

*Jasper County Planning Commission
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**Minutes of the June 09, 2009
Regular Scheduled Meeting**

Members Present: Chairman Kim Thomas, Dr. Bostick, Ms. Courtney Flexon, Ms. Juanita White, Mr. Alex Pinckney, Mr. Theo Drayton and Mr. Bill Young.

Staff Present: Mr. David Jirousek, Attorney Marvin Jones and Lisa Lamb.

Others Present: Mr. Rick Marscher, Mr. Rhett Sanders, Mr. Lewis Hammet, Ms. Barbara Bartoldus and Ms. Kim Malphrus.

Call to Order: Chairman Thomas brought the meeting to order at 6:30 pm.

Invocation & Pledge of Allegiance: Invocation was given by Mr. Pinckney. The Pledge of Allegiance was done in unison.

Approval of Agenda: Mr. Jirousek asked the Commission Members to amend the agenda to include a resolution pertaining to the bond, which was posted by The Settings of Mackey Point, under New Business.

Approval of May 12, 2009 Minutes: Mr. Young pointed out 2 (two) changes that should be made to the Minutes of May 12, 2009. The first change was the second sentence under Road Name Change; Exley Plantation Road, to replace the word “enable” with the word “prevents”. The second change to be made is the first paragraph; next to the last sentence, under Accessory Structure, should be 7000 acres instead of 700 acres. **Ms. Flexon made a motion to accept the minutes with the changes that were pointed out, seconded by Mr. Young. The Commission voted unanimously in favor of the motion.**

New Business:

Resolution Regarding the Bond for The Settings at Mackey Point: Attorney Jones explained that in August of 2006 the Planning Commission approved a subdivision plat for The Settings at Mackey Point. It just came to his and Mr. Jirousek’s attention last week that the infrastructure at The Settings of Mackey Point has not been completed yet. Attorney Jones also explained that the way the ordinance is written you can not sell lots until the entire infrastructure is in place or unless the developer post a bond to guarantee that the infrastructure work will be completed. There is a bond posted for the completion of the infrastructure work at The Settings of Mackey Point; however, a property owner wants to have his deed set aside since he’s been paying on his lot and can not use it. One of the contractors made a claim as well, because he has not been paid for his work and he is asking Jasper County to cash in the bond to pay him what the developer still owes him. Mr. Jones also explained that he reviewed the bond and realized the bond calls for a Resolution by Council. Mr. Jones sent a letter to The Settings, which he gave a copy to each

Commissioner, requesting that they finish the infrastructure work. Attorney Jones prepared a Resolution which he asked the Planning Commission to take a look at and make a recommendation to forward to Council. Attorney Jones read the Resolution.

Chairman Thomas asked if the County has performed the required inspections at The Settings. Mr. Jirousek stated that inspections had been performed at The Settings but not much work has been done in the last six months. Chairman Thomas also inquired about a timeline for performing the work or from inactivity. Mr. Jirousek explained that there was no time line and this resulted from inactivity. Ms. Flexon asked if there should be a procedure for a timeline. Attorney Jones stated that the Planning Commission may want to recommend a timeline for any future projects. Mr. Drayton pointed out that the Resolution directs the Planning Director to take action as necessary and he asked what that is. Attorney Jones stated that the County will try to work out this problem with the developer and if not the County can call on the bond. Mr. Pinckney asked if that process is long and drawn out. Attorney Jones stated that he is not aware of Jasper County having any experience with this type of issue. Mr. Pinckney stated that he thinks every possible solution should be sought to work this issue out in an understanding matter especially the way the economy is. Mr. Jones stated the best thing would be for the developer to explain what caused this problem and to take care of it in a timely fashion. Mr. Young asked if the bond company has been put on notice. Mr. Jones said no but that is the next step. The bond itself calls for a resolution and we are lining that up now. Mr. Drayton asked if the bonding company is supposed to finish the project if the developer doesn't. Mr. Jones stated yes. Dr. Bostick asked if this was a common practice to allow a person to buy a lot that has been bonded and if so should the county have a timeline in place for the future or should the County make the developers install all infrastructures before selling lots. Mr. Jirousek stated yes this is a common practice. Mr. Jirousek also suggested coming up with a timeline prior to recording plats. Chairman Thomas suggested developing a bond format for developers to use. She stated that Beaufort County does that and then there will be no questions. **Ms. White made a motion to forward this resolution to Council with a recommendation for approval, seconded by Ms. Flexon. The Commission voted unanimously in favor of the motion.**

