BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION

City of Beaufort Planning Department
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MINUTES
METROPOLITAN PLANNING COMMISSION
February 21, 2011, 5:30 P.M.
City Hall Council Chambers, 1911 Boundary Street, Beaufort, South Carolina

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on February 21, 2011 at 5:30 p.m. in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners Alan Dechovitz, Greg Huddy, James Crower, James Hicks, and Robert Semmler and City Planning Director Libby Anderson, Town Planner Linda Bridges, and Tony Criscitiello, County Planning Director.

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

CALL TO ORDER
The chairman called the meeting to order at 5:30 p.m. Chairman DeVito led the Pledge of Allegiance.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT
City of Beaufort – UDO Amendment
Revising Sections 5.1, "Use Tables," and Section 5.3.D, "Specific Use Standards, Commercial Uses," to permit Short Term Rentals by Special Exception in residential zoning districts
Applicants: John and Erica Dickerson

Libby Anderson reviewed the history of the short-term rental issue. The city attorney said existing facilities can't be grandfathered because they weren't legally permitted to begin with. Only legal non-conforming uses can continue. The facilities that weren't approved, though, cannot be grandfathered. Staff met with Josh Martin of the Office of Civic Investment, who recommended the issue be tabled and addressed on a neighborhood by neighborhood basis as part of the city's master plan. The first phase of the master plan has been initiated in the greater downtown area. There will be a charette on the issue at the end of March.

Chairman DeVito asked the commission for their views. Commissioner Huddy said if the pilot program were to begin in the Northwest Quadrant, it would be by special exception. There would be conditions to be met: if neighbors were concerned, they could come to the ZBOA and the special exception hearing. He feels this is a good way to start the process as the team looks at how to expand the program.

Commissioner Dechovitz said he and Commissioner Huddy took input from previous meetings and information from the public hearings and provided draft language for staff review. There is new information from the Dickersons, he said. Chairman DeVito invited the Dickersons forward.

Mr. Dickerson said they will be revising their application. He's withdrawing the original UDO change "shortly." Commissioner Dechovitz said the Dickersons have made a substantial investment over the last 8 months waiting through this process, and they plan to ask for a zoning change for their property. The Planning Commission may want to peruse Commissioner Huddy's proposal he worked out with Mr. Martin.

Commissioner Hicks said he "doesn't want to step on the City of Beaufort." The Planning Commission still has this even though they're going to withdraw it, but it will come back to the Planning Commission in the form of a zoning change, and they'll need a staff recommendation on that. The city has many people renting places. They could stick their head in the sand, but they know it's not going to happen in the near-term. It's a complicated piece of writing. He suggested that it would be logical to recommend to council that those in existence have 90 days to apply for a license to be granted for 12 months; at the end of that, the city will have created a policy. Commissioner Hicks said they could wait a long time; to keep waiting would be illogical. They should recommend that the city identify the renters, give them a 12 month license, and they have that time to come up with a policy. Ms. Anderson said everything is on hold now. She said an ordinance change is being discussed and would be required to issue licenses. Unless the Planning Commission recommends changing zoning throughout the city, they legally can't issue licenses, Chairman DeVito said.

Commissioner Dechovitz said he doesn't want to put people out of business, but the city attorney has advised that grandfathering is not an option. The enforcement problem is the city's problem, not the MPC's problem. The Planning Commission should deal with the planning issues: there will be a zoning change for one property. If they want to pursue what Mr. Martin and Commissioner Huddy recommended for the Northwest Quadrant, they can recommend that pilot plan to council. Or they can resume changing the ordinance on the entire city, but that will be a longer process. Commissioner Dechovitz reiterated that the enforcement issues aren't the Planning Commission's problem. The charette will be March 22-29, Ms. Anderson said. Commissioner Huddy said this is something that could change as the Office of Civic Investment works on it.

Chairman DeVito asked for public comment on a pilot program in the Northwest Quadrant. Commissioner Huddy said they had worked on the conditions for short-term rentals. There will have to be a property manager, annual property reviews, etc. and a long list of conditions that will have to be met.

