



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 4, 2015

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. APRIL 7, 2014 ([backup](#))
 - B. SEPTEMBER 4, 2014([backup](#))
 - C. OCTOBER 6, 2014 ([backup](#))
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. ST. HELENA ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R300-016-000-183A-0000 (10 ACRES, OFF BALL PARK ROAD, KNOWN AS THE LEROY E. BROWNE CENTER) FROM T2-R (RURAL) TO T2-RNO (RURAL NEIGHBORHOOD OPEN); OWNER: BEAUFORT COUNTY / APPLICANT: STAFF (TO CORRECT A MAPPING ERROR) ([backup](#))
9. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 5.6.40 (PERMANENT SIGN TYPES FOR BUILDINGS, BUSINESSES AND COMMUNITIES) (TO PERMIT FREE STANDING SIGNS IN T4 DISTRICTS, SUBJECT TO CERTAIN CONDITIONS); APPLICANT: DAVID TEDDER ([backup](#))
10. OTHER BUSINESS
 - A. Next Meeting – Monday, June 1, 2015, at 6:00 p.m.
11. ADJOURNMENT





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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 4, 2015, 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



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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Thursday, September 4, 2014, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Mr. Edward Riley III

Mr. Charles Brown;
Mr. Randolph Stewart

Ms. Diane Chmelik

Members Absent: Ms. Carolyn Davis; Mr. Marque Fireall; Mr. John Thomas, Vice-Chairman: and VACANT Lady’s Island Representative

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 6:00 p.m. He noted regretfully that there was no quorum so the two items on tonight’s agenda will be moved to the October 6 meeting agenda. He stated that he would open the floor to public comment, but the Commission would not ask any questions and no vote would occur. He asked for a show of hands as to who will be speaking for which item. Mr. Semmler noted that the meeting was being recorded and the video would be available on the Beaufort County website. Mr. Criscitiello suggested that comments for the Place Type amendment should be heard first since there were fewer comments to be provided than the Commercial Fishing Village amendment.

TEXT AMENDMENT OF CHAPTER 4 (FUTURE LAND USE) OF THE BEAUFORT COUNTY COMPREHENSIVE PLAN TO INCLUDE A PLACE TYPE OVERLAY FUTURE LAND USE DESIGNATION

Public Comment:

1. Mr. William “Wes” Jones, an attorney with Jones, Simpson and Newton, represents a number of people who are considering purchasing considerable property in Bluffton. From his clients’ perspective, the proposed Community Development Code will work very well for what they wish to apply to develop in the future. Mr. Jones has worked with the County staff, and thinks the Code will be an ultimate success.
2. Mr. David Tedder requested that full-size GIS printed maps be posted somewhere in the County Administration Building so that people may view how their properties will be zoned in relation to the place types. It is difficult for property owners to assess what they have with the current mapping on line. He advised that property owners check their zoning since upzoning, from what he can tell, will be difficult with the proposed Code.

TEXT AMENDMENT TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX H (COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT),

SECTION 5, DEVELOPMENT STANDARDS (AMEND TO REGULATE THE OFF-LOADING, PACKING, AND TRANSPORTING OF CANNONBALL JELLYFISH)

Public Comment:

1. Mr. John Cashen read his comments and provided a written copy for the record. ([see attached](#))
2. Mr. Reed Armstrong of the Coastal Conservation League stated that in both the Comprehensive Plan and the Zoning Ordinance, one of the stated purposes of the Commercial Fishing Village Overlay Districts is to minimize conflicts between the seafood industry and residential developments by reducing the potential for land use conflicts between the two types of uses. He is familiar with the effects of traditional seafood operations, but when considering new and non-traditional activities such as the jellyball operations, the requirement for a special use permit seems appropriate. Certain land uses and developments produce unique problems. Analysis and judgment of the consequences of each use are necessary to preserve and protect the public health, safety, and welfare. The proposed use shall minimize adverse impacts on the environment. There at least is some evidence that jellyball operations have the potential to produce adverse impact on the environment. The special use requirements seems justified and the appropriate method to address these potential effect.
3. Ms. Betsy Garrett, resident of Browns Island, read her comments and provided a written copy for the record ([see attached](#)).
4. Mr. Frank Roberts, owner of Lady's Island Oyster Farm, noted that he also represented Mr. Rowdy Beasley who owns an oyster company, noted that they share the same concerns regarding the waste water discharge on Jenkins Creek from the processing and unloading of jellyballs. He noted the southeast fishers pamphlet regarding jellyballs. Waste water disposal is of prime importance, and without proper sewage, processing will not be allowed by state regulators. The upper portion of Jenkins Creek is the Warsaw flats which is the largest harvestable area in the state. On the south end is Morgan River which is the best site for wild oysters. The affluent can get into the oysters and produce an adverse effect on the fisheries. The pamphlet noted that Darien, GA, is not allowed to discharge into the water without a sewage hookup. Beaufort is not equipped for jellyball disposal. 20-30% of jellyball slime and stingers come from the boat bilge. He also has an oyster nursery in the Whale Branch River—the oysters are highly susceptible to any changes in the environment. Alum affects the oysters and prevents them from producing their shells. What about our quality of life with the smell problem? The Darien, GA, smell permeates into clothing and hair. We roast oysters and cook shrimp, we do not roast or cook jellyballs; it is foreign to our environment and not part of the fabric of this community.
5. Mr. Shawn O'Connell, a commercial fisherman in Beaufort, attested to the odor of the processing of jellyballs. He uses Eddings Point Landing throughout the year and has seen and smelled the refuse from the boat bilges. He saw birds diving on the refuse from the boat bilges. You can see the slick and white foam on the water that is being pumped from the boat bilges. Jellyballs harm the ecosystem as a whole. There is serious potential to harming the environment. He visited Darien, GA, regarding their jellyball operations. Please consider not letting the jellyball production in Beaufort.
6. Mr. John Moore, an Eddings Point (St. Helena Island) resident, noted that the African-American community was approached three years ago to allow the jellyball production. He visited Darien, GA, and smelled the odor miles away. What will happen to my property value, and my fishing and crabbing? If He felt the black community was preyed upon with promises that haven't been met. you want to save Beaufort County, don't let the plants come here.
7. Mr. John Dusenberry, representing Dusenberry Seafoods, has an oyster lease from the trestles at Whale Branch to Pigeon Point. He is concerned with what Mr. Roberts said, especially the high volume of water used, the high salinity of the water from the salt used for preservation of the

jellyballs, the tentacles causing sludge to seep in the marsh, and the PCB that was there long ago. Heavy rains have caused a reduction in the oyster production. The jellyball plant could affect Beaufort's oysters. Why should we take a chance?

8. Mr. Guy Apicella read his comments and provided a written copy for the record ([see attached](#)).
9. Ms. Sally Murphy, a Sheldon resident, is glad that the County is adding the special use requirement for the Fishing Overlay District. However, this will not protect Beaufort County from the various threats this industry possesses. Offload could occur elsewhere and processing would occur in Lobeco. Ms. Murphy noted that Ms. April Harper, the manager of one of the processing plants the Darien, GA, attended a hearing held in the spring by DHEC. Ms. Murphy said that Ms. Harper noted that the odor from her plant could be smelled miles away. Ms. Harper also stated that if the state of South Carolina is going to be so lax that the jellyball companies can relocate to save money, other companies could relocate—especially from Darien, GA. Do not depend on DHEC to fix this problem. She recommended a prohibition of processing in Beaufort County.
10. Mr. Ronnie Crosby, one of the owners of the Golden Dock property and other property in the Fishing Village area, listened to well articulated concerns. He lives on Brown Island. He and his partners bought the Golden Dock property and the Shipman dock site for economic opportunities. They had a shrimper occupant who has since left. They were approached by the jellyball folks, and it seemed like an innocuous situation. Mr. Crosby does not like the idea of anything that could pollute our waters. He shares the same concerns as were voiced tonight. However, as a private property owner, he is concerned with zoning precedence since he has not seen any reports from regulatory agencies. He noted that zoning and the use were permitted and had been approved. He noted that the Planning Commission and the County do not have any information on the adverse impacts of this activity. Any other new fishery would hesitate relocating to Beaufort after noting how the jellyball industry was run off. The special use for this type of activity changes somebody's property rights. He has grave concerns on the value of his properties and other people. Before approving the text amendment, he urged that the County hire someone to investigate the situation and make official findings. He is talking about a procedural issue. This amendment would clearly run the jellyball industry out of Beaufort. He wanted to see a good factual record for the text amendment. He urged the staff to take the time so appropriate findings are obtained.
11. Mr. David Tedder, a third-generation Beaufortonian, a local attorney, and a land planner, who represents the people that operate and own Golden Dock. He noted that this amendment was part of the Commercial Fishing Village overlay that was meant to protect the seafood industry. He noted that the fishing industry was struggling because of the costs, the lack of workers, and the imported market. He is concerned with the capricious requirements such as historical or archeological surveys. Tractor trailers have been out at the Golden Dock property for shrimping, prior to the jellyball activity. The jellyballs are being brought to the dock, offloaded, and processed. Department of Health and Environmental Control (DHEC) has been testing and analyzing the Golden Dock site. Jenkins Creek, 25 feet deep and 100 feet wide, is being misled regarding pollution by the jellyball activity. He noted that the facts aren't in and people want to oppose the activity. He feels such attitudes are arbitrary, irrational, and capricious. I have worked with the County Planning Department, and, with no disrespect to the staff, there is no one on staff who has the expertise, training, or ability to analyze the data required by this amendment. Why pick out just jellyballs? What about shrimp and fish heads that are dumped back into the creeks that take longer to dissolve—that's an ecological concern. He and Mr. Crosby want to see regulatory findings from DHEC. He can live with seafood industry that is compatible with the Beaufort environment. He noted that the fecal coli pollution in Jenkins Creek was from development runoffs. To make a difference in Jenkins Creek, and I know it will never happen, do not allow herbicides, pesticides, and fertilizer on land within one-fourth of a mile of a salt-water body. Then you will see seafood

return and increase. He noted the odor problem during the past summer that came from the fish remains in the adjoining metal dumpster. To his knowledge DHEC made no note about odor during that time. The Fishing Village Overlay was meant to help preserve the seafood industry and to protect them from residences. It is improper to set standards on this type of industry at this time.