Old Business:

A. Accessory Structure and Family Dwelling Ordinance: Mr. Jirousek explained that this ordinance, which was reviewed at last months meeting, is being presented again to the Planning Commission with proposed revisions. He went over the intent of the ordinance which is creating a variety of standards. "General Standards" are being proposed that will apply to accessory structures in all zoning districts. "Residential, Rural Preservation and Commercial Standards" will have certain standards that differ depending on the zoning designation of a property. Standards are being proposed for "Hunt Camps and Rural Accessory Dwelling Units". Since hunt camps are seasonal the standards should differ from standards for residential accessory structures. Standards are being proposed for "Family Accessory Dwelling Units" to allow family members to have one extra dwelling unit eliminating the need to have the property subdivided. Mr. Jirousek reviewed the proposed ordinance with the Commissioners pointing out each change that had been made since their May meeting.

Dr. Bostick asked if a pump house was considered to be an accessory structure. Mr. Jirousek suggested defining pump house as not being an accessory structure but limiting it to a certain size or stating that as long as it is only used to house pump equipment and not used for any other storage. There was some discussion about whether or not the number of accessory structures should be limited in the residential zone. The Commissioners decided to limit the number of

accessory structures located in the Residential zoning district to three (3) structures.

There was some discussion about Article 9:6.4, sentence number one (1) of the proposed ordinance. Mr. Jirousek pointed out that he was proposing a sliding scale and meant to put *over five acres* at the end of that sentence. Chairman Thomas asked him to reformat number one (1) of Article 9:6.4 to make it clearer. Mr. Jirousek suggested changing the 800 square feet for accessory structures to 1000 square feet and changing the 1200 square feet to 1250 square feet. The Planning Commissioners agreed. Ms. Flexon asked about building a secondary livable structure like a pool house with a living area or a guest house. Mr. Jirousek stated that he thinks the family accessory dwelling standards will address that. Chairman Thomas suggested looking at standards to regulate stand alone guest houses. Mr. Jirousek suggested adding pool house and guest house to the list of accessory structures and including a sentence that reads; *as long as it is in conjunction with the primary house*. The Commissioners agreed. Ms. Flexon asked about *roadway* in sentence number two (2) under Article 9:6.5, as to whether or not *roadway* is referring to a public road. Mr. Rick Marscher addressed the Commission. He stated that he was concerned about that sentence referring to roadway and thought that it should be replaced with public road. Mr. Jirousek stated that sentence could be re-worded to say *public roadway*.

