

**BEAUFORT–PORT ROYAL  
METROPOLITAN PLANNING COMMISSION  
REVISED AGENDA**

1911 Boundary Street, Beaufort, SC 29902  
Phone: 843-525-7011 ~ Fax: 843-986-5606

**Monday, October 19, 2020, 5:00 P.M.**

~~City Hall, Planning Conference Room—1911 Boundary Street, Beaufort, SC~~

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85605208487?pwd=YWYzaS9QZ3BVOUFXM1Vua0FOSHRTQT09>

Password: 036806

Meeting ID: 856 0520 8487

Call in Phone #: 1 + 929 205 6099

---

**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."

I. Call to Order

II. Pledge of Allegiance

III. Review Commission Meeting Minutes:

A. September 21, 2020 Regular Meeting Minutes

IV. Questions Relating to Military Operations

V. Review of Projects for the City of Beaufort:

A. Annexation and rezoning of two contiguous parcels totaling approximately 1.29 acres and located at 2506 Boundary Street and 6 Neil Road. The property is further identified as District 100, Map 29, Parcels 4R & 4T. Both parcels are currently zoned C5RCMU Regional Center Mixed Use. Contingent upon annexation, the requested zoning for both parcels are T5-Urban Corridor (T5-UC) District. Applicant: Tidewater Development Group, on behalf of the property owner, Corfe LLC.

B. Rezoning of approximately 0.43 acres at 46 Robert Smalls Parkway. The property is further identified as District R120, Map 29, Parcel 4F. The current zoning is T5-Urban Corridor District (T5-UC). The requested zoning is T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX). Applicant: Lisa Wandrick for the property owner, LCW Commercial Properties, LLC

A. Update of Council Actions

B. Update of pending applications/status of approved projects.

VI. Review of Projects for the Town of Port Royal:

A. None.

**VII. Review of Projects for Beaufort County:**

**A. None.**

**VIII. Executive Session**

**A.** Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law: Receipt of Legal Advice related to the appeal/prelitigation mediation regarding the MPC's Whitehall Subdivision Sketch Plan decision.

**IX. Adjournment**

**Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.**



# Metropolitan Planning Commission

## Meeting Minutes – September 21, 2020

### 1. CALL TO ORDER 1:40

---

A meeting of the Metropolitan Planning Commission was held via Zoom on September 21, 2020, at 5:00 pm.

### 2. ATTENDEES

---

Members in attendance: Michael Tomy (Chairman), James Crower (Vice-Chair), Judy Alling, Bill Bardenwerper, Caroline Fermin, and Jason Hinchler.

Staff in attendance: David Prichard (City of Beaufort Director of Community and Economic Development)

### 3. REVIEW OF MINUTES 3:13

---

Mr. Crower made a motion to approve the August 17, 2020 minutes as submitted; seconded by Ms. Alling. The motion passed unanimously.

### 4. QUESTIONS RELATING TO MILITARY OPERATIONS 3:53

---

No questions at this time.

The chairman, Mike Tomy, invited the public to comment.

### 5. OLD BUSINESS 5:36

---

City of Beaufort Agenda Items:

- A. **Whitehall Sketch Plan.** The applicant, Whitehall Point Holdings, LLC, has requested a major subdivision of approximately 10.1 acres located at 4 Harborview Circle (Whitehall). The property is further identified as District R123, Map 14, Parcel 149. The subdivision will result in 2 lots (8.4 ac and 1.6 ac) and new streets.

**Motion:** Mr. Bardenwerper made a motion that the project, Whitehall Sketch Plan, be taken off the table and brought back for consideration; seconded by Mr. Hinchler. The motion passed unanimously.

The chairman, Mike Tomy, invited the public to comment.

Ms. Alling read from a prepared, written statement and requested that it be included in the official record. [see attached]

Mr. Bardenwerper gave a summary statement and requested it be included in the official record. [see attached]

Chairman, Mike Tomy, gave a summary explanation and asked that his statement be included in the official record.

**Motion:** Ms. Alling made a motion to deny the Whitehall Sketch Plan; seconded by Mr. Cromer. The motion passed with a vote of 4 in favor and 2 opposed.

## 6. NEW BUSINESS

34:41

### Town of Port Royal Agenda Items:

- A. **Town of Port Royal - Annexation.** Annex 34.43 acres near Clydesdale Circle. The property is further identified as District 100, Map 31, Parcels 10, 9, 5B, and 4 and District 100 Map 31C Parcel 81. The applicant is John Aust, Southeast Realty, LLC and JLJ Holdings LLC.

The chairman, Mike Tomy, invited the public to comment.

- B. **Town of Port Royal - Zoning Request.** Zone 34.43 acres near Clydesdale Circle. The property is further identified as District 100, Map 31, Parcels 10, 9, 5B, and 4 and District 100 Map 31C Parcel 81. The applicant is John Aust, Southeast Realty, LLC and JLJ Holdings LLC. The existing zoning is C3 Neighborhood Mixed Use (Beaufort County designation). The requested zoning designation is T3 Neighborhood.

The chairman, Mike Tomy, invited the public to comment.

**Motion:** Ms. Alling made a motion to accept both the annexation and rezoning; seconded by Mr. Hinchler. The motion passed unanimously.

## 7. ADJOURN

58:37

Mr. Crower made a motion to adjourn the meeting; seconded by Mr. Bardenwerper. The motion passed unanimously.

Disclaimer: All Metropolitan Planning Commission Meeting minutes are recorded, and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at [iburgess@cityofbeaufort.org](mailto:iburgess@cityofbeaufort.org).

## Judy Alling's Whitehall – MPC Statement/Motion

The Whitehall subdivision sketch plan has come before us several times and we have been unable to reach a conclusion. By this time the reasons for our difficulty to make a decision have become quite clear.

This is an extraordinary piece of property in an extraordinary location which is in the beautiful and extraordinary City of Beaufort.

There are several reasons for not approving this sketch plan.