12. Mr. John Marshall, a restaurant owner in Beaufort, stated that the residents of Darien say the jellyball smell just stinks. Our main attraction is tourism. The jellyball industry is totally against tourism. He wants to bring people to Beaufort for the pristine waterways, our shrimp and oysters, etc. If we recognize that it's bad to have things in the water, why allow more things in the water? The EPA provides the standards in Darien, GA, where the jellyball effluent is not allowed to be dumped into the water. If Darien doesn't allow it, why would we consider allowing it to be dumped into our water? For us time is of the essence. If DHEC approves these licenses before you intercede, we can't go back--we can't capture the moment and stop it. We need to see the impact before it occurs. Be very, very careful, not only for tourism, but for the future of Beaufort.

Mr. Semmler thanked those attending the meeting for their comments.

ADJOURNMENT: Mr. Semmler adjourned the meeting at approximately 7:10 p.m. and there was no objection from the remaining Commissioners.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

John Thomas, Beaufort County Planning Commission Acting Chairman

APPROVED: **May 4, 2015, as written**

Note: The video link of the August 4, 2014, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1756

Good evening. I am John Cashen

Thank you for this opportunity to speak to you on this very important issue

Mr. Gruber was quoted in Sunday's Gazette as saying that in order for any restrictions to pass constitutionality concerning the CFVO, "you need a rational to treat these people differently than other people". I thank him for defining the issue.

Let me propose a rational why this industry must be treated differently than all the other traditional industries of the CFV: The jelly ball industry is vastly different, in many ways, than any industry previously undertaken in the CFV, and thereby should be treated differently.

Until last spring, activities undertaken in the CFV were the traditional fishery practices that have defined our area for generations. Clammers, oystermen, crabbers and shrimpers would bring their catch to these docks to be sorted, cleaned and shipped to retailers or sold directly to the public at the docks. There was no threat of noise, odor, traffic safety issues, and pollution. Shrimpers would "process" their catch by heading the shrimp and discarding the heads in the creeks. There was no inherent pollution in that practice.

The CEO of MTC and CJB and their engineer have likened the jellyball fishery as being "just like the shrimp" industry, and they want you to believe it conforms to the traditional definition of a CFVO as the writers of the CFVO had intended. Nothing could be further from the truth.

The jellyball fishery is nothing like the shrimp industry and should be treated differently.

1. Volume. Shrimpers would be lucky to catch a few thousand pounds of shrimp at a time. Jellyball boats have caught and offloaded over 100,000 lbs. at a time. The CEO has boasted he plans to process 5,000,000 lbs. a week at Golden Dock, but I believe a more realistic volume would be perhaps 1,000,000 lbs/week, still quite a difference than a shrimper.
2. Noise. Time is money, and when a loaded boat arrives, no matter what time of day or night, migrant workers will be ready to offload and wash the catch. Jellyballs degrade very quickly, so there will be no waiting for normal business hours to begin the process. It takes time to process that amount

of catch, and there will be another boat waiting to offload, so there is no consideration for the noise in the neighborhood. Pumps run, lights turn on, diesel engines crank, fork lifts operate, and semi trailers come and go. The folks living on Eddings Point Rd. were awakened often this past season in the middle of the night. They all knew when a boat arrived.

3. Odor. Until last season, there was no odor emanating from Golden Dock. Now it is a serious problem as it is in any jellyball processing location, just ask the folks who live in Darien Ga.
4. Traffic. Moving the proposed volume per week out of any rural dock area presents problems. Traversing narrow sand roads, damaging contiguous property, entering narrow paved roads like Eddings Point Rd. with semitrailers presents safety considerations that were never problematic in the traditional CFVO.
5. Pollution. Volume, traffic, noise and odor are all reasons to define this industry as different than the traditional fishery practices in the CFVO, and are all reasons to satisfy the rational Mr. Gruber has asked for to treat this industry differently than the others. Pollution, by far, clearly makes this industry onerously different than shrimping etc., and by itself gives reason to treat them differently and with a great deal of caution. Unlike shrimp, clams, oysters and crabs, cannonball jellyfish produce a toxic slime that has been documented in peer reviewed journals and in toxicology studies mandated by DHEC from samples taken from Golden Dock, that the mere offloading and washing practices taken at GD will produce pollution. In CJB's project summary for application for a NPDES permit at Lobeco, they admit that 85% of the material harvested is discarded in the washing, eviscerating and brining the jellyballs. All that organic matter will be discarded into Jenkins and Campbell Creeks.

The rational to treat the jellyball industry differently than other practices in the CFVO is that they are different, in a very negative way. You must decide what kind of a county you want us to live in. A county that depends on tourism, water quality, waterborne recreation, traditional fishing and beauty cannot permit these qualities to be degraded by this industry. Shrimpers here depend on the shrimp that are spawned and raised in our estuaries before migrating to the ocean. The potential destruction of these nurseries by the toxic pollution at offloading sites,

and the salt and alum at the pickling processing sites will undercut our shrimpers, crabbers and oystermen for generations to come.

The jellyball industry is vastly different, dangerously different, than our traditional fisheries, and must be treated differently.

Thank you

John Cashen, 30 Sparrow Nest Point, St. Helena Island, SC

7 Marsh Oaks Lane
Seabrook, SC 29940
September 4, 2014

To All the Members of Beaufort County Planning Division of County Council:

As you meet today to consider changes in the county zoning ordinances, we ask that you keep in mind a few additional items concerning not just the harvesting, but also the processing of jelly balls at the Lobeco site on John Meeks Road.

My husband and I wrote to each member of the County Council in March of this year asking for their support in our community's objections to the requests to bring jelly balls ashore at Golden Dock, transporting them via truck to Lobeco and the drying process required to ship the final product to foreign oriental markets. Among our biggest concerns both then and now are the drawing of over 200,000 gallons of water per day from our aquifer in an area dependent upon wells for daily water supplies; the use of alum in huge amounts to dry out the jelly balls; the draining of the drying tanks into a tidal creek which has no way to cleanse or dilute the polluting residue as it flows into our marshes and the Whale Branch River right next to the bridge on US 21; and the disturbing of adverse chemicals in the soil around the discharge pipe causing further pollution of our beautiful, pristine waters and the killing of fish, shrimp, crab and all the little creatures our aquatic and aviary residents require to survive.

Additionally considered, but not often mentioned is the odor which will emit from the drying tanks and spread over a vast area of the northern part of this county. Imagine 2 tons of dead sea creatures... If you can't, please drive to Darien, GA, where processing is currently taking place. It is almost unbearable.

So, with that in mind, are you aware that 5 schools will be adversely affected by the noxious odor? As the crow flies, the farthest school is Whale Branch Early College High School at 2.95 mile, followed by Whale Branch Middle and Elementary Schools at 1.4 miles (and directly across the river), then James J. Davis Early Childhood Center at 1.12 miles and finally Agape Christian Academy at .18 miles. Our children, their teachers and school workers will be subjected to daily doses of horrid air. The Darien folks will tell you that it is caustic and permeates everything.

Just on a short stretch of Keans Neck Road, there is a horse farm and stables, fire station, and many homes. Along Browns Island Road, Stroup Road, Media Luna, and Marsh Oaks Lane, which are part of the Dale Preservation District, some 60+ families reside. These are just small numbers of residents who have survived the chemical plants, have worked hard to save their environment, and worry about their property values. **There are hundreds more. We truly need your help. Please change the zoning ordinances for good.**

Thank you.

Sincerely,


Tom and Betsy Garrett

twgarrett@twgarrett.com; be.garrett@me.com 843-466-1137

Beaufort Planning Committee Presentation

I'm Guy Apicella, Professional Engineer, licensed in NY, Masters in Environmental Engineering, > 40 years of experience including working at USEPA and in consulting. I live on Dataw Island.

I specialize in water quality analysis. Worked on many projects dealing with SC waterways, including the Sampit River, Savannah River, Battery Creek, Eighteen Mile Creek, Pee Dee River and Charleston Harbor.

I've worked on aquatic toxicity assessments of wastewater discharges and I'm well qualified to understand and evaluate the acute and chronic toxicity of cannonball jellyfish wash water discharge into tidal waters like Jenkins Creek.

Scientists at UNC found that slime from cannonball jellyfish that is released when jellyfish are disturbed caused toxicity to several species of fish.

SCDHEC required Millenarian to sample and test the discharge from their Golden Dock operation in April of this year for acute and chronic toxicity.

