he blames

the Oldfield Subdivision. He noted that the PUD documentation was received with a short turn around by Council. He urges leaving the Cherry Point area out of the development.

10. Ms. Kathy Scott, a 35-year Cherry Point resident, noted the affordable housing home size and cost were missing. She is a real estate broker. She was a business owner on Hilton Head. By paying top dollar, she obtained loyal workers. She gave Kudos on requiring a TIA. She asked about considering the development in the adjoining counties; and suggests all traffic going out of Pritchard Point Road instead of Cherry Point Road. She emphasized the age-restricted population in the original plan. She asks for a compromise with the Cherry Point residents.
11. Ms. Juanita DeGregorio stated she was from the Bronx and there were other options for homeownership such as getting a roommate, Section 8, etc.

Additional Commission discussion included a clarification on affordable housing and work-force housing (*Mr. Merchant noted that affordable housing were those who have 80% of the median income, work-force housing are those who are within 80 to 120% of the median income. He noted that the applicants have labeled 40 units as affordable housing.*), noting the affordable housing units being reduced from 45 to 40 because of the suggested back alleys, a clarification on the density approved under the old ordinance, proposed ordinance not consistent with CDC, Oyster Bluff fencing versus 10-foot rear buffer, concern with using the 9th Trip Generation edition instead of the latest 10th edition, concern with not having the TIA despite the two-month timeframe from the last meeting in September to this December meeting, a clarification on commission voting options for these projects, desiring a denial recommendation, concern with impairment of the river, concern with overloading the school, concern with PUD handling by Commission, the details of the first Osprey Point amendment, the statistics of original PUDs and the proposed PUD amendments, noting the two separate applicants/owners for each PUD, and the non-receipt of the TIA from the applicants.

Motion: Mr. Robert Semmler made a motion to recommend approval to County Council on the Southern Beaufort County Map Amendment / Osprey Point (Malind Bluff) Planned Unit Development (PUD) Master Plan Amendment Request for R600-013-000-0006-0000 (119.90 acres east of Highway 170, Okatie) with the following conditions:

- incorporate the Beaufort County Stormwater Best Management Practice (BMP) Manual into the plan;
- conduct a Traffic Impact Analysis (TIA) using the regional transportation model; and
- include the verbiage where the County's abutting 13-acre park will be maintained by Malind Bluff.

Discussion on the motion included amending the motion to require using the 10th Trip Generation edition instead of the 9th edition that was used and to request an exemption to the Access Management Ordinance to allow the proposed right-in/right-out feature along Highway 170. Mr. Jason Hincer seconded the motion. The motion failed (FOR: Hincer, Mitchell, and Semmler; AGAINST: Chmelik, Fermin, Pappas, and Stewart; ABSENT: Hennelly; VACANCY: St. Helena Island representative).

Motion: Mr. Robert Semmler made a motion to County Council to recommend approval to County Council on the Southern Beaufort County Map Amendment / River Oaks (Malind Pointe) Planned Unit Development (PUD) Master Plan Amendment Request for R600-013-000-008C-0000 (+/- 63.54 acres east of Highway 170, Okatie) with the following conditions:

- incorporate the Beaufort County Stormwater Best Management Practice (BMP) Manual into the plan; and
- conduct a Traffic Impact Analysis (TIA) using the Lowcountry regional transportation model.

Mr. Ed Pappas seconded the motion. Discussion on the motion included the lack of a TIA. The motion failed (FOR: Semmler; AGAINST: Chmelik, Fermin, Hincer, Mitchell, Pappas, and Stewart; ABSENT: Hennelly; VACANCY: St. Helena Island representative).

Commission discussion over the above motions resulted in the following motions.

Motion: Mr. Semmler made a motion, and Dr. Caroline Fermin seconded, to recommend denial to County Council on the Southern Beaufort County Map Amendment / Osprey Point (Malind Bluff) Planned Unit Development (PUD) Master Plan Amendment Request for R600-013-000-0006-0000 (119.90 acres east of Highway 170, Okatie). The motion carried (FOR: Chmelik, Fermin, Mitchell, Pappas, and Stewart; AGAINST: Hincer and Semmler; ABSENT: Hennelly; VACANCY: St. Helena Island representative).

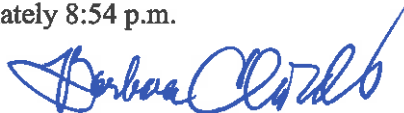
Motion: Mr. Semmler made a motion, and Mr. Jason Hincer seconded, to recommend denial to County Council on the Southern Beaufort County Map Amendment / River Oaks (Malind Pointe) Planned Unit Development (PUD) Master Plan Amendment Request for R600-013-000-008C-0000 (+/- 63.54 acres east of Highway 170, Okatie). The motion carried (FOR: Chmelik, Fermin, Hincer, Mitchell, Pappas, and Stewart; AGAINST: Semmler; ABSENT: Hennelly; VACANCY: St. Helena Island representative).

NEW BUSINESS: None were discussed.

OTHER BUSINESS: Mr. Semmler noted that the next regularly scheduled Planning Commission meeting would be on Thursday, January 4, 2018.

ADJOURNMENT: Motion: Dr. Caroline Fermin made the motion, and Ms. Chmelik seconded the motion, to adjourn the meeting. The motion carried (FOR: Chmelik, Fermin, Hincer, Mitchell, Pappas, Semmler, and Stewart; ABSENT: Hennelly; VACANCY: St. Helena Island representative). Mr. Semmler adjourned the meeting at approximately 8:54 p.m.

SUBMITTED BY:



Barbara Childs, Administrative Assistant to the Planning Director



Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: January 4, 2018

Note: The video link of the December 4, 2017, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=3559