



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION

Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

PLANNING COMMISSION

Monday, May 5, 2014

6:00 p.m.

Council Chambers, Administration Building
100 Ribaut Road, Beaufort, South Carolina

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting.

1. COMMISSIONER'S WORKSHOP – 5:30 P.M.
Planning Office, Room 115, County Administration Building
2. REGULAR MEETING - 6:00 P.M.
Council Chambers
3. CALL TO ORDER – 6:00 P.M.
4. PLEDGE OF ALLEGIANCE
5. REVIEW OF MINUTES
 - A. March 3, 2014 ([backup](#))
 - B. April 7, 2014 ([backup](#))
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. BEAUFORT COUNTY PROPOSED COMMUNITY DEVELOPMENT CODE, ITS APPENDICES, AND ITS RELATED ZONING MAPS (go to <http://www.bcgov.net/departments/Planning-and-Development/planning/cdc/> for the Code, the "Zoning Maps" and "Appendices" to the Code are located under the middle graphic at the top of the page)
9. OTHER BUSINESS
 - A. Next Meeting – Monday, June 2, 2014, at 6:00 p.m.
10. ADJOURNMENT





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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, March 3, 2014, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman	Mr. John Thomas, Vice-Chairman	Ms. Jennifer Bihl
Mr. Charles Brown	Ms. Diane Chmelik	Mr. Ronald Petit
Mr. Edward Riley III	Mr. Randolph Stewart	

Members Absent: Ms. Mary LeGree (appointment expired)

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:02 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 MINUTES: Mr. Semmler noted that tonight was the first Commission meeting in 2014, so he stated, “Happy New Year.” The Commission reviewed their December 2, 2013, meeting minutes. No changes were noted. **Motion:** Mr. Ed Riley made a motion, and Ms. Diane Chmelik seconded the motion, **to accept the December 2, 2013, minutes as written.** No discussion occurred. The motion **was carried** (FOR: Bihl, Chmelik, Petit, Riley, and Stewart; ABSTAIN: Brown, Semmler, and Thomas).

CHAIRMAN’S REPORT: There will be a joint meeting with the County Planning Commission and the Metropolitan Planning Commission on March 10, 2014, at 5:30 p.m. at Beaufort City Hall to review the County Community Development Code. The City of Beaufort and Town of Port Royal Codes have been adopted. Mr. Semmler noted the tremendous work by the Planning staff on the County Code. The public is invited to the meeting.

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

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, TO ALLOW CONTRACTOR’S OFFICE WITH EXTERIOR STORAGE IN COMMERCIAL SUBURBAN DISTRICTS

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners. The applicant is asking for outdoor storage for contractor’s offices in Commercial Suburban districts. The effect is county-wide, versus property related. There are 14 uses allowed. The existing standards do not allow exterior storage. The purpose of the standards is to allow gentle transition in the area from

suburban to commercial suburban to commercial regional. Light Industrial and Industrial Park Districts are best for exterior storage of contractor's offices. Staff recommended denial of the request.

Applicant's Comments:

1. Mr. Darryl Snyder, the applicant and owner of the property, noted that he had served on the Northern Corridor Review Board (NCRB) for several years. He noted that he has the zoning permit for his property was zoned neighborhood commercial with Charles Gatch's signature. He noted that he stored outdoor mechanical equipment on the property when he was using the property. There are five other commercial contractors on Parris Island Gateway who store their goods outdoors. He moved in on 1998. He said he had plans to expand and store field equipment. He said he had rights of equity at the time of the adoption of the ZDSO in 1999. Why am I being subjected to an entirely new zoning standard? He stated he had vested rights on the property and his tenant is being harassed. It violated equitable estoppel or estoppels by silence. He said the County knew that he had a landscape business with outdoor storage for 17 years. The County waived its rights to pursue any zoning issues with us. He noted his statement to an applicant of the NCRB, "A zoning ordinance is not a contract between a town and its citizens. A zoning ordinance, including a zoning classification, is subject to change and repeal at will by the governing body, subject only to the vested rights of the citizens in our community. In good faith the investment to compete, the investment on behalf of the citizens, the few changes in zoning lies with the governing body. Zoning use to control and direct not only present use and potential use is for all of us. It is the conservation of property values by which we all benefit." Mr. Snyder asked that Mr. Lather, his tenant, comment on his investment on the property. Mr. Snyder has invested an additional \$15,000.00 on the property.
2. Mr. Shawn Lather, owner of Lather Construction who is the occupant of the property, employs 15 employees. He was operating out of his house, but the business has since grown so he felt he needed a commercial property for his business. He cleared everything off the property, brought in fill dirt, etc. He's put a lot of money into the property.
3. Mrs. Shirley Snyder, wife to Darryl Snyder, noted that she had worked with husband. She said they had storage, a greenhouse, etc. She does not see any difference between theirs and Mr. Lather's businesses. There are several other businesses along Parris Island that when business is sold, what will happen to those businesses?

