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

The commission may alter the order of items on the agenda to address those of most interest to the public in attendance first. Also, in an effort to ensure that all interested persons are given the opportunity to speak on every case, a two (2) minute time limit on public comment will be in effect. Individuals wishing to speak during the hearing will be asked to sign up in advance and will be recognized by the Chairman during the public comment section of the hearing.

I. Call to Order

II. Pledge of Allegiance

III. Review Commission Meeting Minutes:
   A. February 18, 2018 Meeting

IV. Questions Relating to Military Operations

V. Review of Projects for the City of Beaufort:
   A. City of Beaufort – Recommendation/Opinion - regarding light pole standards and/or appropriate zoning in the vicinity of 41 Robert Smalls Parkway. Applicant: City of Beaufort
   B. Update of Council Actions

VI. Review of Projects for the Town of Port Royal:
   A. No Projects.

VII. Review of Projects for Beaufort County:
   A. Beaufort County – Zoning Map Amendment/Rezoning Request. Zoning Map Amendment/Rezoning Request for R100 029 000 0046 0000, 10.69 acres at 126 Broad River Boulevard from C3 Neighborhood Mixed-Use District to C5 Regional Center Mixed Use District. Owner: 10 Frontage Road, LLC.

IX. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011 for additional information.
A meeting of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **February 18, 2019** at 5:30 p.m. in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Bill Harris, Commissioners Robert Semmler, Judy Alling, Caroline Fermin, Mike Tomy, and Jim Crower, and David Prichard, City of Beaufort planning.

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

Chairman Harris called the meeting to order at 5:30 p.m.

**MINUTES**

Commissioner Crower made a motion, second by Commissioner Fermin, to approve the minutes of the December 17, 2018 MPC meeting. The motion to approve the minutes as submitted was approved unanimously.

**REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT**

**ZONING ORDINANCE TEXT AMENDMENT** – Revising Section 9.12.1.B, pertaining to administrative adjustment of numerical standard for redevelopment or infill

*Applicant: City of Beaufort*

Mr. Prichard said **Paul Trask** is redeveloping Beaufort Plaza and wants to use 28’ light poles in the parking lot and 15’ poles in pedestrian areas. The zoning district is T5-UC, which only allows 15’ poles, he said; there are existing poles elsewhere in the Beaufort Plaza parking lot that exceed 28’. Mr. Trask feels staff should have leeway to allow deviations from the Beaufort Code for redevelopment and infill when the deviations are “reasonable,” given the existing development pattern, and are not “detrimental to the development goals of the city,” Mr. Prichard said.

Mr. Trask doesn’t want to seek relief from the Zoning Board of Appeals (ZBOA), Mr. Prichard said, because a requirement to obtain a variance is that an applicant has a “unique hardship related to the land and its configuration,” and “no reasonable use of the land is possible without” a variance. “Technically, those requirements do not exist” in Mr. Trask’s case, Mr. Prichard said.

Mr. Prichard said it is not in the interest of the public to “disincentivize reinvestment” in previously developed property, especially when it is vacant or underutilized; however, the Beaufort Code “should not be up for constant renegotiation,” and its enforcement should be “fair and consistent.” Any administrative adjustment would need to be “principled” and based on the city’s goals, he said, and “discretionary relief” must be “bounded by the code . . . serve the public good, and . . . be in accordance with the city’s Comprehensive Plan and Civic Master Plan,” with “oversight of any” administrative adjustment.
The Civic Master Plan recognizes that there could be an interim period in which there would be “an amalgam” of old and new development patterns while redevelopment areas transitioned to the plan’s goals, Mr. Prichard said.

In a work session on January 8, city council discussed this matter, Mr. Prichard said. “The prevailing sentiment” was to “amend the code to allow staff some limited flexibility in administering numerical standards for redevelopment and infill projects,” he said.

Mr. Prichard read from aspects of the ordinance that are applicable to this application and indicated the proposed changes to the ordinance.

Commissioner Alling asked if there were any percent limits that could be made. Mr. Prichard said, “You could not exceed what is already allowed by law.” The limit is based on the previous standard, he said.