1. The plan does not follow Beaufort's zoning code. This is an area where the Form Based Code allows mixed use development. The sketch plan simply shows a group of large apartment buildings. Is this considered mixed use? Does this reflect the intent of the code? There are also omissions in the sketch plan pertaining to the buildings and their relationship to the streets as well as the park.
2. The essence of the Master Plan is not respected. The vision of this extraordinary property is one developed so that it flows from Bay Street as a complimentary extension. We do not see large apartment buildings on Bay Street. We see shops, restaurants, offices with living spaces above as well as single family dwellings, truly mixed use. The proposed plan is the antithesis of Bay Street.
3. The traffic study: here we have a study completed in 2017 which ignores some important, influencing features such as the bridge to the north of Meridian Rd. and the proposed rerouting of an intersection very close and to the south of Meridian Rd. The traffic study has been updated using formulas from a book. Oh, I know, this is the way it is done, everyone does it. I think we have all heard those words before. Beaufort is not everywhere. Beaufort, as well as the challenges of this particular traffic situation, is unique and everyone's formula to adjust an old study may not work here. Do we really want to take that gamble? I don't. Before being able to make an educated decision a new, complete traffic study taking all possible influences from the north, south, east and west into consideration should be conducted. This should be done after COVID-19 and all of its affects are over and life has adjusted back to normal, whatever that may be. The applicant stated that he has made some assumptions about what life will be like in a post virus Beaufort and that this has influenced his design. If anything is extraordinary, it is COVID-19 and its resulting life adjustments. To predict what life will be like when this is over is totally impossible even for the experts. There has never been anything like this before – it is extraordinary. We need a traffic study based on what is now an unknown reality.

4. Any development that will be this impactful on the lives of its residents needs live, public input. There should be no barriers to anyone wanting to ask questions and voice their opinions. This has been recognized by many municipalities, therefore, postponing decisions on major issues. It is important to protect the democratic process and wait until the public can safely and comfortably be allowed to express their opinions in person before the MPC and City Council.

We often hear, after an area has been developed, complaints about the unintended, negative consequences. Well, many people recognize the negative consequences of this plan right now. I ask the building department to respect the concerns of Beaufort's citizens. Consider a new, discriminating examination of every facet of all plans that come before you with clear eyes, blind to city goals that may conflict with those of its citizens.

I appeal to Mr. Levin to please consider the extraordinarily negative affects this dense development will have on the City of Beaufort and its residents. Please listen to your neighbors and consider our precious environment and the lifestyle we all want to see respected and preserved. Please come back to us with a new, truly mixed-use plan, single and small, multifamily dwellings with space to accommodate some small businesses, a design that will be less impactful and not stress our infrastructure. One that will complement the Beaufort we have today. One that you and all of Beaufort can be proud of.

With this heavily weighing on all of our shoulders I make a motion to deny the Whitehall Sketch Plan.

## Julie Bachety

---

**To:** Julie Bachety  
**Subject:** RE: Monday's Whitehall consideration at MPC meeting

**From:** Bill Bardenwerper <[wbb@bardlaw.net](mailto:wbb@bardlaw.net)>  
**Sent:** Sunday, September 20, 2020 7:56 PM  
**To:** Michael Tomy <[miketomy47@gmail.com](mailto:miketomy47@gmail.com)>; James Crower <[jcrower@yahoo.com](mailto:jcrower@yahoo.com)>; Judy Alling <[judyalling@gmail.com](mailto:judyalling@gmail.com)>; Caroline Fermin <[carolinefermin@mac.com](mailto:carolinefermin@mac.com)>; Jason Hinch <[mbijch@islc.net](mailto:mbijch@islc.net)>  
**Cc:** David Prichard <[dprichard@cityofbeaufort.org](mailto:dprichard@cityofbeaufort.org)>  
**Subject:** Monday's Whitehall consideration at MPC meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Fellow Commissioners: I'm writing you because, for I think the 5th time, we are being asked to review a subdivision plan for Whitehall. Either about Whitehall specifically or about the law generally, I have also written 5 separate email memos to you Dave, to you Mike and/or to the rest of you my fellow Commissioners. You can consult them again if you want, but this one is a summary of what I submit is the law (limited such as it is) upon which I believe, at this point, we are allowed to base our decision. Unless one of you can show me something else, I submit that the below represent the limits of our authority, and any decision we reach on this particular application has to take the facts as we now know them through testimony and other evidence and apply them to this law to reach a legally supportable decision. In my present opinion, any other decision stands a decent chance of being over-turned on appeal. And in that event the public we are appointed to represent would not benefit from the conditions we might attach to an approval decision. In other words, if our decision gets overturned on appeal, an approval without conditions could stand by operation of law, not by virtue of what we might have decided.

I do not know the applicant and have no other reason to support his application (which I presently plan to do via the motion I'm including at the end of this email memo) other than that I submit the law and facts now require us to do so. Like some or all of you and the vast majority of citizens and interest groups we've heard from, I'm very concerned about existing traffic volumes and back-ups and the potential adverse impacts of added traffic from this project. I likewise would have preferred a subdivision Sketch Plan that contemplates a "small village-looking" mixed use plan such as the one the Civic Master Plan contemplates and that the MPC reviewed a number of years ago, which appeared to enjoy public support. But the applicant has decided not to pursue such a plan, which I believe he unfortunately is under no legal obligation to pursue. Whether this is because of a mistake in the way Beaufort's Development Code was written or because of a "bait and switch" on the applicant's part, I don't know and perhaps we'll never know. But I also submit it really doesn't matter *at this point in our particular deliberation* because I don't see what legally obligates the applicant to pursue a plan for this site, *again at this point in the process*, different than the one submitted, as much as we may not like it.

Furthermore, in my view, only a very small sliver of law even exists at this point to justify the MPC's review of the applicant's development plan for this site. And whatever decisions Beaufort City and County Governments long ago made to sell the property to, and later reacquire a part of the property from, the applicant, whether or not a good idea at the get-go and how carried out, aren't even close to being part of the equation we have to consider at this late date. For good or for bad, that's water under the bridge we on the MPC had nothing to do with, and we can't take those decisions into account now.

All that said, for starters, I ask everyone to recall that the MPC's authority in this case is ONLY by virtue of Beaufort Development Code Sections 9.9.2 and 9.9.3 because the parcel of land in question is 10 acres instead of say 9.9 acres.