Lab reports on the toxicity testing done in April and May are technical and apparently hard for the lay person to understand. I'm going to try to explain the sampling, testing and results in simple terms.

Toxicity testing exposes small organisms (mysid shrimp) to sample at full strength and a series of dilutions (90%, ... 10%)

Acute toxicity test – 48 hours – mortality or survival

Chronic “ “ - 7 days - growth, fecundity (reproduction)

Compare to a control which has no discharge, creek water & organisms

Jellyfish were unloaded into a VAT which held them and then some were rinsed whole, while other jellyfish had the cap separated from the stem. The 3 types of water in contact with the jellyfish and its slime were sampled for lab testing. Rinse water from the VAT, from unshucked and from shucked jellyfish washing were sampled at Golden Dock.

During the initial testing, the dissolved oxygen (DO) concentration decreased because of decaying organic material and all the Mysid shrimp at every dilution in the VAT and unshucked rinse water died within 24 hours of the chronic test. In the initial acute test only one type of sample was tested, unshucked rinse water, and all organisms survived only in the 10% and 20% dilutions under non-aerated conditions.

According to EPA guidelines the samples are aerated to increase oxygen to keep organisms from dying of low oxygen. Since most of the April chronic toxicity tests were terminated at 24 hours because of low oxygen, Millenarian repeated the toxicity testing (acute and chronic) in May.

Sampling in May was different than April. Acute and chronic tests were once again conducted under aerated and non-aerated conditions. The results of the May tests showed high levels of acute and chronic toxicity in the non-aerated samples and slightly lower but still measureable toxicities in the aerated samples.

Based on both the April and May testing, effects on organisms' survival at 48 hours were seen with approximately 25% of rinse water (all 3 types taken together) in non-aerated samples. Aeration increased the survival threshold to approximately 50% dilution of rinse water.

Growth was affected at lower dilutions than survival in the chronic tests. Under non-aerated conditions adverse effects on growth were shown between 6% and 25% of rinse water. Under aerated conditions, adverse growth effects were shown between 10% and 50% dilution.

Fecundity was insufficient in the May control samples and was not tested in any non-aerated samples during April. This poses a data gap for impact assessment.

Lab analysis of jellyfish rinse water showed high concentrations of Biochemical Oxygen Demand and ammonia, which will reduce DO concentrations in Jenkins Creek. Therefore, non-aerated test results are relevant to assess impact in Jenkins Creek.

Ammonia concentrations in the 3 types of rinse water were high and exceeded EPA and DHEC's criteria for the protection of aquatic life from acute and chronic toxicity effects.

In closing, the data provided by site-specific analyses of Millenarian's jellyfish operation indicate toxicity to wild aquatic species exposed to Millenarian's proposed discharge to Jenkins Creek and potential adverse environmental impact. To protect the excellent water quality and valuable aquatic life in Jenkins Creek, the raw jellyfish rinse water discharge should not be allowed.

Thank you.

Summary of Aquatic Toxicity of Cannonball Jellyfish Rinse Water Discharge

Scientists from the University of North Carolina reported that slime from cannonball jellyfish demonstrated significant toxicity to several species of fish. South Carolina DHEC required Millenarian Trading Co. (Millenarian) to conduct acute and chronic aquatic toxicity studies, according to EPA guidelines, on the rinse waters discharged into Jenkins Creek. Sampling and testing were conducted during two testing periods: April 23-28, 2014 and May 14-27, 2014. Discharges from the jellyfish operation at Golden Dock were tested for their effects on the survival, growth and reproduction of an aquatic organism to assess potential impact on aquatic life in Jenkins Creek.

The acute toxicity test is a 48-hour exposure of the test organism (Mysid shrimp) to undiluted rinse water as well as dilutions (e.g., 10% through 90%) of rinse water to determine organism survival or mortality. The chronic test is similar except that the exposure is 7 days and effects on organism growth and reproduction are also determined. Rinse water from the VAT holding the jellyfish, unshucked jellyfish washing and shucked jellyfish washing were sampled and tested for acute and chronic toxicity by Millenarian's contractors (The Beaufort Group and ETT Laboratory).

The initial acute and chronic test results demonstrated severe toxicity. Rinse water used for unshucked jellyfish was only safe for the test organisms at the 10% and 20% dilutions under non-aerated conditions in the sole initial acute test. Aeration of unshucked jellyfish rinse water (in subsequent sampling and testing in April) increased survival in the 20% through 100% dilutions. However, all organisms in the aerated VAT and aerated shucked jellyfish rinse water survived only in the 10% and 20% dilutions; that is, the 30% through 100% levels had some organism mortality.

The first 7-day chronic test resulted in all the Mysid shrimp dying at every dilution in the VAT and unshucked rinse water within the first 24 hours. These results were blamed on low dissolved oxygen (DO) concentrations in the test medium. Mysid shrimp in 10% to 30% dilutions of the shucked rinse water survived the first 24 hours, so these dilutions were then aerated for the remainder of the 7-day chronic toxicity test. Threshold effects on survival, growth and fecundity were found at 10% to 20% dilution of the shucked rinse water. Lab analysis of jellyfish rinse waters also showed high concentrations of Biochemical Oxygen Demand and ammonia, which will reduce DO concentrations in Jenkins Creek. Therefore, the non-aerated test results are highly applicable to the impact assessment required for a discharge permit.

Millenarian re-tested with aeration, as well as without aeration, during May 14-27, 2014. Repeat acute testing of the three types of rinse water resulted in similar results. Under non-aerated conditions, all organisms died in 25% dilution of unshucked rinse water and 50% dilution of VAT and shucked rinse water. Under aerated conditions, all organisms died in undiluted VAT and unshucked rinse water and 90% of the organisms died in undiluted shucked rinse water.

In the repeat chronic toxicity test, no organisms were alive at 24 hours in the 25% dilution of the VAT, unshucked and shucked rinse waters under non-aerated conditions and organism growth was adversely affected at 12.5% to 25.0% of the three types of rinse water. As expected, results of the aerated chronic tests showed lower toxicity than non-aerated tests. Fecundity of the control samples were insufficient so reproduction effects were not reported and pose a data gap.

The conclusion from the toxicity testing of Millenarian's operation at Golden Dock is that the water used to rinse the slime from jellyfish has acute and chronic toxicity. The measureable acute and chronic toxicity under non-aerated as well as aerated conditions does not comply with DHEC's water quality standards. In addition, ammonia concentrations of the three types of rinse water are higher than DHEC's criteria for aquatic life protection from acute and chronic toxicity effects. The results indicate toxicity to wild aquatic species exposed to the proposed discharge into Jenkins Creek and potential environmental damage from the proposed discharges by Millenarian. To protect the excellent water quality and valuable aquatic life in Jenkins Creek, the raw jellyfish rinse water discharge should not be allowed.



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

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, October 6, 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. Diane Chmelik
Ms. Carolyn Davis	Mr. Marque Fireall	Mr. George Johnston
Mr. Edward Riley III	Mr. Randolph Stewart	

Members Absent: Mr. Charles Brown

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Delores Frazier, Assistant Planning Director
Mr. Robert Merchant, Long Range Planner
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:00 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 there were two sets of minutes to review.

- **July 7, 2014: Motion:** Mr. John Thomas made a motion, and Mr. Ed Riley seconded the motion, **to accept the July 7, 2014, minutes as written.** No discussion occurred. The **motion carried** (FOR: Davis, Fireall, Riley, Stewart, and Thomas; ABSTAINED: Chmelik, Johnston, and Semmler; ABSENT: Brown).
- **August 4, 2014: Motion:** Mr. Riley made a motion, and Mr. Thomas seconded the motion, **to accept the July 7, 2014, minutes as corrected.** Discussion included changing the Osprey Point motion to read, “...installation of the connector roadway occur when 50% of the residential area is built.” The **motion carried** (FOR: Chmelik, Davis, Fireall, Riley, Stewart, and Thomas; ABSTAINED: Johnston and Semmler; ABSENT: Brown).

CHAIRMAN’S REPORT:

- Mr. Semmler noted that the (Washington) Red Skins were playing tonight and he hoped to be home to view the game.
- **Revised Agenda:**
 - Mr. Semmler noted that the Bray’s Island project was tabled by the applicant’s attorney until next month’s Planning Commission meeting on November 3, 2014. He read the letter from Mr. David Tedder who requested the tabling of the item. Mr. Semmler then excused those in attendance if they were here for that project, since no comments would be taken. He indicated that the Commission had just received the letter requesting the tabling of the item.

- Mr. Semmler also noted that the Lady's Island PUD rezoning request was pulled from the agenda by the applicant's attorney for further work by the applicant.

PUBLIC COMMENT on non-agenda item: No comments were received.

TEXT AMENDMENT TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX H (COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT), SECTION 5, DEVELOPMENT STANDARDS (AMEND TO REGULATE THE OFF-LOADING, PACKING, AND TRANSPORTING OF CANNONBALL JELLYFISH)

Mr. Criscitiello noted that the text amendment was staff initiated. He gave the history and purpose of the Fishing Village Overlay District. He noted that a permit was issued in February 2014 for off-loading and transporting jellyballs from Golden Dock. After discovering that processing was occurring, SCDHEC (South Carolina Department of Health and Environmental Control) was notified. SCDHEC sent a letter that an NPDES (National Pollution Discharge and Elimination System) permit was required if processing was occurring, and that permitting process is underway (by the permittee). The text amendment will make seafood processing a special use where additional review is required. Mr. Criscitiello explained the special use process. The staff can recommend various impact assessments, including area, traffic, environmental, archaeological and historical. This amendment gives the residents additional review in this special use process.