Dave Radford, Pigeon Point, said he has had a short-term rental since the mid-1990s and was unwittingly operating illegally. He's been told to wait for a business license. He wanted to reiterate his support for allowing short-term rentals on owner-occupied properties. He also supports the pilot program. He also liked Commissioner Hicks's idea about the conditional temporary licenses. Commissioner Dechovitz asked if Mr. Radford would be eligible for a license even though he's a non-conforming use. Ms. Anderson said they would have to discuss that with the city attorney, but if he can provide documentation to show that he was renting before the ordinance prohibiting it was created, it might be possible.

Sonnie Torrey, Mossy Oaks, also has an accessory dwelling unit. The house was rented out for income. They are willing to comply with any rules and regulations, licensing, taxes, etc. She said the Northwest Quadrant is nothing like Mossy Oaks, and if the pilot program doesn't work, she wondered if that would mean they wouldn't do it elsewhere in the city. Commissioner Huddy answered that the idea of the pilot program is to have a place to start, not to suggest that it won't work elsewhere in the city. Commissioner Huddy went on to say that work will be done sooner than it takes to determine if something works or not.

Rich Seymour said a majority of homeowners at Battery Point don't favor short-term rentals in their neighborhood.

David Tedder said his properties won't be affected by this. However, he recommended that the commission should recommend to council that those short-term rentals that exist with non-conformities be allowed to operate for 12 months, as Commissioner Hicks suggested. Then, he said, "People in the city can work without being hung up on a conformity/non-conformity issue." Chairman DeVito said if there was a way around the issue, he feels the city attorney would have suggested it; "two attorneys are saying two different things."

Wayne Baggett asked if Port Royal and the city were different regarding short-term rentals, and Chairman DeVito said yes. Mr. Baggett said he has properties in each. He supports a pilot program. He has applied for a business license and had an inspection completed. He said a pilot program will help create an environment and consistent standards that everyone wants to see. Fire codes are different in short-term rentals and long-term rentals, for example. He cited the various advantages short-term rentals offer.

Dick Stewart said he owns property in the Northwest Quadrant and adjacent areas. He's concerned about what a pilot program might be. He asked that the Planning Commission consider the location. The Northwest Quadrant "has a geographic and chronological history"; he would like the area in the pilot program bounded by particular streets to give everyone an easily understood area of demarcation. He also said the devil is in the details. He'd like it to be crafted carefully.

DeWitt Helm, 406 New Street, is the former president of The Point neighborhood association. He endorses the idea of a pilot program but said it's "not a simplistic solution." The criteria should be set at the beginning, not the end, of the program. The Office of Civic Investment should be involved, he added.

Henrietta Goode, Northwest Quadrant, has worked with Commissioner Huddy and others to come up with guidelines for short-term rentals. They could be beneficial to the city as a whole. The pilot program has to begin somewhere. When the rules are set, they should be set for the whole city as "a unit, not just parts." They need a specific set of guidelines that must be adhered to by all. They won't know until they do something.

Commissioner Huddy reviewed the guidelines they have been discussing. The owner or the owner's property manager must be registered with the city prior to issuance of a business license. They must live on the property and be available within 20 miles of the property if there is a problem. He reviewed some conditions such as a minimum two-night stay, on-site parking, no on-site signs, no pets unattended, no amplified music per the city ordinance, an approved property management plan, business license renewal per annual review.

Commissioner Dechovitz added that the recommendation for "by special exception" is a process that is more involved for the applicant than is "conditional use." With the recommendation Commissioner Huddy is working on, no one would ever go more than 24 hours before a problem was solved. There would be annual review and inspection of property. If there are more than 3 complaints substantiated by the city in a year, then the special use would be reviewed. Historically, they have received one complaint per year in the last 3 years. Most short-term rentals operate with no problems. Commissioner Huddy said there's an extensive checklist as well for aesthetic and code issues.

