

*Jasper County Planning Commission  
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**Minutes of the February 14, 2023  
Regular Scheduled Meeting**

**Members Present:** Mr. Alex Pinckney, Chairman; Mr. Randy Waite Vice-Chairman; Dr. Earl Bostick, Sr.; Dr. Debora Butler; Ms. Sharon Ferguson; Mr. Thomas Jenkins; and Mr. Art Rothenberg.

**Staff Present:** Ms. Lisa Wagner and Ms. Bonnie Lawson

**Others Present:** Ms. Jennifer Tosky

In accordance with the Freedom of Information Act the electronic and print media were notified. During periods of discussion and/or presentations minutes are typically condensed and paraphrased. The recorded version is available online at: <https://www.youtube.com/watch?v=ItsVyAbAyEY>

**Call to Order:** Due to Chairman Pinckney having technical difficulties, Vice-Chairman Waite Chaired the Meeting and brought the meeting to order at 6:00 p.m.

**Invocation & Pledge of Allegiance:** Invocation and the Pledge of Allegiance was given by Dr. Bostick.

**Approval of Agenda:** Mr. Jenkins moved to approve the Agenda as published, seconded by Dr. Butler. Mr. Waite pointed out that the agenda reflects tax map number 081-00-04-008, but it should be 081-00-04-080. The Commission Members voted unanimously in favor of the motion.

**Approval of December 13, 2022 Workshop Minutes:** Ms. Ferguson moved to approve the Minutes of December 13, 2022 Workshop, seconded by Mr. Rothenberg. The Commission Members voted unanimously in favor of the motion.

**Approval of December 13, 2022 Regular Scheduled Meeting Minutes:** Mr. Rothenberg moved to approve the Minutes of December 13, 2022 Regular Scheduled Meeting, seconded by Dr. Butler. The Commission Members voted unanimously in favor of the motion.

**Approval of January 10, 2023 Regular Scheduled Meeting Minutes:** Mr. Jenkins moved to approve the Minutes of January 10, 2023, seconded by Dr. Butler. The Commission Members voted unanimously in favor of the motion.

**Old Business:**

**Zoning Map Amendment and Concept Plan Approval – Planned Development District – Bailey Park, Tax Map Number 081-00-04-007 and 081-00-04-080:** Ms. Wagner said the applicant K&R Development, LLC requested a Planned Development District Zoning designation for mixed-use development, which will be known as Bailey Park PDD. The project site consists of two parcels, tract A, which is 6.63 acres and is currently zoned Community Commercial and tract B, which is 20 acres and is zoned Residential. The properties are located along Highway 170, approximately

two miles east of the intersection of Highway 462 and has frontage along Old Bailey Road. Both properties are vacant and are undeveloped. The Planning Commission reviewed this application in May 2022, and forwarded a recommendation of approval to the County Council to have the property re-zoned Plan Development District. The applicant has revised the PDD document to remove all commercial uses and designate both parcels as residential. The proposed density has been decreased to 7-1/2 units per acre. The traffic study was revised, and is based on residential uses only, at 12 units per acre. Because this is a major change, it requires another review and recommendation by the Planning Commission in accordance with Article 3:25 of the Jasper County Zoning Ordinance. The future land use map identifies this area as rural conservation, which seeks to protect and promote the character of Jasper County that largely exists today outside of the municipalities. In these areas, new development should be thoughtfully placed within the existing landscape. The land use chapter of the Comprehensive Plan recommends guiding growth and new development in or around the municipalities where infrastructure and services are available to serve new growth. While this project site is not adjacent to a municipality, it is in an area where infrastructure and services are available to serve the site. The adjacent zoning is commercial, rural preservation, and residential with Planned Development District across the street. The adjacent land uses are commercial, residential, and vacant properties. The property is accessed by Highway 170, which is a four-lane state-maintained highway, classified as an arterial Road. The property also has direct access to Old Bailey Road, which is a two-lane state, maintained road, classified as a local road.

