

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, June 5, 2001, in the County Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT:

Mr. Jim Hicks, Chair	Mr. John Abney
Ms. Nancy Ann Ciehanski	Ms. Margie Jenkins
Mr. Ben Johnson, III, Vice Chair	Mr. Paul Keyserling
Mr. Thomas Mike, Sr.	Mr. Mike Zara

MEMBERS ABSENT: Mr. Jerome Goode

EX-OFFICIO MEMBERS PRESENT: None

STAFF PRESENT:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Barbara Childs, Admin. Assistant to Planning Director
Ms. Delores Frazier, Long-range Manager

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:02 p.m.

PLEDGE OF ALLEGIANCE: Chairman Hicks led those assembled in the pledge of allegiance.

REVIEW OF MINUTES: The minutes of the May 1, 2001, Commission meeting were reviewed. No changes were noted. **MOTION: Ms. Ciehanski made a motion, and Mr. Mike seconded, to accept the minutes of the May 1, 2001, meeting.** No discussion occurred. **The motion was carried unanimously (FOR: Abney, Ciehanski, Jenkins, Johnson, Keyserling, Mike and Zara).**

CHAIRMAN'S REPORT: No items were reported.

PUBLIC COMMENT:

1. Ms. Wendy Zara indicated that tabling as a decision was allowed in the Robert=s Rules of Order. The Commissioners are an appointed, not voted, body. She has spent years attending meetings and noting items that needed additional work. She believes it is inappropriate for the Commission to summarily dismiss the action of tabling items.
2. Mr. Reed Armstrong, a St. Helena resident and a representative of the S.C. Coastal Conservation League, noted that the basic tenor of the Comprehensive Plan is to establish zoning density. He summarized the various densities in the Zoning & Development

Standards Ordinance/ZDSO, and noted that the ZDSO allowed owner occupied and non-owner occupied businesses.

3. Ms. Carol Tuynman reminded the Commissioners that during the ZDSO review committee meetings topics such as river buffers were discussed. She asked for the tabling of the changes that are not clear and may not serve the purpose purported to serve.
4. Mr. Chris Campbell, a Garden=s Corner resident, noted that eleven businesses are now non-conforming. He supports the Rural Business District in Garden=s Corner.

MAP CORRECTION TO THE BEAUFORT COUNTY ZONING MAP: R100-20-94A, FROM RURAL RESIDENTIAL/RR TO LIGHT INDUSTRIAL/LI; OWNER: ALAN B. KAHN.

Mr. Criscitiello briefed Commissioners. The 3.23 acre property was developed in 1987. Staff believes the zoning was erroneously mapped. The proposed zoning of Light Industrial reflects the current use of the building and the site.

Public Comment: None were received.

Discussion included the surrounding area zoning of light industrial, the buffering requirements, the possibility of nonconformity of the building characteristics, the proper notification of property owners, and the staff receiving no response from the notification.

MOTION: Mr. Johnson made a motion, and Mr. Keyserling seconded, to recommend approval of the map correction to the Beaufort County zoning map for R100-20-94A, from Rural Residential/RR to Light Industrial/LI, as was recommended by the staff. No further discussion occurred. The motion was carried unanimously (FOR: Abney, Ciehanski, Jenkins, Johnson, Keyserling, Mike & Zara).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO) TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO): TABLE 106-1526, OPEN SPACE & DENSITY STANDARDS) AND TABLE 106-1556, LOT & BUILDING STANDARDS (to change minimum site area, minimum lot area and maximum height requirements in Rural districts)

Mr. Criscitiello briefed the Commissioners. The Development Review Team/DRT, in reviewing the ZDSO for possible changes to assist their review of development projects, suggested these changes.

