

*Jasper County Planning Commission  
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**Minutes of the July 13, 2021  
Regular Scheduled Meeting**

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

**Staff Present:** Ms. Lisa Wagner and Ms. Sharon Durst

**Others Present:** Mr. Fidel Aronza; Mr. Alex Hay, Mr. Rick Reiff, Ms. Nicole Scott, Mr. Brad Connolly, and Mr. Ryan Mailley

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 in the Office of the Planning and Building Services Department.

**Call to Order:** Chairman Pinckney brought the meeting to order at approximately 6:00 p.m.

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

**Approval of Agenda:** Chairman Pinckney said Item D needs to be removed from the agenda, at the applicant's request. Mr. Jenkins motioned to amend the agenda to remove Item D, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.

**Approval of Minutes:** Mr. Jenkins motioned to approve the Minutes of the **June 08, 2021**, meeting as written, seconded by Dr. Butler. The Commission Members voted unanimously in favor of the motion.

**New Business:**

**Zoning Map Amendment – Community Commercial Request, Tax Map Number #063-38-01-013:** Ms. Wagner said the subject property consists of .55 acres and is located at 76 Sweet William Road. The Applicant has requested a Zoning Map Amendment to have the property designated as Community Commercial (CC). The property is currently zoned Residential. The applicant would like to establish a restaurant at this location. The property was re-developed in February 2007 as a restaurant. The countywide re-zoning project made this property non-conforming in November 2007. While the property has previously been used as a restaurant, the use has ceased for more than 12 months, losing its legal non-conforming status. The 2018 Jasper County Comprehensive Plan's Future Land Use Map identifies this area as "Urban Transition," which are pockets of unincorporated Jasper County that are partially or entirely surrounded by the municipality. For these areas that experience new development or redevelopment, consideration should be given to working with the adjacent municipality for annexation. The adjacent parcels are zoned Residential with the Town limits of Ridgeland nearby. Adjacent land uses are residential

and commercial. The subject property is accessed by Sweet William Road, which is a two-lane state-maintained highway, classified as a limited local road. From a land use perspective, staff recommends approval of the request to have the property designated as Community Commercial.

There was some discussion about whether or not the restaurant would be allowed to serve alcohol at this location, especially in the Community Commercial Zoning District. Ms. Wagner said if it is a restaurant and if the applicant is able to obtain a state license, the restaurant would be allowed to serve alcohol, but if it were a bar, the use would not be allowed in Community Commercial. There was a question about the business across the street and if it is grandfathered in since it too is zoned Residential. Ms. Wagner said yes, it is a legal non-conforming business.

**Dr. Bostick motioned to forward a favorable recommendation to County Council to re-zone the property identified by tax map #063-38-01-013 to Community Commercial, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.**

**Modification of Concept Plan – Peninsula 1 Tract, Tax Map Number #067-00-01-054;067-00-01-055; 067-00-01-056 and 067-00-01-058:** Ms. Wagner said The Peninsula Planned Development District (PDD) was approved by Jasper County Council on August 2, 2004. The only development that has taken place within the Peninsula PDD is the Auston Chase and Brooke Mills Apartment Complexes. The remaining property within the Peninsula Tract PDD is referred to as the Peninsula 1 Tract. The Peninsula 1 Tract is located along Argent Boulevard and Village Drive. The Planning Commission reviewed and recommended approval to amend the Concept Map for the Peninsula 1 Tract in September 2020 for the purpose of changing the arrangement of land uses.

The applicant has requested a modification to the Concept Map for the Peninsula 1 Tract to remove the secondary access point to Argent Boulevard. The applicant's request is based on a traffic impact study (TIS) conducted by Kimly Horn, dated June 2021. Additionally, the second full access to the Peninsula Tract as shown on the Concept Map will require crossing over a wetland. The General Development Plan for the Peninsula PDD includes two full access points to Argent Boulevard. Currently one full access exists and is known as Village Drive. The Concept Map sets forth the general scope of the development. In addition to the Concept Map, development of the property is controlled by other provisions of the PDD Standards and Development Agreement. The Peninsula PDD regulations land use areas indicated on the Concept Plan Map were not intended to be rigid exact boundary lines for future land use and improvements; however, the PDD Standards and Development Agreement must be strictly adhered to. Modifications to the Concept Map must be approved by the Planning Commission. The traffic impact study (TIS) analyzes the development's traffic without the secondary access point and outlines the traffic mitigation requirements to operate the studied intersections at a functioning level. Additional access points are in place on the Peninsula Tract; one being at Carolina Drive and another one through the Abdo Tract. Prior to the development of the property, the applicant must receive master plan and development plan approval. Based on the Traffic Impact Study, staff recommends approval of the request to modify the Concept Map, eliminating the secondary access point to Argent Boulevard.

