

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, July 8, 2009, 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
Mrs. Amanda Flake, Natural Resource Planner
Mrs. Lisa Glover, Zoning Analyst III
Mr. Colin Kinton, Traffic Engineer
Mrs. Audra Antonacci-Ogden, Codes Enforcement Supervisor
Mr. Tim Ogden, Beaufort County Fire Marshall
Ms. Judy Timmer, CRB Coordinator

1. CALL TO ORDER: Mr. Criscitiello called the meeting to order at approximately 11:08 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: Mr. Cummings made a motion to approve the minutes as submitted. Ms. Frazier seconded the motion. The motion passed (FOR: Cummings, Frazier, Klink; ABSTAINED: Austin).

3. CROSSROAD SUBDIVISION (CONCEPTUAL)

Mr. Criscitiello asked Ms. Austin, "Have you received all of the information requested, based on the June 30, 2009 letter to Mr. O'Quinn?"

Ms. Austin answered, "The applicant addressed the items on the letter, but the Development Review Team still has some questions".

Ms. Frazier stated, that item #1 on the recommendation letter was not addressed.

Ms. Austin asked Mr. Lyle, "In regards to item #1 of the recommendation letter, who was the access granted to?"

Mr. Ryan Lyle with Andrews & Burgess Engineering stated, that Mr. Duncan can better answer the question about access.

Mr. Criscitiello asked Mr. Klink, "In regards to the standards for storm water, are there any ordinance amendments in the works for flow and volume?"

Mr. Klink stated, that most importantly they have to take care of the nitrogen treatment, which is more important than the flow and volume; there is another ordinance change in the works, which have not been adopted yet. Mr. Klink stated, that the nitrogen treatment would probably be more of a concern than the flow and volume.

Mr. Criscitiello asked Mr. Lyle, "Do you have the Army Corp of Engineers delineation letter?"

Mr. Lyle answered, "Yes".

Mr. Criscitiello asked Mr. Lyle, "When did the delineation letter come in?"

Mr. Lyle answered, "I received the delineation letter yesterday".

Ms. Austin stated, that she would like to know, if the people who were granted the access from the existing dirt road okay with the relocation?

Ms. Frazier asked Ms. Austin, "Where is the relocation?"

Ms. Austin stated, that according to the applicant, the access is going to the proposed R-O-W.

Ms. Frazier stated, that some of the lots are not touching the R-O-W. Ms. Frazier asked Mr. O'Quinn, "How are you proposing to grant access to those lots?"

Mr. O'Quinn explained to the board, that when he purchased the property as part of the litigation, it was determined that those people had the R-O-W; they gave a piece of it through Holly Hall's property, and a piece through his property. Mr. O'Quinn stated, that a document is recorded in the courthouse, which states, that when he develops the property, it is up to his discretion where the existing lot owners would enter their property.

Ms. Frazier stated, that the applicant shall submit a copy of the deed, granting him permission to relocate the access easement.

Ms. Austin stated, that the county attorney shall review the easement agreement document. Ms. Austin stated, that the applicant provided a site plan that showed existing open space. Ms. Austin asked Mr. Lyle, "Who owns the open space?"

Mr. Lyle stated, that it's not open space; it's an open field area.

Ms. Austin stated, that the applicant shall re-label the area indicated as "open space", to "non-forested area". Ms. Austin stated, that the applicant was also asked to address the spacing of the access onto Little Capers Road with adjacent driveways.

Mr. Lyle explained, that they located the proposed access where the radius did not touch the adjoining driveway radiuses; they do not have the ability to meet the separation requirement from driveways, so they are planning to improve the existing access to their main entrance.

Mr. Kinton briefly reviewed and discussed the driveway radiuses with the applicant.

Ms. Austin stated, that the applicant has to submit the Army Corp of Engineers permit. The Natural Resource Planner shall review the natural resources, to ensure it meets the requirement of the zoning ordinance. Staff shall review the tree removal plan. The applicant shall submit the deed for the easement, and revise the entrance road design to show that the radiuses are properly designed.

MOTION: Mr. Cummings made a motion to defer the project, until the applicant submits a copy of the deed, giving the applicant permission to relocate the access easement. The applicant shall submit an agreement from the property owner regarding who uses the existing easement. The staff attorney shall review the easement document. The applicant shall submit new construction plans showing the statement, "Existing access easement to be relocated". The applicant shall submit new construction plans revising the entrance,

as stated by the Traffic Engineer. The applicant shall remove the label "Open Space" from the natural resource plans. Staff shall review the forested area, to ensure the proposed location meets the requirement of the zoning ordinance. The applicant shall submit the Army Corp of Engineers wetland delineation letter. Staff shall review the tree removal plan and tree protection plan for compliance. The applicant shall ensure the nitrogen treatment of storm water requirement is addressed. Ms. Frazier seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).