Were the parcel a tiny bit smaller, the subdivision would constitute a minor, not major, plat, and as such the application would not even come to us. Or, were the applicant to leave it all as one parcel of, say, just apartments and not an 8.4 acre parcel of apartments and 1.6 acre parcel of patio-home style condominiums, no subdivision at all would be involved, leaving the MPC out of the decision-making process altogether as respects this site.

Second, under Beaufort Development Code Section 9.9.3 (specifically Subsections B and E.3) discretionary authority, we must approve, approve with conditions or disapprove the Sketch Plan and in so doing are only allowed to base our determination upon the Sketch Plan's conformance with applicable provisions of the Beaufort Code. If you can find any Beaufort Development Code sections to specifically cite other than the ones I heretofore have cited, and that I once again cite and explain hereinbelow, I am anxious to hear what those Development Code Sections are. I am honestly all ears, but thusfar I've only found these, and so I encourage you to carefully re-read themselves yourselves. So here they are again:

**Section 9.3.1.B.** This Section states that the "the sketch plan shall show in simple line drawing form the proposed layout of streets, lots, buildings, civic spaces, tree coverage, and other features in relation to existing conditions, based on the size of the tract proposed for development." In other words, because of the mandatory word "shall", if the sketch plan does not show what it's required to show, we can disapprove it by reason of whatever that deficiency may be.

**Section 7.3.2.** To the extent a Traffic Impact Assessment (TIA) is required by virtue of the "Application Requirements" chart found at Beaufort Development Code Section 9.3 OR because the MPC feels it needs a TIA to be able to fully understand and assess the proposed layout of streets on a given sketch plan to determine how they'll function and relate to existing public streets (given its review authority under the above-noted Beaufort Development Code Sections 9.3.1.B and 9.9.3.E.3), the Beaufort Development Code Section 7.3.2 requirements for a TIA are clear and detailed. So long as a TIA is prepared in exact conformance therewith, there's really no debate as to the form and content of what the Code calls the TIA's "Plan Contents". But that doesn't mean that a perfectly prepared TIA constitutes the end of that. That's because, as stated at Development Code Section 7.3.2.E, "if the initial analysis indicates that the city's adopted Traffic Service Level Goals (see Development Code Section 7.3.2.M) will not be met, a "mitigation plan" must be prepared based on additional analysis" showing "how the city's Traffic Service Level Goals are addressed as mitigated", which can be a tough to possibly impossible assignment, given a particular project's traffic impacts and existing and planned new street conditions. Under Beaufort Development Code Sections 7.3.2.G-J, TRC "must first approve the TIA in regard to completeness and accuracy", and thereafter "shall recommend action", which may be approval as submitted or with conditions. This is standard practice everywhere. Then, under the above-referenced authority that it has, the MPC doesn't review the TIA again for "completeness and accuracy", but rather reviews it, if and when it so chooses, to decide exactly what it's authorized to decide — notably as respects internal private or public streets (and easements) and their connectivity to external streets, such as Meridian Road and Sea Island Parkway.

The type, complexity and circumstances of each particular case will determine whether we on the MPC have a right, and want, to see a TIA and how strict a scrutiny we pay to it. However, what a TIA is supposed to examine and, therefore, what is to be included in one (as explained above) is determined by Beaufort Development Code Section 7.3.2.D (the "Required Elements of the TIA"), not by us independent of that Code. In this case, because of this particular application's type, complexity and circumstances, we insisted upon a TIA specific to this application. Once we received it and finally at the last MPC hearing were able to carefully examine it, asking lots of questions of the project engineers as we did, we were in a position to judge it based on the test that the Beaufort Development Code has provided us. I see no other authority for us to conduct that examination except those "Required Elements of the TIA" and the Beaufort Development Code Section 7.3.2.E Required "Mitigation Plan", which we also received as part of that TIA.

The plain conclusion I think we all reached from the TIA at the MPC's last public hearing was that, without a traffic signal at Meridian Road and Sea Island Parkway, development-related left-hand turns both onto Sea Island Parkway from Meridian Road and onto Meridian Road from Sea Island Parkway will be unsafe and close to impossible. As a consequence, I believe we all agreed that a condition of any Sketch Plan approval would need to be that a signal be installed at the referenced location. I believe there was also support for a right-in deceleration lane at the Sea Island Parkway (right-in/right-out) access to the site and both dedicated left and right turn lanes from Meridian Road onto Sea

Island Parkway to the extent such turn lanes do not already exist. I believe that a left-turn stacking lane on Sea Island Parkway already exists for the turn onto Meridian Road.

The other traffic-related talk that occurred at the last MPC hearings (for example, Woods Memorial Bridge's weight-carrying capability), does not, in my opinion, relate to the TIA or any authority we have under Beaufort Development Code Section 7.3.2 (or any other Development Code provision). We cannot invent decision-making authority for ourselves that does not exist. Doing so will accomplish one thing: jeopardize our decision on appeal.

**Section 4.3.2.** This Section states that "In Instances where the Civic Master Plan provides *guidance* for buildings and site design standards on a particular parcel, development applications on that parcel *should* meet the *general intent* of such *guidance to the extent practicable*." [Emphasis added.] Whereas words like "guidance", "should", "general intent" and "extent practicable" are not customary code-type (ordinarily black and white) type language, I tend to agree with what you, Mike, have previously expressed that some level of very carefully MPC-exercised discretion may exist here. To me, doing so extra carefully is especially true because the Civic Master Plan in the instances of so many Beaufort Development Code Section 6.1 "Neighborhood Strategies" presents such vague guidance. Guidance of that type is just fine when it comes to preparing Codes, as the Civic Master Plan contemplates, but it can be legally problematic when applied to specific development projects in the review of specific development plans, *especially subdivision plans*. Thus again, extraordinary care needs to be taken if we on the MPC decide to exercise any authority in this specific regard in our review of the Whitehall subdivision Sketch Plan. I, therefore, recommend we limit application of the Civic Master Plan in our review of the Whitehall subdivision plan to a condition that encourages the Design Review Committee (DRC) to consider our specific design recommendations, as set forth in my preliminary draft Motion below. After all, DRC is the body authorized to rule on design, not the MPC. But I think we can safely *encourage* the DRC to consider the design direction we think important and offer.

