

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902

Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, June 20 2016, 5:30 P.M.

City Hall Council Chambers, 1911 Boundary Street, Beaufort, SC

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. Minutes of May 16, 2016 Regular Meeting**
 - B. Minutes of May 18, 2016 Special Meeting**
- IV. Review of Projects for the Town of Port Royal:**
 - A. No Projects.**
- V. Review of Projects for Beaufort County:**
 - A. No Projects.**
- VI. Review Projects for the City of Beaufort:**
 - A. City of Beaufort – Naming a New Street Located at 1120 Ribaut Road (new Fire Station), "Firehouse Lane." Applicant: City of Beaufort**
 - B. City of Beaufort – Annexing a parcel of property located at 255 Sea Island Parkway, identified as R200 018 000 054F 0000. Applicant: Beaufort Retail Investment**

- C. City of Beaufort – Zoning a parcel of property located at 255 Sea Island Parkway, identified as R200 018 000 054F 0000 Highway Commercial District. The current zoning is S1 Industrial. Applicant: Beaufort Retail Investment**
- D. Status Report on Beaufort Code Process**
- E. Council Update**

VII. Adjournment

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

A work session and meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **May 16, 2016 at 4:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito, Commissioners James Crower, Robert Semmler, Bill Harris, and Tim Rentz, Tony Criscitiello, Beaufort County planning director, and Lauren Kelly and Libby Anderson, City of Beaufort planners.

Commissioner George Johnston was absent.

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.

CALL TO ORDER

Chairman DeVito called the work session to order at 4:30 p.m. and led the Pledge of Allegiance.

REVIEW OF DRAFT BEAUFORT CODE

Ms. Kelly provided a summary of the process to date. She answered **Terry Murray** that on the new summary sheets there was an additional “public comments for discussion” category.

ARTICLE 1: GENERAL PROVISIONS

Ms. Kelly said there were few changes from the current ordinance. The public comments they had received on this section have been addressed.

ARTICLE 2: MAP AND DISTRICTS

Ms. Kelly said this article “coalesces a number of sections of our current ordinance” and currently includes major and minor changes.

Public comments: Hermitage (“Depot Road south and then north of TCL”) area residents, and those in the West End neighborhood (“north of Depot Road to the water”) participated a great deal during the public comment process, Ms. Kelly said. Their main concern was incorporating the T3-N zoning district into their neighborhoods; this was proposed for about 40 lots that are currently zoned R-1 – the “second least intense zoning district” – and about a third of the parcels currently zoned R-2, she said.

The intent of the change is to permit smaller lots, which will encourage infill, Ms. Kelly said, something the city has been committed to for ten years. To promote infill, it’s necessary to permit different types of development near commercial areas and the downtown core.

There have been comments made about the height section, Ms. Kelly said. Historic Beaufort Foundation (HBF) is concerned about height limits per story in the Historic

District. In this draft code, she said, height was not limited by a maximum foot number but “by changing from feet to stories,” which she said is common “with these types of codes” and “in historic areas.” The concern is that if every story were the maximum height (e.g., on Bay Street), the buildings could be very tall. Ms. Kelly said there are a number of safeguards against this, including “infill standards,” which say buildings need to be compatible with their surroundings, and the Historic District Review Board (HRB). The Technical Review Committee (TRC) eliminated the maximum height per story, she said.

Ms. Kelly said people in the development community have commented on the requirement to elevate 18” above grade – not slab on grade – for “basically any kind of residential.”

The purview of the HRB has been modified, Ms. Kelly said, and no longer includes single-family detached houses in the Northwest Quadrant (which she said is also known as the “conservation subdistrict of the Historic District”). This has been recommended in preservation plans since the 1970s, she said. The Northwest Quadrant is different than other areas in the Historic District, in that there are more vacant parcels, and this would encourage development by “making the process easier and more streamlined.” HBF and some residents are concerned about the results of staff review of these applicants and question how people in the area of a new single-family residential project will be notified if there is no public review process.