4. ISLAND FISH MARKET TRADITIONAL SHOP (PERMIT EXTENSION)

Mr. Klink stated, that he recommends approval of the permit extension.

MOTION: Mr. Klink made a motion to approve the permit extension. Permit expires on August 6, 2010. Mr. Cummings seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).

5. PLEASANT POINT – LOT 30, DOWNING DRIVE (RIVER-BUFFER WAIVER EXTENSION)

Mr. Klink stated, that he recommends approval of the river-buffer waiver extension.

MOTION: Mr. Klink made a motion to approve the river-buffer waiver extension. Approval expires on August 15, 2010. Ms. Austin seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).

6. ERNEST DRIVE MINING (SPECIAL USE/PRE-APPLICATION)

Ms. Austin stated, that the applicant is requesting a mining permit; per the zoning ordinance, mining requires a special use approval in the rural zoning district. Ms. Austin stated, that the minimum site area is 20 acres, and the applicant is planning to use two-10 acre blocks for mining. Ms. Austin stated, that one of the ten acre blocks is zoned rural residential, and mining is not allowed in that zoning district; the applicant has to remove that block off of the plans.

Mr. Greg Baisch, Ward Edwards Engineering stated, that they are not intending to mine on the property zoned rural residential.

Ms. Austin stated, that the applicant shall submit the entire Community Impact Statement at conceptual approval; the Community Impact Statement shall consist of the Environmental Impact Statement, Traffic Impact Analysis, and an Area Impact Statement. Ms. Austin stated, that the applicant shall restore the ground surface, by submitting a bond for restoration in accordance with Section 106-1369 (2)(A) and (B) of the zoning ordinance; the applicant shall submit a reclamation bond, which would be approved by the county attorney prior to the issuance of a special use permit. Ms. Austin stated, that the applicant shall have 85 percent of open space/landscape surface ratio.

Ms. Austin asked Mr. Klink, "Will there be an easement around the county ditch?"

Mr. Klink asked the applicant, "Is there an easement around the ditch now?"

Mr. Baisch answered, "Not that I'm aware of".

Mr. Klink stated, that the applicant should put an easement around the existing county ditch.

Ms. Austin stated, that per section 106-1360 (4) and (5), there shall be a forested buffer of 200 feet; if the existing buffer is not forested, the applicant shall plant the buffer over a berm having a minimum height of eight feet. If the use will continue for less than two years, the forested buffer could be reduced to 100 feet.

Mr. Baisch stated, that they will complete the activity within the two-year time frame.

Ms. Austin stated, that the setbacks and buffers shall be based in accordance with Section 106-1360 (4) and (5) of the zoning ordinance. The site shall be bermed or walled to ensure that the maximum noise at the property line does not exceed 65 decibels. The hours of operation shall be limited from 6:30 a.m. to 6:30 p.m., but the Zoning Board of Appeals can increase the time in the summer time if needed. There shall be no drying or processing allowed on the site. A truck routing plan shall be included in the Traffic Impact Analysis, which ensures that truck traffic through existing residential areas is mitigated or avoided.

Mr. Baisch stated, that they will be using the existing dirt road for the truck routing plan.

Ms. Austin stated, that the capacity of all truck route roads to carry the traffic from the site to arterial or collector roads shall be evaluated by the county engineer. The mining company shall be required to bring any substandard roads up to standard, as part of the approval for any truck route. No equipment shall exceed 30 feet in height above the lowest natural grade on the site. An operations plan shall be submitted, that identifies the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, size of the operation, number of employees, operating hours, etc. Ms. Austin stated, that any improvements to Ernest Drive will need an encroachment permit.

Ms. Frazier asked the applicant to submit legible tree removal plans.

