

*Jasper County Planning Commission
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**Minutes of the December 14, 2021
Regular Scheduled Meeting
Amended Minutes**

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

Members Absent: Dr. Deborah Butler

Staff Present: Ms. Lisa Wagner

Others Present: Mr. Bernie Maybank and Nicole Scott, both with Nexsen Pruet; Mr. Randolph Stewart with R Stewart Designs; Ms. Jennifer Bihl with Bihl Engineering; Mr. Holden Sabato with the Silverman Group; and Mr. Howard Ray with HRC Engineers

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 Department Office.

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:05 p.m.

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

Approval of Agenda: Mr. Jenkins motioned to approve the Agenda as published, seconded by Mr. Waite. Chairman Pinckney welcomed the newest Planning Commission Member, Mr. Art Rothenberg.

Approval of Minutes: Mr. Waite motioned to approve the Minutes of the November 09, 2021, meeting as written, seconded by Dr. Bostick. The Commission Members present voted unanimously in favor of the motion. Mr. Rothenberg abstained from voting since he was not present at the November 9, 2021 Meeting.

New Business:

Zoning Map Amendment and Concept Plan- Planned Development District-95 Logistic Center, Tax map Numbers #041-00-02-010 and 041-00-02-012: Ms. Wagner said the applicant is requesting an approval of a Planned Development District (PDD) zoning designation for a business park and distribution center, which will be known as 95 Logistics Center. The project site consists of two parcels, totaling 226.94 acres and is located along Highway 17 and I-95 just south of Highway 278. The property is currently zoned Rural Preservation and is undeveloped.

In accordance with Article 8:1 of the Jasper County Zoning Ordinance. The intent of a PDD is to encourage flexibility in the development of land to promote its most appropriate use; and to do so in a manner that will

enhance public health, safety, morals, and general welfare. The PDD, regulations are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree and are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment. In view of the substantial public advantage of “planned development,” it is the intent of the PDD regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts. All PDD’s shall conform to the Jasper County Comprehensive Land Use Plan and Land Use Map (latest edition).

Ms. Wagner said the Zoning Map Amendment and Concept Plan application and request are considered by reviewing the 2018 Jasper County Comprehensive Plan. The 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 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. The Land Use Chapter also states, “attracting new business and industry is an important component of economic development in Jasper County.” One of the goals identified in the Economic Chapter of the Comprehensive Plan is to develop competitive industrial sites and buildings, particularly those focusing on communications, technology, distribution, energy and telecommunications. Efforts should include development of a megasite within the region to attract large industries. The Applicant also identified other goals of the Comprehensive Plan that will be supported by this project, see page 56, *Appendix* of the PDD document. The subject property is accessed by Whyte Hardee Boulevard (Highway 17), which is a two-lane state-maintained highway, classified as a major thoroughfare.

Ms. Wagner said the 95 Logistics Center Concept Plan illustrates the proposed use, the general layout, and access points. A Master Plan will be submitted separately and will provide additional information regarding the proposed layout of the development. The 95 Logistics Center PDD proposes two full access points on Whyte Hardee Boulevard (Highway 17); allowed land uses of distribution, light industrial, and utility substation; a maximum density of 2.6 million s.f. of distribution warehouse; a minimum of 15% open space based on total acreage with only 50% of freshwater wetlands, lagoons, ponds, and lakes counting towards open space; 50’ building setbacks and natural buffers from Highway 17 and I -95, 25’ from adjacent property lines to the north and south, and 50’ buffers where light industrial uses be allowed adjacent to residential uses that are not separated by a road right-of-way or wetland of equal width; tree preservation standards of 15 trees per acre within the Master Plan areas; and landscaping standards that will meet or exceed the County’s requirements.