Commissioner Tomy asked about “the philosophy behind changes” like this one that are contrary to the application going through the city’s boards and commissions. There is probably a reason why the light pole standard was made as it is, he said. This proposed amendment offers no recourse for the boards to have any input into decisions made outside of the boards’ purview, Commissioner Tomy said. Mr. Prichard said he personally feels “we need to be careful about giving one, single authority” the power to make such decisions, so they’ve “tried to bound it to within what we want to do with the Civic Master Plan” and/or the Comprehensive Plan.

Mr. Prichard provided an example from a PUD that had an established development pattern. The code “might be imperfect,” he said, and this is “a common sense decision.” Sometimes applications are “punted to the ZBOA,” but then that board has to make a decision that is “outside of the ordinance,” and that is not what getting a variance is meant to do, Mr. Prichard said, if there is “not truly a hardship or a unique situation.” He gave a recent example of this under the Beaufort Code.

Mr. Prichard said what they are trying to do is to allow changes based on the current development pattern. In terms of common sense, there is no reason not to follow the current development pattern, he said, without allowing any one person too much authority to do that.

Commissioner Alling said, with this amendment, the city manager is given some authority over zoning, which she thinks “seems odd”; planners, the ZBOA, and design review boards normally do it. Mr. Prichard said the intent isn’t to involve the city manager but for him to provide oversight when an applicant is given relief.

Chuck Newton, chair of the Sea Island Coalition, said the organization objects to the amendment to 9.12.1.B of the Beaufort Code. He read from a memo. (It is attached for
the record following these minutes.)

Mr. Newton recommended that the applicant apply for a variance through the ZBOA and urged the commissioners to vote to deny the application.

Rikki Parker, Coastal Conservation League, read from a memo. (It is attached for the record following these minutes.)

Maxine Lutz said she agreed with Ms. Parker and Mr. Newton. She did not attend the council work session at which this matter was “discussed at length.” In the past, codes enforcement was determined by one person who had “too much authority,” so decisions could “be arbitrary,” and “no one wants to return to that,” she said. Ms. Lutz doesn’t feel “the oversight would be there” with this proposed discretionary relief by administrative adjustment.

Ms. Lutz said she agrees that Mr. Trask’s application should have gone to the ZBOA as a variance request; she believes it didn’t because “it probably wouldn’t have have gotten a variance.” She feels that there should be “more transparency” and opportunities for public input, not less.

The intent of this amendment might have been obfuscated by the words in the agenda item about it, Ms. Lutz said. She also pointed out that on page one of the staff report, it says, “The Beaufort Code was ostensibly [emphasis added for clarity] designed to implement the vision of the Civic Master Plan,” but in fact, the code was designed for that purpose, not “ostensibly.”

Libby Anderson, a Beaufort resident, said when she ran into Commissioner Tomy last week, she brought up this meeting, and he was unclear about the intent of this item on the agenda, which she explained to him would give “the administrator the authority to vary any numerical standard in any section of the code, which seems like a very broad authority to be given to one or two people.” Ms. Anderson later thought their conversation might have been ex parte communication, so she came to the MPC to express her concerns with the amendment:

- Predictability for residents, property owners, and developers – If a new building were to be developed on Boundary Street, she said, there would be certain expectations, which Ms. Anderson described (e.g., it would be located close to the street, parking would be in back, there would be “lots of glass,” etc.). A new city manager might not understand the important relationship between urban design and economic development like Bill Prokop, the current city manager, does, she said. A developer who wants to build “a new, ‘dollar’-type store on Boundary Street near Walgreens” might tell that city manager that putting the building close to the street doesn’t fit the corporation’s model, that the business must have “one or two rows of parking in front of the street,” and that they can’t accommodate “all those windows,” Ms. Anderson said. If the new city manager
does not understand the Boundary Street Master Plan, the Civic Master Plan, and the Comprehensive Plan, (s)he might allow what that developer wants, but that wouldn’t be what the city expects and what other developers have done.

- **Transparency** – Under the Beaufort Code, many projects are now approved at the staff level, Ms. Anderson said, which is “meant to streamline the development process.” Most projects in the Boundary Street Redevelopment District (if they don’t have a drive-thru) “would just be done at the staff level,” so a scenario like the one above would not have to go to the DRB. All decisions would be made at the staff level, and, with this amendment, that would be done “in conjunction with the city manager.” Also, any new commercial building of less than 10,000 square feet outside of Boundary Street (e.g., on Ribaut Road or Highway 170) is done at staff level. Because the Beaufort Code “was designed with a lot of public input and predictability and certainty, perhaps we [don’t] need all the boards that we did before,” Ms. Anderson said, but this proposal grants “waivers and variances at the staff level,” which she feels “calls all of that into question.”