Commission discussion included a clarification between the State and the County review processes, the NPDES permit being in hand before the ZBOA (Zoning Board of Appeals) process begins, a clarification about the Lobeco and the St. Helena sites and the respective applications, noxious odor concerns, the length of the proposed process because of this text amendment, a clarification of the NPDES permit, clarification on the special use that imposes additional stringent standards, the availability of public comment opportunities, the public comments at the September 2014 Commission meeting, and the regulatory overreach cautioned by County attorney in the news media.

Applicant's Comments:

1. Mr. Robert G. Gross, a Beaufort County resident since 1987, is the environmental consultant to the jellyball applicant. He has concerns with the scientific defensible facts. Lot of fear have been expressed, lots of allegations and innuendo, and creation of facts. He is a registered engineer and has worked for DHEC for 15-1/2 years as a regulator. He wrote and implemented the DHEC Water Quality Standards. Mr. Gross also spoke of his work history, including 42 years as an environmental engineer and 17 years as an environmental consultant. He gave a background on the water quality of the area. The Golden Dock site is where the jellyfish will be unloaded and washed, the Lobeco site is where the jellyfish will be processed. In 2008 Jerry Gault had a jellyfish processing operation on Lady's Island and there were no odor complaints and no water quality issues reported to DHEC regarding that operation. Cannonball jellyfish have been processed in Florida and Georgia for 20 years. Historically, this industry can be and is being operated in a compatible manner. This company unloaded 1 to 2 million pounds of jellyfish this spring at Golden Dock without environmental incidents, odor, or water problems. In 1979 and in 1988, the U.S. EPA (Environment Protection Agency) conducted extensive studies on Campbell Creek, and Coosaw and Whale Branch Rivers. Both studies show that there is a large volume of water in Campbell Creek. The purported fact that the discharge in Campbell Creek would change its salinity is a misrepresentation of facts. Nothing from both sites will affect the shellfish areas. The waters are high quality, not pristine, as purported by the fishermen. Brays Island, Davis Elementary Schools, and Lobeco chemical have discharged into

the water bodies nearby. Despite the approved discharges, the quality of the water is high. He noted 24 water bodies that do not meet standards in the Coosaw River area. The 1988 EPA research paper noted toxic slime; however, in real world situation, the in-stream conditions there clearly have no adverse effect. The company has applied for a NPDES permit. It is unnecessary for the County to place additional requirements on the applicant.

Discussion included the unloading and offloading processes at Golden Dock; the lack of existing odor standards; the Darien, GA, site being the only site with odor problems; concerns for over jellyfishing and issues regarding water quality and traffic; the special use standards being requested by the Development Review Team on a case-by-case basis; and the 208 process through LCOG (LowCountry Council of Government) that includes input from County Planning.

2. Mr. David Tedder, applicant's attorney, noted the scrutiny the applicant goes through and DHEC guards the Beaufort waters. There is no one on the Planning staff that can interpret the data. This should be a scientific, not political, process. He noted that there are various standards for the varying uses. Traffic impact studies are not rational just for jellyballs. There are no specific DHEC standards for jellyballs. You can overregulate an industry to death. The Fishing Village Overlay was made to assist the industry. What is it that jellyfish are driving people crazy? Why do we need to go in front of the Zoning Board of Appeals? Take all seafood processing as a conditional use, contingent upon DHEC standards. We don't need to over regulate this anymore. Special uses usually have taken 6-9 months, not 4 as earlier stated. No processing occurred in Lobeco. Do not pass the text amendment. Make all seafood uses as limited use, not special use, dependent on DHEC permitting. His client has an NPDES application in process.

Discussion included believing that the public should have a say so despite not having scientific expertise, believing that all seafood should be included in the text amendment, noting that DHEC permitting allows septic tanks that now dump into the waters, and noting that specific standards are not listed regarding environmental impact statements.

Mr. Criscitiello noted that the Development Review Team strives not to act arbitrarily and capriciously, but strives to make fact-based decisions. After receiving a letter from a citizen, Mr. Criscitiello wrote to the State to interpret the wet test. The County heard about the wet test after citizens requested the test result using the Freedom of Information Act. The State's reply to Mr. Criscitiello indicated that they did not interpret the wet test because it did not meet the standards. Rather than the DRT relying on the expertise of the applicant's consultant, and since the staff does not have the expertise to interpret the data, the County can hire consultants that can do the interpreting. Special use is used to regulate certain uses that may have detrimental effects to the community.

Public Comment:

1. Mr. John Cashen spoke to rebut Mr. Grose's statement regarding the processing of jellyballs. Mr. Cashen explained the processing definition from FDA regulations. Is the jellyfish different enough from traditional seafood industries? He noted that the owner bragged he would bring 5 million pounds a week. He noted processing must occur as quickly as possible so processing occurs day and night. DHEC, DNR, or EPA can't regulate odor. Property values would decline once the odor has been recognized. Handling such a volume requires the use of tractor trailers. DNR says don't dump your bait bucket into the waters. There is toxic quality in jellyfish, but not in other seafood. Polluting our estuaries will destroy future seafood. Treat this industry

differently, because it is different negatively. He showed pictures taken during Memorial Day regarding the jellyball processing and the slime created by the process.

2. Mr. James Barber, a Dataw resident since 2000 with a PhD in physical chemistry and a member of County Stormwater Board, presented data regarding Jenkins Creek that surround Dataw Island. Jenkins Creek currently has an approved rating for shellfish harvesting. Dataw Island protects the water quality by capturing 90% of effluent of its impervious surfaces. Captured stormwater is used to irrigate the Dataw Island golf course. Environmental practices being used include using native plantings, etc. The Dataw Island marina sits on the Morgan River, not in the estuary, as Mr. Gross indicated.
3. Dr. Alec Marsh has a PhD in biological oceanography with 45 years of teaching experience. He is concerned with the sheer volume of waste from this cannon ball jellyfish operation that may impact Jenkins and Campbell Creeks. Most of the material will be waste, since only 12 to 15% will end up as the final product. Most of the waste will occur at Golden Dock. The waste is slime, with is mucous material with stingers. Studies indicate that fish exposed to the toxic slime will quickly die. Jellyball materials remain floating on the water and would clog the breathing of various filter feeders such as oysters and mussels, etc.
4. Mr. Frank Roberts, owns and operates oyster farms near Jenkins Creek and Whale Branch, noted that DHEC is not always on the job. He noted that DHEC found 60 some odd chemicals in oyster and crab tissue were discovered in 1984. He noted that there were 3 instances of violations from the chemical plant at Lobeco and DHEC did nothing about the violations. He wants to protect his oyster mariculture industry. He visited Darien and noted that the industry polluted their waters. Darien's industry must pre-treat its wastewater. He noted the odor from the Darien industry. He noted that Morgan Road in Lobeco has 67 residential homes. He believes the effluent will stink up the water in the area. He supports the special use standards. DHEC does not control stink, it's the County's concern.
5. Ms. Nancy Sloan, Mr. Roberts' neighbor, noted that Mr. Gross said he did not have a dog in the fight, but he is a paid consultant of the applicants.
6. Mr. Guy Appecella rebutted Mr. Gross' statements regarding aquatic life lived in the discharge itself being problematic and the rinse water discharge being diluted by the creek. Mr. Appecella gave several reasons that do not agree with Mr. Gross's comments. Fish and early life stages of organisms will not flourish because of the effluent. The special use is appropriate for the jellyball enterprise. Jenkins Creek is tidally driven and there is no fresh water flow.
7. Mr. Reed Armstrong stated the amendment is justified and warranted. We are familiar with traditional seafood operations, but when considering new . Analysis and judgment of the consequences is necessary for ... There is some evidence that cannonball jellyfish Special use requirement gives tools to better evaluate the consequences.
8. Mr. Joe Berger, a Dale-Lobeco resident, showed a sign that stated "The ACE Basin--one of the last great places." When people come across the Whale Branch River and smell the odor from the jellyball plant, they will turn around and leave Beaufort County. Darien, GA, has no tourism, they do have jellyballs.
9. Mr. Lonnie Golden lives at 17 Golden Dock Road and owns 21 Golden Dock Road, an adjoining property to the Golden Dock property. Trucks are going to destroy our 16-foot road. His daughter and grandchildren live at 21 Golden Dock Road. During jellyball operations at the dock, they cannot sit outside because of the smell. The trucks are destroying his property and will destroy Eddings Point Road.
10. Mr John Moore, from the Eddings Point area and Jenkins Plantation, boasted about the Gullah-Geechie Cultural Protection Overlay. He brags about Beaufort County and when he has visitors they go crabbing and fishing. He boasts that we can be fed from the river resources. Rules and

regulations work—he noted that when he visited other countries, he was thankful for the rules and regulations in the United States. He noted our properties and livelihood are being destroyed to send the jellyball product overseas.