There is a section on overlay districts, and there were a lot of comments about the Arts Overlay District, which proposes preapproved plans for accessory dwelling units in the rear of existing houses or vacant lots, particularly in the Northwest Quadrant, Ms. Kelly said. This housing could be used by artists and artisans or be “affordably priced rental housing, she said. Northwest Quadrant residents and HBF are concerned about the preapproval of plans, the outdoor display of art being inappropriate for a residential area, and the “sale of art not made on the premises,” because while the majority of the art sold must be the resident’s work, they could sell “a friend’s art, too” and there have been comments that some of these houses could become “group stores.”

There had been a request for a “music overlay district” in downtown Beaufort, which would be a similar to the AICUZ, Ms. Kelly said. Downtown residents would sign a waiver indicating awareness of the hours that music is allowed downtown. Staff thought this was an interesting idea, she said, but it has not been incorporated yet; they wanted to obtain feedback for the commission and council about it.

The section on the Beaufort County Airport Overlay District from the UDO was not included in the draft code and will be added back in, Ms. Kelly said.

The Traditional Neighborhood Development (TND) “floating overlay” is “essentially a

replacement for PUDs," Ms. Kelly said. The county and Port Royal did "not bring PUDs forward" in their new development codes. It allows parcels of at least 15 acres to be "allocate(d) into different zoning districts, depending on the base district," so some of a 40-acre parcel that is all zoned T3-N, could be up-zoned or down-zoned "to create a mixed use area with a neighborhood center," she said. A provision states that "2% of land should be donated for civic use." Developers are concerned that they will "have to give up portions of their land" without compensation in addition to having to pay impact fees, Ms. Kelly said. Developers have also questioned who will "take ownership of" and maintain the land that is donated for civic use. These provisions are fairly common because the overlay district allows more intensity than is normally permitted, Ms. Kelly said, and on larger tracts, especially "as you get toward 40 acres, which is where this is triggered," population is added, so more services (e.g., fire and police stations) are needed. This is meant to provide an incentive to give space for those services by permitting more development.

Commissioner Harris asked about changes made in response to the Hermitage and West End residents' comments about "types," which he said seems to be as much of an issue for them as infill is. Ms. Kelly said that T3-S is "the lowest zoning district, with the largest lots," and the use is "only single-family detached houses." T3-N is the next zoning district up, and per Article 3, a maximum of two 2- and 3-unit buildings per block are permitted on corners there, with alley access. 40 parcels in that neighborhood and 20 in the Pigeon Point area were designated for this zoning change to T3-N, she said. Most of the Hermitage area is T3-S. She indicated this on an overhead map. Ms. Anderson noted that this is the conversion of the current R-1 district.

Ms. Kelly said on the waterfront lots, the only change in the conversion of R-1 to T3-S is a reduction of the side setback from 50' to 10'. On the interior lots, there is also a reduction of the minimum lot width to 75' from 100', and the front setback is reduced from 30' to 20', but it is not a build-to line, so it can be flexible.

Commissioner Harris said, "There has been some adjustment made," in response to residents' concerns about changes in their neighborhood, so he wanted to know if the residents feel like those adjustments are "enough, or are you saying you want to just have it" remain unchanged. **Terry Murray** said Commissioner Harris' statement was "simplistic."

Chairman DeVito said three stories are allowed, with a maximum of 15' per story, and he asked if there was a limit for unoccupied space, such as an attic. Ms. Kelly said there was a drawing that addresses this and explained the provisions related to storage. She explained what the TRC had recommended be changed (i.e., maximum and minimum heights based on the floor/story).

Commissioner Harris, who had served on the TRC, gave the example of someone wanting “to do a building that doesn’t have a full second floor.” This could “appear different on the outside than what it is inside,” so this provision was meant to address that. Also, it was simpler for people to understand. Chairman DeVito asked where 15’ came from; Ms. Kelly said some of the height standards came from the Boundary Street and Bladen Street Redevelopment Codes. There had been comments about needing a maximum height, so they had used those codes’ numbers.