Mr. Prichard said he approaches his job as “an honest broker.” The way this amendment was worded, he said, was as it was worded in the code; “we weren’t trying to fly under the radar” or to obfuscate the intention of the amendment.

There was no further public comment. Commissioner Semmler said Mr. Trask had proposed this change, but the MPC didn’t know about Mr. Trask’s discussion with staff or the discussion at the city council work session. He said he is “a little bit taken aback [about] how this got to us.”

Commissioner Semmler read from “Conceptual Strip Mall Retrofit Example” on page 160 of the Civic Master Plan and requested that it be included in the minutes for the record. *(It is attached following these minutes.)*

“The way we talked about the future” of commercial development, Commissioner Semmler said, “was the building going up to the road,” for example. He continued to cite the text and gave the following examples: “We made McDonald’s go up to the edge of the road,” and did the same thing with Chick-fil-A and Walgreens on Boundary Street, as well the new buildings in Beaufort Town Center. If this amendment is passed, he said, “somebody else can make that decision without talking to anybody [else].”

Commissioner Semmler cited the text on the “second phase of redevelopment” (e.g., walkable communities, mixed-use development), and said, “A lot of the public had input on this,” as well as the commissioners, who worked very hard on the plan and on the Beaufort Code, and now “one developer is going to the city and saying, ‘I don’t like this. Can we change it?’” to allow what he wants “by just talking to one or two people,” and bypassing the process of taking it to the MPC or the ZBOA. Commissioner Semmler feels this “smacks of cronyism,” and he said he would be voting against it.
Mr. Prokop said there was no workshop; there was a regular council work session at which this was discussed. The Publix store is not going to be on the street, he said, and that has been approved, so it is not a fact that all buildings are now up on the street.

Chairman Harris said redevelopment and infill are different than new development. He doesn’t feel there has been a purposeful “hiding of what’s proposed here.”

Commissioner Tomy said he appreciates the work of the public and their statements. At a training meeting for city board and commission members, he learned that in the state of South Carolina, no one may “hold dual offices” in order to avoid them having “undue influence.” He feels this proposed amendment has “the potential to cross that line” with the inclusion of the city manager in signing off on the administrative adjustment.

Citizen boards have expertise that staff might not have, and that is what the city and county are looking for from their boards, Commissioner Tomy said. He added that a lot of communities do allow this kind of thing to happen, though he has not seen it in his work. Every jurisdiction he’s worked in relies on its boards for these kinds of decisions because of their members’ expertise. He said he has “a real problem [with] this as it’s presented to us today.”

Commissioner Crower said the amendment to the ordinance does not limit the changes that can be made, “other than in the direction of new standards,” which he feels is “way too open to interpretation.” This is not just about light poles, he said; “every number in the document is subject to adjustment without restriction.” Commissioner Crower added that the public’s input had opened his eyes to the issues in the amendment.

Chairman Harris said the MPC was working on the form-based code for quite some time, and the development community’s group brought in an attorney who looked at the code in great detail and pointed out things that could lead to lawsuits, among other things. When Chairman Harris read this proposed amendment to the code, he recalled sitting in that room again, so he feels the amendment “needs to be taken apart.” He said he “sees the problem” and feels “the conflict in existing development trends and the rules” has “changed things.” Even if Mr. Trask doesn’t make this change to the light pole heights in Beaufort Plaza, Chairman Harris said, another development might seek to.

Chairman Harris doesn’t feel this ordinance change is “the way this should work.” He also feels this is not “fair” to Mr. Prichard and the city manager because of the nature of the city manager’s job. Any change needs to be “a lot more specific,” he feels. He doesn't know why this application couldn't be given to the ZBOA, and perhaps that board’s role could be “expanded.”

Commissioner Alling said this is “a major change to the zoning code,” and it “takes the
power from the citizens and gives it to two people.” If she were Mr. Prichard or the city manager, she said, she wouldn’t want this responsibility because it is “a dangerous position to be in” (e.g., because they could be subject to accusations of favoritism). Commissioner Alling said citizens need to be involved, and “their input should never be taken away.”