Ms. Wagner said the applicant worked with the City of Hardeeville for approximately 9 months with the intention of annexing into the City of Hardeeville. Their original PDD document submitted to the City, consisted of 3 parcels totaling 257 acres. One of the three properties is in the City and located along John Smith Road. Hardeeville’s Planning Commission supported the project, but Hardeeville’s City Council did not approve the project. In anticipation of the PDD being approved by the City, the Applicant had a full environmental assessment completed by Atlas Surveying and a full Traffic Impact Analysis (TIA) completed by Bihl Engineering, LLC. The TIA was based on two full access points along Whyte Hardee Boulevard (Highway 17) and one full access point on John Smith Road. Now that the application is being made to the County, the parcel located in the City of Hardeeville has been removed from the PDD and Concept Plan and a new TIA is being conducted to eliminate the access point on John Smith Road. A Transportation Narrative and Summary is provided in the PDD document. Notices have been sent to all adjacent property owners, notifying them of the Applicant’s request to have the properties designated as PDD and providing them with an opportunity to comment. In addition, three (3) Zoning Application signs have been placed along Whyte Hardee Boulevard (Highway 17).

Ms. Wagner said a zoning designation of PDD does not entitle an applicant or owner of the affected property a right to develop or engage in any land use or land disturbing activity, other than the rights in existence at the time of the Concept Plan approval. To engage in development or any land use or land disturbing activity, a Master Plan and subsequent Development Plan(s) must be approved for the areas to be developed. While the Concept Plan is very generalized, a Master Plan is a more refined document which will be reassessed by the Planning Commission at a future date. This project could greatly benefit the citizens of Jasper County by strengthening Jasper County's economy and providing permanent employment opportunities in the County. The PDD application is supported by the Comprehensive Plan; as such, staff recommends approval of the PDD designation, the PDD document, and the Concept Plan with the following conditions: A letter of intent to serve from the telecommunication provider and a Traffic Impact Analysis must be provided prior to or at time of Master Plan application submittal.

Ms. Wagner said the adjacent property owners did not submit any public comments; however, public comments were received by Mayor Williams at the City of Hardeeville, Mr. Seipel, Chairman of the Hardeeville Planning Commission, Ms. Beth Gould, and Ms. Karen Wicks from Royal Live Oaks Academy. Ms. Wagner read each comment. A copy of each public comment is attached to these Minutes.

Chairman Pinckney asked to hear from the applicant in regard to their project. Mr. Bernie Maybank, the applicant's attorney, addressed the Commission. He said the subject property is under option to purchase, but the option expires on May 31, 2022, so they have been actively trying to move the project forward. The applicant is the Silverman Group. He said the Silverman Group started their business in 1947 as a window manufacturer. They had 7,500 employees and 9 facilities across the US. They sold the window manufacturing facility to Andersen Windows in 2006 and the family transitioned into real estate. The Silverman Group is still family owned with the grandfather, father, and son operating the company now. The Silverman Group currently owns 20 million square feet of office, industrial, and retail buildings in 20 states. He said they have developed 12 million square feet in 8 states, primarily in the southeastern US. They also own 4,000 multifamily units and currently have 2,000 multifamily units under development. The company has developed in Rock Hill and Summerville, South Carolina. He said their tenants include Amazon, Home Depot, Lowe's, Pepsi and Wayfair, to name a few. He said the Silverman Group builds the buildings and then leases the buildings to the end users, they do not flip it, so they are able to control what happens on the property.

Mr. Maybank said the project itself is \$100 million industrial warehouse which will be a long-term lease to a tenant. The property is not being marketed until the rezoning is approved. If rezoning is successful, the group would enter into a development agreement with the County which would specify their use of the property and a fee in lieu property tax agreement. He said they don't know who the tenant will be, but there will be about 2,000 jobs just during the construction phase and given the size of the facility, it is assumed there'll be a couple of hundred full time permanent jobs once the tenant leases the facility. The facility will pay vastly more property taxes to the school district and the county than if it was converted to residential. Residential pays relatively low property taxes as a result of Act 388, which the General Assembly passed eight years ago. He said they are complying with the 2018 Jasper County Comprehensive Plan, *Jasper's Journey*. *Jasper's Journey* shows through a survey, that county residents identified economic development as a top priority.