Commissioner Dechovitz said he and Commissioner Huddy believe there's some risk, but it's very minimal because of the way the city is operating today. Short-term rentals can provide a cash flow to property owners, whereas long-term rental doesn't generate enough cash flow. Rather than lose these properties, they think this will make fixing them up attractive to people.

Commissioner Huddy made a motion that the Planning Commission recommend to council the approval of short-term rentals by special exception beginning with the Northwest Quadrant as a pilot program with the conditions and rental checklist that is documented from January 31, 2011.

Commissioner Dechovitz said he's concerned that what was described is complicated enough that the Planning Commission should have the actual wording in front of them before they move on it. Commissioner Semmler said they need to vote on it, let the planners do their work, and the renters do their job. The discussion should come later, or they're just dragging their

feet. He suggested a vote on the motion. He agrees with Commissioner Hicks's suggestion of 12 months. There was some discussion of what was being voted on in this motion.

Commissioner Huddy withdrew his motion. Chairman DeVito said what is on the table tonight is going back to what was looked at last month. They have to decide to pass it to council or kill it. There's also a different plan that could be put to council. They don't have specific language on either motion. Commissioner Hicks said there's a recommendation that the UDO be changed. He advocated recommending to council that the request be approved pending the further investigation of short-term rentals.

Commissioner Hicks made a motion to recommend denying the application. Robert Semmler seconded the motion. The motion passed 5-1 with Commissioner Huddy opposed to the motion.

Commissioner Dechovitz said he and Commissioner Huddy will come back with language, and the Dickerson's will apply for a zoning change.

City of Beaufort – Rezoning
Rezoning a parcel of property located at 1403 Greenlawn Drive, identified as District 120, Tax Map 1, Parcel 263. The existing zoning is "Neighborhood Commercial District." The proposed zoning is "Marsh Gardens Planned Unit Development."
Applicant: 303 Associates, LLC

Ms. Anderson said the public hearing will be at the next council meeting. Staff recommends approval as the City Council has already given 1st reading to the change. The Planning Commission is required to make a recommendation on rezoning. Commissioner Dechovitz said council has already acted. Commissioner Hicks said council can't take action without Planning Commission reaction. Chairman DeVito said if the Planning Commission doesn't react in 30 days, it goes through. There was no public comment.

Commissioner Hicks made a motion that the request for rezoning be approved. Commissioner Semmler seconded. Ms. Anderson said it would be lot type D in response to Commissioner Huddy's question. She said the Planning Commission can make a recommendation. Commissioner Huddy asked how it differed from its current zoning; Ms. Anderson said it's more intense. Its current zoning is Neighborhood Commercial but it's in the Boundary Street Redevelopment District. Commissioner Huddy said the proposed use is a park and a parking lot. Lot type D has minimum footage coverage. Ms. Anderson said the park may not have a building on it, and the parking lot may not, so the lot frontage wouldn't apply.

Commissioner Huddy said it sounds like there are two separate issues. Chairman DeVito said the decision is on its coming into Marsh Gardens PUD as a type D. Commissioner Crower asked if the approval of it is as part of a PUD that it's not a part of now.

Commissioner Dechovitz said he doesn't like the process of the council acting on something before the commission has made a recommendation; if that's going to be council's process, "there's really no reason for the Planning Commission to operate." It weakens the Planning Commission's authority to negotiate with a developer. He didn't have a problem last month with this plan or this change, but they "need to get right on our process." Otherwise he has no objection to this change. **The motion passed unanimously.**

City of Beaufort – Rezoning
Rezoning 6 parcels of property located at 88 Robert Smalls Parkway (Stokes Honda), identified as R120, Map 29, Parcels 201 and 202, and R100, Map 29, parcels 142, 143, 179 and 4X. The existing zoning is General Commercial District and Commercial Regional District. The proposed zoning is Highway Commercial District.
Applicant: S & S Properties LLC

Ms. Anderson said there are 6 parcels proposed for rezoning. She showed a visual of the area under consideration. 2 properties are in the city limits and 4 are in the county's incorporated area. All six properties are proposed for rezoning to Highway Commercial. The applicant wants to demolish the building and build another one. Annexation and rezoning will facilitate development of this site. She reviewed the permitted uses in each of the current districts. There is a mix of zoning designations of property on S.C. 170. G-3B type property in the comp plan is high-intensity use. There are a variety of intense commercial uses in the area. Public notification has been sent out and there are no public comments. Staff recommends approval. Ms. Anderson said there should be two motions to cover all bases.