Discussion between Commission and the applicant included the type of storage, the CRB landscaping and screening requirements, the applicant being caught in a zoning change, the applicant stating he had officially closed his business doors in October 2013, the applicant noted that he had co-operated with Lather Construction at the site until his closing, the text amendment is an issue based on a complaint to the Code Enforcement office, another issue is the continued use from the property owner's point of view, the possibility of a Zoning Board of Appeals (ZBOA) consideration, being sympathetic to the situation, acknowledging that a business license had not been issued due to the zoning issue, inquiring the grounds for grandfathering the business, noting that the property was in the Town of Port Royal growth zone, and wondering why the matter could not discussed at the Metropolitan Planning Commission before County Planning Commission makes decision.

Commission discussion included approving a County-wide text amendment that may affect other properties negatively; desiring another method of helping this property owner; acknowledging that there are only three methods of resolution—text amendment, map amendment, or ZBOA; the text amendment being advised by Mr. Criscitiello as the process of least resistance; inquiring about the

grandfathering process if proper screening occurred; desiring the opinion from the Town Port Royal; reiterating that the Commission focus on the text amendment and the impact of its adoption and not the complaint that began this text amendment process; clarifying non-conformities being brought into conformity through text amendment; clarifying the grandfathering process; and not wanting to open the County to this text amendment.

Main Motion: Ms. Diane Chmelik made a motion, and Mr. John Thomas seconded the motion, **to recommend denial** to County Council **of the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, to allow contractor's offices with exterior storage in Commercial Suburban Districts.** Further discussion included the Commissioners' frustration regarding correcting the applicant's situation, requesting the background on determination of the grandfathering status, the ramifications should the applicant withdraw his application, and modifying the motion to request the grandfathering status for this property. The motion was modified by Ms. Chmelik and seconded by Mr. Thomas to include recommending that the application be considered to be grandfathered in the existing use.

Amended Motion: Ms. Diane Chmelik amended the main motion, and Mr. John Thomas seconded the amended motion, therefore the main motion is removed from vote, **to recommend denial** to County Council **of the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, to allow contractor's offices with exterior storage in Commercial Suburban Districts, and to request that grandfathering status be considered for the property involved.** The amended motion was **carried unanimously** (FOR: Bihl, Brown, Chmelik, Petit, Riley, Semmler, Stewart, and Thomas).

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Mr. Semmler adjourned the meeting, with no objections from the Commissioners present, at approximately 7:02 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: April 7, 2014, as written

*Note: The video link of the March 3, 2013, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1426*



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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, April 7, 2014, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Ms. Diane Chmelik

Ms. Jennifer Bihl
Mr. Edward Riley III

Mr. Charles Brown
Mr. Randolph Stewart

Members Absent: Mr. John Thomas, Vice-Chairman; Mr. Marque Fireall; and Vacancy (Mr. Ronald Petit—resigned April 1, 2014)

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:01 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 MINUTES: The March 3, 2014, Commission minutes will be reviewed at the next Commission meeting.

CHAIRMAN’S REPORT: Mr. Semmler noted he was recognizing two former Planning Commissioners who had served for a long time – Mr. Ronald Petit and Ms. Mary Rivers LeGree. Mr. Semmler read the respective citations and gave the respective individuals their plaques. Mr. Petit said others put something back into their communities through volunteering their services. Ms. LeGree said she was honored by the citation. She was pleased to see St. Helena charm and character has been maintained despite evident development and she believes the community is pleased with the work done by the St. Helena Corners Community Preservation Committee.