There was much discussion about Article 11:7 of the proposed ordinance, Family Accessory Dwellings. Mr. Pinckney questioned sentence number two (2) of Article 11:7. He pointed out that in the residential zone the minimum lot size is a half acre (1/2) and this would decrease the by-right density. Mr. Jirousek suggested changing it to say one (1) acre minimum for residential zoned lots and two (2) acres for rural preservation zoned lots which would not decrease the density at all. Dr. Bostick asked if he had two (2) acres could he do four (4) units. Mr. Jirousek explained that the way this is written you could only have one (1) extra unit on each parcel of land. Ms. White stated that she thinks we went too far getting into people's DNA. She also asked if any other jurisdiction in the state of South Carolina uses any laws like this. She asked that the Planning staff to research this issue. Chairman Thomas explained that this is an avenue to allow an extra residence while the Planning Commission works on an ordinance pertaining to family compounds. Ms. Flexon asked why the Council rejected the family compound ordinance. Mr. Pinckney told her that it was the verbiage that Council did not like. Mr. Jirousek stated that last month we discussed heir's property and he spoke to a lady in Charleston that works with heir's property. She has agreed to come and address the Planning Commission and staff in late July. Ms. White stated that if the land perks and DHEC doesn't have a problem then she doesn't understand why we should have a problem with it. Mr. Jirousek stated that Colleton County has a similar ordinance which allows two units and it is not limited to family. Ms. Flexon suggested pulling out Section 11:7 of the proposed ordinance until they discuss the family compound issue and forwarding the rest of the proposed ordinance to Council. Dr. Bostick asked if two structures could be abused. He asked the planning staff to find out from Colleton County if there has been any abuse with that part of their ordinance or how it is working for them. Mr. Pinckney stated that the lady in Charleston that works with heir's property explained to him that if someone builds a house on heir's property and the property is not subdivided then that person stands a chance of losing their improvements where as if a mobile home is placed on heir's property then it could be moved off the land since it has a title rather than a deed. Chairman Thomas polled the Commissioners to see who was in favor of leaving Section 11:7 of the proposed ordinance out and forwarding the rest of the proposed ordinance to Council. The Commissioners decided that Section 11:7 should be pulled out and brought back next month while the rest of the ordinance is forwarded to Council. Mr. Jirousek went through the changes that were discussed. **Ms. Flexon motioned to forward the ordinance to Council with the changes that were discussed and remove Section 11:7 from the proposed ordinance. Mr. Young seconded the motion. The Commission voted unanimously in favor of the motion.**

Planning Commission Discussion:

A. Strobhart Road Area Land Use and Zoning: Mr. Jirousek explained that the purpose of this agenda item is for in-site and information only. He stated that the Planning Department has received some inquiries about changing the zoning from Community Commercial to General Commercial or Industrial on the north west side of Strobhart Road and Highway 462 and from Rural Preservation to General Commercial or Industrial on the south west side of Strobhart Road and Highway 462. He also stated this area was approved in 1997 for a commercial subdivision and people are interested in that area. He pointed out that there is a landscaping company and seafood sales located in that area, which are conforming uses. The concrete plant and the incinerator, which are located in that area, are not conforming uses. Mr. Jirousek stated that he did not think this area was fully considered during the Comprehensive Planning process since it was part of the Ridgeland Joint Planning Area. Chairman Thomas stated that she didn't think this area was missed during the re-zoning process; she thought it was just skipped over. Dr. Bostick stated that he hopes that the community would be informed and their input considered before changing any of the zoning in that area since so many of them have come to the Council complaining.

Ms. Bartoldus addressed the Commission. She stated that she lives in that area. She pointed out that the landfill was put in, then the concrete plant, and then an incinerator was put in that area. She stated that Greenspace, which is the incinerator, is hiding a massive amount of construction and debris in a very high berm, which is illegal since all they are permitted to burn is green. She stated that the stench from that along with the landfill is terrible. She also stated that the residents who live there have asked Oakwood Landfill to buy their property and that has not been done. They have come to County Council trying to protect their land. She stated that making this area more industrial will not protect the citizens in that neighborhood. She asked the Planning Commission to make a very careful decision before making that area more industrial.

Lewis Hammett an attorney from Bluffton stated that this is an approved Industrial Subdivision. The lots have been recorded and sold. He also stated that he works with the Redi-Mix business and they have been doing their work from another location. He pointed out that people have bought lots there for industrial use. He stated that not one of those people knew the zoning had been changed and they won't be able to use their lots for the reasons they purchased it for. Mr. Jirousek stated that he thinks any changes to this area would warrant a lot of study. Chairman Thomas asked if that development would need to be rezoned as a whole. Mr. Jirousek stated that it would probably be by parcel. He also pointed out that there are no vested rights for this development because they would have needed to have a building permit in hand. Chairman Thomas stated that the Commission frowns on spot zoning so re-zoning by parcel may not be approved. Mr. Jirousek stated that he understands but for planning purposes a future land use plan for Jasper County should be considered.