Mr. Waite said the Comprehensive Plan shows the area as Urban Transition, which means consideration should be given to annexing into the municipality and obviously, the city didn't want this. He asked why the staff is recommending the project if that is the case. Ms. Wagner said the Comprehensive Plan recommends that the applicant works with the City of Hardeeville, which they did. She said the County can't make a person annex and we can't make Hardeeville annex the applicant, and the City and the County's visions for the property may be different. Mr. Waite said his other concern is the traffic backup at Highway 278 and Highway 17 when

Interstate 95 is congested. He said that issue would need to be addressed before moving forward with this project, because the transportation narrative did not address Highway 278 and Highway 17. Ms. Wagner said right now, the request is for rezoning and Concept Plan. She said a Master Plan approval is the next step, and the traffic will be addressed prior to approval of the Master Plan.

Mr. Jenkins asked whose responsibility would it be to maintain the roads. Mr. Maybank said the interior roads within the 200 acres would be maintained by the applicant. The nearby roads and the road accessing the property are maintained by the Department of Transportation (DOT).

Mr. Rothenberg asked if there would be multiple buildings or one large facility. Mr. Maybank said there would mainly be one large facility and maybe one or two smaller buildings. Mr. Rothenberg asked if there are any heavy industrial type of businesses that would not be targeted by the Silverman Group. Mr. Maybank said they are targeting light industrial and warehouse distribution. Mr. Sabato said most likely the development would consist of a few multi buildings and the use would be light industrial, big box and warehouse distribution.

Ms. Ferguson said she thinks a distribution center, bringing jobs to the Hardeeville area would be good, but she is concerned about the location because the traffic backs up daily at the intersection of John Smith Road and Highway 17 and at Highway 278 and John Smith Road.

Dr. Bostick agreed with Ms. Ferguson. He said with the school being in that area, there is a safety issue. He asked the developer why they have not considered the Riverport area and what is their reasoning for bringing the project to this location. Mr. Sabato said they do not have any equitable interest, no other contracts, or own in any other properties in Jasper County.

Chairman Pinckney said there would be a Development Agreement with this project and a traffic study is forthcoming, which will determine how much traffic Highway 17 can handle and then determine what needs to be done to address traffic issues. He said one of the public comments stated that the Hardeeville Planning Commission did not have any legal grounds to deny the project. He asked if the Jasper County Planning Commission had legal grounds in accordance with the Comprehensive Plan to deny the rezoning. Dr. Bostick said the affects on the community should be considered, including the health and welfare of the community. Dr. Bostick asked Ms. Wagner about any legal grounds not to grant this PDD. Ms. Wagner said she does not know of any legal grounds not to grant the PDD. She said she went out to the community, and she spoke to a family at 449 McTeer Street. She said she found the subject property being used as a dumping ground. She said there are many properties in the residential community near the project site; however, only three houses are adjacent to the site. She said in the community, there were two structures that are burned and two additional structures that are dilapidated so no one lives in these structures. She said the family she spoke to was not opposed to the project, but they also were not aware of the project. Dr. Bostick said there are traffic issues in this area and this project will only compound the problem. Ms. Wagner pointed out that the traffic engineer was on the call and asked if she had any information to share.

The traffic engineer, Ms. Jennifer Bihl addressed the Commission. She said the traffic study is in process and she didn't have hard answers to the Commission's questions. She said the study will be coordinated with DOT since most of the nearby roads in the project area are under their jurisdiction. She said they will look at the build conditions and then mitigate as much as possible back to the no build conditions. She said they will look at potential mitigation at a number of the intersections that was discussed tonight, because their study area is beyond just the access points along Highway 17. When the traffic study is completed, it will be shared with both the county and the state.