Commissioner Crower asked the process for reading the comments and how modifications were made. Chairman DeVito said, like any other document, the commission would send it to council with a recommendation. Commissioner Crower asked if staff would “rework this.” Ms. Kelly said, “Once we get to a recommended document, with . . . conditions or suggestions,” staff would “go back and incorporate as many of them as we feel we should.” Chairman DeVito said if the MPC puts a recommendation in a motion, “it goes to council,” but if there are things in the code with which the MPC doesn’t agree with staff, that will be noted in its motion. Ms. Kelly said they are documenting all comments and carrying them forward. Council will get a list of “outstanding issues.”

Chairman DeVito asked where the “build elevation – 18” above” ended up. Ms. Kelly said on March 7 at a public meeting, **Merritt Patterson** and other builders had expressed interest in discussing some matters with staff in a different forum, but they haven’t had that meeting yet, so they don’t have more detailed comments on it.

Chairman DeVito asked Commissioner Rentz about the TRC’s discussion about this. Commissioner Rentz replied that he had spoken with Ms. Anderson “a number of times” about 18”, which can create “an affordability issue,” because raising a building to that height can cost \$8–\$10 a square foot. Where there are drainage or flooding problems, he said, he “could see making this a requirement,” but not as a “blanket requirement” throughout the city.

Commissioner Harris said he had agreed with the elevation, “thinking mostly about downtown properties,” not as much “about other places further out.” He thinks the elevation is more aesthetically appealing, but added “that doesn’t count for much.” He personally would want his house elevated, though he understands there are costs and matters of accessibility, but “all those things are solvable” (e.g., finding cost savings elsewhere to allow for the cost of elevation). He thinks that it is “a must” in the downtown area, and he is flexible about the requirement elsewhere.

Chairman DeVito said that with slab homes vs. those on the ground, “you spend the money now or spend the money later” on repairs. Commissioner Harris said structures with ventilated crawl spaces “need to be 18” off the ground anyway.”

Commissioner Harris asked if this could be a standard “in certain zones and not others.” Ms. Kelly said that’s a possibility. She explained the origins of this provision. Houses that “cost less” might not be “more affordable in the long run,” because of flooding, greater termite risk, etc. Also, planners are “trying to get away from” the idea that “affordability is stigmatized by a certain aesthetic.”

Mr. Patterson said he questioned what the elevations provision is meant to achieve: “Is it an aesthetic thing?” He agreed that there is “an affordability issue.” He discussed the additional associated costs (e.g., stairs to get into the elevated house, etc.) If flooding is a concern, Mr. Patterson said, there could be the current “prescriptive” language – to raise it “above curb or street level” – but in planned areas, where a certified site engineer has done site work, there could also be language that states that this is the case, “and that addresses your flooding issue.” He said they have diverged from the language of the Civic Master Plan.

Ms. Murray said, “I suspect that this is a design aesthetic masquerading as flood issues.” She feels that “so much of” the code is “prescriptive about how buildings will appear: ‘There must be a front porch, there must be this, there must be that’ . . . When you add all of this together, we’re going to be a city of cottages.”

Ms. Murray said she lives in the Hermitage Road area in a mid-century house that “rises straight from the ground,” and she “couldn’t rebuild that house under this code.” For the majority of her Hermitage neighbors and “almost all of Hundred Pines,” she said, “our design aesthetic” is preservation of their “mid-century modern houses.” Building new houses with “all the other prescriptive things” in the new code would create “a jagged tooth look.”

Karen VanDeuser, Battery Shores, asked how the city would “notify all of the homeowners in Beaufort that they need to change their insurance policies” if the code is adopted. She said her insurer had told her that “the level of code change that is accommodated in your premium is 10%. Beyond that, individuals will have to go in and change their insurance policies to increase it up to 50% to accommodate some of this code.” Ms. VanDeuser clarified that she’d been told that if there were “50% damage on a home, people could not rebuild with the insurance that they have.”