Ms. Wagner showed the Peninsula PDD Concept Map and pointed out other access points aside from Village Drive, that will serve future developments within the Peninsula PDD. The applicant, Mr. Hay, explained that future access points include Carolina Drive to Jasper Station Road, an access point to the Abdo tract located immediately adjacent to the west of this tract, which will provide a direct access to Highway 141 (Argent Boulevard), and an access point to the northeast.

Chairman Pinckney asked Mr. Hay if SCDOT conducted the traffic study or if they hired their own personal engineer. Mr. Hay said they engaged Kimly Horn, who are traffic engineers, and they are on the call tonight if the Planning Commission has any technical questions. There was some discussion about whether the County's Engineer had reviewed the TIS and made a recommendation. Ms. Wagner said the County's Engineer had not reviewed the TIS. She said when the applicant came to the County, they were told they would need to provide a TIS in order to review their request or make a recommendation to the Planning Commission.

There was some discussion about the areas shown on the Concept Plan and if they were developed. Ms. Wagner said the property is currently undeveloped. There was more discussion about whether it is a normal process for the County's Engineer to review these types of projects. Ms. Wagner said all PDD's are reviewed by the County's Engineer, but this is an old PDD with an approved General Development Plan, which shows two (2) access points to Argent Boulevard. She said the applicant provided a TIS which was conducted by a professional engineer, staff reviewed it, and agrees with the TIS. She said the applicants are trying to bring the traffic to more strategic access points.

Mr. Hay said they are just asking for a modification to the concept plan, He said when the developer or builder comes in for development approval, the County's engineer and technical staff will review the plans in detail. Chairman Pinckney said this a technical modification and in the past the County's engineer reviews the proposal and makes a recommendation to the Planning Commission before they vote.

There was some discussion about why there is a need to change the plan. Mr. Hay said when they modified the concept plan last year, the plan was conceptually developed based on what they thought was best for the land. Now they have contracted with a single-family developer and multi-family developer who has looked at the land more closely and aside from the wetlands being problematic, and according to the Kimly Horn TIS, there is no benefit from a traffic mitigation standpoint to have the secondary access road.

There was some discussion about the total number of units planned for the Peninsula 1 Tract. Mr, Hay said the concept plan calls for a total of 1550 units at full build-out. That number will be driven by the market and what happens on the property. The number could be reduced if it turns into more single-family units rather than multi-family units. There was a question about Carolina Drive and if it connects to this property and if Carolina Drive is developed or not. Mr. Hay pointed out the connection to Carolina Drive. He said he believes Carolina Drive is developed. Mr. Waite said he was concerned about the tract being limited to only one access, especially if there was a need to evacuate. Mr. Hay pointed out another access point to the northeast. He said there will be several access points to the Abdo tract which is a single-family development by Pulte. He said this tract will be an expansion of Del Webb.

There was discussion about if this project went to a vote tonight, would it only approve a change to the conceptual plan and it would not approve any development to take place. Ms. Wagner said that is correct. There was some discussion about staff and the County's engineer having the ability to approve the modification to the concept plan without coming to the Planning Commission. Several Commissioners asked if it was possible to approve the modification to the concept plan with a requirement to have the County's engineer review the TIS prior to the project coming back to the Commission for the next step.

Ms. Scott, the applicant's attorney, asked if engineering reviews are always required in order to make changes to a concept map. She said they reached out to the County a number of months ago to find out the process. She said a 3<sup>rd</sup> party review will cause them a serious delay, and in the future, they would like to make sure they are complying with the rules, if they were to need another map modification. There was

more discussion about there being no requirements for staff to bring this to the Commission since it is an approved PDD. There was a suggestion that staff be held accountable by requiring staff to bring this project back to the Planning Commission prior to any final approvals.