Commissioner Fermin said she had wondered why the process that has worked before was proposed to be changed. She agrees with everything that has been said by the board and the members of the public.

**Commissioner Alling made a motion to recommend accepting the change to section 9.12.1.B of the Beaufort Code. Commissioner Crower seconded the motion. The motion failed unanimously.**

**ZONING ORDINANCE TEXT AMENDMENT – Revising Section 3.7.2.B.1.d, pertaining to the number of menu or order boards allowed at drive-thru facilities**

*Applicant: City of Beaufort*

Mr. Prichard said there is a trend for drive-thru businesses to have more than one drive-thru lane. The Beaufort Code currently allows only one menu or order board per business, and this proposal would allow one menu or order board for each drive-thru lane. Staff feels the proposed amendment is consistent with the Comprehensive Plan and the Civic Master Plan, he said. He reviewed the specific changes to the ordinance.

Commissioner Crower said he recalls rules about seeing drive-thru boards from the street. He thinks this change could make that more complicated, and he wondered if that had been addressed. Mr. Prichard said he hadn’t thought about that. He was thinking that two drive-thru lanes would be parallel to one another, he said, so if you do/don’t see one board, you would/wouldn’t see two. There was a general conversation about the code as it relates to menu boards not being visible from the street.

Commissioner Tomy said the current code allows a sign of 24 square feet, with 8’ of maximum height, “but it doesn’t say anything about dividing that into two signs . . . for a double drive-thru or something like that.” He asked if that might be a direction that could be considered. Mr. Prichard asked if Commissioner Tomy was suggesting changing the language to allow multiple signs, as long as the total size of the signs is not bigger than one sign would be. Commissioner Tomy said that’s correct. “24-square feet is a huge sign” for a drive-thru, he said.

Commissioner Tomy said the code says that the drive-thru lanes and the boards are not meant to be visible from the street. Commissioner Semmler said the amendment as written would allow a sign right on the street.

Chairman Harris said if two drive-thru lanes are allowed, it seems that they would need two signs. Commissioner Semmler said the restaurants that have two signs got variances
to allow that. Mr. Prichard said Chick-fil-A went to the ZBOA, which granted the restaurant a variance, but “there is no way there is a true hardship, which is the standard for a variance.” He said this “doesn't follow the code,” and he feels the solution is to modify the code.

Commissioner Tomy said Mr. Prichard’s point is that staff doesn't want to have this situation in the future; he recommended re-writing the amendment to allow two boards as long as the restaurants do not exceed the code’s allowable square footage for the signs, “and [they] still have to comply with the code.”

Mr. Newton said when he read this proposed amendment, his understanding was that when a drive-thru lane splits in two, they want a menu board for each lane. Chairman Harris said that’s how he understood it as well.

There was no further public comment. Mr. Prichard said the way the code is written, you couldn't have two menu boards with only one drive-thru lane. This would allow two menu boards if there are two drive-thru lanes.

Commissioner Alling said two lanes could be designed in such a way that they'd only need one board, so she asked why the city “would grant two boards to everyone with two” drive-thru lanes. She recommended that the ZBOA should determine if there should be a variance for two boards. Mr. Prichard said this couldn't meet the ZBOA’s criteria for a variance. Commissioner Alling said in that case, then the restaurant doesn’t “need a second menu board.”

Chairman Harris asked if there is “a problem” at the restaurants that have two menu boards. Commissioner Tomy said it could be “a complicated design scenario” to have two lanes. He recommended denying this proposal and instead allowing one menu board per drive-thru lane, but limiting the board’s to about half the allowed square footage, which would create less of an impact on the site and the public’s view.

Chairman Harris said there is “a limiter,” which is how fast restaurants can get cars in and out of the drive-thru lanes. He doesn't think having two drive-thru lanes is “arbitrary.”

Mr. Prokop said safety was a concern at Chick-fil-A, which is why they needed two lanes. He suggested looking at a standard-size board that “doesn’t have to be 24-square feet.”

Mr. Prichard said he is trying to be “an honest broker.” He suggested the commission make a motion for its recommendation. If the commissioners want to direct staff to do something different, they could suggest that.