Ms. Wagner said the revisions to the Old Bailey Park PDD changes tract A from mixed-use commercial to residential uses, which eliminates 65,000 square feet of commercial uses, and adds no more than 7-1/2 units per acre, which may be in the form of apartments, townhomes or single family detached houses. Tract B has been changed from 12 units per acre to 7-1/2 units per acre based on the upland acres, which reduces the maximum residential density from 233 units to a maximum of no more than 187 units. The traffic study was revised based on 300 townhouses with no commercial. The revised traffic study compared to the original traffic study, reduces the total daily trips from 4,186 trips to 1,998 total daily trips. The AM peak hour trips were reduced from 168 trips to 116 trips, while the PM peak hour trips were reduced from 374 trips to 150 trips. With the reduction of the overall density from 300 townhouses to 187 residential units, the traffic count will be further reduced by 33% using the same methodology that the traffic engineers used. Public Notices were sent to all adjacent property owners, notifying them of the Applicant's revisions to the proposed Bailey Park PDD and providing them with an opportunity to comment. In addition, one zoning application sign was placed along Highway 170 and one sign along Old Bailey Road.

Ms. Tosky addressed the Commission. She said she took the recommendations of staff and Council and reduced the density. She said she wanted to try and find a happy medium between the neighbors and the needs of the developer.

Mr. Rothenberg said in the executive summary of the traffic report, it states these recommendations may not fully mitigate congestion during peak hours, and additional improvements should be considered if queues are excessive. He asked if that is something that will be done. He also asked if the traffic study addressed the traffic increase on Old Bailey Road. Ms. Tosky said it's been her experience that when the traffic studies offer up mitigation ideas, the Department of Transportation typically follows those and will more than likely require them to do additional improvements. She said their preliminary design does not allow a left turn onto 170 exiting the development, so you will have to turn right on Highway 170 exiting the development. Any left turns will need to exit from the rear of the development onto Old Bailey Road. She said they have suggested to the Department of Transportation, the idea of helping with the cost of a stop light if needed. She said they have considered the traffic increase on Old Bailey Road.

Mr. Rothenberg asked how the recommendations of the traffic study can be implemented to help prevent accidents when people are turning out of the development onto Highway 170. Ms. Tosky said they will be required to install accel and decel lanes at the main entrance. The Department of Transportation has reiterated whether this development comes online by the year 2027, there's going to be a problem simply from development in Beaufort County and surrounding areas that utilize the Highway 170 corridor. She believes with thoughtful planning, the traffic

will naturally slow down and perhaps some of the people who live in Beaufort and commute to Hilton Head for work every day will look at this development as a place to live, which will cut their commute in half and alleviate that many people from traveling the entire route of 170. Mr. Rothenberg asked when will the plans be available showing the acceleration and deceleration lanes, as well as the ingress and egress for the development. Ms. Tosky said the plans will be part of the major subdivision submittal and/or the master plan submittal.

Mr. Rothenberg asked about the 1.25 acres of active open space. He said that seems small for 187 units. Ms. Tosky said that is a minimum requirement in the PDD. She said they have no problem dedicating other areas without building pads for open space because it is a selling feature. Mr. Rothenberg asked if anyone has looked at the capability of the school system to see if they are able to take in an influx of students. Ms. Tosky said they do look at the demographics that are most likely to purchase the housing product that will be developed. She said while the buyers are not necessarily young families, it would not surprise her if in the next three to five years to see the Jasper County School systems skyrocket. Right now, about 70% of the purchasing market is the retiree age.

