



## COUNTY COUNCIL OF BEAUFORT COUNTY

### Community Development Department

Beaufort County Government Robert Smalls Complex  
Administration Building, 100 Ribaut Road, Room 115  
Mailing: Post Office Drawer 1228, Beaufort SC 29901-1228  
Phone: (843) 255-2140 • FAX: (843) 255-9432

Members:  
Ed Pappas, Chairman  
Randolph Stewart, Vice Chairman  
Diane Chmelik  
Caroline Fermin  
Kevin Hennelly  
Jason Hinchler  
Cecily McMillan  
Harold Mitchell  
Vacant

## BEAUFORT COUNTY PLANNING COMMISSION AGENDA

MONDAY, JANUARY 6, 2020, 6:00 P.M.

COUNCIL CHAMBERS, ADMINISTRATION BUILDING  
ROBERT SMALLS COMPLEX, 100 RIBAUT ROAD, BEAUFORT

1. COMMISSIONER'S WORKSHOP – 5:30 P.M.  
Community Development Office, Administration Building, Room 115
2. REGULAR MEETING – 6:00 P.M.  
Council Chambers, Administration Building
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED,  
POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA  
FREEDOM OF INFORMATION ACT
6. APPROVAL OF MINUTES – November 4, 2019 ([backup](#))
7. CITIZEN COMMENTS (Comments are limited to 3 minutes.)
8. WELCOME FRANK DUCEY

### **ACTION ITEM**

9. ZTA 2019-03 **TEXT AMENDMENT** TO THE COMMUNITY DEVELOPMENT CODE  
(CDC): ARTICLE 1, SECTION 1.3.50 APPLICABILITY AND JURISDICTION –  
EXEMPTIONS TO ADDRESS COUNTY PUBLIC SERVICE USES ([backup](#))

### **DISCUSSION ITEMS**

10. REVIEW OF 12-MONTH PLANNING COMMISSION WORK CALENDAR



11. ED PAPPAS – VICE CHAIRMAN DESIGNATION TO BEAUFORT COUNTY  
NORTHERN REGIONAL PLAN IMPLEMENTATION COMMITTEE
12. JASON HINCHER – APPOINTMENT TO CITY OF BEAUFORT – TOWN OF PORT  
ROYAL METROPOLITAN PLANNING COMMISSION
13. NEW/OTHER BUSINESS:
  - A. OTHER BUSINESS: NEXT SCHEDULED, REGULAR PLANNING COMMISSION  
MEETING: MONDAY, FEBRUARY 3, 2020, 6:00 P.M., COUNCIL CHAMBERS,  
COUNTY ADMINISTRATION BUILDING, ROBERT SMALLS COMPLEX, 100  
RIBAUT ROAD, BEAUFORT, SC.
14. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY  
**Beaufort County Community Development Department**

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Physical: Administration Building, Room 115 100 Ribaut Road  
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Phone: 843-255-2140 / FAX: 843-255-9432

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, November 4, 2019, in Council Chambers, County Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Ed Pappas, Chairman  
Ms. Diane Chmelik  
Mr. Kevin Hennelly

Dr. Caroline Fermin  
Ms. Cecily McMillan  
Mr. Jason Hinch

**Members Absent:**

Mr. Randolph Stewart, Vice Chairman  
Mr. Harold Mitchell

**Staff Present:**

Mr. Robert Merchant, Assistant Community Development Director  
Mr. Noah Krepps, Long Range Planner  
Ms. Diane McMaster, Senior Administrative Specialist

**CALL TO ORDER:** Chairman Ed Pappas called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE:** Chairman Ed Pappas led those assembled in the pledge of allegiance.

**CITIZEN COMMENTS:** There were none.

**REVIEW OF AGENDA:** Chairman Ed Pappas asked if there were any revisions or additions to the meeting agenda. There being none, he addressed the next agenda item.

**REVIEW OF MEETING MINUTES:** The Commissioners reviewed the October 7, 2019, meeting minutes. Chairman Ed Pappas entertained a motion to accept the minutes as written. Dr. Caroline Fermin made a motion, seconded by Ms. Cecily McMillan, to accept the minutes as written. There was unanimous support for the motion.