11. Mr. Frank Mullen, a Morgan Road resident and a former Planning Commissioner, asked that the people be considered. There were times during the chemical plant days that he smelled odor. DHEC is being trusted too much. We still don't know the effect of the chemical plant on the people in the community. What is more important, a few dollars or the people? We need a lot of things in Beaufort County, but I don't think the jellyball plant is one of them. We should help the applicant to find another area for his plant. Mr. Mullen noted that he was on the County Planning Commission and it is the Commission's responsibility to look out for the County. We don't need the jellyfish plant in Lobeco. From what he hears, it isn't good for the County. Our greatest industry is tourism--we want to attract, not detract, people. If we bring in industry, let's make sure it's compatible, user friendly, and doesn't destroy anything. He urged the Commission to think about the people before they make a decision.

Commission discussion included giving the Planning Department all the tools they need to help protect the County; clarification on the text amendment; looking at what helps the community thrive; the disservice to the community by allowing toxic discharge into the waters; taking care of the surrounding waters; recommending broadening the regulation to include other seafoods; desiring to err on the side of caution by allowing the special use as staff requested; agreeing that the special use is warranted in this case and believing the special use was the least the Commission could do; visiting Darien, Georgia, and the Lobeco and Golden Dock sites; and being moved by the book "Prophets, Politics, and Paradise" where Hilton Head Island almost lost control of development until the people rose up against a certain proposed industry.

Motion: Mr. Thomas made a motion, and Mr. Fireall seconded the motion, **to recommend to County Council to approve the Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix H (Commercial Fishing Village Overlay District), Section 5, Development Standards—to amend the standards to regulate the off-loading, packing, and transporting of cannonball jellyfish**. The motion passed (FOR: Chmelik, Davis, Fireall, Johnston, Riley, Semmler, Stewart, and Thomas; ABSENT: Brown).

Note: Mr. Semmler recessed the meeting at approximately 8:19 p.m. and reconvened the meeting at approximately 8:31 p.m.

TEXT AMENDMENT OF CHAPTER 4 (FUTURE LAND USE) OF THE BEAUFORT COUNTY COMPREHENSIVE PLAN TO INCLUDE A PLACE TYPE OVERLAY FUTURE LAND USE DESIGNATION

Mr. Robert Merchant, County Long-range Planner, briefed the Commission. He noted that a new Code is in the process of adoption. That code emphasizes walkable communities and maps were made showing such communities. Such place types should be included in the Comprehensive Plan, another level for regional planning. This text amendment includes another chapter explaining place types and their related uses.

Public Comment: None were received.

Discussion included how property is included in the place types or not, a recommendation to include language regarding the Planning staff making the determination whether a property is in or out of a place type, the rationale for the place type locations, the municipalities having their own codes that are similar to the proposed County code, the Code having mechanisms for growth via the place types, concern for existing single-family neighborhoods being encroached by apartment complexes, and the diverseness of the unincorporated County.

Motion: Mr. Randolph Stewart made a motion, and Mr. John Thomas seconded the motion, **to recommend to County Council to approve the Text Amendment of Chapter 4 (Future Land Use) of the Beaufort County Comprehensive Plan to include a Place Type Overlay Future Land Use Designation.** The motion **passed (FOR: Chmelik, Davis, Fireall, Johnston, Riley, Semmler, Stewart, and Thomas; ABSENT: Brown).**

OTHER BUSINESS: Mr. Semmler noted that the next Commission meeting is scheduled for Monday, November 3, 2014.

ADJOURNMENT: Motion: Mr. Johnston made a motion, and Ms. Davis seconded the motion, **to adjourn the meeting.** The motion **passed (FOR: Chmelik, Davis, Fireall, Johnston, Riley, Semmler, Stewart, and Thomas; ABSENT: Brown).** The meeting was adjourned at approximately 8:53 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: **May 4, 2015, as written**

Note: The video link of the October 6, 2014, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1808



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Tony Criscitiello, Planning Director *TC*
DATE: April 29, 2015
SUBJECT: Zoning Map Correction for 10 acres off Ball Field Road, St. Helena Island, from T2R (Rural) to T2RNO (Rural Neighborhood Open)

A. BACKGROUND:

Case No. ZMA-2015-01
Applicant/Owner: Beaufort County
Property Location: East side of Ball Field Rd., St. Helena Island
District/Map/Parcel: R300-016-183A
Property Size: 10 acres
Current Future Land Use Designation: Rural
Proposed Future Land Use Designation: No Change Proposed
Current Zoning District: T2R (Rural)
Proposed Zoning District: T2RNO (Rural Neighborhood Open)

B. SUMMARY OF REQUEST:

This request is to correct a mapping error. The property is owned by Beaufort County and is the site of the Leroy E. Browne Services Center building, which previously housed a Beaufort-Jasper-Hampton Comprehensive Health facility. The building on the property is currently vacant. Under the Zoning & Development Standards Ordinance (ZDSO), this property was part of the Corners Community Preservation (CP) District (see attached map). The CP zoning

allowed the site to be used for a variety of institutional, civic, and service uses. Following a charette process and several community meetings, the Corners CP area was transitioned to form-based transect zones under the new Community Development Code (CDC). This 10-acre property was erroneously mapped as T2R (Rural) instead of the adjoining transect zone – T2RNO (Rural Neighborhood Open). The T2R district restricts the property to mainly residential, agricultural, and recreational uses. The T2RNO district more closely mirrors the previous CP zoning of the property, which allows more options for re-use of the building.

C. **ANALYSIS:** Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if the proposed amendment:

1. ***Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code.***

Staff has determined that the zoning of this property to T2R (Rural) is a result of a mapping error that does not reflect the property's previous CP zoning nor the charette process that occurred during the development of the new CDC. The T2RNO (Rural Neighborhood Open) zone is consistent with the Comprehensive Plan, which designates this property part of a Rural Community Preservation Area.

2. ***Is not in conflict with any provision of this Development Code, or the Code of Ordinances.***

The proposed zoning change will ensure that this property is reused in a manner consistent with the adjoining transect zones in the Corners CP Area.

3. ***Addresses a demonstrated community need.***

The rezoning of this site will allow the existing building to be reused in a manner that serves the needs of the surrounding community.

4. ***Is required by changing conditions.***

(Not Applicable)

5. ***Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land.***

The T2RNO (Rural Neighborhood Open) zone is appropriate given the current development on the property. The immediate surrounding area includes single-family homes, family compounds, a County park, and the St. Helena Elementary School.

6. ***Would not adversely impact nearby lands.***

The property is already developed. Improvement and reuse of the building will enhance the character of the surrounding community.

7. *Would result in a logical and orderly development pattern.*

The proposed zoning is a logical continuation of the T2RNO (Rural Neighborhood Open) district along Ball Park Road to include an existing development.

8. *Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

The site is already developed. No adverse impacts to the environment are anticipated by reusing the vacant building.

9. *Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)*

The previous health center was served by adequate public facilities. Any new use of the building will require staff review to ensure facilities continue to be adequate to serve the use.

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 7.3.40 of the Community Development Code, staff recommends correcting the official zoning map from T2R to T2RNO for R300-016-000-183A-0000.

E. ATTACHMENTS:

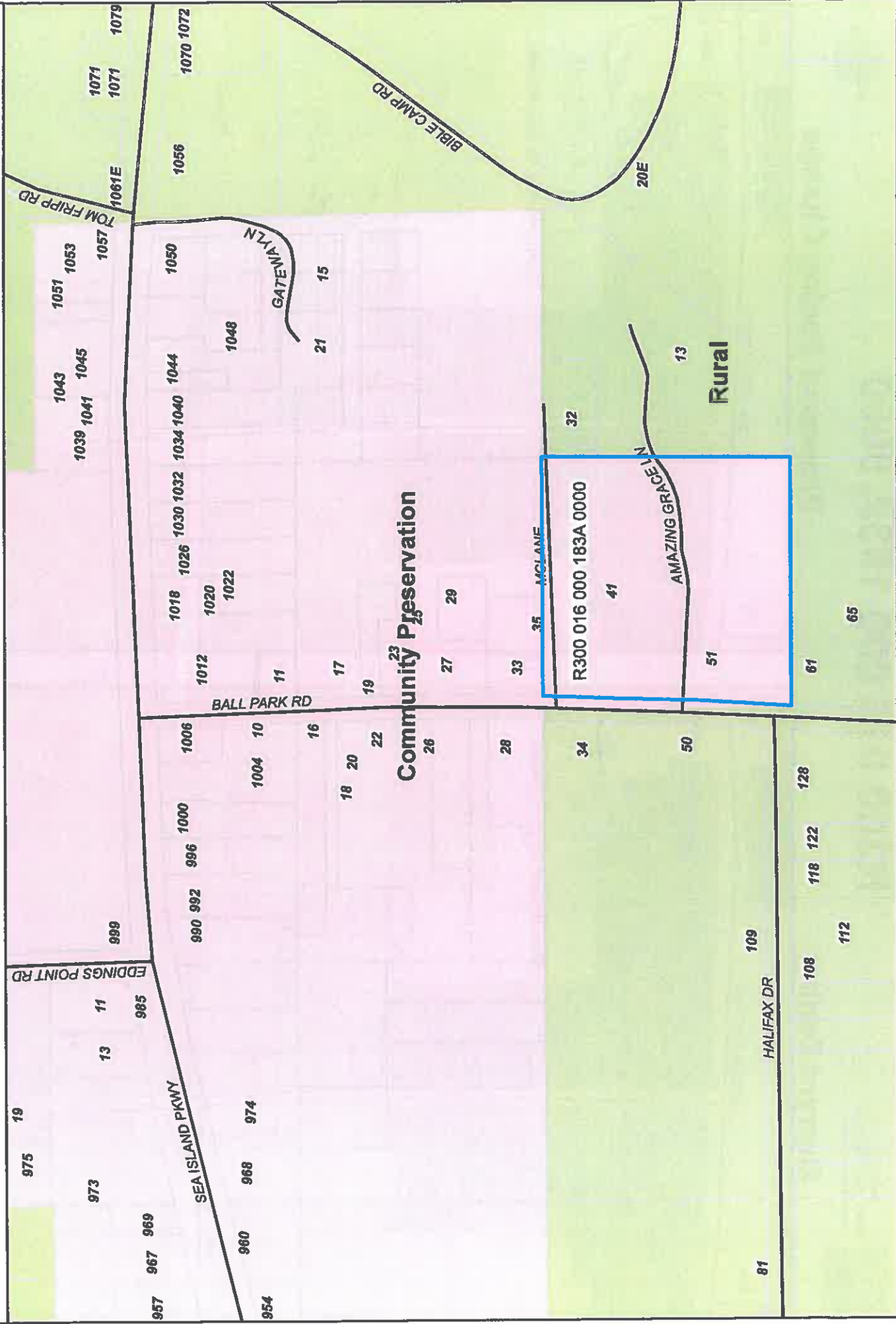
- Old Zoning Map (ZDSO)
- New Zoning Map (existing and proposed)
- Rezoning Application