There was no public comment. Commissioner Hicks said this is in line with the NRP and he thinks it's "great."

Commissioner Dechovitz made a motion, second by Commissioner Crower, to recommend annexation of the properties. The motion passed unanimously.

Commissioner Dechovitz made a motion, second by Commissioner Crower, to recommend rezoning the properties to Highway Commercial. The motion passed unanimously.

City of Beaufort – UDO Amendment
Revising Section 5.1, "Use Tables," and Section 5.3.D "Specific Use Standards, Commercial Uses," to allow Entertainment uses such as community clubhouses and pools as conditional uses in residential zoning districts
Applicant: City of Beaufort

Ms. Anderson said this would apply to community clubhouses and pools. Most are in PUDs, and these types of uses are factored in, but this isn't the case in all neighborhoods. Staff proposes amending to allow indoor and outdoor entertainment, subject to ownership and management by the POA or neighborhood association. Ms. Anderson said they could rent out the clubhouse if it's owned by the neighborhood association or POA. There was no public comment.

Commissioner Dechovitz made a motion, seconded by Commissioner Hicks, to recommend approval. The motion passed unanimously.

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson reviewed council's actions.

REVIEW OF PROJECTS FOR BEAUFORT COUNTY

County of Beaufort – *Port Royal Island Map Amendment/Rezoning for R100 024 0000 0042 AND 0362 (known as Burlington Planned Unit Development; 545.99 and 103.74 acres, respectively; off Joe Frazier Road in Burton), from Planned Unit Development (PUD) to Rural with Transitional Overlay (R-Transitional Overlay)*
Owner: Riverstone Properties II LLC (rezoning is County staff-initiated).

Tony Criscitiello said County Councilman Herbert Glaze and his constituents were present to listen to how these projects will proceed in the near future. The Burlington PUD was approved in 1998. County council set a process to sunset inactive or slow development PUDs. This rezoning request is coming from the staff, not the applicant. The comp plan classifies the property as Neighborhood Mixed Use. This area is in the growth boundary. Residential uses are encouraged to develop interconnectedness, according to the direction of the comp plan. The positives are mixed use housing, interconnected streets, etc. In the near future, the county will have a Burton/Laurel Bay charette to further develop a form-based code for the unincorporated area.

The county will be bringing forward a pilot TDR; this PUD will be a primary receiving area. The comp plan recommendations are equal to the Planning Commission's. The county council was recommended to change the zoning from PUD to Rural with Transitional Overlay. The Planning Commission must decide whether to change the zoning from PUD back to rural with the opportunity in the future to bring it back to some level of development, provided it meets standards for form-based code. The planning department suggests to the Planning Commission that it recommend this to the full Planning Commission of Beaufort County.

Commissioner Crower asked what the requirements are of transitional overlay. Mr. Criscitiello said in a span of time of 10-20 years, the infrastructure is anticipated to be available to transition it to a higher intensity and commercial density, provided those are available. This is in the growth boundary so it's expected to grow as well. They're trying to coordinate the growth

in the growth boundary in a way that is conducive to the county's, city's, and town's development.

Commissioner Crower asked why this was chosen over a slightly more dense zoning. Mr. Criscitiello said what's surrounding the area is rural, and that's a driving consideration. Commissioner Dechovitz asked if there was response from the people who originally applied for and got the PUD. The original applicant for the PUD is present, Mr. Criscitiello said. Commissioner Dechovitz said he's not familiar with all of the acronyms Mr. Criscitiello had used. Mr. Criscitiello proceeded to explain what the AICUZ is, the different types of zones that deal with noise and accident potential. The zoning is limited for opportunities of the property owners to use the property. He went on to discuss the way TDRs work. In some areas in Burton, the opportunity for development has been lessened, but there are other areas that can receive that density. The TDR program will be adopted with the expectation that they will assist small property owners whose ability to use their land has been limited.