**South Carolina Code Sections 6-29-510, 6-29-540, 6-29-720 and 6-29-1150.** These SC Statutory provisions require preparation of a local comprehensive plan and grant planning commissions (like the MPC) and local legislative bodies (like the Beaufort City Council) authority thereafter to consider the Comp Plan when it comes to preparing and adopting Codes and making rezoning decisions, but not in my opinion when considering subdivision applications, as in the Whitehall case. I might argue that Section 6-29-540 grants the DRC authority to take the local Comp Plan into account in reviewing design plans presented to it; although that's something for you, Dave, and DRC to consider if and when design plans for Whitehall are eventually filed.

Third, based on all of the foregoing, as of this moment, unless at Monday's MPC meeting I hear persuasive legal and factual arguments to the contrary of what I've said before and written herein, I'm prepared to offer the following Motion to the MPC on Monday, with a few blanks left at the end for other MPC members to add design direction to DRC if anyone would like to add to the two pieces of design advice I've thusfar included based on what you, Mike, said at our last meeting.

#### **RESOLUTION RE: WHITEHALL**

**WHEREAS**, Beaufort Development Code Section 9.9.3 (specifically Subsections B and E.3) grant the MPC discretionary authority to approve, approve with conditions or disapprove a subdivision Sketch Plan base **solely** upon the Sketch Plan's conformance with applicable provisions of the Beaufort Code; and

**WHEREAS**, the MPC's legal authority over subdivisions includes the review of a Beaufort Development Code Section 9.3.1.B authorized "sketch plan", which is a "simple line drawing of the proposed layout of streets, lots, buildings, civic spaces, tree coverage, and other features in relation to existing conditions, based on the size of the tract proposed for development"; and

**WHEREAS**, the MPC's legal authority over subdivisions also includes the review of a Beaufort Development Code Section 7.3.2 Traffic Impact Assessment (TIA), which details exactly what a TIA must include, the bases for evaluating it, and the

contents of a "Mitigation Plan" required to address a plan's negative impacts it before proceeding with approval of a plan based on it; and

**WHEREAS**, the MPC's legal authority over subdivisions also includes a general review of the sketch plan application under Beaufort Development Code Section 4.3.2 relative to the Civic Master Plan, with a more detailed review relative to the Civic Master plan falling to the Development Review Committee (DRC) if and when design plans for Whitehall are submitted to it; and

**WHEREAS**, the local Comprehensive Plan plays no role in the consideration of subdivision plans;

**RESOLVED** that, based on the foregoing legal authority and the MPC's review of the submitted Whitehall Sketch Plan and other plans and documents submitted relating thereto, including a TIA, and also based on both expert and non-expert testimony and other evidence presented in legally convened and properly conducted public hearings, the MPC approves the submitted subdivision Sketch Plan as compliant with the Beaufort Development Code, subject to these conditions:

1. Because left-hand turns both onto Sea Island Parkway from Meridian Road and onto Meridian Road from Sea Island Parkway will be unsafe and close to impossible to make without it, a traffic signal shall be installed and made operational at applicant's/developer's (its successor's or assign's) sole cost and expense at such time as directed by SCDOT and the City of Beaufort.

2. In order to assure safe access to the development site, a right-in deceleration lane at the Sea Island Parkway (right-in/right-out) access to the site and both dedicated left and right turn lanes from Meridian Road onto Sea Island Parkway (to the extent such turn lanes do not already exist) shall also be installed at applicant's/developer's (its successor's or assign's) sole cost and expense at such time as directed by SCDOT and the City of Beaufort.

3. The Development Review Committee is strongly encouraged to take into consideration the Civic Master Plan in its review of future design plans for Whitehall and in so doing to consider requiring the following:

(a) that no building constructed on the site be any larger than half the length and width of the largest building shown to the MPC at its August 2020 public hearing in this case;

(b) that the planned apartment style buildings be designed such that they can include retail commercial on the the ground floors thereof;

(c) that . . . ; and

(d) that . . .

Thank you very much for your consideration of all this. I'm just trying to be helpful so that our discussion and decision are done right, whatever that might be. I'll plan to summarize the foregoing at our meeting in order that it's all out there for the public to hear and know that our eventual decision, whether it be along the lines of my thinking or something else entirely, is in the open and on the record. BB

Bill Bardenwerper

Member, Beaufort MPC  
502-419-7333m  
2013 Bay St  
Beaufort, SC 29902

**CITY OF BEAUFORT**  
**Annexation/Rezoning**  
**2506 Boundary Street & 6 Neil Road**  
**District 100, Map 29, Parcel 4R & 4T**

TO THE MEMBERS OF )  
CITY COUNCIL )  
CITY OF BEAUFORT, SOUTH CAROLINA )

PETITION OF ANNEXATION

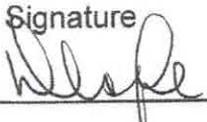
We, the undersigned freeholders, pursuant to Section 5-3-150, South Carolina Code of Laws, 1976, as amended, do pray that your Honorable Body accept the petition and annex the enclosed described area, and enact an Ordinance declaring the area annexed to the City of Beaufort with full City privileges accorded to, and responsibilities required of, the said residents thereof and the lands and properties and businesses erected therein, subject only to the conditions, provisions, and limitations hereinafter set forth. The said annexation shall be upon terms, limitations, provisions, and conditions as follows:

The City of Beaufort shall furnish and render as promptly as practical to said area, its residents and properties, all of privileges, benefits, rights and services now and hereinafter to be accorded the citizens within the corporate limits of the City of Beaufort in every particular under its charter and general special laws of South Carolina applicable to the City of Beaufort, and subject to the existing ordinances of the City.

The petitioning area to be annexed is described as follows:

The site address is 2506 Boundary Street, Beaufort SC 29906 & 6 Neil Road, Beaufort SC 29906.  
\_\_\_\_\_  
TMS R100 029 000 004R 000 & R100 029 000 004T 0000  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plat of area to be annexed and list of freeholders are attached hereto.