Commissioner Fermin made a motion to recommend approval of the amendment as written. Commissioner Alling seconded the motion. The motion failed on a vote of 3-3.
Commissioner Tomy said he’d like to ask staff to look at this and come back with another amendment if they feel that’s appropriate. Chairman Harris agreed. The overall square footage of the sign was an issue, he said, and there needs to be clarity about the changes, including the possibility of using one sign for two lanes.

**UPDATE OF CITY COUNCIL ACTIONS**

Mr. Prichard said he didn’t have an update because council hasn’t met recently. Commissioner Tomy asked if the city staff could give a report to the MPC about how council votes on what the MPC recommends. Chairman Harris said that information is what is usually in the city update.

Commissioner Semmler said the Port Royal town council and Mayor Murray “didn’t even make a motion to vote” on a proposed “video billboard,” and they have specified “no new billboard signs” in the town. He feels the Town of Port Royal should be publicly acknowledged and given a “pat on the back.”

Merritt Patterson said in the minutes of the December 17, 2018 MPC meeting, he is referred to as a member of the steering committee for the Lady’s Island Plan, but his brother Allen serves on that committee. [A check showed that reference – on page 1 of the minutes – is to Allen Patterson. – steno.]

Mr. Patterson asked about the role of the MPC on Lady’s Island Plan projects. Chairman Harris said he doesn’t know the answer. Commissioner Semmler, chair of the Lady’s Island Plan steering committee said, “We need public meetings for each project.” Rob McFee is supposed to be working on those projects, he said. The steering committee has asked this question, and Commissioner Semmler thinks this would be a good issue to bring up at the Northern Regional Planning Implementation Committee meeting on March 3. He said they need to specifically ask what the process is “for each one of the transportation projects within the Stantec study that’s part of the Lady’s Island Plan.” Commissioner Semmler concluded, “We’ve made a promise that the public would be involved in that.”

Mr. Newton said Mr. McFee and Christopher Inglese, county attorney, told him that each project would have two public meetings as part of the process; there was no mention of the MPC. He said he had heard that it would “not be a requirement” that these projects “go through a public body per se.” Commissioner Semmler said he would ask at the Northern Regional Plan meeting and try to get an answer.

There being no further business to come before the commission, Commissioner Alling made a motion to adjourn, and the meeting ended at 6:56 p.m.
Mr. Chairman, Members of the Commission:

I am Chuck Newton, chair of the Sea Island Coalition, and we would like to raise our objection for changes proposed in The Beaufort Code Section 9.12.1.B pertaining to administrative adjustment of numerical standard for redevelopment or infill. Applicant: City of Beaufort.

Plain English.

First of all, the subject matter presented on the agenda seems pretty tame. Not something most members of the public would see a need to pay attention to. This happened just last week in Port Royal, when an agenda item seemed simple enough but in fact dealt with a major decision regarding erection of a 228 s.f. billboard. Why can’t government put matters such as this in plain English? Is that too much to ask – or are we deliberately trying to keep the public in the dark?

No Modest Change.

Now, contrary to the mild definition of purpose in this agenda item, this proposed change is a significant and major change to The Beaufort Code. It further distances the public from any potential to affect planning changes in the city, and uses a shotgun to deal with a needlepoint problem.

What the applicant is said to want is the ability to use 25” lighting masts in the parking lot of a new supermarket. While this argues against the low-profile we would wish for this parcel adjacent to the Boundary Street improvements, there are some higher lighting masts already in place.

So this change is not just about the height of lighting masts in the parking lot of a new Publix, but a change that cedes control and decision-making to every “numerical standard” in the Beaufort code, handing over to an administrative department on all manner of standards determination in the code. Were this in effect today, this would not be an agenda item for the MPC, or the Design Review Board, or potentially the Zoning Board of Appeals. You would not be a necessary stop in any review.
The Beaufort Code is in its infancy, and in our view, given the time and attention and energy in its development, it is far too early to start making such sweeping changes. If the Code is to have any legitimacy, major rewriting is to be avoided, and individual situations dealt with through the variance process. We would urge you to recommend the applicant pursue the fix he wishes through the variance process.

**About The Variance Process.**

To that point, the variance process does not operate in any way to the successful resolution of this issue.