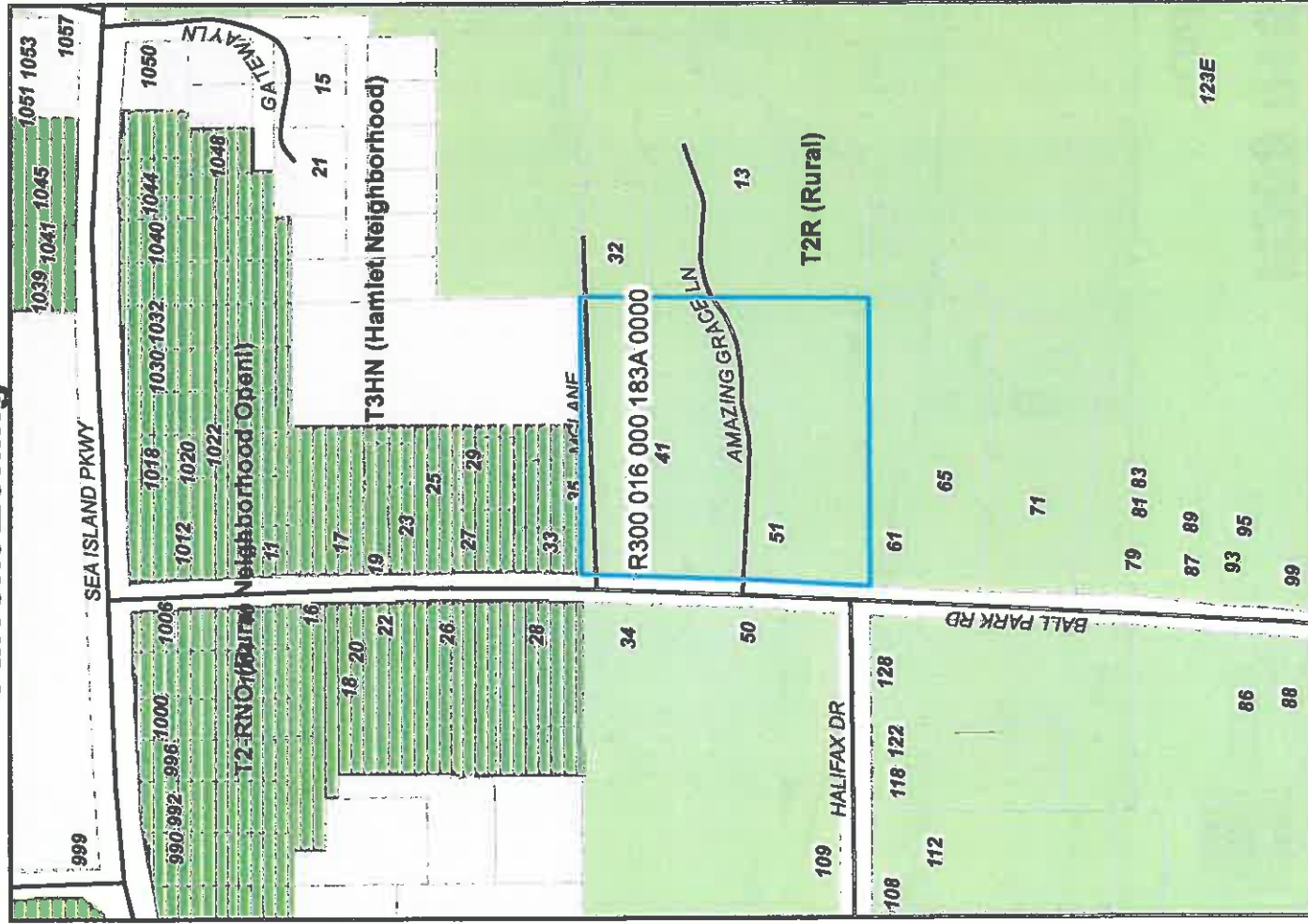
Prepared by
Beaufort County GIS Division
Map Generated April 8, 2015

R300 016 000 183A 0000

"Old" Zoning



Current Zoning



Proposed Zoning Change



BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED COMMUNITY DEVELOPMENT CODE (CDC)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Community Development Code (CDC) be amended as described below:

1. This is a request for a change in the (check as appropriate): ☐ PUD Master Plan Change
☒ Zoning Map Designation/Rezoning ☐ Zoning & Development Standards Ordinance Text
2. Give exact information to locate the property for which you propose a change:
Tax District Number: R300, Tax Map Number: 16, Parcel Number(s): 183A
Size of subject property: 10 acres Square Feet / (Acres) (circle one)
Location: St. Helena Island, off Ball Field Road
3. How is this property presently zoned? (Check as appropriate)

<input type="checkbox"/> T4NC Neighborhood Center	<input checked="" type="checkbox"/> T2RC Rural Center	<input type="checkbox"/> C3 Neighborhood Mixed Use
<input type="checkbox"/> T4HC Hamlet Center	<input type="checkbox"/> T2RN Rural Neighborhood	<input type="checkbox"/> C4 Community Center Mixed Use
<input type="checkbox"/> T4HCO Hamlet Center-Open	<input type="checkbox"/> T2RNO Rural Neighborhood Open	<input type="checkbox"/> C5 Regional Center Mixed Use
<input type="checkbox"/> T4VC Village Center	<input checked="" type="checkbox"/> T2R Rural	<input type="checkbox"/> S1 Industrial
<input type="checkbox"/> T3N Neighborhood	<input type="checkbox"/> T1 Natural Preserve	<input type="checkbox"/> Planned Unit Development/PUD
<input type="checkbox"/> T3HN Hamlet Neighborhood	<input type="checkbox"/> Community Preservation	(specify) _____
<input type="checkbox"/> T3E Edge	(specify) _____	
4. What new zoning do you propose for this property? T2-RNO Rural Neighborhood
(Under Item 9 explain the reason(s) for your rezoning request.) Open
5. Do you own all of the property proposed for this zoning change? ☒ Yes ☐ No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: NA
(Under Item 9 explain the proposed text change and reasons for the change.)
7. Is this property subject to an Overlay District? Check those which may apply: NO

<input type="checkbox"/> MCAS-AO Airport Overlay District/MCAS	<input type="checkbox"/> CFV Commercial Fishing Village
<input type="checkbox"/> BC-AO Airport Overlay District/Beaufort County	<input type="checkbox"/> TDR Transfer of Development Rights
<input type="checkbox"/> CPO Cultural Protection	<input type="checkbox"/> PTO Place Type Overlay
8. The following sections of the Beaufort County Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
 - a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
 - b. Division 7.3.40, Zoning map amendments (rezoning).
 - c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
 - d. Division 6.3, Traffic Impact Analysis (for PUDs)

9. Explanation (continue on separate sheet if needed):

to correct mapping error

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

Signature of Owner (see Item 5 on page 1 of 1) _____ Date _____
Printed Name: Beaufort County Telephone Number: 843-255-2140
Address: Po Drawer 1228, Beaufort SC 29901
Email: _____
Agent (Name/Address/Phone/email): Planning Staff - 843-255-2140

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE WORKING DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

N/A

Receipt No. for Application Fee:

N/A

PROPERTY OWNERS NOTIFIED OF REZONING REQUEST FOR R300 018 000 183A 0000

(off Ball Park Road, known as Leroy E. Browne Center) From T2-R (Rural) to T2-RNO (Rural Neighborhood Open)