B. EMS Road Naming Policy: Lisa Lamb reminded the Commissioners that at last month's meeting there was a request to be updated on the Road Naming Ordinance. She pointed out that the EMS Road Naming policy was in Section 25 of the Jasper County Code of Ordinances. She pointed out that the requirements for new road names are, at least three (3) households must be served by the road, the road name must not be in conflict with other names or are not to be confusing and the developer must pay for the road sign as well as the erection of the sign. If there is more than one road name suggested then the Planning Commission should give preference to the name preferred by at least 51% of the property owners. Re-naming of a road should not be duplicated or confusing with another road name and applicant will pay a \$25.00 fee along with

the cost of the sign and erection of the sign. She explained that the ordinance requires all road name applications to be submitted to the 911 Address Coordinator, who is responsible for checking the data base. The Address Coordinator recommends the application to the Planning Commission and the Planning Commission is to approve or disapprove all applications and issue a certificate, which should be recorded at the Register of Deeds for all approved road names. She pointed out that Section 8.8 of the Land Development Regulations (LDR) requires that all street names shall be submitted to Emergency Services who makes recommendation to the Planning Commission and the Planning Commission shall make recommendation to County Council. She also pointed out that the Road Naming Ordinance and the LDR are conflicting with one another. She stated that the planning staff will be glad to inform Mr. Daley, Director of Emergency Services, of any issues in the form of a staff report.

There was some discussion about property owners versus households and if there was a time limit on road naming. Attorney Jones pointed out that the 51% requirement pertains only to private roads and not public roads. He also stated that he thought if only one person lived on a road and there was a fire it would be just as important for that road to have a name. The Planning Commission recommended that we forward a staff report to Mr. Daley and ask them to take a look at the Road Naming Ordinance.

C. RV's at Cotton Hill (S321) and Cypress Branch (S601): Mr. Jirousek explained to the Commissioners that there is not much to report on tonight regarding the RV's at Highway 601 and 321 but he wanted to let them know that this situation is being addressed. He also told the Commissioners that the inspectors were sent out to the property to take pictures and he reiterated that the planning staff is working on this situation.

D. Heir's Property: Mr. Jirousek stated that potential dates for having a joint workshop for the Planning Commission and County Council pertaining to heir's property are July 22nd and July 23rd or the next week in July, July 28th through July 30th. After some discussion among the Commissioners it was decided that tentatively the meeting will be set up for July 22nd or 23rd, 2009. Mr. Jirousek asked the Commissioners to check their calendars when they go home and that the planning staff will call to poll the Commissioners for an exact date.

Chairman Thomas asked if the lady from Charleston was coming just for Jasper County. Mr. Jirousek stated yes. Chairman Thomas asked what the Commission should expect. Mr. Jirousek stated that she will be sending a DVD along with some pamphlets and that she would like some information on how the development pressure is in Jasper County. Mr. Jirousek suggested that if any of the Commissioners have any experiences with heir's property and they want to share it, it might be helpful. Chairman Thomas asked if this would be a private meeting or open to the public. Mr. Jirousek stated that he thought it should be open to the public. Chairman Thomas suggested asking the local attorneys to attend the meeting and possibly realtors. Mr. Jirousek suggested setting up panels.

E. Open Discussion: Mr. Pinckney stated some of the County roads are impassible for two (2) vehicles and they used to be passable before gravel was put on them. He just wanted to make the staff aware so that they could pass along this information on to Council or the appropriate person. Ms. White stated that when the roads are rocked the rock doesn't last long and she thinks the County should find an alternative for these roads. Ms. Flexon inquired about a junkyard located on Highway 170A. She asked about a state law requiring 1000' (one thousand foot) setback. Marvin said there is a state law from 1970 that we will need to check into that law to see if it is applicable to Highway 170A.

Adjourn: Ms. Flexon motioned to adjourn, seconded by Mr. Pinckney. The meeting adjourned at 9:35 pm.

Respectfully Submitted,

Lisa Lamb