Commissioner Dechovitz asked if someone owning 20 acres in the compatibility zone would have the right to sell to the extent that the value of his property had been diminished. Mr. Criscitiello answered yes. There would be a requirement to create a TDR bank, and he explained how that worked. There will be a need to create a Land Trust that is fair and even-handed to evaluate the TDRs to ensure they are useable. Also county council, the city, or town would have to set a market price annually for the TDRs.

Burlington PUD is not in the AICUZ, Mr. Criscitiello said. He introduced the PUD representative, **Jeff Galanti** of Riverstone Properties who told the commission that the form-based codes and TDRs were discussed in a meeting with county planning. They think it's a good PUD. They have no immediate plans to develop. Commissioner Crower asked if there was a time limit in the original PUD. Mr. Galanti said there wasn't. Mr. Criscitiello said the PUD is indefinite until county council acts to remove the designation.

Tim Schwartz, Lady's Island, has property on Joe Frazier Road and Highway 116. He's in the process of rezoning the property from Rural Transitional Overlay to Suburban Commercial zoning. It cannot be annexed into the city because it doesn't meet the parameters. He's waited two years for a charette that never took place. He spoke with Mr. Criscitiello in 2008 to get the zoning to the way the property has been used for five decades. Mr. Criscitiello said the property is 14 acres, which is too big, so he couldn't recommend rezoning the whole property. The county recommended subdividing and rezoning the front half of the property. A planning subcommittee meeting in August 2010 recommended moving forward. On October 4, at the county planning commission meeting, they voted unanimously for rezoning. At a February 14, 2011 meeting he wasn't allowed to speak, and they voted against the rezoning.

Peter Dawson, 228 County Shed Road, said the zoning of District 8 has been difficult to explain. In the initial redistricting and community plan, the residents all voted to stay rural. The comp

plan made them Transitional Overlay. They "wanted to stay rural and panicked." The Transitional Overlay took away the Rural Residential designation. The city couldn't annex because of the zoning, so they lay in limbo for 8 years. They didn't complain because they were Rural Residential. As development comes, they will lose their Rural Residential designation and can't have chickens in the yard or more than a 17' boat in the yard. This is a problem for families that have been there for years. Community preservation was a concept. They are frustrated because they want to stay rural.

Commissioner Dechovitz asked if the property was covered by the PUD. Mr. Dawson said the PUD is owned by the corporation, and those he represents live around that property. Mr. Dawson said they want to be rural, whoever owns it. Commissioner Dechovitz said if the PUD were transitional zoning, it wouldn't affect them. Mr. Dawson said "the overlay overrides the zoning." The request is to go back to rural. The AICUZ is incomprehensible, he feels. Commissioner Dechovitz confirmed that Mr. Dawson's property is not under consideration but the surrounding property is. Mr. Criscitiello showed a map of the area and the zoning designations. The TDRs, he said, will mean property owners with 1.2 units per acre density can sell some of their density to a receiving area such as Burlington. Mr. Criscitiello said the process is complicated. They are trying to work with the neighborhood and the neighborhood association to create fair and logical zoning in the future.

Councilman Glaze said when the first reading came up, county council denied it. He represents District 8. It was on the consent agenda to be denied, but he wanted to hear what was going on. Mr. Sharp said he'd spoken to constituents, and he wanted to get money to upgrade the area. They said "they were never told he was going to go with a Dollar General." The charette will allow the community to have input as to what they want in a particular area. The neighborhood hasn't been told the truth about developing a Dollar General in that area. If they wait until the charette is scheduled, all can come together and can design a layout that's good for everyone. To do it now is not appropriate. He sympathizes with this plight, but he must represent his constituents.

Harold Carter has property that "butts up against Burlington." He wants to know how this change will affect him and the other owners around him. Burlington is behind his property; if it's designated Rural Residential, he wants to know how it will affect him. A pond dropped 5 feet when Habersham was opened. Chairman DeVito said the zoning for Burlington would be the same as his is now.