Ms. Kelly responded to some of the comments, saying there is no requirement for front porches, especially in T3 zoning; there are “possible frontage types” listed for that zone. Also, she said, they have tried to make it clear in the nonconformity section that if a non-conforming single-family residence is damaged by a calamity (e.g. natural disasters like a hurricane), “you can rebuild it as-is,” but “if you remove your house of your own volition . . . you have to rebuild it according to the code.”

Mr. Patterson said Carolina Lakes, a 150-lot subdivision in Port Royal, had the elevation requirement waived.

Maxine Lutz said HBF is concerned that there are no height limitations. They're "happy the (HRB) will review any project in the Historic District, and review the heights, but it doesn't the Historic District from excesses of height." With three 15' stories allowed "over a 13' flood elevation . . . you have a pretty tall building" that could "appear out of context in the Historic District," Ms. Lutz said. She said a building without its roof could be 58' tall – current zoning allows 50' – and with 15' mezzanines, which are "not addressed in the new code," the building could be 75' tall. In the Historic District now, the 2 tallest buildings are only 60', she said, and Regions Bank – which is considered tall – is just 54'. Loosening height limits ignores a Preservation Manual's directive, and HBF feels "there will be unintended consequences" in the Historic District, Ms. Lutz feels. She showed a photo of a building that she said represents "an unintended consequence of removing this part of the Historic District from HDRB review."

Ms. Kelly said the Historic District has supplemental guidelines that will still apply under the new code. If the Preservation Manual says something, that supersedes the code. She feels this is a moot point; if "creativity was being stifled" by adding maximum floor heights back into the code, they could do a variance. Ms. Kelly said she doesn't believe a 75' tall building could ever be approved.

Ms. Murray said Ms. Anderson and Ms. Kelly were very good about recording the public's comments in the meetings, and that is "a real improvement." She, like Ms. Lutz, praised Ms. Kelly's skills, but said that Ms. Kelly could leave her position at any point; if projects are removed from the HRB's purview, they're in the hands of the administrator, who might not have Ms. Kelly's skills and training.

"During the Civic Master Plan debate," Ms. Murray said her neighborhood was "very, very active," and "negotiated in good faith" with planners and **Jon Verity**, "because the Redevelopment Commission was in charge then," so they were surprised to see "things we thought we had negotiated away come back with the code" (e.g., cottage courts). Ms. Murray said cottage courts were "supposed to have been done away with as an inappropriate type of development for a very established R-1 neighborhood." When there were objections, she said, Ms. Anderson and Ms. Kelly changed the code to allow cottage courts "by special exception," but "we maintain this should be gone completely," including in the West End. Ms. Murray said her neighborhood is too small, so she requests that cottage courts be removed from "very established neighborhoods."

Ms. Kelly said that "to preserve neighborhoods, they have to be sustainable." Chairman DeVito asked Ms. Kelly to speak about the change in the HRB's purview. Ms. Kelly said the board would not review single-family detached houses in the conservation district of the Historic District, the Northwest Quadrant. Staff would also have purview over

demolitions of non-contributing structures and additions and modifications to non-contributing structures. She said there is also an option for staff to take any of these types of projects to the HRB.

Ms. Lutz said not having these projects reviewed by the HRB violates what the city has said about transparency, because if they go to staff, there's no requirement that the public be notified, so they may be unable to comment about the structures; there is also no requirement that the surrounding neighborhood be notified of projects. Public review "avoids unintended consequences," Ms. Lutz said, and the community "deserves to know what's going on in their neighborhood." The people in the Northwest Quadrant should have the same benefit of public announcements about Historic District projects that are made to residents of The Point and the Old Commons, she said.

Chairman DeVito said the Northwest Quadrant "would be treated the same as Pigeon Point" is. Ms. Lutz said yes, but the Northwest Quadrant is in the Historic District; Pigeon Point is not. Ms. Kelly said there's been one new construction project in the Northwest Quadrant brought to the HRB per year over the last 11 years, with the exception of Midtown. The city is trying to encourage new construction on vacant lots by making the process easier. Ms. Lutz said the Arts Overlay District is "a new incentive," so more new construction should be expected in the Northwest Quadrant.