Mr. Hay said they are asking the Commission to support staff's recommendation. He said they have a contract with a buyer and if that falls through, this project will probably not be developed and he doesn't think anyone wants that, given the developer's quality of development. He pointed out that there will be more steps prior to any development approvals, and they have done everything that staff requested of them. He said Rick Reiff with Kimly Horn is on the call and he is a traffic expert who can answer any questions they may have.

Dr. Bostick asked Mr. Reiff to describe what it means to be an independent engineer, not leaning one way or the other while working for this company. Mr. Reiff said he is the licensed professional engineer who conducted the traffic study for the proposed situation. He said he is bound by his professional ethics to look at everything from an independent viewpoint. Typically, when working for developers, they are asked to look for more access points than what is needed. This is an unusual case where they are looking to consolidate access points on Argent Boulevard. With the growing area and traffic volumes along Argent, consolidating the secondary access to one point is going to help get the traffic signalization sooner based on DOT's criteria to install a traffic signal. He said their main concern was if they were to consolidate the two access points, can that intersection handle it and the results of the traffic study showed that it can. He said they also worked with the City of Hardeeville to make sure they capture all of the other development going on in this area so they could study this for the worst-case scenario regarding consolidating the two access points. With the other access points to Carolina Drive and the Abdo tract, there will not be emergency loading at one single point. From a development perspective, the developer wants a comfort level to make sure if they build homes, people will be able to get to their homes, which is also what the results of the traffic study indicated.

Dr. Bostick asked Mr. Reiff if there was an economical savings of not building the secondary access road and if they look at economic savings for the client. Mr. Reiff said yes, obviously that is part of the evaluation along with traffic safety and traffic performance. He said they balance a number of things. He said another point is if they keep both access points and split the traffic, neither access point may reach the volume needed for signalization, which could be a safety issue along Argent Boulevard.

Dr. Bostick asked Ms. Wagner if a developer infringes on wetlands do, they have to give up other areas of land to compensate for that. Ms. Wagner said it depends on the type of wetlands. If it is non-jurisdictional no, but if it is jurisdictional then perhaps or they can possibly purchase mitigation credits.

Mr. Jenkins asked why we can't take another 30 days and let the County's engineer review this. Ms. Scott said the delay could cause her client not to meet their contractual obligation, and they did everything requested by the County, retained a traffic engineer who studied the area, signed off on the study, and who will be liable if he is bias. She said they have already been delayed and she does not believe another delay is warranted without some specific ordinance showing that there are requirements for 3<sup>rd</sup> party review.

After more discussion about taking action on the modification of the concept plan and requiring staff to bring this back to the Planning Commission before final approval, putting staff on notice that things like this should not be taken lightly, **Dr. Butler motioned to accept the staff's recommendation to approve the request to modify the Concept Map for the Peninsula PDD, tax map numbers 067-00-01-054; 067-00-01-**

055; 067-00-01-056 and 067-00-01-058, eliminating the secondary access point to Argent Boulevard. Mr. Smith seconded the motion. There was some discussion about amending the motion to make it mandatory for staff to bring this project back to the Planning Commission at the next required step. before final approval. Dr. Butler amended her motion to approve the modification of the concept map, eliminating the secondary access point to Argent Boulevard, requiring the staff to bring this project back to the Planning Commission at the next step. Mr. Smith seconded the amended motion. The motion passed with Commissioners Bostick, Ferguson, Smith, Waite and Butler voting in favor of the motion, while Commissioner Jenkins opposed the motion.

**Conceptual Review of Major Subdivision – Back 2 Nature, Lowcountry Eco Village Tax Map Number #085-00-06-051:** Ms. Wagner said the applicant, Earth Podz is seeking a conceptual review approval of a proposed major subdivision for the purpose of securing advice and/or comments prior to completing the engineering design and also to help expedite a future application for preliminary plat approval. The subject property consists of 13.05 acres and is located along Roseland Road. The applicant proposes to develop a 15-lot residential subdivision. The property is zoned Residential, which requires a minimum of half (½) acre lot sizes. The proposed development will be served by a private road with a cul-de-sac, each lot will be served by a private well and a septic tank. The development will consist of multiple common areas throughout the site; including a dog park, playground, community pavilion, and trails, meeting the 10% open space requirement. Additionally, the developer has a unique vision to provide eco-friendly homes and offer affordable housing. Earth Podz, LLC intends to build container homes on each lot. Their design strategies include solar energy, water efficiency, and sustainable materials, which is why they are calling this development Back 2 Nature Eco Village.