There was some concern expressed about how much the developer may invest and eventually find out that the project is not approved. Ms. Wagner said the developer has already had a full environmental study completed, engineering, surveying, and a complete traffic study when they were working with Hardeeville, so they have already made a significant investment. There was more discussion about the traffic issues at the intersection of Highway 17 and Highway 278, safety concerns with a school nearby, and the integrity of Hardeeville with the truck traffic travelling through the City. Ms. Wagner pointed out that she had included all of the Minutes from the three City of Hardeeville Council Meetings and the Minutes of the City's July 29, 2021 Workshop as well as the staff reports from the Planning Department. She also pointed out that in the July 29, 2021 Workshop Minutes, it was stated by a Hardeeville Planning staffer, that SCDOT said that Highway 17 is a primary truck route and it would not be possible to restrict truck traffic from Highway 17 without the construction of a bypass. Chairman Pinckney asked since the access point has been eliminated from John Smith Road, what impact will the traffic have on John Smith Road. Mr. Maybank said there would not be any traffic on John Smith Road from their facility. Mr. Maybank said Hardeeville Planning Commission had the right not to recommend this project, but they didn't. He said the project received a favorable recommendation by unanimous vote from the Hardeeville Planning Commission. He said these comments expressed from Hardeeville were never mentioned to them, aside from the traffic.

Chairman Pinckney said either this project or another project, the traffic remains, and it will need to be addresses. He said it is up to us to decide who do we want to address the traffic for this project. He said if it were a residential project, it would produce even more traffic. He said this area is more suitable for commercial rather than residential. Ms. Wagner reiterated that the property to the north of the project site is zoned Highway Commercial in the City of Hardeeville, the properties to the west are vacant, aside from an automotive shop and are zoned General Commercial in Jasper County, I-95 is to the east, and a residential community to the south. She said during Master Plan approval, we would want to make sure the residential community is buffered well and ensure any other provisions that are needed to protect the community is in place. She said at Master Plan, we still have an opportunity to address the traffic and any mitigation measures that are needed. Dr. Bostick asked about a comment made by the Mayor of the City of Hardeeville in regard to a promise that was made and now being reneged. Mr. Maybank said the allegation of such promise was supposed to be from the landowner and not the Silverman Group, but the landowner's attorney vehemently denied the allegation. Mr. Waite said he does not see where this project will enhance safety, health, and welfare. He is in favor of job creation, but he does not at this location.

Mr. Waite motioned to forward an unfavorable recommendation to County Council to deny the rezoning request for 95 Logistics Center PDD, seconded by Dr. Bostick. Mr. Jenkins, Ms. Ferguson, and Mr. Rothenberg did not vote in favor of the motion.

Mr. Jenkins motioned to forward a favorable recommendation to County Council to approve the rezoning request for 95 Logistics Center PDD, seconded by Mr. Rothenberg. The Commission Members voted unanimously in favor of the motion. The motion passed 3-2 without the Chairman voting. Mr. Jenkins, Ms. Ferguson, and Mr. Rothenberg voted in favor of the motion. Mr. Waite and Dr. Bostick opposed the motion.

Road Name Petition: Ms. Wagner said the applicant is requesting that two existing unnamed roads be named Walking Bull N and Walking Bull S. The subject roads are privately maintained roads and will serve 10 lots that have recently been recorded as an exempt subdivision through the state's exemption for lots that are 5 acres and greater where the lots abut an existing road or right of way. As part of the plat approval, the Fire Marshal determined that both roads meet the International Fire Code. Emergency Services determined that the road should be named because it is greater than 500' in length. A road name petition was properly completed and submitted to Emergency Services for review.

In accordance with the Jasper County Code of Ordinances, Section 25-126, New Road Name; no new public roads in the unincorporated area of the county shall be named without the approval of the Planning Commission upon the recommendation of the address program administrator. The name of any new road shall not duplicate or be confusingly similar to any other road name already existing in Jasper County. All proposed street names shall be submitted to the Jasper County Emergency Services Department and the DSR for recommendation to the Planning Commission for approval. The names of private roads, including mobile home roads, which require naming to facilitate postal delivery and emergency response, shall be recognized by the County at the request of the citizens who own property adjacent to the road. Such road must serve three (3) households. The name of the private road shall be commonly known to the community. In the event that there are two (2) or more recommendations of name, the Planning Commission shall determine the name giving recognition to the name preferred by at least 51 percent of the property owners on the road. However, this shall not constitute acceptance or dedication of the road by the County for maintenance and other purposes. In this case, there are not three (3) households located on this road; however, both roads will serve 10 lots that are planned for single-family residences. Emergency Services has determined that the road should be named to facilitate postal delivery and emergency responses. Emergency Services has reviewed the application for phonetic conflict and duplication of other road names. No conflicts were found. The proposed road name and application meets the requirements of the Jasper County Code of Ordinances, Section 25-126, *New Road Names*.

