

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, June 7, 2010, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair
Ms. Mary LeGree
Mr. E. Parker Sutler

Mr. Charles Brown
Mr. Ronald Petit
Mr. John Thomas

Ms. Diane Chmelik
Mr. Edward Riley III

Members Absent: Mr. Robert Semmler, Vice Chair

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 6:01 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 Commission reviewed their May 3, 2010, meeting minutes.
Motion: Mr. Petit made a motion, and Mr. Thomas seconded the motion, **to accept the May 3, 2010, minutes as written.** The motion was **carried** (FOR: Brown, Hicks, LeGree, Petit, Riley, Sutler and Thomas; ABSTENTION: Chmelik).

CHAIRMAN'S REPORT: Chairman Hicks noted that tonight's agenda was more like a housekeeping night, with some being technical in nature based on action taken in the past.

PUBLIC COMMENT for items other than agenda items: No comment was received.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII. SUBDIVISION DESIGN (THAT REPLACE RURAL SUBDIVISION WITH RURAL SMALL-LOT SUBDIVISION):

- **DIVISION 3, SECTION 106-2539. RURAL SMALL LOT SUBDIVISIONS**
- **DIVISION 4, SUBDIVISION 2. SMALL LOT RURAL SUBDIVISIONS: SECTION 106-2596. MINIMUM DEVELOPMENT STANDARDS FOR SMALL LOT RURAL SUBDIVISION; AND SECTION 106-2597. CONDITIONS AND LIMITATIONS**

Chairman Hicks noted that this amendment resulted from action taken a year ago when the Northern Regional Plan recommended this change for north of the Whale Branch River and St. Helena Island. This change added flexibility; but, Lady's Island, Coosaw Island and South of the Broad River are exempt from these changes.

Mr. Robert Merchant briefed the Commission. He noted that within the growth areas would be urbanized and outside of the growth areas would remain rural. The rural policies were revisited at the 10-year Comprehensive Plan review. With several workshops, the staff worked with the residents and the recommendation was adopted by County Council. Staff met with the three council members whose areas would be affected by this rural policy. He gave a power point presentation to summarize the policy and geographical changes proposed. He explained how the County came up with the Rural-Residential zoning district that would allow small property owners of 5 acres or less to subdivide to a density of 6 units per 5 acres. However, small property owners of property greater than 5 acres did not have that flexibility. The proposed rural changes gives 3 by-right lots in Northern Beaufort and St. Helena Island or 2 by-right lots in Port Royal Island outside of the Air Installation Compatibility Use Zone (AICUZ). Using a proposed 10-acre lot, the 2-by right policy would allow 4 lots and the 3 by-right policy would allow 5 lots. Policies included a minimum lot size of ½ acre for by-right subdivided lots, rural-residential lots would be rezoned to rural, limited to lots of record, and by-right lots from one parcel cannot be transferred to another parcel.

Commission discussion included:

- limiting the policy to the lots of record as of the date of adoption by County Council;
- the proposed policy majorly not affecting the potential build-out;
- not affecting those properties with the family compound potential;
- not affecting the AICUZ overlay properties;
- the effect of the proposed increased AICUZ overlay on the potential densities;
- a request by the Northern Regional Plan Implementation Committee from the U.S. Marine Corps Air Station for a buffer zone that would encompass the proposed increased AICUZ;

Public Comment: Mr. David Tedder noted that he had the following technical details that should be addressed.

- Limited to "parcels of record" is an ambiguous term; he recommended that a specific date be placed in the ordinance or the ordinance would be interpreted as the adoption of the ZDSO in 1999.
- On page 5, subsection 106-2597(1), it states that documentation should provided to the DRT (Development Review Team); but, subsection 106-2539(b) states the ZDA (Zoning and Development Administrator)—he believes the documents should be provided to the ZDA and the appropriate section should be corrected.
- St. Helena has a large number of collector roads; he believes staff meant there should only be one access so there would not be multiple accesses in the future.
- The requirement of an access easement on the residual parcel—he believes it to be micro-managing and is not needed. Why do you have to say where it goes now?
- Small lot subdivisions must have a maintenance agreement on the common access, when someone is trying to finance through FHA, VA or Rural Development. One way is to form a small Property Owners Association with an ability to transfer that right-of-way as a discrete

parcel. Provide for a road right-of-way as an open space on the residual lot owned by one or all the property owners.