**CHAIRMAN'S REPORT:** Chairman Ed Pappas reminded everyone to vote on Tuesday.

**ZTA 2019-02 TEXT AMENDMENT TO THE T4 HAMLET CENTER (T4HC) DISTRICT TO ADD RECREATION FACILITY: COMMERCIAL INDOOR (ARTICLE 3, SECTION 3.2.100). APPLICANT: STEPHEN VAN HOUT**

The Community Development Code (CDC) allows Recreation Facility: Commercial Indoor in the T4VC, T4HCO, T4NC, C4, and C5 districts. The applicant is requesting to allow Recreation Facility: Commercial Indoor in the T4 Hamlet Center District as well.

Mr. Noah Krepps, Beaufort County Long Range Planner, presented information to the Commission regarding the proposed Text Amendment. He noted there are two (2) sub-zones within the T4 District: 1. T4 Village Center (St. Helena Island – Corners Community) and 2. T4 Hamlet Center – Open.

The proposed Text Amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan and does not conflict with any provisions of the Community Development Code or Code of Ordinances. To date, there are three (3) T4HC Districts within Beaufort County: Sea Island Parkway, Shell Point, and along Burnt Church Road in Bluffton.

The applicant, Stephen Van Hout, spoke to the Commission. He explained that sound-dampening panels would be installed on all walls within the facility and that the existing energy conservation doors and windows were relatively thick and should help in keeping noise to a minimum. Parking should not be an issue since his facility's peak hours of operation, weekends and after-school, are generally outside the normal 9:00 a.m. – 5:00 p.m. business hours. The facility will require parental supervision and will be sensory inclusive, providing a suitable environment for special-needs children as well.

Staff feels the proposed change would have minimal impact on parking/traffic volume/infrastructure and that it demonstrates a community need as currently, there are no indoor playgrounds in Northern Beaufort County. Therefore, Beaufort County staff recommends approval.

Chairman Ed Pappas requested a motion to approve the proposed Text Amendment. Mr. Kevin Hennelly made a motion to approve the proposed Text Amendment, seconded by Dr. Caroline Fermin. The motion passed by a vote of 4:2 (**FOR: Ms. Diane Chmelik, Dr. Caroline Fermin, Mr. Kevin Hennelly, Ms. Cecily McMillan and OPPOSED: Chairman Ed Pappas and Mr. Jason Hinchler**).

**NEW/OTHER BUSINESS:**

**New Business:** None

**Other Business:** The next scheduled Planning Commission meeting will be Monday, December 2, 2019, 6:00 p.m., Council Chambers, County Administration Building, 100 Ribaut Road, Beaufort, SC.

**ADJOURNMENT:** With no further business to discuss, Chairman Ed Pappas adjourned the meeting at 6:27 p.m. All Commission members in attendance were in favor of adjournment.

**SUBMITTED BY:** Diane McMaster  
Community Development Senior Administrative Specialist

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Ed Pappas  
Beaufort County Planning Commission Chairman

Date: \_\_\_\_\_



# MEMORANDUM

**To:** Beaufort County Planning Commission  
**From:** Robert Merchant, AICP, Deputy Community Development Director  
**Subject:** Text Amendment To The Community Development Code (CDC): Article 1, Section 1.3.50 Applicability And Jurisdiction – Exemptions To Address County Public Service Uses  
**Date:** January 6, 2020

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## STAFF REPORT:

### A. BACKGROUND:

**Case No.** ZTA 2020-01  
**Applicant:** Beaufort County Staff  
**Proposed Text Change:** Text Amendment To The Community Development Code (CDC): Article 1, Section 1.3.50 Applicability and Jurisdiction – Exemptions to Address County Public Service Uses

### B. SUMMARY OF REQUEST:

Beaufort County Staff is requesting an amendment to Article 1, Section 1.3.50 of the Community Development Code (CDC) to provide an exemption for Public Service Uses. The aim of this amendment is allow the County to provide necessary services in any zoning district with the requirement that County Council provide notification and hold a public hearing and approve such a use. The purpose of this amendment is to provide greater flexibility for the county government to respond to public safety and service needs throughout the county where these needs warranted.

The proposed amendment language is attached (additions are highlighted and underlined).