Doctor Butler said the traffic study shows a Level of Service (LOS) E for unsignalized intersection at Highway 170 and Old Bailey Road. She said when you look at how that is defined, it shows a significant delay at the intersection of both Old Bailey Road West and Old Bailey East, The future projection shows the delays worsening. She said it is her understanding that the traffic will be at a standstill. Ms. Tosky said a representative from the Department of Transportation and AECOM told her there is a mitigation plan for the entire 170 corridor. Dr. Butler asked Ms. Tosky based on the traffic study she presented if there would be significant delays in the traffic. Ms. Tosky said yes, in the evening hours.

Dr. Butler said she appreciates the information regarding the petition that was sent to the Commissioners prior to the meeting. She asked if the community members who oppose this project wanted to leave the zoning as is currently and if so, would that provide for a lesser amount of density. Ms. Wagner said yes for single family residential; however, townhouses are allowed as a conditional use in the Residential Zone. She said originally, the applicant wanted to develop a townhouse community. The density for townhouses is 2,000 s.f. per unit. She said a conceptual plan showed 233 townhouse units, but the County asked for a PDD based on the two properties being more than 25 acres. Dr. Butler asked Ms. Wagner to explain why the PDD was sent back to the Planning Commission. Ms. Wagner said Ms. Tosky removed all of the commercial uses, which is considered a major change, and requires a re-review and recommendation by the Planning Commission. Ms. Wagner said looking at some of the other PDD's, staff recommended reducing the overall density from 12-1/2 units to 7-1/2 units, which is more in line with other approved PDDs.

Ms. Tosky said the PDD consists of two parcels, one is zoned Community Commercial, which would allow up to 65,000 s.f. of commercial development. She said the other parcel is Residential and allows mobile home parks in addition to townhomes and single family residential. The residential property only has ingress and egress to Old Bailey Road, which would create a traffic burden on Old Bailey Road. She said their plan combines both parcels to allow shared access to Highway 170, alleviating some congestion on Old Bailey Road, which is also what triggered the PDD by the County's Ordinance. She said the density numbers they originally proposed were based on uses allowed by-right.

Dr. Butler said there was a comment in the Petition regarding concerns of runoff damaging the Okatie River and that this development will destroy their environment. Ms. Tosky said the way Carolina Engineering explained it to her, is the design standards will require them to either maintain the status quo in the community or improve the existing drainage. Dr. Butler asked if their runoff would go the Okatie River when it leaves their property. Ms. Tosky said it is her understanding that there is a drainage basin that diverts the water under 170 and pushes it back towards the storage tanks that Beaufort Jasper maintains, and somehow or another, it gets recycled or whatever happens. She

said their engineer explained to them that their design and layout will improve drainage along Old Bailey Road and make it better for the adjoining properties.

Dr. Butler asked Ms. Wagner if they could just open a mobile home park or if there are design standards. Ms. Wagner said a mobile home park would need to come to the Planning Commission for zoning approval and then go through an engineered site plan to create the mobile home park. She said mobile homes are allowed in the Residential Zoning District so potentially, mobile homes could be allowed.

Dr. Bostick said by reducing the number of units, which also reduces the daily traffic counts, it looks like Ms. Tosky has done some things to appease the County Council as well as the neighbors. He asked Ms. Wagner if she foresees any other problems with this proposal and if there are any other letters or comments the Commissioners need to look at. Ms. Wagner said there will be another public hearing and the Coastal Conservation League did submit a letter she would like to share before the meeting ends.

Ms. Ferguson said although the developer seems to acknowledge the concerns of the neighbors, is there a way the developer can convince the people who are opposing this development, that all their concerns have been addressed. She said there are a lot of concerns, and it seems like their concerns can't be ignored. She said we should figure out a way to at least give the people some sort of comfort level that these things will be addressed or have been addressed. Ms. Wagner said the petition was sent to the County Council during their public hearing in September of last year, and the very first line of the petition states that 233 units and 65,000 square feet of commercial are being proposed. She said she sent 44 letters (it was actually 54 letters for the record), describing what was originally proposed and what is being proposed now. She said she did not receive any comments from the letters she sent. The only comment received was asking me to share the petition from September 2022. She said the petition is dated and doesn't reflect the changes. The Coastal Conservation League did send a letter and they support the petition.