- Section 106-2596(b) Minimum size of residual lot is 1 acre: Why limit the size of the residual lot? It seems micromanaging again.
- The second sentence on access limitations seems to be restricting property owners rights.

Chairman Hicks advised the Commissioners that they could include a caveat in the motion ended that staff consider Mr. Tedder's suggestions and consider the proposed AICUZ footprint.

Further discussion included noting that Mr. Tedder's comments were worthy of consideration.

Motion: Mr. Thomas made a motion, and Mr. Petit seconded the motion, **to recommend that County Council approve the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII. Subdivision Design (that replace Rural Subdivision with Rural Small-lot Subdivision):**

- **Division 3, Section 106-2539. Rural small lot subdivisions, and**
- **Division 4, Subdivision 2. Small Lot Rural Subdivisions: Section 106-2596. Minimum Development Standards for Small Lot Rural Subdivision; and Section 106-2597. Conditions and limitations;**

as recommended by the Planning staff; with the caveat that:

1. **the proposed AICUZ footprint be addressed at a later date when it can be better evaluated, and**
2. **that the Planning Staff review Mr. David Tedder's comments for possible inclusion in the text amendments.**

Further discussion included a clarification of the motion regarding Mr. Tedder's comments and requesting that Mr. Tedder forward his comments in writing to the staff for their use. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas).

Ms. Cecily McMillan, owns 9-acres at Coffin Point Plantation, asked if Mr. Tedder's recommendations would be a matter of public record. (Chairman Hicks explained the process to her.) She would like to see Mr. Tedder's specific recommendations so that she can comment on his recommendations. She asked for clarification on what were "collector roads." (Mr. Thomas responded that she should read Page 5 of 5 of the ordinance and clarified Mr. Tedder's comment regarding collector roads.) (Ms. Frazier asked Ms. McMillan to contact the Planning Department when she responds to Mr. Tedder's comments.)

BEAUFORT COUNTY ZONING MAP AMENDMENTS TO CHANGE THE ZONING OF ALL LANDS CURRENTLY ZONED RURAL RESIDENTIAL TO RURAL IN THE FOLLOWING AREAS OF THE COUNTY – SHELDON TOWNSHIP, ST. HELENA ISLAND, AND PORT ROYAL ISLAND (IN AREAS LOCATED OUTSIDE OF THE AIRPORT OVERLAY DISTRICT)

Chairman Hicks noted that the map amendments echo the above text amendments where rural-residential districts cease to exist and are now zoned rural.

Mr. Merchant briefed the Commission that this policy change was to minimize the overall impact on potential additional development in rural areas. This allows a greater flexibility for small properties in rural zoning since rural-residential zoning is eliminated. Certain areas are affected by the change.

Chairman Hicks noted that the smaller property owners would have fewer lots than before.

Public Comment: Ms. Cecily McMillan is confused that there will be fewer units when the County document shows an increase. (Chairman Hicks' response was that the rural-residential zoning allowed six lots in five acres, but this text amendment would allow four. Mr. Merchant clarified that the overall impact on St. Helena potentially would have a greater number of subdivided lots. Some property owners will lose, and others will gain.) Have you made an analysis on which kinds of people are affected? (Mr. Merchant noted that those property owners of 5 acres or less are affected; the overall intent is to reduce the development of the area.) Ms. McMillan reiterated that staff is saying two different things at once – increase and decrease.

Commission discussion included a clarification that some are upzoned and some are downzoned, and the rationale for selecting 5 acres as the cut-off point for rural-residential in the past.

Motion: Mr. Thomas made a motion, and Ms. Chmelik seconded the motion, **to recommend that County Council approve the Beaufort County Zoning Map Amendments to change the zoning of all lands currently zoned Rural Residential to Rural in the following areas of the County – Sheldon Township, St. Helena Island, and Port Royal Island (in areas located outside of the Airport Overlay District).** Discussion included the removal of rural-residential. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas).

CONSIDERATION OF A CHARTER TO CREATE THE BEAUFORT/PORT ROYAL METROPOLITAN PLANNING COMMISSION (MPC)

Mr. Merchant briefed the Commission. The proposal is to establish a metropolitan Planning Commission for the growth areas. This idea came from the Northern Regional Plan Implementation Committee, and both the City of Beaufort and the Town of Port Royal have been supportive of the proposal. Currently the Joint Municipal Planning Commission of the City of Beaufort and the Town of Port Royal would be eliminated and this Metropolitan Planning Commission (MPC) would serve as the advisory board to both the municipalities. For Beaufort County, the MPC would serve as a subcommittee to the Beaufort County Planning Commission and the respective County Planning Commission subcommittees would not meet on projects within the growth areas. The MPC representation would be 6 members – 2 for the City of Beaufort, 2 for the Town of Port Royal, and 2 for Beaufort County Council. MPC members can be County Planning Commission members to provide continuity. The Charter gives the County criteria; the municipalities have their own Charters.