Public Comment:

1. Ms. Shirley Talbert of the Coffin Point area asked the approval of only the height requirement text amendment.
2. Ms. Carol Tuynman agrees that changes should be made, but not until important studies such as on traffic are completed. Variances can be obtained for non-conforming properties through the current ZDSO. With the proposed changes, the non-conforming lots will still be non-conforming. These amendments should be tabled until everything

- has been addressed and looked at carefully. The Comprehensive Plan and the ZDSO are based on performance zoning and the some of the proposed text amendments are in direct conflict with those documents.
3. Mr. Reed Armstrong addressed the changes for the minimum site area for single family cluster and other permitted uses in Rural zoning. There seems to be no demonstrated need for these two changes that may open the door for more properties to qualify for higher density and more intensive uses within the Rural area, in contradiction to the Comprehensive Plan.
 4. Ms. Wendy Zara noted that the 3 acres represents the minimum site size to which, and not from which, a lot can be subdivided. There is no justification for lowering the site requirement for the single family cluster option—it gives the developers more density. The ZDSO is based on performance, not Euclidean, zoning that allows for a variety of residential and commercial uses in the same district. Incompatibility is mitigated by lot size, setback, buffering, and other site-specific requirements. The proposed changes are contrary to performance zoning and in direct violation of the Comprehensive Plan. Someone in Planning does not understand this ordinance and Lane Kendig, the consultant who authored our ZDSO, should be brought back to explain it. She noted an incorrect statement in the staff report regarding rural property split into 3-acre lots could be only used for single-family homes, and listed other uses currently allowed for such lots. Should a 3-acre property owner be allowed a high impact commercial use that he had not thought of when he acquired his land, and how would his residential neighbors feel when the use occurs. Such uses currently require a minimum 10-acre site. She supports lowering the building height for all uses to 35 feet measured from the ground level.

Discussion included an explanation of the single-family cluster concept which exists in the ZDSO in theory but not in reality, the lack of development projects using the clustering option, staff's strategy to encourage single-family clustering by changing the density bonus from 0.34 to 0.40 and the minimum site area from 20 to 10 acres, larger aggregates of open space with larger site requirements, comparison of cookie-cutter and cluster developments, the large number of vested undeveloped lots on grandfathered subdivisions and PUDs so that these changes would not be needed for 2 or 3 more years, staff's advise that the ZDSO is not working and the amendments are needed to meet the goal of more environmentally sensitive development, and formally adopting the preceding Planning Director's administrative interpretation where minimum site area means minimum area for development involving further subdivision and minimum lot area means minimum area needed for building on a particular site.

MOTION: Mr. Zara made a motion, and Mr. Abney seconded, to recommend approval of Text Amendments to the Beaufort County Zoning & Development Standards Ordinance/ZDSO, Table 106-1526, Open Space & Density Standards, and Table 106-1556, Lot & Building Standards that changes minimum site area, minimum lot area and maximum height requirements in Rural districts. Further discussion included the proposed changes not fundamentally threatening the intent of the Comprehensive Plan, concern that the Aother permitted uses@ might be heavy industrial or nuisance type uses, staff listing types of other permitted uses and their respective acreage requirements, an explanation of the special use process where public comment is allowed, and the 50-foot height for farmsteads. **The motion was passed unanimously (FOR: Abney, Ciehanski, Jenkins, Johnson, Keyserling, Mike &**

Zara).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO): SECTION 106-18, DEFINITIONS (to amend the definition of “building height” and how height is measured)

Chairman Hicks noted that staff had withdrawn this item for additional research; but the Commission would receive public comment as was advertised in the papers.