Mr. Jenkins asked doesn't the Development Standards Ordinance (DSO) only allow a certain number of units per acre to be built on the land. Ms. Wagner said that is true based on by-right zoning. She said the Planned Development District allows for negotiations, which is based on what can be put on the land after you provide open space, stormwater facilities, roads, setbacks, and buffers. Mr. Jenkins asked if this is approved, what type of guarantee is there to avoid too many units being stacked on an acre of land. Ms. Wagner said no more than 7-1/2 units can be allowed on an acre of land. Mr. Jenkins said that is a lot of units on an acre. Ms. Wagner said it is comparable to the CSP Plan Development District that we approved, and the County Council approved. She said that is how we came up with 7-1/2 units per acre, by looking at what has been approved recently, and we didn't feel that this development should exceed 7-1/2 units per acre.

Mr. Jenkins asked what the cost of the units are going to be. He said he is concerned that people who live in Jasper County won't be able to afford to get into one. He asked Ms. Tosky if she is going to put anything in place that will subsidize housing for low-income people. Ms. Tosky said typically when you look at low-income housing, you are looking at higher density because the cost for construction and infrastructure does not change for the developer. She believes with 7-1/2 units per acre there will be an opportunity to consider roughly 15 - 20% of their housing product as low income if it is multifamily and townhome products. She said single family homes will lower the density. If they go to all single-family homes, they will be lucky to get 130 units, which would push the price point up. She said they are hoping to end up with a mixed product of single family, possibly on the south side of the property, and some townhomes towards the north and within that townhome product, they would be able to look at some low-income subsidies and affordable housing. It's not a question that she can answer definitively until the site plan is more definitive.

Mr. Jenkins asked if there has been any discussion with the local Department of Transportation to let them know when these developments are coming since they are the ones that will be maintaining these roads Ms. Wagner said yes, SCDOT has a local engineer who reviews the plans for every commercial development, subdivisions, and Planned Development Districts. Everyone knows how bad the traffic is on Hwy. 170. The LATS Committee, which is the Low Country Area Transportation Study (the Metropolitan Organization) has completed a traffic study for Highway 170 from the intersection of Highway 278 to the intersection of Highway 462. She said the study made recommendations and listed priorities for implementation of the Plan. She said Jasper County, the City of Hardeeville and Beaufort County has all committed money to begin to implement some of the improvements along Highway 170. She said a traffic light has been identified near this project area, but so far, the counts are not high enough for SCDOT to permit a traffic light. She said SCDOT also reviews all the traffic studies that are performed in Jasper County. Additionally, a development cannot tie into Highway 170 or any other state road without first getting an encroachment permit from SCDOT. She said an encroachment permit will be required for Old Bailey Road and Highway 170, and SCDOT will review the plans. Any mitigation that is needed will be at the cost of the developer.

Mr. Waite asked if the re-zoning is approved, would it come back to the Commission for a major subdivision. Ms. Wagner said yes, it will come back to the Commission at the next step, either subdivision approval or master plan approval. Mr. Waite said this request was forwarded to County Council in May 2022 with a favorable recommendation and it included higher density. He thinks the developer has answered most of the Commissioner's questions and has tried to work with the neighbors and the County to reduce the density.

Ms. Wagner read a letter submitted by the Coastal Conservation League, which is attached to these Minutes.

Chairman Pinckney said this development would be better for the community as a PDD rather than being developed under by-right zoning because the Planning Commission, the County Council, or the existing residents will not have a say in what the project will look like. He said reducing the density is also a plus.

