

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, May 14, 2008, in the Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Ms. Hillary Austin, Zoning Administrator
Mr. Arthur Cummings, Building Codes Director
Ms. Delores Frazier, Assistant Planning Director
Mr. Robert Klink, County Engineer

MEMBERS ABSENT

None

STAFF PRESENT

Mr. Tony Criscitiello, Planning Director
Mr. Amanda Flake, Natural Resource Planner
Mrs. Lisa Glover, Zoning Analyst III
Mr. Colin Kinton, Traffic Engineer
Ms. Judy Timmer, Corridor Review Board Planner

1. CALL TO ORDER: Mr. Criscitiello called the meeting to order at approximately 11:03 a.m.

Mr. Criscitiello explained, that the members of the Development Review Team reviewed each item independently and provided their comments to the Zoning Administrator.

2. REVIEW OF MINUTES:

MOTION: Ms. Austin made a motion to approve the April 16th, 2008, minutes as submitted. Ms. Frazier seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).

MOTION: Mr. Cummings made a motion to approve the April 23rd, 2008, minutes as submitted. Ms. Austin seconded the motion. The motion passed (FOR: Austin, Cummings, Frazier; ABSTAINED: Klink).

MOTION: Ms. Austin made a motion to approve the May 7th, 2008, minutes as submitted. Ms. Frazier seconded the motion. The motion passed (FOR: Austin, Frazier; ABSTAINED: Cummings, Klink).

3. MELROSE BEACH COTTAGES – LOTS N, O, P, & Q (FINAL)

Ms. Austin stated, that the Development Review Team has not received any new information for the project.

Mr. Criscitiello read the Development Review Team's recommendation letter, dated May 7, 2008.

Mr. Scott Monson, Thomas & Hutton Engineering explained to the board that he has the new information for the board. Mr. Monson discussed the recommendation list with the Development Review Team members.

Mr. Walter Nester, McNair Law Firm explained to the DRT, that these duplexes are the same structures that have been developed by the applicant throughout the Beach Cottages area in Melrose PUD. Mr. Nester stated, that this is not the first subdivision that has been in front of the Development Review Team for duplexes; they've already been considered duplexes, they are separated by a firewall.

Mr. Criscitiello explained to Mr. Nester, that the comment was, that if the structure were duplexes, the minimum site area would have to be two acres; it is showing 1.606.

Mr. Nester stated, that the site is sufficient, because they consider these as being single-family residences.

Ms. Frazier stated, that she would like an opportunity to consider the comments before making a decision.

Ms. Austin explained, that when the subdivision was done in the area, there was a line going through the middle of the homes; splitting them into two, making them single-family residences.

THE DRT UNANIMOUSLY DEFERRED THE PROJECT UNTIL THE DRT MEMBERS REVIEWS THE ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT. (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

4. MELROSE – LOT 374 (FINAL/REVISIT)

Mr. Criscitiello stated, that this subdivision has to do with the Melrose PUD, adopted by County Council.

Mr. Nester, McNair Law firm explained to the Development Review Team, that his applicant believes that they have met all of the requirements for a subdivision for this piece of property; it has the density, it owns the real estate, and met the requirements of the ZDSO, so they believe this approval is appropriate. Mr. Nester stated, that the property has not been used for some other purpose; they have aerial photos that shows it as forested tree area. Some surveys in the referenced plats have shown it as a lot.

Mr. Criscitiello asked Mr. Nester, "At any time has this property been designated or shown as open space or as part of a golf course?"

Mr. Nester answered, "It's never been shown as open space, and to the best of my knowledge its never been shown as a part of delineated acreage that would be a golf course". It has been shown as a part of the entire 300 acres that would include the golf course, and the other amenity property that the resort owns. Mr. Nester stated, that anyone who purchases property in the Melrose PUD, purchases it along with the covenants and restrictions, and there are certain rights that the declarant has. They describe the conveyance of common area to the property owners; this property has never been conveyed to the property owners as common area.

Ms. Frazier stated, that this is an issue of whether this subdivision is a minor change or a major change. For a minor change the Development Review Team can approve, but a major change has to go before the County Council for approval.

Ms. Austin stated, that all of the plans that she have reviewed and printed, leaves the lot opened as a golf course; it did not show future development, nor did the applicant delineate the golf course. Ms. Austin stated, that the 1990 ordinance states, that if it's a piece of property that's leftover and has no label, it's ultimately designated as open space.

THE DRT UNANIMOUSLY DISAPPROVED THE PROJECT, BECAUSE THIS SUBDIVISION IS CONSIDERED A PART OF THE GOLF COURSE AND/OR OPEN SPACE AREA, AND IS CONSIDERED A MAJOR SUBDIVISION INSTEAD OF A MINOR SUBDIVISION. THE APPLICANT SHALL REQUEST AN AMENDMENT THROUGH THE PLANNING COMMISSION AND/OR COUNTY COUNCIL. (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

5. CALLAWASSIE ISLAND – MASTER PLAN (AMENDMENT/REVISIT)

Ms. Austin stated, that she went through the records and found a permit that was issued to Callawassie in 1984, that showed they were adding a maintenance storage building; and it also showed all of the existing structures on the property, but not the tower. Ms. Austin stated, that she doesn't have anything that shows when the tower was built; the height of the tower, or the purpose of the tower. Ms. Austin stated, that unless Mr. Yates has a permit for the tower, she doesn't know where the tower came from.