Name (print)	Address	Signature	Date of Signature
Corfe LLC	2506 Boundary Street, Beaufort SC 29906 & 6 Neil Road, Beaufort SC 29906		8/20/2020



# REZONING APPLICATION (EXCEPT FOR PUDS)

Community & Economic Development Department  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7011 / f. (843) 986-5606  
www.cityofbeaufort.org

**PAID**  
9/9/20 CK

Application Fee: \$200 +  
\$10 for each additional lot  
Receipt # 1397939

R220 -

OFFICE USE ONLY: Date Filed: 9/3 Application #: 20897 Zoning District: \_\_\_\_\_

**Submittal Requirements:** You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. 1 hardcopy of all application materials are required along with a digital copy.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application?  Yes  No

### Applicant, Owner and Property Information

Property Address: 2506 Boundary Street & 6 Neil Road, Beaufort SC 29906

Property Identification Number (Tax Map & Parcel Number): R100 029 000 004R 000 & R100 029 000 004T 000

Applicant Name: Tidewater Development Group

Applicant Address: 2923 Crescent Ave, Homewood AL 35209

Applicant E-mail: Andrew@tidewaterdev.com Applicant Phone Number: 205.223.4850

Property Owner (if other than the Applicant): Corfe LLC

Property Owner Address: 2506 Boundary Street & 6 Neil Road, Beaufort SC 29906

Have any previous applications been made for a map amendment affecting these same premises? ( ) YES (X) NO

If yes, give action(s) taken: \_\_\_\_\_

Present zone classification: Beaufort County - Regional Center Mixed-Use (C5RCMU)

Requested zone classification: T5-Urban Center (T5-UC)

Total area of property: 0.56 AC (2506 Boundary Street), 0.73 AC (6 Neil Road)

Existing land use: Commercial

Desired land use: Commercial

Reasons for requesting rezoning: The current zoning within Beaufort County allows the proposed used but restricts the layout from functioning as intended.

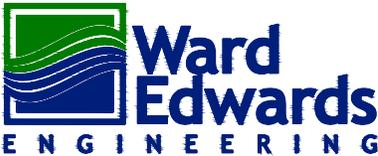
Applicant's Signature: [Signature] Date: 9/2/20

NOTE: If the applicant is not the property owner, the property owner must sign below.

Property Owner's Signature: [Signature] Date: 9/3/2020



SITE LOCATION



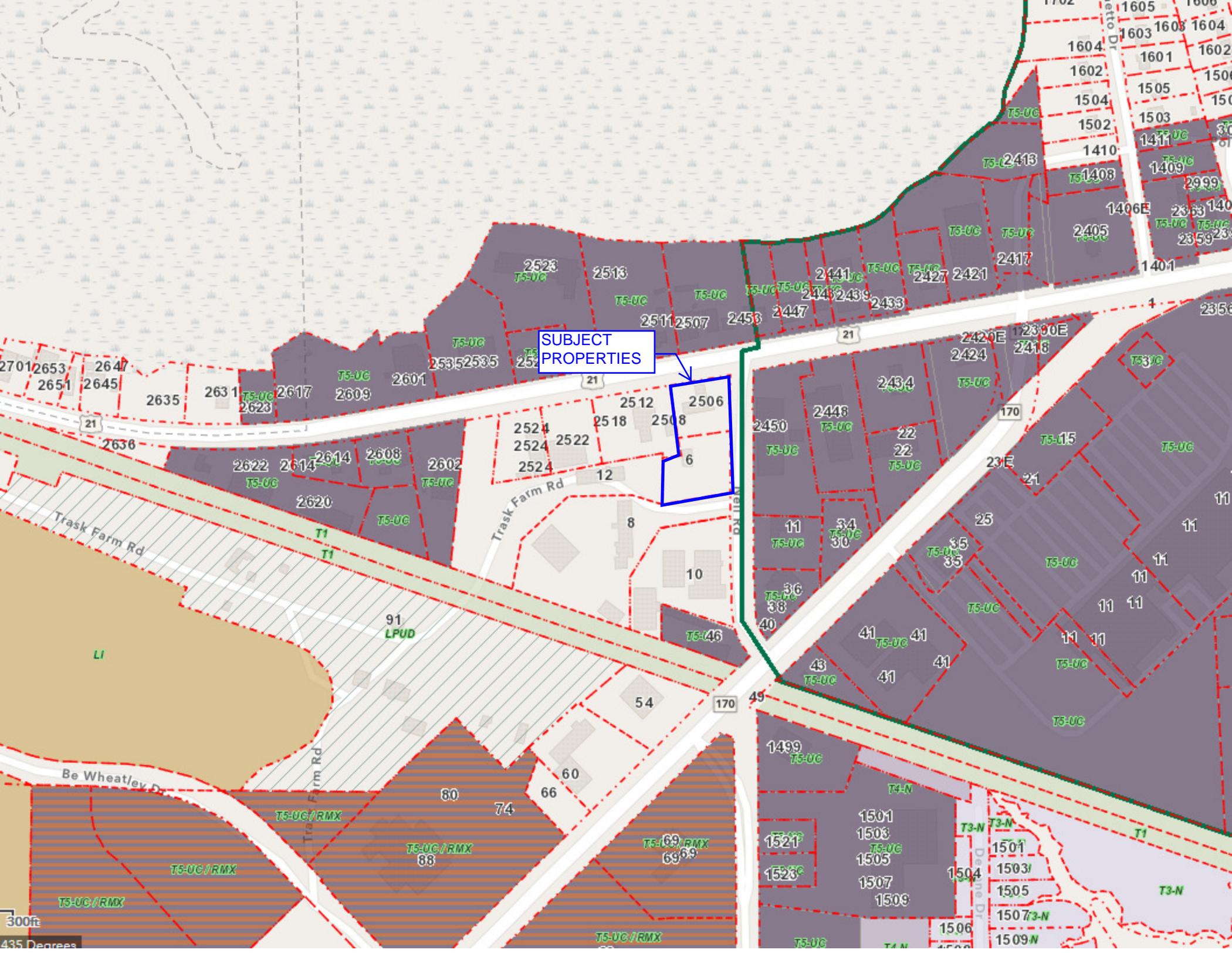
P.O. BOX 381, BLUFFTON, SOUTH CAROLINA 29910  
 PH (843) 837-5250 / FAX (843) 837-2558  
 WWW.WARDEDWARDS.COM

## VICINITY MAP

WENDY'S - BOUNDARY STREET

LOCATION: BEAUFORT, SC  
 DATE: 8/24/2020  
 PROJECT #: 200236

SCALE: 1"=500'



SUBJECT PROPERTIES





# Staff Report for Metropolitan Planning Commission

From the Department of Community and Economic Development

October 19, 2020

## 1 SUBJECT

---

Annexation and rezoning of two contiguous parcels totaling approximately 1.29 acres and located at 2506 Boundary Street and 6 Neil Road. Both parcels are currently zoned C5RCMU Regional Center Mixed Use. Contingent upon annexation, the requested zoning for both parcels are T5-Urban Corridor (T5-UC) District. Applicant: Tidewater Development Group, on behalf of the property owner, Corfe LLC.