The City’s staff report characterizes the “feeling” of the applicant that the basis for a variance to resolve this issue does not exist. But to the contrary, a review of the key provisions in the City’s Variance Application displays no reason why this matter cannot be handled via variance:

1. The issue of hardship is arguable. None may exist, but this has not prevented the ZBOA from granting variances in similar circumstances.
2. There is no extraordinary or unusual condition existing on the property.
3. The Code provisions are already applied to other property in the vicinity.
4. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code.
5. The application of the Beaufort Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
6. Nor would the authorization of the variance be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In short, this recommendation is a solution in search of a problem. It may solve the applicant’s problem, but at the same time open’s pandora’s box to an entire new range of decisions – all made subjectively, by an Administrative department.

We urge you to deny this application, and recommend the applicant pursue this via a Variance Application to the Zoning Board of Appeals. Makes sense for him, make sense for all of us as well.
February 18, 2019


Metropolitan Planning Commissioners:

Thank you for the opportunity to comment on the proposed amendment to Section 9.12.1.B of the Beaufort Code. This amendment would allow the Administrator to waive any numerical standards in the code in infill or redevelopment areas. The Coastal Conservation League strongly urges this body to recommend denial.

This amendment would have far reaching impacts to development in the City of Beaufort. As drafted, the amendment gives the Administrator free rein to waive any numerical standards in areas of infill and redevelopment. The text change would apply to infill in the Historic District, the Boundary Street Redevelopment District, and the Bladen Street Redevelopment District. The changes would also likely apply to any project deemed to qualify as infill or redevelopment. While it seems that the amendment was prompted by a desire to retain 28-foot streetlights in the proposed Publix parking lot, the change does not apply simply to street light height standards; it applies to all numerical standards. That means that the administrator could adjust building size and massing, setbacks, number of gas pumps, parking standards and much more. The question is does a development’s “type” – either infill or redevelopment – justify a significant departure from the code’s standards?

1) Unlimited administrator authority is inappropriate.

First, giving the administrator unlimited authority to modify the numerical standards in infill and redevelopment areas is inappropriate. While there are certainly times when a variance might be called for, that is the purpose of the Zoning Board of Appeals (ZBOA). That body is responsible for granting relief from any standard, as appropriate. Deviating from the code should be the exception, requiring a developer to show that he is unduly burdened by the requirements of the code. If this code amendment is adopted, it would allow a developer to bypass the ZBOA, go straight to the administrator and request relief.

2) The amendment lacks concrete definition.

Second, the amendment lacks essential concrete definitions. The amendment uses terms such as “consistent development pattern” and “incongruous development.” These terms are not used elsewhere in the code and are not defined in the amendment itself. What constitutes a “consistent development pattern” or “incongruous development” is up for interpretation, making it very difficult to determine when the amendment would apply.

In addition, particularly in the redevelopment districts, like Boundary Street, we are trying to incentivize a change in the development pattern. In other words, we want to see some “incongruous development” that will prompt change in the area. In that way, sticking to the requirements of the code is almost more important in the redevelopment districts than it is elsewhere.
Particularly on Boundary Street, where the city spent millions of dollars improving the street and planning for the area, private investment and public investment should combine to further the goals of the Boundary Street Master Plans. As written, the code requires the redevelopment of the Beaufort Plaza property to include streetlights no higher than fifteen feet. This is appropriate as the area begins to change and become more bike and pedestrian friendly. One glance at the old K-Mart property highlights how tall streetlamps diminish the friendly feel of the street. Since the power lines are now buried, the tall streetlights stick out. As we invest in redeveloping the area, developers should be required to abide by the requirements of the code, unless a variance is warranted, requested by the developer, and granted by the ZBOA.

Perhaps most concerning is the breadth of the amendment, allowing for deviation from any numerical standard in the code. This means that in areas of infill or redevelopment, the administrator could allow for buildings to deviate from size and massing standards, parking requirements, setbacks, and any number of other numerical standards. This is broad authority and while the current administrator would likely be thoughtful in his considerations, the code is written to account for present and future staff. The city of Beaufort could change dramatically as a result of this amendment should there be significant staff turnover.

3) The amendment is contrary to the broad purpose of the code.