Mr. Jonathan Yates, attorney for the applicant explained to the board, that there is an area of the PUD that was designated as Utility and Service area; and in some part of the 1980's after the passage of the PUD, a 110 – 120 foot tower was placed in the PUD to provide cable transmission throughout the Island; that facility pre-dates the Beaufort County tele-communication ordinance. The Residence of Callawassie Island desires a new tower that meets the standards; in preparation for the new tower they had removed the existing tower. Mr. Yates stated, that he doesn't know if his client is asking for an amendment for the PUD, or clarification to place what has always been there, which is in a newer format that meets present wind code standards.

Ms. Austin stated, that the Joint Planning Commission approved everything that was built in Beaufort County, whether they had a zoning ordinance or not. Ms. Austin stated, that they would have approved that tower to be built, and a permit would have been issued. Ms. Austin stated, that if someone from Callawassie Island could give her a date of the Planning Commission meeting approving the tower, then she could go through the minutes to verify. Ms. Austin informed the applicant that since they removed the existing tower over a year ago, their grandfathering status is gone.

Mr. Yates stated, that he believes that the county is talking about zoning law, and he is talking about a master plan.

Ms. Frazier stated, that the issue was whether or not this amendment is a major amendment or a minor amendment.

Mr. Klink stated, that the Development Review Team is not saying that the tower request is a bad idea; the board is stating, that they consider this request a major amendment, and that the applicant should request an amendment to the Planning Commission.

Mr. Yates stated, that he's not seeking a grandfathering of the new tower, but the tower has always been in the Utility Service area; therefore, they don't deem it a major amendment to replace a tower that meets the wind standards.

Mr. Criscitiello stated to the applicant, that what is being said is that the tower was removed, and any grandfathering that would legally be implacable would be invalid because they don't have the ability to resurrect a grandfather protection, that has already expired.

THE DRT UNANIMOUSLY DISAPPROVED THE PROJECT, BECAUSE THE AMENDMENT TO REPLACE AN EXISTING TOWER IS CONSIDERED A MAJOR AMENDMENT, AND SHALL BE REVIEWED BY THE PLANNING COMMISSION AND/OR COUNTY COUNCIL (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

6. SUN CITY HH – BLOCK 120 (PERMIT EXTENSION)

Ms. Frazier stated, that the applicant shall provide a good cause "in writing" for the reasoning of the request to extend the date of the development permit.

THE DRT UNANIMOUSLY APPROVED THE PERMIT EXTENSION WITH CONDITIONS. THE APPLICANT SHALL PROVIDE "IN WRITING" A GOOD CAUSE FOR THE REQUEST TO EXTEND THE DEVELOPMENT PERMIT. (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

7. HOLE IN THE WALL (SPECIAL USE/CONCEPTUAL)

Ms. Frazier stated, that the Planning Department recommends to the Zoning Board of Appeals, approval with the conditions, that the applicant submit a revised site plan that gets rid of one of the parking spaces near the building, and two parking spaces to the rear. Ms. Frazier stated, that the applicant shall show the driveway all the way into the parking area.

Ms. Austin stated, that once the site plan is amended, the applicant shall show it to the fire marshall and get approval.

Ms. Frazier stated, that the changes have to be sent to the Zoning Administrator prior to the Zoning Board of Appeals meeting.

THE DRT UNANIMOUSLY APPROVED THE PROJECT WITH CONDITIONS. THE APPLICANT SHALL REVISE THE SITE PLAN TO REMOVE THREE PARKING SPACES (2 ON THE REAR, 1 NEAR THE BUILDING). THE APPLICANT SHALL EXTEND THE DRIVEWAY ALL THE WAY TO THE PARKING AREA. THE FIRE MARSHALL SHALL SIGN OFF ON THE SITE. (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

8. MELROSE BEACH CLUB S/D (CONCEPTUAL)

Mr. Criscitiello stated, that the applicant requested a deferral of this project, and asked the Development Review Team to discuss this project after the meeting.

THE DRT UNANIMOUSLY DEFERRED THIS PROJECT AT THE APPLICANT'S REQUEST. (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

9. JOCO (SPECIAL USE/PRE-APPLICATION)

Mr. Joe Pizzo explained to the board, that he used this site to recycle concrete. Mr. Pizzo stated, that he's asking for a temporary special use permit, to run a rock-crushing machine periodically for two years. Mr. Pizzo stated, that there isn't any other place on Lady's Island, that he knows of, that allows him to do this type of use.

Ms. Austin explained to the Development Review Team, that the applicant came to see her, and she tried to find a use for what he was doing. When he left the office, he said that he was doing a landfill. Ms. Austin informed the applicant, that what he was doing was not considered a landfill; but if he wanted it to be a landfill, he would need a special use permit. The applicant went away and came back to her, to let her know that the use is recycling; which is not a permitted use in the rural zoning district.

Ms. Frazier asked Mr. Pizzo, "Do you have a business license for your business?"

Mr. Pizzo answered, "Yes, but not for that location".

Ms. Frazier asked Mr. Pizzo, "Do you use this with conjunction with your business only, or do you sell this product to other folks, to use as road base?"

Mr. Pizzo answered, "At this point, we only use it for ourselves".

Ms. Frazier stated, that if the applicant lived on the property, he could get this rock crushing use permitted as a Cottage Industry use.

Mr. Criscitiello asked Mr. Kinton, "Is Edding Point Road considered an arterial road or a collector road?"

Mr. Kinton answered, "Collector road".

Ms. Frazier stated, that the applicant could ask for a text amendment to allow this use as a special use in the rural district. Ms. Frazier recommended that the applicant meet with the Planning Department to discuss options to amend the text.

THE DRT UNANIMOUSLY DECIDED THAT THE APPLICANT SHALL MEET WITH THE PLANNING DEPARTMENT TO DISCUSS A TEXT CHANGE. (FOR: AUSTIN, CUMMINGS, FRAZIER, KLINK).

The meeting adjourned at approximately 11:58 a.m.