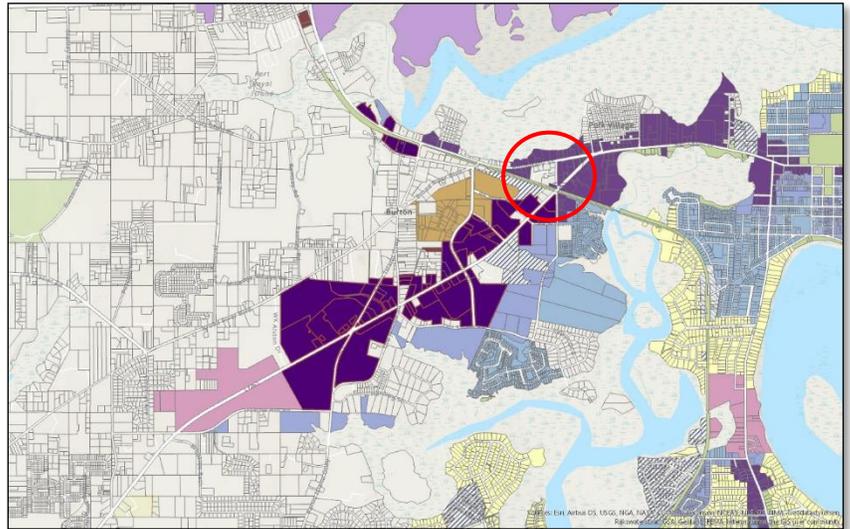
**Annexation:** The applicant has requested the annexation of two contiguous parcels into the City of Beaufort: the northern parcel is located at 2506 Boundary Street (PIN R100 029 000 004R 0000) and the southern parcel is located at 6 Neil Road (PIN R100 029 000 004T 0000).

**Requested Zoning:** Contingent on annexation, the applicant has requested that both parcels be zoned T5-Urban Corridor (T5-UC) District.

**Size:** Northern parcel is 0.56 acres and southern parcel is 0.73 acres, totaling +/-1.29 acres.

**Current Zoning [County]:** Both parcels are currently zoned C5RCMU Regional Center Mixed Use.

**Current Land Use:** Automotive repair shop on northern parcel, and commercial landscaping business on southern parcel.



**Future Land Use:** The *Vision Beaufort 2009 Comprehensive Plan* designates these parcels as within the Neighborhood Mixed-Use (G-3A) Framework Zone. The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors, and the neighborhood mixed-use (G-3A) designation is intended for a mixture of uses predominantly serving the surrounding neighborhoods.

In accordance with 10.2.1.C.3 and of *The Beaufort Code* the Metropolitan Planning Commission shall have the power and duty to recommend the annexation of parcels into the City limits for adoption by City Council.

In accordance with 10.2.1.C.4 of *The Beaufort Code* the Metropolitan Planning Commission shall have the power and duty to review and make recommendations concerning all requests for zoning within the growth area.

**Public Hearing:** Scheduled for October 13, 2020 at 7 pm in City of Beaufort Council Chambers.

## 2 STAFF ASSESSMENT

---

The subject parcels are contiguous with the City of Beaufort's primary service area. This satisfies the *Vision Beaufort 2009 Comprehensive Plan's* Framework Plan recommendation that "annexation areas should be contiguous to the primary service area or within a maximum of 2 miles" (pg. 73). The petition for annexation conforms with South Carolina Code Section 5-3-150 (3), which authorizes this method of annexation of privately owned property.

The applicant has requested that the subject parcels be zoned T5-Urban Corridor (T5-UC) District upon annexation. As described in The Beaufort Code, T5-UC District consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments located along primary thoroughfares. To help guide individual zoning decisions, the Comprehensive Plan includes a Framework Plan Conversion Matrix table that identifies the appropriate Transect Zone(s) and Zoning Categories for each Framework Zone. The subject parcels are located within the Neighborhood Mixed-Use (G-3A) Framework Zone, and the conversion matrix identifies the T5-Urban Corridor (T5-UC) District as compatible with this framework zone.

The Framework Plan also identifies the subject parcels as being within a designated regional center. Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. The requested T5-UC District is appropriate for parcels located within a designated regional center.

## 3 STAFF RECOMMENDATION

---

**Annexation:** Approve

**Requested Zoning of parcels to T5-UC District (contingent on annexation):** Approve

**CITY OF BEAUFORT**

**Rezoning**

**46 Robert Smalls Parkway**

**District 120, Map 29, Parcel 4F**



# REZONING APPLICATION (EXCEPT FOR PUDS)

Community & Economic Development Department  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7011 / f. (843) 986-5606  
www.cityofbeaufort.org

Application Fee: \$250 +  
\$10 for each additional lot  
Receipt # 137581

OFFICE USE ONLY: Date Filed: 8/20 Application #: 20926 Zoning District: T5-UC

**Submittal Requirements:** You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. 12 copies of all application materials are required.