One of the primary goals of the Beaufort Code is to provide a “predictable development process for citizens and developers alike.” The requirements of the Boundary Street Overlay District are clearly set forth in the code. They provide predictability not only for developers who may wish to build or redevelop in the area, but also for citizens who wish to work, shop, live, or play in the area. Citizens can expect the area to redevelop in a manner consistent with the Boundary Street Master Plan and the code. However, if the administrator is given the authority to essentially modify the code for developers, the redevelopment pattern becomes less predictable and does not accomplish the goals of the Boundary Street Master Plan.

In short, the proposed changes are extremely broad and could have far reaching consequences, particularly in the Bladen Street and Boundary Street Redevelopment Districts. The City has spent millions setting the stage for redevelopment in both areas. Developers should be required to match that investment with rigorous adherence to the Beaufort Code. If a developer cannot meet the requirements of the code, it is appropriate to seek a variance from the ZBOA, which grants relief when code requirements are too onerous. We encourage this body to recommend denial.

Sincerely,

Rikki Parker
Project Manager
Coastal Conservation League
Conceptual Strip Mall Retrofit Example

The series of images at left shows a phased approach to transforming an ordinary auto-oriented strip mall area into a lively neighborhood center; this approach is relevant to all of the corridors discussed in this chapter. The goal of this type of strategic redesign is to allow property owners to gradually build value by increasing curb appeal and attracting new tenants, while also creating new spaces that encourage community gatherings.

- **Existing:** As it stands today, this strip mall is dominated by a treeless, empty parking lot.

- **Phase 1:** The first level of design intervention shows building facade improvements, the addition of shade trees, and new buildings sited at the street edge to engage new sidewalks. On-street parking helps to slow traffic and acts as a buffer to pedestrians from the lanes of car traffic.

- **Phase 2:** The second phase of redevelopment fills the existing parking lot with buildings and moves the parking lot to the rear. Retail, office, and housing uses are all mixed in the same block so that people can live, work, and shop within the same neighborhood. The street is further refined to fully accommodate people walking, bicycling, and driving. Altogether, this block becomes part of a vibrant, memorable community.
March 8, 2019

Subject: Parking lot light pole heights

The City of Beaufort is requesting the Commission’s opinion regarding the height of light poles in parking lots. Specifically,

What should be the maximum allowable height for parking lot light poles?

The Beaufort Development [Zoning] Code limits the height of light poles to 15 feet above grade in transect-based districts, and to 25 feet above grade in conventional districts. Reference [§5.8.4].

It is staff’s opinion that a 15 ft. maximum is appropriate in spaces accommodating primarily the pedestrian, e.g., along sidewalks and buildings. It is also staff’s opinion that a 15 ft. maximum is not appropriate in spaces accommodating primarily parking, unless that parking is adjacent to the building. Furthermore, the conventional height of parking lot light poles is around 28 ft. above grade.

The Department of Community & Economic Development will present the commission’s recommendation/opinion to the City Council at the March 19th work session.

On behalf of the City Manager and the City Council, thank you for addressing this issue.

Sincerely,

David S. Prichard
MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Robert Merchant, AICP, Beaufort County Community Development Department
DATE: March 12, 2019
SUBJECT: Zoning Map Amendment/Rezoning Request for R100 029 000 0046 0000, 10.69 acres at 126 Broad River Boulevard, from C3-Neighborhood Mixed Use District to C5-Regional Center Mixed-Use District; Owner: 10 Frontage Road LLC, Applicant: Andy Burris

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2019-02
Owner/Applicant: 10 Frontage Road, LLC; Agent: Andy Burris
Property Location: Located in the Burton area on the north side of Broad River Boulevard approximately 1,200 feet west of the intersection with US 21 (Parris Island Gateway)
District/Map/Parcel: R100 0290 000 0046 0000
Property Size: 10.69 acres
Current Future Land Use Designation: Urban Mixed Used
Current Zoning District: C3-Neighborhood Mixed-Use (C3-NMU)
Proposed Zoning District: C5-Regional Center Mixed-Use (C5-RCMU)

B. SUMMARY OF REQUEST:

The owners of a 10.69-acre parcel located on the north side of Broad River Boulevard approximately 1,200 feet west of the intersection with US 21 (Parris Island Gateway) is requesting to change the zoning of the property from C3-NMU to C5-RCMU. The owner is interested in development multi-family housing on the property. While C3-NMU allows multi-family housing, developments are limited to a maximum of 80 dwelling units and a maximum height of 2 ½ stories.

