

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, September 9, 2009, in the Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Hillary Austin, Zoning Administrator

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. Timothy Ogden, Fire Marshall
Ms. Judy Timmer, CRB Coordinator

1. CALL TO ORDER: Mr. Criscitiello called the meeting to order at approximately 11:12 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 unanimously (FOR: Cummings, Frazier, Klink).

3. OLD SEABROOK SUBDIVISION (REVISIT/FINAL)

Ms. Frazier stated, that the applicant received a letter after the last meeting; one of the issues was the location of the septic systems and the proposed driveways on the site plan, which was not the same as the Dhec permit. Ms. Frazier stated, that the applicant submitted new Covenants and Restrictions; Ms. Austin has not had the opportunity to review the documentation. Ms. Frazier stated, that she's okay with the revised information for items 2, 3, and 4 of the recommendation letter, dated August 19, 2009, but there is still an outstanding issue regarding the drainage system.

Mr. Klink stated, that since there are individual drainage systems on site, the Development Review Team would like to understand how the system will work, and how it will be installed. Mr. Klink stated, that the intent of the zoning ordinance is to install the drainage systems; and a separate meeting may be requested, in order to determine the issue with storm water.

Ms. Frazier stated, that she recommends deferral of the project for one week, in order to have a meeting and discuss the drainage plans; the meeting is needed because there's still a lot of questions regarding the drainage system. Also, the Zoning Administrator has to review the Covenants and Restrictions. Ms. Frazier stated, that previously the Development Review Team asked the applicant to check with the person who drew up the conservation easement, because the easement allowed the owner to timber in that area, and construct up to a one-acre pond. The board felt that it seemed to conflict with the natural

resource area, which has to be placed on the property. Ms. Frazier asked Mr. Lyle, "Did you check on that issue?"

Mr. Lyle with Andrews & Burgess Engineering answered, "Yes". Mr. Lyle stated, that he had gotten the attorneys to go back to the documents regarding the trees in the conservation easement, and the applicant doesn't want to go back and amend what they had originally given to the Rural & Critical Open Land Trust. Mr. Lyle stated, that the applicant would like to utilize the current Covenants and Restrictions to prohibit the cutting of the trees.

Ms. Frazier stated, that the Covenants and Restrictions does not cover that piece of property. Ms. Frazier asked, could a new plat be recorded for that piece of property, that designates a preserved natural resource area, and how can the Development Review Team ensure that the natural resources are protected when the easement allows timbering and allows up to a one-acre pond?

Mr. Criscitiello asked Mr. Lyle, "Will the Covenants and Restrictions for this development include the conservation easement?"

Ms. Frazier answered, "No".

Mr. Michael Marks, developer explained to the board, that in the future they might have to selectively cut the trees for fire protection, so they are trying to decide what is allowed in the conservation easement. Mr. Marks stated, that the attorney who drew up the original deed and worked with the Rural & Critical Open Land Trust to set it up the transaction, handed him a deed that basically indicated that they wanted to take the development rights from that property; the deed also listed the stipulations that were in place.

Ms. Frazier stated, that the stipulations are very standard, and was given to the applicant before the submittal of the subdivision application; normally the conservation easement document allows the property owner to retain certain rights to timber the property, farm the property, and have a fish pond, which is very typical for the easement. Ms. Frazier stated, that it is different in this case, because some forest is required to be preserved, which really should have been reserved in the subdivision; the Development Review Team allowed the transfer of the protected natural resource area for the subdivision. Ms. Frazier stated, that even though the intent is there to protect the natural resource area, there's nothing legally recorded to enforce the protection.

Mr. Marks asked Ms. Frazier, "If I was to timber the property tomorrow, would I need a permit through the county?"

Ms. Frazier answered, "No". Ms. Frazier stated, that since timbering is governed by the State, a local permit was not required. Ms. Frazier stated, that she would like the county attorney to review the Covenants and Restrictions, to see if the language would be adequate to enforce the protection of the natural resource area.

Mr. Criscitiello stated, that the county would like to double check all of the original documentation that went into the county's transaction regarding the agreement with the Rural & Critical Open Land Trust, and see how they work together without contradicting the county's standards.

Ms. Frazier stated, that she believes, that when the easement was granted, the county did not know that the protected forest area would be located on that property.

MOTION: Ms. Frazier made a motion to defer the project, until the county or staff attorney double-checks all of the original documentation that went into the transaction regarding the agreement between Beaufort County Rural & Critical Open Land Trust and the applicant. The county or staff attorney shall review the Covenants and Restrictions, to make sure the language in the documentation would enforce the protection of the natural resource area. ZDA shall also review Covenants and Restrictions. This project will be rescheduled for September 16, 2009. Mr. Cummings seconded the motion. The motion passed unanimously (FOR: Cummings, Frazier, Klink).

4. LADY'S ISLAND FIRE STATION EXPANSION (PRE-APPLICATION)

Mr. Criscitiello stated, that this project is removed from the agenda, because it appears that the property is located in the City of Beaufort.

Chief Kline stated, that this property is a part of the Airport property, and they leased two acres of this property from Beaufort County.

Mr. Criscitiello asked Chief Kline, "Is there a separate tax parcel number for this property?"

Chief Kline answered, "No".

Mr. Criscitiello stated, that the county will review the tax records to try to unscramble this problem.

Chief Kline stated, that he was told by Mr. Kubic to send him an e-mail regarding this issue, and he would forward the e-mail to the county attorney for review.

ITEM REMOVED OFF OF THE AGENDA UNTIL THE COUNTY RESOLVES THE ISSUE WITH THE PROPERTY BEING SHOWN IN THE CITY OF BEAUFORT.

The meeting adjourned at approximately 11:30 a.m.