PIN_	Owner1	MailingAdd	City	State	ZIP
R300 16 183A	BEAUFORT COUNTY	POST OFFICE BOX 1228	BEAUFORT	SC	29901
R300 17 220 thru 224	BROWN DORIS DELORES	1045 SEA ISLAND PARKWAY	ST HELENA ISLAND	SC	29920-9642
R300 16 181D & 181E	BROWN HELEN % MAEBELLE JOHNSON	POST OFFICE BOX 838	ST HELENA ISLAND	SC	29920
R300 16 183B	CSB PROPERTY MANAGEMENT II LLC	5 BOW CIRCLE	HILTON HEAD ISLAND	SC	29928
R300 16 183D	FOSTER ARTHUR E CARLA F	71 BALL PARK ROAD	ST HELENA ISL	SC	29920-5400
R300 16 183	JOHNSON JULIAN E LINDEN M	50 BALL PARK ROAD	ST HELENA ISLAND	SC	29920
R300 16 181C	JOHNSON MAE BELLE	POST OFFICE BOX 838	ST HELENA	SC	29920
R300 16 190B	LAWYER GLORIA	22 SORRELWOOD LANE	BLUFFTON	SC	29910
R300 16 190	MARTIN JOE	POST OFFICE BOX 2185	HENDERSON	NC	27536
R300 17 044B	MCALHANEY HENRY A	POST OFFICE BOX 808	ST HELENA ISLAND	SC	29920
R300 16 182, 355 thru 357 & 421	MIDDLETON HRS OF CHAS J % BENJAMIN &	POST OFFICE BOX 52	ST HELENA ISLAND	SC	29920-0052
R300 16 244	MONTGOMERY RONALD L	65 BALL PARK ROAD	ST HELENA ISLAND	SC	29920
R300 17 0001	PENN AGR SCHOOL	POST OFFICE BOX 126	ST HELENA ISLAND	SC	29920-0126
R300 16 190C	PLYLER DOREEN J	POST OFFICE BOX 923	ST HELENA ISL	SC	29920
R300 16 181B	SIMMONS GARDENIA	POST OFFICE BOX 709	ST HELENA	SC	29920
R300 17 0043	SMITH EMILY B TRUSTEE AUGUST H BALZ	2767 FOREST CIRCLE	JACKSONVILLE	FL	32257
R300 17 44 & 44A	SMITH RONALD P	POST OFFICE BOX 439	ST HELENA ISLAND	SC	29920-0439



**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

April 15, 2015

RE: Notice of Public Meetings to Consider a St. Helena Island Map Amendment/Rezoning for R300 016 000 183A (formerly known as The Leroy E. Browne Center; approximately 10 acres total, off Ball Field Road), from T2-R (Rural) to T2-RNO (Rural Neighborhood Open); Owner: Beaufort County, Applicant: County Planning Staff (to correct a mapping error)

Dear Property Owner:

In accordance with the Community Development Code (CDC), Section 7.4.50, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a map amendment/rezoning proposal can be adopted. You are invited to attend the following meetings and public hearings to provide comments on the subject proposed map amendments in your neighborhood. A map of the property is on the back of this letter.

1. The **Beaufort County Planning Commission** (public hearing): **Monday, May 4, 2015, at 6:00 p.m.** in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. The **Natural Resources Committee** of the County Council: **Monday, June 1, 2015, at 2:00 p.m.** in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. **Beaufort County Council** usually meets second and fourth Mondays at 4:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please contact the County Planning Department for specific dates, times, and locations.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at (843) 255-2140.

Sincerely,

Anthony J. Criscitiello
Planning Director

Attachment: Map on back of letter



MEMORANDUM

To: Beaufort County Planning Commission
From: Anthony J. Criscitiello, Planning Director *TJC*
Subject: Amendment to the Community Development Code
Date: April 27, 2015

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2015-02

Applicant: David Tedder

Proposed Text Change: Amendment to Allow Free Standing (including monument) Signs in the T4 Hamlet Center, T4 Hamlet Center Open, T4 Village Center, and T4 Neighborhood Center districts.

B. SUMMARY OF REQUEST:

The applicant is proposing to amend Tables 5.6.40.A and 5.6.40.B to allow free standing signs (monument or pole signs) in the T4 Districts (T4 Hamlet Center, T4 Hamlet Center Open, T4 Village Center, and T4 Neighborhood Center). This text amendment was initiated in response to a specific property, a medical office building located on 117 Sea Island Parkway on Lady's Island. The current zoning, T4 Hamlet Center Open requires buildings to be placed within a "build-to zone" with a maximum setback of 25 feet from the front property line for the purpose of creating a pedestrian-friendly commercial district. At this close distance from the street, wall signs and projecting signs are easily visible from the street and are conducive to a pedestrian environment. In the case of the medical office building, the building could not meet the build-to zone because of a utility easement and needed to be set back 50 feet from the front property line. At this distance, the applicant is concerned that a wall or projecting sign would not be adequately visible from the highway.

Therefore, the applicant is proposing to allow freestanding signs in the T4 districts in cases where the building is located 30 feet or greater from the front property line (see attached amended pages).

C. ANALYSIS:

Sec. 7.7.30(C). Code Text Amendment Review Standards. The advisability of amending the text of this Development Code is a matter committed to the legislative discretion of the County Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:


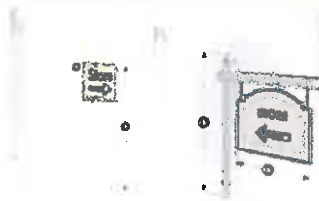





1. **Is consistent with the goals, objectives, and policies of the Comprehensive Plan:** There are no specific goals, objectives or policies in the Comprehensive Plan that specifically address freestanding signs.
2. **Is not in conflict with any provision of this Development Code or the Code of Ordinances:** The proposed text revision provides a reasonable remedy to the prohibition of freestanding signs in the T4 districts that is consistent with the intent of the Code.
3. **Is required by changed conditions:** (Not Applicable)
4. **Addresses a demonstrated community need:** (Not Applicable)
5. **Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County:** As stated above, the proposed text revision provides a reasonable remedy to the prohibition of freestanding signs in the T4 districts that is consistent with the intent of the Code.
6. **Would result in a logical and orderly development pattern:** There are other non-conforming buildings in the T4 districts that are set back beyond the build-to zone. The proposed amendment allows these businesses to located signs with reasonable visibility while still meeting the intent to transition these areas to pedestrian-friendly commercial districts over time.
7. **Would not result in adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:** (Not Applicable)

D. STAFF RECOMMENDATION:

After review of the standards set forth in Section 7.7.30(C) of the Community Development Code, staff recommends a modification to the requested text amendment as follows. Changes are highlighted (see attached excerpts from CDC)

E. ATTACHMENTS:

- Proposed changes to CDC
- Copy of application for Code Text Amendment

Table 5.6.40.A: Sign Types						
Specific Sign Type	Illustration	Permit				Standards
Awning Signs: Awnings are a traditional storefront fitting and can be used to protect merchants' wares and keep storefront interiors shaded and cool in hot weather.		T1	T2	T3	T4	5.6.80
		C3	C4	C5	SI	
Directional Signs: Directional signs provide guidance to entrances and parking locations.		T1	T2	T3	T4	5.6.90
		C3	C4	C5	SI	
Landscape Wall Sign: Landscape wall signs are attached to freestanding walls and are often used to mark a place of significance or the entrance to a location.		T1	T2	T3	T4	5.6.100
		C3	C4	C5	SI	
Marquee Signs: Marquee signs are vertical signs that are located either along the face where they project perpendicular to the facade; or at the corner of the building where they project at 45 degree angles.		T1	T2	T3	T4	5.6.110
		C3	C4	C5	SI	
Free Standing Signs: Free standing signs encompass a variety of signs that are not attached to a building and have an integral support structure. Three varieties include: Freestanding, Monument and Pole.		T1	T2	T3	T4	5.6.120
		C3	C4	C5	SI	
Projecting Signs: Projecting signs mount perpendicular to a building's facade. These signs are small, pedestrian scaled, and easily read from both sides. Syn. Blade Sign.		T1	T2	T3	T4	5.6.130
		C3	C4	C5	SI	
Key						
# Permitted						
 Permitted with Conditions						
# Sign Type Not Allowed						

5.6.120 Freestanding Sign Type



A. Description

Freestanding Signs encompass a variety of signs that are not attached to a building and have an integral support structure. Freestanding varieties include Monument and Pole Signs.

A **Pole Sign**, usually double-faced, mounted on a single or pair of round poles, square tubes, or other fabricated members without any type of secondary support.

A **Monument Sign** stands directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.

B. Standards

Size

Signable Area:

Single Tenant	40 SF max.
Multiple Tenant with one highway frontage	80 SF max.
Multiple Tenant with two or more highway frontages	80 SF per frontage

Location

Signs per Highway Frontage:

Single Tenant	1 max.
Multiple Tenant	1 max. ^{1,2}
Height	10' max. (A)
Width	15' max. (B)
Distance from ground to the base of the sign	4' max.
Setback within Corridor Overlay District	10' min.

¹Individual tenants may not have a Freestanding Sign.

²Frontages greater than 500 feet may include one additional freestanding sign not to exceed 80 SF in area and with a total allowable sign area not exceeding the maximum allowable sign area for the multiple tenant center.

Miscellaneous

Freestanding signs are permitted in T4 zones in cases where the principal structure is located greater than 30 feet from the front property line.

Changeable copy signs are allowed for gasoline price signs, houses of worship, schools, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a regular basis.