Public Comment: Mr. Reed Armstrong believes a language change for building height measurement should occur from the “preconstruction grade level@ since someone could bring in fill dirt and elevate the height.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO) -- Sets purpose and development standards for new Rural Business/RB District for intersections of U.S. 21 & U.S. 17/Gardens Corner, U.S. 21 & Keans Neck Road/Lobeco, U.S. 21 & Bruce Smalls Drive/Grays Hill, U.S. 21 & Eustis Landing Road/Eustis, and U.S. 170 & Callawassie Road/Callawassie:

1. Article IV: Table 106-0922, Zoning Districts; and Division 4, Rural Investment Areas, Sec. 106-1025, Rural Business (RB) District;
2. Article V: Table 106-1098, General Use Table; and Division 2, Limited and Special Use Standards, Sections. 106-1284 through 106-1290;
3. Article VI: Table 106-1526, Open Space and Density Standards; Table 106-1556, Lot & Building Standards; Table 106-1617. Bufferyard and Tree Standards; and Table 106-1711, Exterior Storage and Illumination Standards; AND,
4. Article VII: Table 106-1782, Resource Protection Levels, and Table 106-1814, Base Site Area and Total Protected Resource Land

Chairman Hicks noted that the subcommittees of the Commission had met to obtain public comment from their respective planning areas. He further explained the process he would follow in handling this text amendment.

Public Comment:

1. Ms. Wendy Zara noted that the current non-conforming (building size and bufferyards-wise) businesses in her community would remain nonconforming after the passage of this text amendment.
2. Mr. Frank Mullen noted that the Northern Beaufort County Subcommittee tabled the Rural Business District for their area. He asked for confirmation that should the Lobeco Community Preservation/CP District not be approved, could the Lobeco RB district be reinstated. The proposed Lobeco RB district does not cover all the existing businesses.
3. Mr. Harold Albergotti of Garden=s Corner was happy that a grocery store and a gas station exists in the area. He wants those businesses to conform and enjoys the convenience they provide to the community. Unfortunately, Garden’s Corner is not a CP district.

Discussion included reducing the RB district of the Eustis Corner area and all other RB districts

to the existing businesses and not allowing the RB districts to expand.

MOTION: Mr. Zara made motion, and Mr. Keyserling seconded, to table the text amendments to the Beaufort County Zoning & Development Standards Ordinance/ZDSO that would add the rural business districts. Further discussion included not knowing the people's reaction to RB areas in Northern Beaufort County, the Northern Beaufort County Subcommittee recommending that Garden=s Corner be tabled until full implementation of all other CP districts, transportation concerns, not wanting to undermining the CP districts with the RB areas, and the upcoming new commercial activity in rural areas. **The motion was carried (FOR: Ciehanski, Jenkins, Johnson, Keyserling, Mike, and Zara; AGAINST: Abney).**

Further discussion included the length of time for the full implementation of all the Community Preservation Districts, a proposed timeline for the start of each of the remaining CP districts, the Capital Improvement Program/CIP funding process in relationship to the CP districts, using special use permits to legitimize existing non-conforming businesses, disagreeing with tabling this text amendment since it may not be what the constituents of Northern Beaufort want, ~~reaffirmation that the Southern Beaufort County constituents do not want the Rural Business District in their area ever~~ a reiteration that the Southern Beaufort County Subcommittee had 25 attendees who did not want a Rural Business District in the area and the Subcommittee voted to recommend removal of the Callawassie area from the proposed Rural Business District amendment, the public comments at the Northern Beaufort County subcommittee that came from most of the business owners wanting inclusion into the Rural Business District.

Chairman Hicks reiterated to the Commissioners that their full support was needed before the Rural Business text amendment could be brought back before the Commission for action.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO) ARTICLE V: TABLE 106-1098, GENERAL USE TABLE; AND SEC. 106-1218, COTTAGE INDUSTRY (permits cottage industries as special uses in Rural and Rural Residential Districts, deletes minimum site area requirement of 10 acres for this use, and adds special use standards for cottage industries)

Mr. Criscitiello briefed Commissioners. Staff is proposing a reduction in the size of parcel allowed in cottage industry uses in order to provide a greater flexibility in the Rural and Rural Residential areas. Additional protection would be afforded by requiring a special use permit for the cottage industry uses.