DRT INFORMED THE APPLICANT, THAT PARCELS 209 AND 212 WILL NOT BE A PART OF THE APPROVAL. PARCEL 212 IS ZONED RURAL RESIDENTIAL, AND MINING IS NOT ALLOWED; PARCEL 209 IS NOT CONTIGUOUS TO THE PROJECT PARCELS. THE APPLICANT SHALL SUBMIT THE ENTIRE COMMUNITY IMPACT STATEMENT AT CONCEPTUAL APPROVAL; THE COMMUNITY IMPACT STATEMENT SHALL CONSIST OF AN ENVIRONMENTAL IMPACT STATEMENT, TRAFFIC IMPACT ANALYSIS, AND AN AREA IMPACT STATEMENT. APPLICANT SHALL ADDRESS SECTION 106-1360 (2)(A) AND (B) OF THE ZDSO, CONCERNING FUNDS FOR RESTORATION OF THE PROPERTY. SITE SHALL HAVE 85 PERCENT OPEN SPACE/LANDSCAPE SURFACE RATIO. THE APPLICANT SHALL ADD A DRAINAGE EASEMENT AROUND THE EXISTING COUNTY DITCHES. SETBACKS AND BUFFERS WILL BE BASED ON SECTION 106-1360 (4) AND (5) OF THE ZDSO. THE SITE SHALL BE BERMED OR WALLED TO ENSURE THAT THE MAXIMUM NOISE LEVEL AT THE PROPERTY DOES NOT EXCEED 65 DECIBELS. THE HOURS OF OPERATION SHALL BE LIMITED FROM 6:30 A.M. TO 6:30 P.M. THERE SHALL BE NO DRYING OR PROCESSING ALLOWED ON THE SITE. A TRUCK ROUTING PLAN SHALL BE INCLUDED IN THE TRAFFIC IMPACT ANALYSIS. THE MINING COMPANY SHALL BE REQUIRED TO BRING ANY SUBSTANDARD ROADS UP TO STANDARD AS PART OF THE APPROVAL FOR ANY TRUCK ROUTE. NO EQUIPMENT SHALL EXCEED 30 FEET IN HEIGHT ABOVE THE LOWEST NATURAL GRADE ON THE SITE. THE APPLICANT SHALL SUBMIT AN OPERATIONS PLAN. ANY IMPROVEMENTS TO ERNEST DRIVE WILL NEED AN ENCROACHMENT PERMIT. THE APPLICANT SHALL SUBMIT LEGIBLE TREE REMOVAL PLANS. THE APPLICANT SHALL SUBMIT THE DHEC MINING PERMIT.

7. SEASIDE FARM ANNEX ADDITION (SPECIAL USE/PRE-APPLICATION)

Ms. Austin stated, that an addition was done to the building, which created a non-conforming situation with the river buffer overlay district. Ms. Austin stated, that the current use requires a 100-foot setback, with a 50-foot river-buffer; when the addition was constructed to the building, it reduced the setback to approximately 75 feet.

Mr. Leith Webb, Beaufort Construction stated to the board, that he thought that he received a zoning permit for the addition to the building, because this use is agricultural and he is exempt from certain standards.

Ms. Austin stated, that Mr. Webb would have gotten a zoning permit for the business, but he was not exempt from any permits for additions to the building. Ms. Austin stated, that this use is considered agricultural support, and is not exempt from permits.

Mr. Webb explained to the board, that he received a zoning permit for the business in 2003, and he thought that was all he needed from Zoning to add onto the building. Mr. Webb stated, that he received

his building permit with the zoning permit issued from 2003; he did not know he was in a nonconforming situation, until he met with Ms. Austin in 2009. Mr. Webb stated, that the addition will be a cooling room for the tomatoes.

Ms. Austin stated, that the only restrictions in the Public Market District, are no grain silos. Ms. Austin stated, that the applicant shall submit a scaled site plan showing the trees, existing parking areas, setbacks, buffers to include the river buffer, curb cut, truck circulation on property, existing and proposed buildings, etc.

Mr. Webb stated, that there are two existing curb cuts coming onto the property, and he may have to move one of the curb cuts.

Ms. Austin stated, that the Public Market district front-yard setback is 10 feet. Ms. Austin stated, that she will send the applicant a letter listing what is needed for a special use approval.

DRT INFORMED THE APPLICANT, THAT THE SETBACKS ARE 10 FEET (FRONT), 8 FEET (SIDES, AND 100 FEET (REAR/RIVER-BUFFER SETBACK). THE BUFFERS ARE ZERO FEET (FRONT), 30 FEET (WEST), ZERO FEET (EAST), AND 50 FEET REAR. THE SITE SHALL HAVE A 15 PERCENT OPEN SPACE/LANDSCAPE SURFACE RATIO. THE APPLICANT SHALL PROVIDE THE NATURAL RESOURCE CALCULATIONS, TO BE REVIEWED BY THE NATURAL RESOURCE PLANNER. APPLICANT SHALL MEET WITH THE CORRIDOR REVIEW BOARD COORDINATOR TO ADDRESS SECTION 12, DESIGN STANDARDS FOR THE PUBLIC MARKET DISTRICT. APPLICANT SHALL SUBMIT A SCALED SITE PLAN SHOWING TREES, EXISTING PARKING AREAS, SETBACKS, BUFFERS, CURB CUT, TRUCK CIRCULATION ON PROPERTY, EXISTING AND PROPOSED BUILDINGS, ETC. APPLICANT SHALL SUBMIT ONLY A PORTION OF THE COMMUNITY IMPACT STATEMENT. THE TRAFFIC IMPACT ANALYSIS MAY BE REQUIRED, AS DEEMED NECESSARY BY THE TRAFFIC ENGINEER.

The meeting adjourned at approximately 11:54 a.m.