COMMUNITY CODE

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate): ☐ PUD Master Plan Change
☐ Zoning Map Designation/Rezoning ☒ Zoning & Development Standards Ordinance Text
2. Give exact information to locate the property for which you propose a change:
Tax District Number: _____, Tax Map Number: _____, Parcel Number(s): _____
Size of subject property: _____ Square Feet / Acres (circle one)
Location: _____
3. How is this property presently zoned? (Check as appropriate)

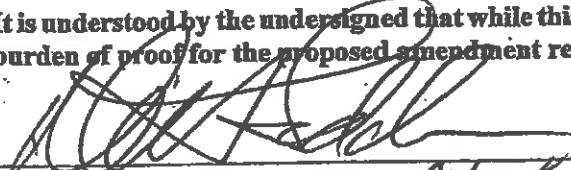
<input type="checkbox"/> Urban/U	<input type="checkbox"/> Community Preservation/CP	<input type="checkbox"/> Light Industrial/LI
<input type="checkbox"/> Suburban/S	<input type="checkbox"/> Commercial Regional/CR	<input type="checkbox"/> Industrial Park/IP
<input type="checkbox"/> Rural/R	<input type="checkbox"/> Commercial Suburban/CS	<input type="checkbox"/> Transitional Overlay/TO
<input type="checkbox"/> Rural Residential/RR	<input type="checkbox"/> Research & Development/RD	<input type="checkbox"/> Resource Conservation/RC
	<input type="checkbox"/> Planned Unit Development/PUD	
4. What new zoning do you propose for this property? _____
(Under Item 10 explain the reason(s) for your rezoning request.)
5. Do you own all of the property proposed for this zoning change? ☐ Yes ☐ No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: SEE ATTACHED
(Under Item 10 explain the proposed text change and reasons for the change.)
7. Is this property subject to an Overlay District? Check those which may apply:

<input type="checkbox"/> AOD - Airport Overlay District	<input type="checkbox"/> MD - Military Overlay District
<input type="checkbox"/> COD - Corridor Overlay District	<input type="checkbox"/> RQ - River Quality Overlay District
<input type="checkbox"/> CPOD - Cultural Protection Overlay District	
8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
 - a. Section 106-492, Standards for zoning map amendments.
 - b. Section 106-493, Standards for zoning text amendments. — Section 7, 3, 30 in the Community Code

SEE ATTACHED

9. Explanation (continue on separate sheet if needed): See Attached

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.


Signature of Owner Applicant: _____ Date: 1-2-2015
Printed Name: DAVID TEDDER Telephone Number: 843 521 4222
Address: 1013 1282 Beaufort SC 29901
Email: dave@tedderlawoffice.com
Agent (Name/Address/Phone/email): _____

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE (3) WEEKS PRIOR TO THE APPLICABLE SUBCOMMITTEE MEETING DATE

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

ITEM 9

EXPLANATION OF APPLICATION ITEMS 6 AND 8

Item 6. Proposed Text Change and Reasons for Change

Attached is Section 5.8 of Appendix I, the Lady's Island CP Standards, with the requested changes showing as a redline. The requested changes stem from the practical consideration that there is a wide power line easement on that side of Sea Island Parkway, Highway 21, which prevents compliance with the planning goal of bringing all the buildings up to the sidewalk through the use of the 5 foot to 12 foot build-to line, so the signs could protrude perpendicular to the building over the sidewalk or on a wall sign close to the road. The efficacy of a protruding or wall sign is lost when the sign is located such a great distance from the road right of way. Additionally, most of the existing businesses are not built up to the build-to line, and have existing ground (monument) or pole signs. Pursuant to Section E.5 of the Appendix, those with pole signs can convert to monument signs. However, any new construction which cannot built to the build-to line is not presently allowed to have a monument sign like all of the other businesses on that side of the road. This proposed text amendment corrects that situation by redefining those lots on the North side of Highway 21 which cannot build because of the utility easement to be treated as if it was an Interior Lot, and allowed ground (monument) signage as a selection.

Although not explicitly clear to the applicant, the transitional zoning for the Village Center is T4, so that to the extent Appendix I has been deemed amended and supplanted by the Community Development Code, it may be necessary to amend the Community Development Code, Sections (or Tables) 5.6.40.A. and 5.6.40.B to allow "Free Standing Signs in the T4 LIRC District, providing the same allowance as current Section 5.8.E 4. does for Interior Lots, perhaps as a Table footnote insert. The applicant is also not certain if the Ladys Island CP Committee and others were aware the Community Code removes the ability to convert a pole sign to a monument sign, and whether this provision should also be considered.

Due to the "newness: of the Community Code, with an effective date of December 8, 2014, the applicant is not familiar enough with the Code to attempt to create a redline as was done for the Appendix, nor can he find a version on-line in a format which can be copied and marked up.

Item 8, Standards for Zoning Text Amendments (Section 7.4.30 of the Community Code)

It is the applicant's position the text amendment meets the standards set forth in the Community Code for a text amendment, in that it:

1. Is consistent with the goals, objectives, and policies of the Comprehensive Plan;

On Page 4-30 of the 2010 Comprehensive Plan, it is stated:

“ To protect the county's special and desired character, new development along arterials and major collectors should have strong architectural, site design, and landscaping standards....

... Monument signs are encouraged by limiting the height and overall size of highway signs....

The applicant is unaware of any other direct reference to "monument signs" in the comprehensive plan; it would seem from this reference that monument signs would be consistent with the goals, objectives, and policies of the comprehensive plan.

2. Is not in conflict with any provision of this Development Code or the Code of Ordinances;

The applicant believes the proposed text amendment, while technically conflicting with the Community Development Code, nevertheless is an appropriate amendment to address a particular circumstance, which was not envisioned during the drafting of the Code.

3. Is required by changed conditions;

Not applicable

4. Addresses a demonstrated community need;

The applicant believes that good signage addresses the community's need to be able to find community resources in an efficient and safe manner that avoids confusion with drivers attempting to locate these resources.

5. Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County;

The applicant believes the proposed signage would ensure efficient development by allowing the proper type of signage (based on proximity to road frontage) to be used in this particular and perhaps unique area of the County.

6. Would result in a logical and orderly development pattern; and

The applicant believes the amendment would continue the logical and orderly development pattern. Along this area of Highway 21, which has monument signs on our most every parcel within this area on the side of the road involved.

7. Would not result in adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The applicant is unaware of any adverse impact on the environment demand that would cause.

- E. *Signage.* Signage, including overall design, materials, colors and illumination must be compatible with the overall design of the main building. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.

1.

Types of signage: All businesses and other uses in this district may choose to use only one of the two following permanent types of signs: wall signs and projecting signs. One portable sandwich board sign with a maximum height of 48 inches and maximum width of 30 inches is also permitted per business.

2.

Maximum size of signage: Wall signs are limited to 40 square feet in area. Projecting signs are limited to 32 square feet in area and may project no more than six feet outward from the wall.

3.

Illumination of signage: Lighting for signs shall be of a moderate intensity and designed and arranged to minimize glare and reflection. Internally illuminated outdoor signs are not permitted. One interior neon sign is permitted per business. Neon signs are limited to 16 square feet. All other types of internally illuminated interior signs are prohibited.

4.

Special considerations:

a.

(1) Interior lots. All businesses and other uses located on interior lots and having less than 50 feet of street frontage may utilize a ground sign not exceeding eight feet in overall height with a maximum allowable area of 40 square feet.

(2) Lots lying to the North of Highway 21 in the Village Center District which are impacted by existing utility easements which prevent the location of the building structure at the build-to line along the highway right of way as otherwise required shall be deemed to be "Interior Lots" and may elect to have a ground sign not exceeding 40 square feet and 8 feet in height, and are also able to seek the Height Bonus pursuant to Section 5, notwithstanding Section E.1 above.

b.

Interior lots with multiple tenants or an interior complex may erect one 80-square foot freestanding ground sign, which may be used as an identification sign, directory listing or combination thereof. Individual businesses within a complex may not have separate freestanding signs along Highway 21, Highway 802 or along a High Visibility Site. The multiple listing sign or directory sign may be off-premises provided that it is placed within the complex.

c.

When single occupancy buildings are required by the corridor review board to present a facade of multiple store fronts to eliminate long and unarticulated walls in an effort to meet the village center architecture guidelines, the following shall be applied:

(1)

In addition to a wall sign or projecting sign as allowed under subsection E.1. and 2., one ten square-foot wall sign shall be allowed per store front with the following exceptions:

(a)

The ten square-foot sign may not be placed on the same wall as the 40 square-foot wall sign or on the same walls where projecting signs are placed.

(b)

The number of additional wall signs shall not exceed three ten square-foot signs per single occupancy buildings.

(2)

The additional signs shall advertise only special services offered by the business such as, but not limited to, repairs, rentals, garden supplies, etc. (service sign verbage to be approved by the corridor review board administrator).

(3)

To ensure the sign design complements the building architecture, the sign size (length and width) shall be designed to fit the space in which they are placed. This requirement could mean the square footage may be less than ten square feet per store front. The corridor review board administrator shall review and approve this requirement.

(4)

A single occupancy building may have one 18 square-foot interior neon sign for the entire building or one six square-foot neon sign per store front not to exceed three interior neon signs.

5.

Replacement of nonconforming signs: Businesses and other uses along High Visibility Sites, not presently built within the Build-to Zone, may replace nonconforming pole signs with a ground sign that does not exceed eight feet in overall height and has a maximum allowable area of 40 square feet.

6.

Gasoline service stations and cinemas: Gasoline service stations and cinemas may utilize one 80-square foot sign to accommodate a change out copy panel. These signs are subject to the corridor review board approval.

7.

Height bonus: Signs surrounded by a permanent raised planter may be built to a height of ten feet. The landscaped area surrounding the sign shall be equal to the square footage of the sign and must be maintained with approved landscaping.