While the parcel is just over 10 acres, the rear half of the property is a wetland. The parcel contains a dwelling unit that is in the Beaufort County Above Ground Historic Sites Survey. The structure has been determined to be not eligible for the National Register of Historic Places.
This same rezoning went before the Metro Planning Commission at their December 19, 2016 meeting. At that time, the MPC did not recommend rezoning the property because it was felt that the applicant had options to develop multi-family housing under its existing zoning designation – C3-Neighborhood Mixed-Use. Since that time, Beaufort County Council approved a zoning amendment that removed a requirement that multi-family housing in C3 needed to be located in mansion apartments with no more than 6 units per building. However, the applicant wishes to construct more than 80 units in 3 story buildings, and utilize the affordable housing density bonuses available in the C5-Regional Center Mixed-Use district.

C. ZONING MAP AMENDMENT ANALYSIS: Section 7.3.40 of the Community Development Code (CDC) states that a zoning map amendment may be approved if the proposed amendment:

1. **Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code:**
   The proposed amendment is not consistent with the future land use map of the Beaufort County Comprehensive Plan and would require an amendment to the plan itself. The Comprehensive Plan advocates the development of affordable housing. This zoning amendment has the potential to foster the development of affordable housing in a centrally located area with relatively close proximity to employment and retail.

2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances:**
   As stated above, the proposed zoning district of C5-RCMU is not consistent with Table 1.4.10.A of the CDC for parcels that are designated as Urban Mixed-Use in the Comprehensive Plan.

3. **Addresses a demonstrated community need:**
   The proposal has the potential to foster the development of affordable housing.

4. **Is required by changing conditions:**
   The character of the surrounding area has not changed significantly in the last 10 years.

5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land:**
   There is a mix of uses along Broad River Boulevard in the vicinity of this parcel. These uses include small warehouses, private social clubs, churches, a small mobile home park, and single-family residential.

6. **Would not adversely impact nearby lands:**
   Properties located to the east and across from Broad River Boulevard from this parcel are zoned C5-RCMU and would not be adversely impacted by amending the zoning of this parcel.

7. **Would result in a logical and orderly development pattern:**
   See item 6 above.

8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment:**
   Approximately one half of the parcel is wetland that would be required to be preserved. There should be no adverse impacts assuming that applicable local, state, and federal
environmental protection requirements are met with any future development of the parcel.

9. **Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)**
   The proposed rezoning is located in close proximity to utilities and public facilities. Sewer is available on Parris Island Gateway; water lines are available along Broad River Boulevard.

D. **NORTHERN BEAUFORT COUNTY REGIONAL PLAN**
   The proposed parcel is located within the growth boundary as put forth in the Northern Beaufort County Regional Plan. The regional plan and the intergovernmental agreement that implements the plan require that all increases in zoning in unincorporated Beaufort County located within the growth boundary explore options to annex into the appropriate municipality – in this case the City of Beaufort. The intergovernmental agreement states the following:

   The county shall encourage any landowner who seeks an increase in densities/intensities under current zoning on lands that are not contiguous to a municipality but within the growth boundary, to explore ways to annex the land. If annexation is not feasible, following the procedures outlined in Section G (below) the County will consult with the Planning Staffs of the City of Beaufort and the Town of Port Royal to determine the following: a. Whether the proposed zoning amendment or planned unit development is consistent with the Comprehensive Plan of the municipality in whose future growth area the proposed development is located; and b. Whether the proposed zoning amendment or planned unit development is consistent with the Northern Beaufort County Regional Plan.

This report has been sent to the City of Beaufort staff. Beaufort County staff will consult with City staff to determine whether annexation is feasible and whether this rezoning is consistent with the Northern Regional Plan.

E. **STAFF RECOMMENDATION:**
   Staff supports the rezoning of this property from C3-NMU to C5-RCMU with the following condition:
   - County staff will consult with City of Beaufort staff to determine whether annexation is feasible for this parcel and whether the proposed zoning designation is consistent with the Northern Beaufort County Regional Plan.

F. **ATTACHMENTS:**
   - Zoning Map (existing and proposed)