**\$ PAID**  
8/20/20CC

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application?  Yes  No

### Applicant, Owner and Property Information

Property Address: 46 ROBERT SMALLS PKWY

Property Identification Number (Tax Map & Parcel Number): R120-029-000-004F-0000 Book 39 Pg 6

Applicant Name: LISA WANDRICK

Applicant Address: 46 MERIDIAN RD, BEAUFORT, SC 29907

Applicant E-mail: LISA\_WANDRICK@YAHOO.COM Applicant Phone Number: 404-680-3756

Property Owner (if other than the Applicant):

Property Owner Address:

Have any previous applications been made for a map amendment affecting these same premises?  YES  NO

If yes, give action(s) taken:

Present zone classification: T5-UC

Requested zone classification: T5-UC/RMX

Total area of property: 18907.73 Sq. Ft. (0.43 Acres)

Existing land use: INDOOR RECREATION, MINI STORAGE RENTAL

Desired land use: SHORT TERM SAME; LONG TERM FLEXIBILITY

Reasons for requesting rezoning: CONFORM W/PROPERTIES TO THE WEST ON ROBERT SMALLS PKWY AND PROVIDE GREATER FLEXIBILITY FOR FUTURE USE.

Applicant's Signature: Lisa Wandrick Date: 8-20-2020

NOTE: If the applicant is not the property owner, the property owner must sign below.

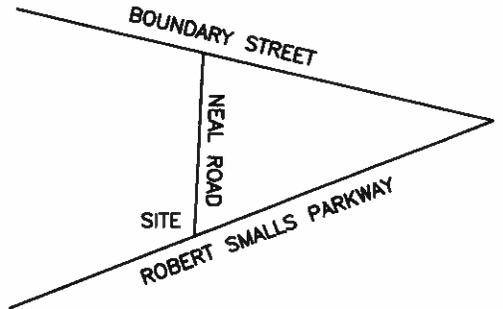
Property Owner's Signature: Date:



**GASQUE & ASSOCIATES INC.**

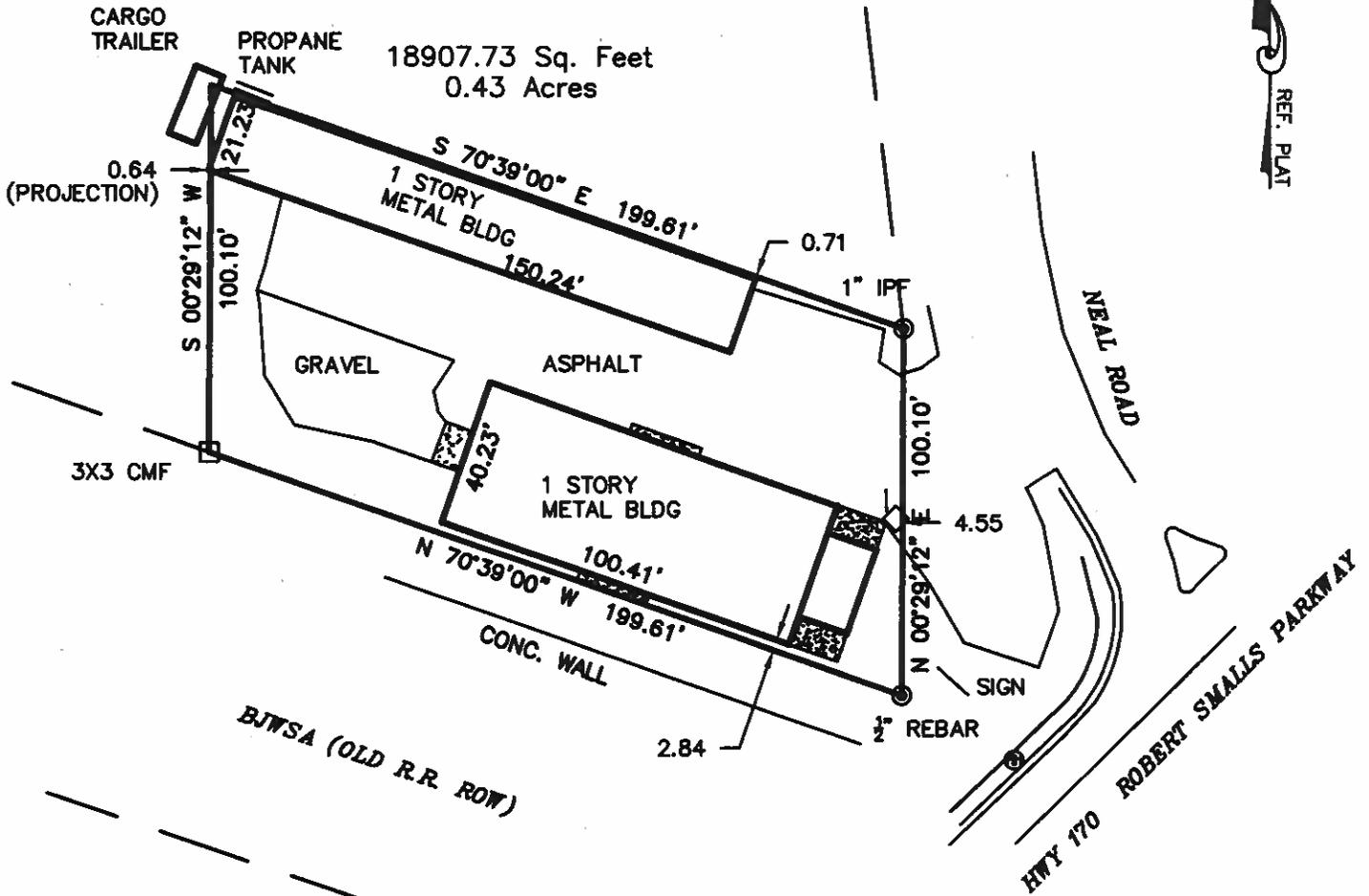
**LAND SURVEYORS & PLANNERS**

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.  
 P.O. BOX 1363, BEAUFORT, S.C.  
 PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE

*N/F MARK A. BUSKIRK*



**ASBUILT SURVEY PREPARED FOR**  
**RICHARD MARTIN**

THIS PROPERTY BEING A PORTION OF LAND AS SHOWN ON A PLAT BY DAVID E. GASQUE DATED 6/13/90 AND RECORDED IN PLAT BOOK 39 PAGE 66 BEAUFORT COUNTY RMC. PORT ROYAL ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA TAX MAP: R100-029-000-004F-0000

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY IS IN FLOOD ZONE "C" AS PER FEMA FIRM PANEL NUMBER 450025 0065 D. DATED 9/29/86

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO RICHARD MARTIN THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 1 SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=50'

DATE: 6/15/15

DAVID E. GASQUE, R.L.S. JOB # 43260  
 S.C. REGISTRATION NUMBER 10506 FB#868/TT DSGN#5  
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.