Public Comment:

1. Ms. Wendy Zara suggested expanding home businesses since it has no minimum site requirements to include beauty shops, retail sales and other low intense uses. She also suggested leaving cottage industries for really intense uses, requiring a minimum of 10 acres and not requiring a special use permit.
2. Ms. Alice Jones does not see where her business is non-conforming and the County is allowing people to have businesses in their homes. She disapproves of this amendment.

Discussion included making an correction to the Northern Beaufort County Subcommittee

meeting minutes regarding this text amendment where the staff was asked to produce a chart showing the allowed uses for cottage industries as a guidance tool for the Development Review Team/DRT.

MOTION: Mr. Keyserling made motion to table the text amendments to the Beaufort County Zoning & Development Standards Ordinance/ZDSO, Article V, Table 106-1098, General Use Table, and Sec. 106-1218, Cottage Industry, that permits cottage industries as special uses in Rural and Rural Residential Districts, deletes minimum site area requirement of 10 acres for this use, and adds special use standards for cottage industries. Discussion included having staff to provide standards for the more intense uses such as requiring a minimum lot size in order to remove the subjectivity from the text amendments, staff's response for specific guidance when reworking the text amendments, and staff noting that specific conditions could be attached to each special use permit. **The motion was not seconded and it died.**

MOTION: Mr. Zara made a motion, and Ms. Ciehanski seconded, to return the text amendment to the Beaufort County Zoning & Development Standards Ordinance/ZDSO, Article V, Table 106-1098, General Use Table, and Sec. 106-1218, Cottage Industry (that permits cottage industries as special uses in Rural and Rural Residential Districts, deletes minimum site area requirement of 10 acres for this use, and adds special use standards for cottage industries) to the staff to discuss and delineate standards that would be acceptable to staff and the Commission. No further discussion occurred. **The motion was passed (FOR: Ciehanski, Keyserling, Mike, and Zara; AGAINST: Abney, Jenkins & Johnson).**

Chairman Hicks assigned the following subcommittee to work with staff on the above amendment: Mr. Zara as chair, and Mr. Keyserling and Ms. Jenkins as members. Chairman Hicks instructed staff to contact Mr. Zara regarding details for the meeting.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO) ARTICLE V: TABLE 106-1098, GENERAL USE TABLE (changes general auto repair & gas convenience marts from limited uses to prohibited uses in Rural District)

Public Comment:

1. Ms. Alice Jones Busby asked for clarification regarding existing businesses becoming non-conforming and new businesses not being allowed.
2. Ms. Geraldine Dawson asked for clarification of this amendment and stated her opposition to this text amendment.

Discussion included the relationship of this amendment to the RB districts.

MOTION: Mr. Abney made motion, and Ms. Jenkins seconded, to table the text amendments to the Beaufort County Zoning & Development Standards Ordinance/ZDSO, Article V, Table 106-1098, General Use Table, that changes general auto repair and gas convenience marts from limited uses to prohibited uses in the Rural Districts, until the text amendments regarding Rural Business Districts are brought to action. No further discussion occurred. The motion was carried unanimously (FOR: Abney, Ciehanski, Jenkins, Johnson, Keyserling, Mike, & Zara).

OTHER BUSINESS

1. **Reminder of Next Commission Meeting:** The next Commission meeting will be July 3, 2001.
2. **Staff Support Request:** Ms. Ciehanski noted that the staff was asked at the Southern Beaufort County Subcommittee meeting in May 2001 to provide additional information such as a map of annexed properties and a list of approved subdivisions for Southern Beaufort.

ADJOURNMENT: Mr. Mike made a motion, and Mr. Abney seconded, to adjourn the meeting. The motion was carried unanimously (FOR: Abney, Ciehanski, Jenkins, Johnson, Keyserling, Mike & Zara). Chairman Hicks adjourned the meeting at approximately 8:00 p.m.

SUBMITTED BY:

Barbara Ann C. Childs, Admin. Assistant to Planning Director

Jim Hicks, Chairman, Beaufort County Planning Board

APPROVED:

July 3, 2001, as amended on page 5 (deletions are struck through, additions are double underlined)