

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, March 1, 2010, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Jim Hicks, Chair  
Ms. Mary LeGree  
Mr. E. Parker Sutler

Mr. Robert Semmler, Vice Chair  
Mr. Ronald Petit

Ms. Diane Chmelik  
Mr. Edward Riley III

**Members Absent:** Mr. John Thomas; Vacancy – Northern Beaufort County (formerly Mr. Frank Mullen)

**Staff Present:**

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

**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 Chambers with the pledge of allegiance to the U.S.A. flag.

**REVIEW OF MINUTES:** The Commission reviewed their February 1, 2010, meeting minutes.

**Motion:** Mr. Semmler made a motion, and Mr. Sutler seconded the motion, **to accept the February 1, 2010, minutes as written.** The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, and Sutler).

**CHAIRMAN'S REPORT:** None was given.

**PUBLIC COMMENT** for items other than agenda items: Mr. David Tedder stated that the rules for the Olympics hockey game were wrong and they should have been able to score for the United States.

**AMENDMENT TO THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD) TO EXTEND THE SUNSET DATE BEYOND THE YEAR 2010**

Mr. Criscitiello noted that the 35-acre PUD was approved in 1996 for 200 dwelling units and 12 commercial lots--averaging 6 dwelling units per acre. When the PUD was approved the underlying Development District zoning allowed 8 units per acre, provided water and sewer were available. The Lady's Island Community Preservation (LICP) District allows 2 dwelling units per acre, Planned Communities at 2.6 units per acre and multi-family developments at 4 units per acre. This PUD meets design guidelines for neighborhood mixed-use; however, its approved density at 6 dwelling units is out of character with the planned future development for the

surrounding area. Newpoint was built at 2.5 units per acre and Celadon was approved at 2.6 units per acre. The staff feels that The Village PUD would be more appropriate with 2 units per acre with mixed-use development. The Village PUD is not compatible with the surrounding development and does not meet the visions of the LICP District nor the Beaufort County Comprehensive Plan. The transportation level of service is set at Level D. The Woods Memorial Bridge is estimated to fail in 2025; when the McTeer Bridge is completed it will operate at Level of Service E. The Oyster Factory Road is unpaved. The two approved access points to the PUD on Sams Point Road do not meet the County's current standards of separation of 1,500 feet—the PUD has 600 feet separation. Because of the density and access point issues, the staff recommends denial and recommends that the PUD not be exempted from the 2010 requirement.

Public Comment: Mr. George Atkison asked for verification that density was recommended for what exists today at approximately 2.5 units per acre than the approved 6 units per acre. Is there a layout of the village with what uses there will be, and can I get a hold of the plan? (Chairman Hicks noted that Mr. Atkison could view the plan at the Planning Department.)

Applicant's Comment: Mr. David Tedder, the applicant's representative, noted that he requested at the last Planning Commission meeting to meet with the Lady's Island CP Committee. He noted that Lady's Island Community Preservation (LICP) Committee thought that there was some merit in trying to work with the staff on the density and other concerns. In response to Mr. Atkison's comments, there is a map with the different uses. The PUD has about 60% (or 119 units) of multi-family homes, the remaining were single-family homes, with no more than 50,000 square feet of commercial use. The CP Committee made a motion that the applicant be given an opportunity to work with County staff to revise the PUD plan and return to the CP Committee no later than Jan 1, 2011. The applicant is not opposed to that motion and asks that the Planning Commission adopt a reciprocal motion to put things on hold until the applicant can work with the staff to modify the plan or perhaps use the form-based code consultant. The LICP Committee felt that it didn't want to throw the baby out with the bath water because of the mixed-use development involved.

Committee discussion included:

- agreeing with the LICP Committee recommendation;
- clarifying the applicant's request to extend the 2010 sunset clause;
- reiterating that the Planning Commission must make a recommendation on the applicant's request to extend the sunset clause;
- noting that the Planning Commission has 60 days in which to forward a recommendation on an applicant's request;
- suggesting an additional recommendation that if the Planning staff and the applicant can find common ground by 1 January 2011 to allow the such action;
- suggesting a recommendation to extend the sunset clause for a period of one year;
- concern that giving a one-year extension will repeat again when the time rolls around;
- noting that the applicant has three choices—sit with the staff to find common ground, redo the PUD or losing the PUD status; and
- noting that Greenheath was given a 10-year extension but it had environmental issues.

Mr. Tedder countered the Commissioners' comments:

- that the applicant would be better served if the Planning Commission extended the sunset clause or gave a neutral rather than a negative motion;
- that the applicant waited for the placement of infrastructure and would hope for a recommendation that he be able to work with the Planning staff to explore the density issue since the Zoning and Development Standards Ordinance (ZDSO), Sec. 106-9 indicates you can modify a PUD to extend the sunset clause;
- that the Planning Commission has the ability to defer the application, since denial of the extension is like damming up the coffin;
- that the LICP Committee thought that the applicant could work on this PUD plan with the staff and the form-based code consultants;
- that the applicant would be reluctant to build at the two units per acre density, and would prefer 6 units per acre;
- that the applicant would prefer to work with the Planning staff than receive a denial recommendation;
- that the applicant did not expect an extension to perpetuity, rather one similar to Greenheath where a timeframe was given; and
- that the Commission recommend approval with what the LICP Committee recommended.

**Motion:** Mr. Semmler made a motion, and Ms. Chmelik seconded the motion, **to recommend to County Council to deny the request to amend The Village at Lady's Island Planned Unit Development (PUD) to extend the sunset date beyond the year 2010.** No further discussion occurred. The motion **was carried** (FOR: Chmelik, Hicks, Riley, and Semmler; AGAINST: Petit and Sutler; ABSTAINED: LeGree),

**Motion:** Mr. Semmler made a motion, and Ms. Chmelik seconded the motion, **to recommend to County Council that the applicant be given an opportunity to work with the staff to revise the PUD plan and return to the Planning Commission by January 1, 2011.** The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler and Sutler).

**OTHER BUSINESS:** None

**ADJOURNMENT: Motion:** Mr. Sutler made a motion, and Mr. Riley seconded the motion, **to adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, and Sutler). The meeting adjourned at approximately 6:43 p.m.

**SUBMITTED BY:**

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Barbara Childs, Admin. Assistant to the Planning Director

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Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED:** March 1, 2010, as written