*David E. Gasque*  
 6-17-15



# Staff Report for Metropolitan Planning Commission

From the Department of Community and Economic Development

October 19, 2020

## 1 SUBJECT

---

Rezoning of approximately 0.43 acres at 46 Robert Smalls Parkway. The property is further identified as District R120, Map 29, Parcel 4F. The current zoning is T5-Urban Corridor District (T5-UC). The requested zoning is T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX). Applicant: Lisa Wandrick for the property owner, LCW Commercial Properties, LLC.

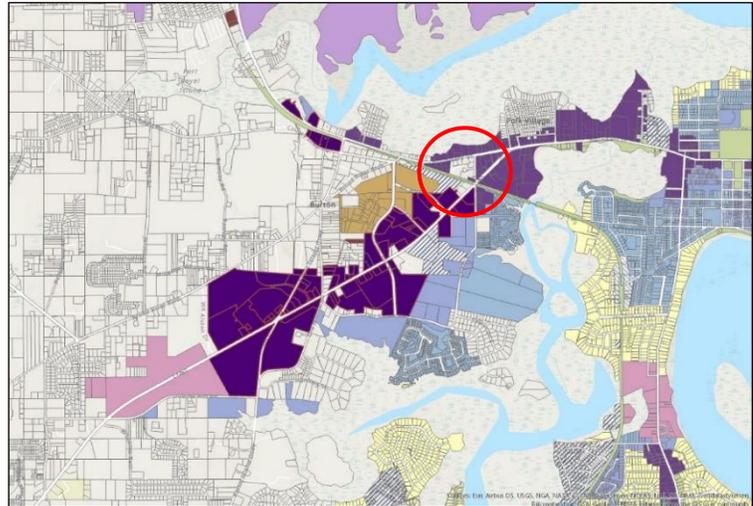
**Current Zoning:** Subject parcel R120 029 000 004F is currently zoned T5-Urban Corridor District (T5-UC)

**Requested Zoning:** T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX).

**Size:** 0.43 acres.

**Current Land Use:** Indoor recreation, mini-storage rental.

**Public Hearing:** Scheduled for October 13, 2020 at 7 pm in City of Beaufort Council Chambers.



In accordance with The Beaufort Development Code §9.16.3.C., the MPC shall recommend approval, modified approval, or denial of the proposed map amendment taking into account all factors that it may deem relevant, including but not limited to:

- A. Consistency with the Comprehensive Plan and Civic Master Plan;
- B. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
- C. Suitability of the property that would be affected by the amendment;
- D. Compatibility with the natural features of, and any archaeological or cultural resources on, the property;
- E. Marketability of the property that would be affected by the amendment; and
- F. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.

## 2 STAFF ASSESSMENT

---

Staff has assessed the rezoning request in accordance with §9.16.3.C. supra, with the following findings:

### **A. Consistency with the Comprehensive Plan and Civic Master Plan**

Background:

*The Vision Beaufort 2009 Comprehensive Plan* lays out the future land use of the city through *the framework plan*. This Framework Plan provides guidance on where and how the community should grow by identifying the boundaries of Regional Sectors (Framework Zones) that provide the basis for detailing appropriate land uses and development standards. To help guide individual zoning decisions, the Comprehensive Plan includes a Framework Plan Conversion Matrix table that identifies the appropriate Transect Zone(s) and Zoning Categories for each Framework Zone.

The purpose of the *Civic Master Plan* is to develop a detailed plan for public investment based on the framework adopted in the Comprehensive Plan. *The Civic Master Plan* not only foresees the necessary infrastructure improvements and prioritizes such improvements to leverage private development where possible, it also serves to catalog and illustrate major redevelopment project opportunities by type and location.

Assessment:

The subject parcel lies within the Framework Zone G3-A Neighborhood Mixed Use, which foresees the following zoning districts: T2, T3, T4, T5 and T6. The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly traveled corridors. Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods. The parcel also lies within a designated regional center. Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing.

*The request to rezone the subject parcel from the current T5-Urban Corridor District (T5-UC) District to the T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX) is consistent with both the Comprehensive Plan and the Civic Master Plan, as the RMX District's intensity accommodates region- and community-serving commercial and business uses, as well as highway-oriented businesses.*

### **B. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood.**

The parcel is currently zoned T5-UC and is immediately adjacent to unincorporated properties that are zoned Regional Center Mixed-Use (C5RCMU), and directly across Neil Road from properties in the City of Beaufort that are zoned T5-Urban Corridor District (T5-UC). Conforming uses of these nearby properties provide regional services such as vehicle service and repair, and a regional shopping center. The neighborhood is primarily commercial and oriented toward highly travelled corridors *Therefore, the request is compatible with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood.*

**C. Suitability of the property that would be affected by the amendment.**

The property is well situated for future development as T5-UC/RMX in terms of size, location, regional access, and vicinity to employment centers.

**D. Compatibility with the natural features of – and any archaeological or cultural resources on – the property**

Staff is unaware of any archaeological or cultural resources on the property.

**E. Marketability of the property that would be affected by the amendment.**

The property is currently zoned T5-UC and the request is to be rezoned to T5-UC/RMX. The rezoning would allow for only a slightly broader range of uses, including manufacturing and production services. However, it should be noted that the rezoning of this corner lot would also allow an increase in the maximum area of free-standing monument signs from the current 15 square feet (10 square feet on primary frontage and 5 square feet on secondary frontage) to 72 square feet (48 square feet on the primary frontage and 24 square feet on the secondary frontage). The slightly broader range of uses and increase in maximum area of free-standing sign(s) would result in the property being more marketable.

**F. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.**

Public infrastructure currently exists. Suitability and adequacy of the infrastructure, with regard to any future-plans for the property, will be assessed during development review by the Technical Review Committee in accordance with the Beaufort Development Code Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures).

### 3 STAFF OPINION

---

**In accordance with considerations set forth in The Beaufort Development Code §9.16.3.C., it is the Staff's opinion that the request to rezone District R120, Map 29, Parcel 4F to T5-UC/RMX is acceptable.**