### C. ATTACHMENTS:

- Proposed changes to the CDC

## Division 1.3: Applicability and Jurisdiction

### 1.3.10 General Applicability

The provisions of this Development Code shall apply to the development of all land within unincorporated Beaufort County unless it is expressly exempted by a specific section or subsection of this Development Code.

### 1.3.20 Application to Governmental Units

- A. The provisions of this Development Code shall apply to development by the County or its agencies and departments, or on land owned or otherwise controlled by the County.
- B. To the extent allowed by law, the provisions of this Development Code shall also apply to development by any city, town, state, or federal government or its agencies, departments, or corporate services, or on land owned or otherwise controlled by a city, town, state, or federal government.

### 1.3.30 Appropriate Development Permits or Approvals Required

No development shall occur without the development permits or approvals appropriate for the development, as set forth in this Development Code.

### 1.3.40 Compliance with Development Code Required

No land shall be developed without full compliance with the provisions of this Development Code and all other applicable county, state, and federal standards.

### 1.3.50 Exemptions

- A. The provisions of this Development Code shall not require formal subdivision of land as a result of actions taken by the State of South Carolina and its political subdivisions to acquire land or interests in land for public right-of-way and easements.
- B. County Council, public utilities, or County agencies may be exempt from the provisions of this Development Code when an emergency exists such that it is impossible to submit to the normal procedures and standards of this Development Code and quick and instant action is necessary to secure the public health, safety, or welfare. The County Council shall ratify such exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.
- C. A public utility or public infrastructure installation (water, sewer, roads, gas, stormwater, telephone, cable, etc.) is exempt from the standards of this Development Code, except:
  - 1. Thoroughfare standards, in Division 2.9 (Thoroughfare Standards);
  - 2. Wetland standards, in Section 5.11.30 (Tidal Wetlands), and Section 5.11.40 (Non-Tidal Wetlands);
  - 3. River Buffer standards, in Section 5.11.60 (River Buffer);
  - 4. Tree Protection standards, in Section 5.11.90 (Tree Protection);

5. Stormwater management standards, in Section 5.12.30 (Stormwater Standards);
  6. Utility standards, in Section 4.1.210 (Regional (Major) Utility);
  7. Wireless communication facilities standards, in Section 4.1.320 (Wireless Communications Facility).
  8. Historic Preservation standards, in Division 5.10 (Historic Preservation).
- D. The Department of Defense shall be exempt from the standards of this Development Code.
- E. The paving of dirt roads are deemed not to constitute "development" and shall be exempt from the standards of this Development Code if the action meets one of the following conditions:
1. Existing County maintained dirt roads which are improved and/or paved as part of Beaufort County's Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17;
  2. Private dirt roads with adequate existing Stormwater conveyance systems where the project is not related to a pending or proposed development of adjacent land, and the proposed paving meets the Thoroughfare Construction Specifications in Section 2.9.80. Private dirt roads without adequate existing Stormwater conveyance systems will be required to construct a conveyance system per the County's Stormwater Best Management Practices (BMP) Manual but will not be required to meet the Effective Impervious Values in Table 5.12.30.A or provide Retention/Detention Facilities.

**F. County public service uses.** Due to the unique nature of certain county public service uses and the need to locate these uses in certain areas of the county irrespective of prevailing zoning district regulations, Beaufort County may establish in any zoning district any public service use authorized to county government by S.C. Code § 4-9-30, as amended, or any other statute or law of the State of South Carolina; provided that all public service uses meet the following requirements:

1. The use shall meet the applicable requirements in Article 5 (Supplemental to Zones) of the Community Development Code.
2. Public hearing for county public service uses. Prior to the granting of a zoning compliance for county public service uses, a site plan in accordance with standards contained herein must be submitted and approved, and the Beaufort County Council will hold a public hearing on the matter at least 15 days' notice of the time and place of which will be published in a newspaper of general circulation in Beaufort County. Notice will be given by adequately posting the properties affected, with at least one notice being visible from each public thoroughfare that abuts the property, at least 15 days prior to the public hearing. Based on the hearing and probable impact of such uses on contiguous uses and conditions, the Council may elect to deny the request in favor of a more acceptable site elsewhere.