Patrick Lai-Fang wanted to know how the changes will affect property taxes. Mr. Criscitiello said the use will affect how it's taxed; zoning has a small effect and use has a greater effect. Burlington has an agricultural classification and is taxed as such. Until there's a development plan, it will not have an effect on taxes. Commissioner Hicks said it's a PUD now; the recommendation is for Rural Residential designation. What is on the table tonight would not affect taxes. Zoning permitted now is denser than what is proposed, Commissioner Huddy said.

Jane Middleton began to discuss "the improvement to that property," but Chairman DeVito said what's being recommended has nothing to do with that property. The focus is only on the Burlington property.

Commissioner Hicks said he was on the Planning Commission in 1998; by 2004 in Beaufort County, "there were PUDs scattered everywhere," some going back to 1971. County council said they were "building roads and parks for someone who's not developing." They had indefinite PUDs, so council got together to modify the existing ordinance to say that if by 2010 a building hadn't been built, it would revert back to the base density of the surrounding community and the developer could request an extension. In this case, no request was received to negotiate an extension on this in January 2010. Commissioner Hicks said Mr. Criscitiello was doing what council said for him to do, which is downzoning to its base density. All these areas have to be looked at in toto. There was no AICUZ when Burlington was established. The F-35 may or may not expand the AICUZ. If growth isn't controlled, Highway 21 will have to be a 6-lane road, and Joe Frazier Road will fail as growth occurs. The city of Beaufort annexed the property and authorized 10,000 houses in Clarendon. All this needs to be considered, so **Commissioner Hicks made a motion that the Joint Municipal Planning Commission recommend to Beaufort County Planning Commission approval of the rezoning as submitted.** They will in turn recommend it to county council. **Commissioner Semmler seconded the motion.** Chairman DeVito said "it's fine to move this on." **The motion was approved unanimously.**

County of Beaufort – *Lady's Island Map Amendment/Rezoning for R200 015 0000 0051 AND 051A (known as The Village at Lady's Island Planned Unit Development; approximately 35+ acres total, bordered by Sam's Point and Oyster Factory Roads), from Planned Unit Development (PUD) to Lady's Island Community Preservation (LICP) and Lady's Island Expanded Home Business (LIEHB)*
Owner: B McNeal Partnership LP (rezoning is County staff initiated).

Mr. Criscitiello said this rezoning is similar to Burlington. It is subject to the same ordinance: in a slow-growing or dormant PUD, if it's not developed by December 2009, the PUD designation may be lost. The applicant went to county council to extend his PUD, and it was extended for one year. "He didn't show up for 11 months and 59 days," Mr. Criscitiello said, but then they discussed the options with him, i.e., more compatible zoning similar to New Point or Celadon might be feasible at a range of 2-2.5 dwelling units per acre and up to 5 dwelling units, so he has flexibility. The recommendation is to return the zoning to a designation that would allow for expanded home business.

Mr. Criscitiello showed the level of small scale commercial development. They're seeking the approval of the Joint Municipal Planning Commission to recommend to the full Planning

Commission to recommend approval. Chairman DeVito clarified that the year extension is up with no action. Mr. Criscitiello said yes. The property owner wasn't present.

Mr. Tedder said he wasn't present as the owner's attorney but was speaking as a member of the public. This is "of a different flavor," he said. He wasn't being paid by Mr. MacNeil to speak tonight but he owns property on Lady's Island. When they asked for the extension last year, "form-based code was coming down the line," and there would be people to assist with charettes. Form-based code has progressed slowly as a year went by. There's not yet a map available or an idea of what is going to happen.