Dr. Butler asked if the traffic study does not consider other projects in this area that have been approved but not yet developed. Ms. Wagner said the traffic study includes development that have entitlements like the Center Point PDD and other developments that have been permitted. She said the traffic study does not include developments that have not been entitled or permitted. For example, the Master Plan for the Center Point Apartments that was recently reviewed, accounted for everything in the area that has been permitted including other densities that are allowed within the Center Point PDD, but not yet developed; however, it did not account for Bailey Park since they have not received any entitlements yet. Dr. Butler asked how the density for Bailey Park could be reduced even further and if changing the zoning would help accomplish that. Ms. Wagner said if the developer wants to create a single-family residential subdivision, it would reduce the density, but if the developer wants to develop the 20-acre parcel as a townhome development, then the density would allow 1 unit per 2,000 square feet, which would probably increase the density.

There was some discussion about the letter from the Coastal Conservation League in regards to who they are and if the County Attorney should the letter to discuss the legal claims with staff. Ms. Wagner said the Coastal Conservation League is a conservation group working to conserve and protect land. She said the County Administrator and two Council Members were copied on the letter. She said the proposed development includes mixed housing products, which is no different than the csp Development.

Chairman Pinckney said the Commission makes a favorable or unfavorable recommendation to County Council and if the re-zoning is approved, it will come back to the Commission for major subdivision approval, so there will be another opportunity for another review and input.

**Dr. Bostick moved to forward a favorable recommendation to County Council to approve the Zoning Map Amendment and Concept Plan Approval of Planned Development District for Bailey Park, Tax Map Number 081-00-04-007 and 081-00-04-080, seconded by Mr. Pinckney. The motion passed with Dr. Bostick, Chairman Pinckney, Mr. Waite, Mr. Rothenberg, and Mr. Jenkins voting in favor of the motion. Dr. Butler and Ms. Ferguson opposed the motion.** Dr. Butler said she would like the record to reflect the reason for her opposition to the motion, which is because of her concern regarding the traffic in the area, and the unanswered questions regarding the threat to the environment.

**Open Discussion:**

There was some discussion about the Code Enforcement report not providing any information except for numbers. Ms. Ferguson said she would like more detail, such as the kind of complaints, violations, inspections, outcome and cause for reinspection. Dr. Butler agreed. Ms. Wagner said she would pass along the request.

Chairman Pinckney said Jasper County is seeing a lot of growth and the Commission needs to identify sensitive areas during the 5-year review of the Comprehensive Plan. He said the Commission needs to be smart about planning while being sensitive to the sensitive areas, allowing development so Jasper County grows into a beautiful place. Dr. Butler said she agrees, but she doesn't agree with increasing density to lower the housing prices. She thinks people at the lower end of the economic spectrum should have decent places to park their cars and enough yard for their children to play. She said you see that in Beaufort County and she doesn't want that for Jasper County.

Mr. Waite said we are not going to stop the growth, but it should be controlled and by doing so, the Commission can make it a better place. He said the applicant earlier tonight could have made the front tract commercial, which creates more traffic, but he thinks they tried to listen to the community and do the right thing by decreasing the density.

Mr. Jenkins said the County needs industry in order to bring jobs, not just housing developments. Mr. Waite said the County does a good job of trying to develop the Cypress Ridge Industrial Park. He said the County builds spec buildings to sell in order to bring more industry into the County.

Dr. Bostick said we need to tweak the phrase, "Let's keep Jasper County Rural". He said when you get more people to demand certain things, you will get more resources coming into Jasper County. He said he would like to keep Jasper County rural but unless we put all of our timberlands in preservation or a trust, we are not going to have thousands of acres of timberlands like we did in the past. Timberlands don't add much to the tax base, which is why the school system never got much. Development provides more resources and more jobs. He agrees we need more development, including commercial and industry, and we need to plan smart to make sure everything works together and not forsake one for the other because then nobody wins.

**Adjourn: Dr. Bostick moved to adjourn, seconded by Mr. Jenkins. The Commission voted unanimously in favor of the motion. The meeting adjourned at approximately 7:35 p.m.**

Respectfully Submitted,

Lisa Wagner