Alliance Consulting has developed a conceptual plan that includes all of the requirements outlined in Section 2.8 of the Jasper County Land Development Regulations for Conceptual Plan Review. Once the concept plan has been approved by the Planning Commission, giving the applicant some assurance, the applicant will proceed with outside agency permitting and engineering design to comply with the specific requirements of the Jasper County Land Development Regulations for preliminary plat approval. Staff recommends approval of the Concept Plan for Back 2 Nature Eco Village major subdivision.

Ryan Mailley with Earth Podz addressed the Commission. He said this project seeks to bring affordable housing into Ridgeland, keeping it off-grid and eco-friendly. He said that the smallest container home will be 1,200 sq ft. and the largest being 2,000 sq ft with price points between \$200,000 and \$400,000.

There was some discussion about Roseland Road being a small road with a 45-mph speed limit and many other residential homes being located on this road. There was a question to the applicant, if this is his first subdivision development. Mr. Mailley said he produced a smaller project on his property in Hardeeville, but this will be his first subdivision. Ms. Wagner was asked to clarify exactly what action is being asked for tonight. Ms. Wagner said this is just a preliminary review, prior to any subdivision approval, seeking comments from the Planning Commission.

There was a question about minimum lot sizes, open spaces, and other subdivision requirements. Ms. Wagner said the concept plan by Alliance Consultants shows the minimum lot sizes as a half-acre, it shows a community pavilion, a nature trail, a dog park, and a playground. There was a question about septic tanks, wells and if there will be a Home Owners Association (HOA). Mr. Mailley said he has not

had the perc test done yet, but they will need septic and wells. He said there will be an HOA but they will only need to take care of common areas and roads.

There was a question about what phase in the approval process will the public be notified and when will the impact studies be required. Ms. Wagner said as long as the ordinance is met, there is no requirement for public notice and the traffic impact study and environmental impact study will be required for preliminary plat approval. There was a question about whether multiple septic tanks can be tied together. Ms. Wagner said DHEC allows engineered systems and there are a lot of different ways to design septic tanks. Chairman Pinckney suggested focusing on larger lot sizes to accommodate individual wells and septic tanks. There was some discussion about the product being a container home and if the container design will meet the County's building code. Ms. Wagner said architectural plans will be required and they must be certified to meet the International Residential Building Code.

**Mr. Smith made a motion to accept the recommendation of staff to approve the Concept Plan of tax map #085-00-06-051, seconded by Dr. Butler. The Commission Members voted unanimously in favor of the motion with Mr. Jenkins abstaining from the vote.**

#### **Open Discussion:**

There was a question about re-zonings and how that affects a property owner's taxes. Ms. Wagner said property owners are taxed according to the land use so re-zoning does not affect the property taxes until the use changes.

There was some discussion about orientation and continuing education training, Ms. Ferguson is the only Commissioner that needs orientation training. Ms. Wagner said she is working on setting up a training session for the Commissioners, hopefully in September.

There was some discussion about how some things could have been handled differently and perhaps been less confusing as it relates to the Planning Commission's review of the Peninsula Tract's Concept Map. There was some discussion about staff making a decision to approve the applicants request for a concept map modification, using the Planning Commission as a rubber stamp. There was some discussion about the Planning Commission not receiving a recommendation from the County's engineer as it relates to technical data. There was a question about who staff is. There was a suggestion for staff to provide a review of the regulations that are applicable to each application in the future. There was a suggestion to involve the Chairman early on regarding applications being submitted to the Planning Commission and prior to those applications being presented to the Planning Commission for review.

**Adjourn:** Dr. Bostick motioned to adjourn, seconded by Dr. Butler. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 8:26 p.m.

Respectfully Submitted,

Lisa Wagner