Public Comment:

1. Mayor Billy Keyserling of the City of Beaufort noted that he was not present at the start of the Northern Regional Plan Implementation Committee. The City of Beaufort thinks this is the next logical step to the growth boundaries. We should be at the table to work on what goes on in the growth boundaries. Mayor Keyserling has not read the charter, but

understands that each municipality must adopt their own charter. I believe this charter will be the County's agreement to participate. The City of Beaufort has given first reading to its own charter, and is waiting for its second and final reading on its own charter after the County adopts this charter. (Chairman Hicks noted that the County's charter only requires one reading.)

2. Ms. Libby Anderson, the City of Beaufort Planning Director, speaking on behalf of the Joint Municipal Planning Commission and the City of Beaufort, said both groups look forward to members of the County Planning Commission joining with the Joint Municipal Planning Commission. She believes it has been proven that we work well together and we look forward to continuing and amplifying that relationship.

Commission discussion included the appointment of County members to the MPC—whether new members or members of the existing County Planning Commission, a recommendation that the County Planning Commissioners representing Port Royal and Lady's Island be selected as MPC County appointees, and a clarification of the growth areas being between Whale Branch River and Chowan Creek.

Motion: Mr. Thomas made a motion, and Mr. Riley seconded the motion, **to recommend to County Council to adopt the Charter to create the Beaufort/Port Royal Metropolitan Planning Commission and asked that a consideration be made to appoint the current County Planning Commissioner representing the growth areas (Port Royal and Lady's Islands) as members of the Metropolitan Planning Commission. Further discussion included the dissolution of the MPC if it does not work, and the cooperative relationship among the Planning staffs of the County and the municipalities have paved the way for the creation of the MPC.** The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas).

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE I, SECTION 106-9(B)(1)--NONCONFORMITIES (ADDS SUBSECTION THAT ALLOWS NONCONFORMING HISTORIC BUILDINGS TO BE ADAPTIVELY REUSED AND BECOME CONFORMING THROUGH APPROVAL OF A SPECIAL USE PERMIT)

Commission discussion included: disagreeing that a 50-year old structure is considered a historic structure, noting that the Historic Preservation Review Board had a baseline historic structure survey that included all non-residential structures, supporting the text amendment, clarifying the purpose for this text amendment (a policy in the Comprehensive Plan to implement preservation of older structures after having talked to two individuals recently to re-use vacant buildings on St. Helena), clarifying the existing regulations, and favoring the restoration of landmarks and historic structures.

Public Comment: Ms. Cecily McMillan noted that she was the recording secretary of the St. Helena Community Preservation Committee. The Committee would like to see a level of flexibility for restoring older properties. She noted that her family lives in the Coffin Point area where there are historic structures. Let us work with those people who have missed the grandfathering cut-off timeframe. (Chairman Hicks noted that there is a phrase that the property must be compatible to the surrounding area.) Ms. McMillan noted that compatibility is different

to you and the community. If we are all about preserving the heritage in Beaufort, there must be flexibility. There should be thoughtfulness in notifying the community.

Motion: Mr. Thomas made a motion, and Mr. Petit seconded the motion, **to recommend to County Council to approve the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article I, Section 106-9(b)(1)--Nonconformities that adds a subsection allowing nonconforming historic buildings to be adaptively reused and become conforming through approval of a special use permit.** The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas),

OTHER BUSINESS: Chairman Hicks noted that Ms. Jane Frederick has resigned from the Lady's Island Community Preservation Committee. Chairman Hicks noted that Mr. Richard Gray, Jr., has been nominated to fill her vacancy. **Motion:** Mr. Petit made a motion, and Ms. Chmelik seconded the motion, **to approve Mr. Richard Gray, Jr. as a member of the Lady's Island Community Preservation Committee.** The motion **was passed unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas).

ADJOURNMENT: Motion: Mr. Brown made a motion, and Mr. Sutler seconded the motion, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Brown, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas). The meeting adjourned at approximately 7:29 p.m.

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

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: September 2, 2010; as written