Mr. Tedder wanted assistance from staff to design something the county would approve, but they have only gotten negative feedback. There's been a lot of frustration that they can't find out what to do that is acceptable with the property. Mr. McNeil worked with the county and did things, as opposed to the other PUD heard from earlier, Mr. Tedder said. It's not on the receiving end of the TDR program. It needs to go through a preservation program. Charettes have been delayed because of form-based code, he reiterated. Mr. Tedder thinks it should be delayed. He advocated clustering in that area; he described the properties and said they "should have magnets to create pedestrian-friendly areas." The planned community and mixed use options aren't the best use for this property at this time, he feels.

Commissioner Hicks read aloud the density of the developments on Lady's Island. Higher density is allowed if it's a walkable, established commercial area. The good density would be about 2.45 like Newpoint's. The current zoning is 6. The county has done much to promote growth. They have to be cautious about what they do on an island. They should support the ordinance, he feels. He said Celadon is 3.2; it's the densest of all the PUDs on the island.

Commissioner Huddy asked if Opticos would look at this as part of form-based code. He asked what it hurts to wait. Commissioner Hicks said they've waited a decade, then another year, and though form-based code is coming, there's not a chance that they'll promote high-density development other than in the village center. To go down Sam's Point Road is probably not going to happen.

Commissioner Huddy said it seems waiting is not going to do anything. Chairman DeVito said if what is discussed tonight is done, it's easier to get into form-based code. The PUD is locked in right now. Mr. Criscitiello said until county council takes action, the PUD is active. He explained what would be involved. "He has to hit the 50% point," he said.

Commissioner Huddy asked if Mr. Criscitiello had discussed this parcel with Opticos, and Mr. Criscitiello replied "intensely." Ms. Anderson, Linda Bridges, and Mr. Criscitiello are actively working on this. Chairman DeVito noted that neither the applicant nor a representative were present for this meeting. Commissioner Hicks said the decision should be council's on the

ordinance. Commissioner Semmler said he had the same concerns a year ago. He can see the frustrations, and he feels they need to move on; "the next step, whatever it is, will happen. "

Commissioner Semmler made a motion, seconded by Commissioner Hicks, that the rezoning be forwarded to the Beaufort County Planning Commission, recommending approval. Mr. Tedder said the stormwater changes are in place. **The motion passed unanimously.**

Discussion: Review of Rules of Procedures

Ms. Anderson said this hasn't happened yet. Commissioner Dechovitz made a motion, second by Commissioner Huddy, to table the discussion and put it on next month's agenda. **The motion passed unanimously.**

Chairman DeVito said the commission's agenda packets are usually e-mailed beforehand for review plus a hardcopy is available when they arrive in chambers. He asked if they want that process continued or if they would like a hard-copy sent to them beforehand. Commissioner Semmler, Commissioner Hicks, and Commissioner Crower said they want hard copies mailed, and Ms. Anderson said they will do it for everyone, but there will not be hard copies available in chambers. The chair will have one hard copy available if it's needed. Mr. Tedder asked if these packets would be posted on websites as well prior to the meetings. Ms. Anderson said the City of Beaufort web site will have the agendas, but not the entire package. Chairman DeVito said they can do whatever the Planning Commission wants. Chairman DeVito said he didn't see why they couldn't post the whole packet. Commissioner Huddy asked if there's a separate Planning Commission section. Ms. Anderson said they will e-mail it to Ms. Bridges and Mr. Criscitiello, and they can put it on their websites as well.

Commissioner Crower requested Mr. Criscitiello give the Planning Commission members a packet of information about county zoning. Chairman DeVito said he could send a link to the part of the website where it's referenced. Commissioner Semmler said there are differences in what Port Royal, the city, and the county do. He's going with what Beaufort County says until he's told differently at the Planning Commission. Chairman DeVito said each jurisdiction highlights the zoning in the area under consideration. No one could learn all of the zonings intimately.

Chairman DeVito said two members of the planning commission will be absent from the next meeting.

MINUTES

Commissioner Huddy made a motion to accept the minutes of the January 10, 2011 meeting as written, second by Commissioner Semmler. The motion passed unanimously.

There being no further business before the commission, Commissioner Dechovitz made a motion to adjourn, second by Commissioner Huddy. The motion passed unanimously, and the meeting was adjourned at 8:00 p.m.