Mr. Jenkins motioned to approve the road name change to Walking Bull N and Walking Bull S, seconded by Dr. Bostick. The Commission Members voted unanimously in favor of the motion.

Road Name Petition: Ms. Wagner said the applicant is requesting that a newly created road, be named Dream Ranch Way. The subject road will be a privately maintained road serving 5 lots that has recently been recorded as a minor subdivision. As part of the plat approval, the Fire Marshal required a fire access road to be constructed. Emergency Services determined that the road should be named because it is greater than 500' in length. A road name petition was properly filled out and submitted to Emergency Services for review.

In accordance with the Jasper County Code of Ordinances, Section 25-126, New Road Name; no new public roads in the unincorporated area of the county shall be named without the approval of the Planning Commission upon the recommendation of the address program administrator. The name of any new road shall not duplicate or be confusingly similar to any other road name already existing in Jasper County. All proposed street names shall be submitted to the Jasper County Emergency Services Department and the DSR for recommendation to the Planning Commission for approval. The names of private roads, including mobile home roads, which require naming to facilitate postal delivery and emergency response, shall be recognized by the County at the request of the citizens who own property adjacent to the road. Such road must serve three (3) households. The name of the private road shall be commonly known to the community. In the event that there are two (2) or more recommendations of name, the Planning Commission shall determine the name giving recognition to the name preferred by at least 51 percent of the property owners on the road. However, this shall not constitute acceptance or dedication of the road by the County for maintenance and other purposes. Staff finds that in this case, there are not three (3) households located on this road; however, there are pending permits for two residences and the road will serve a total of 5 lots. The intended use of this particular minor subdivision is for family members. At the time that the road naming ordinance was adopted by Jasper County, minor subdivisions were not allowed to be created unless the new lots had direct access to state or county maintained roads. In 2018, Jasper County amended the subdivision regulations to allow minor subdivisions to be created as long as the lots are served by fire access roads that are approved by the Fire Marshal. The Fire Marshal has approved the road. Emergency Services has determined that the road should be named. Emergency Services has reviewed the application for phonetic conflict and duplication of other road names. No

conflicts were found. The proposed road name and application meets the requirements and the intent of the Jasper County Code of Ordinances, Section 25-126, New Road Names.

Mr. Waite motioned to approve the road name Dream Ranch Way, seconded by Mr. Rothenberg. The Commission Members voted unanimously in favor of the motion.

2022 Planning Commission Meeting Schedule: Ms. Wagner said the 2022 Meetings were scheduled for the 2nd Tuesday of each month; however, there are two conflicts. She said June 14, 2022 is the primary election and November 8, 2022 is the general election. She said she would like to propose to change the June 14, 2022 Meeting to June 7, 2022 and change the November 8, 2022 to November 15, 2022.

Mr. Jenkins made a motion to approve the 2022 Planning Commission Meeting Schedule, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.

Old Business: Land Development Regulations

Ms. Wagner said she didn't have much time to work on the amendment for the Land Development Regulations, but she provided parts of Berkley County and Charleston County's Land Development Regulations as it relates to private roads and common open space, in the Planning Commission packages for the Commissioners to look over.

Open Discussion:

Ms. Wagner asked the Commissioners how they would feel about meeting in person for the upcoming meetings. She said she would have to get any in-person meetings approved, but just wanted to see how they felt first. Everyone was in favor. Mr. Pinckney said the guidelines would have to be followed.

Mr. Waite thanked Ms. Wagner and her staff for getting the meeting package to the Commissioners before the weekend because it was a lot of information to review.

Adjourn: Dr. Bostick motioned to adjourn, seconded by Mr. Jenkins. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 7:54 p.m.

Respectfully Submitted,

Lisa Wagner