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

BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE, ITS APPENDICES, AND ZONING MAPS

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners. He believes the document is very well done, and this progressive document will serve the community over the next 10 to 15 years in a positive way. The Zoning and Development Standards Ordinance (ZDSO) has many strengths and the staff has used it well; however, it was difficult to use. The Code is user-friendly and streamlines the development review and approval process. Mr. Criscitiello introduced Mr. Robert Merchant, Beaufort County Long-range Planner, who provided a power point presentation on the Code.

Mr. Merchant noted that the planning efforts in the past 10 years led to this Code. He noted the Code recognizes the diverseness of the County from rural to suburban to urban areas, including natural and cultural resources, that require land use strategies, goals, and policies unique to each area. He expounded on the individual areas and their respective goals and policies, with promoting walkability in urban areas. The Code has a variety of zoning districts and the zoning maps are colored accordingly. He expounded on the zoning maps. The new Code has the best of the existing ZDSO, improving on some of the ZDSO, and adding new and better tools.

Public Comments: Mr. David Tedder, a local attorney, has worked on the City of Beaufort Code. He stated the County Code has a lot of to assimilate. He prepared some questions and passed the list to the Commissioners. He stated the three-year preparation of the County Code had not been open to the public. Why aren't all the maps printed out and posted at the libraries or in the Planning Department? He believes Mr. Merchant has presented the Code well. Mr. Tedder's concerns included:

- Modulation, Section 7.2.30: He believes the modulations are not given enough authority and not consistent.
- Thoroughfare design, Section 2.2.30.A.2: The rationale that requires a break in roads longer than 1,200 feet.
- Future road connection/stub-outs, Sec. 2.2.30.D, shown on plats become perpetuity thereby preventing owners from developing their property.
- He questioned the exclusion of cul-de-sacs.
- Thoroughfare assemblies to accommodate public spaces, Section 2.8.50.C.2:
- Use Table 3.1.60 appears to have omissions such as ecotourism; bar, tavern, nightclubs, and restaurants in T3 Hamlet.
- Building type standards, Division 5.1, did not include house styles on Dataw Island with the garage in front of the main house with a side entry and the definition of "Required Private Open Space."
- Fencing requiring a development permit.
- Accessory uses such as garages and special events standards.
- Correcting zoning maps.
- Parking in the back or remotely not being acceptable in auto-oriented designs.
- General retail standards between 3,500 and 50,000 square feet are non-existent.
- Suggesting a design profession workshop looking at three recent developments completed under the ZDSO, then using the Code standards.
- Suggesting a mandatory review period of nine-months after adoption to identify problems comprehensively rather than individually as glitches are discovered.

Mr. Tedder asked that the Commission take his comments as constructive, not destructive.

Commission discussion included thanking Mr. Tedder for his comments, discussing delaying a Commission recommendation until Mr. Tedder's comments are researched by the Planning staff before the May 2014 Commission meeting, acknowledging Mr. Tedder's certification by the American Institute of Certified Planners (AICP), querying why Mr. Tedder had not come forth earlier during the review process and whether there are others with additional questions/concerns, concern about the cul-de-sac issue, and forwarding the staff responses to Mr. Tedder's concerns to the Commissioners prior to the next Commission meeting.

Motion: Ms. Diane Chmelik made a motion, and Mr. Ed Riley seconded the motion, **to recommend delaying action on the Community Development Code, its Appendices, and Zoning Maps to obtain additional information until the next meeting in May 2014.** Discussion included Ms. LeGree thanking Mr. Tedder for his comments since he took the time to review the Code and how it was interpreted, recommending obtaining input from the Councilmen on the Code Review Team, and the County not having the financial resources to perform a “dry run” as recommended by Mr. Tedder. The motion **was carried unanimously** (FOR: Bihl, Brown, Chmelik, Riley, Semmler, and Stewart).

Mr. Semmler noted that the work was intensive.

OTHER BUSINESS: The next Commission meeting is scheduled for Monday, May 5, 2014.

ADJOURNMENT: Motion: Mr. Stewart made a motion, and Mr. Brown seconded the motion, **to adjourn the meeting.** The motion **was carried unanimously** (FOR: Bihl, Brown, Chmelik, Riley, Semmler, and Stewart). The meeting was adjourned at approximately 7:37 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: May 5, 2014, as written

Note: The video link of the April 7, 2014, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1493