Chairman DeVito ended the workshop and called the regular Metropolitan Planning Commission meeting to order at 5:30 p.m.

Commissioner Crower made a motion, second by Commissioner Rentz, to approve the minutes of April 18, 2016. Commissioner Rentz said Skeet Burris' last name was misspelled as "Burrows" on p. 4. The motion to approve the minutes as amended passed unanimously.

PROJECTS FOR BEAUFORT COUNTY

Lady's Island Map Amendment / Rezoning Request for R200 010 000 0022 0000 (known as Greenheath Planned Unit Development (PUD), 98.35 acres off Brickyard Point Road and Fiddler Drive)

The owner is Greenheath, LLC, and the agent is David Tedder.

Tony Criscitiello, Beaufort County planning director, said Greenheath is a 98.35-acre parcel located off of Brickyard Point Road and Fiddler Drive. It's currently zoned PUD, and the applicant is proposing to rezone it to Lady's Island Community Preservation (LICP). This would reduce density from 3.18 dwelling units per acre to 2 dwelling units per acre. LICP is primarily a residential district.

Mr. Criscitiello said county staff recommends approval because this application is consistent with the Comprehensive Plan and is not in conflict with the community

development code. The property is surrounded by single-family residential and is adjacent to an elementary school, he said. It requires approximately the same amount of open space as it does as a PUD. The impact on needed public facilities will be reduced because of the reduced number of dwelling units.

Chairman DeVito said in item 3 in the report, Mr. Criscitiello had said it does not "address a demonstrated community need," but Chairman DeVito feels it does. Mr. Criscitiello said, "It's a matter of interpretation of what that means," and he explained his interpretation, which was more literal as to need.

Commissioner Harris asked if the new zoning allows other types besides single-family residential, and Mr. Criscitiello said it is "segregated into different zones" that are more office- or commercial-oriented, but it's primarily residential.

Commissioner Crower asked if it would be one parcel when it was rezoned, and any subdivisions or roads shown in the PUD documents would be null and void. Mr. Criscitiello said yes, it's just one parcel; the master plan for the PUD "goes away entirely." No roads are designated at this time. Once the MPC and the Planning Commission recommend zoning, staff would make such determinations, he said. Commissioner Crower asked if the same were true of commercial; Mr. Criscitiello said home occupations "and things of that nature" would be allowed, but it's being zoned "primarily residential . . . Other districts that are in the CP plan are in other locations that are primarily commercial." Commissioner Crower asked if the community preservation district has sub-districts; Mr. Criscitiello said yes, "in other locations," and pointed it out on the map.

Christopher Inglese, an attorney in **David Tedder's** office, said, "We concur with staff's report." He said the applicant had wanted the zoning that was best for this development. **Commissioner Semmler made a motion, seconded by Commissioner Crower, to recommend approval of the map amendment / rezoning request. The motion passed unanimously.**

Commissioner Semmler made a motion, second by Commissioner Harris, to end the regular Metropolitan Planning Commission meeting and resume the work session on the draft Beaufort Code. The motion passed unanimously.

REVIEW OF DRAFT CODE

Mr. Patterson said, in regard to Section 1.3.2.C, "traditionally all the farm guys have asked that agriculture . . . not be defined as development," and "implementation of a landscape plan is not development." Ms. Kelly said they had received a comment about this, and "state law permits it," so they "didn't reinforce things that are already permitted by state law." Mr. Patterson said they could add language to the code could to the effect that "state law shall apply" about these matters. Ms. Kelly said the draft

code says that when there are conflicting provisions with a statute or local ordinance, the “stricter code” – like state law – would apply. Mr. Patterson said it would be helpful to make a statement as he had suggested “as a means of calming fears in the agricultural community.” Ms. Anderson said, “It wasn’t listed before” in the UDO, but they could do so.

Ms. Lutz said converting portions of the Northwest Quadrant from GC to T4 Historic Neighborhood, which is what the Old Commons and The Point would be, is “a really good thing in the code,” and she hopes they will move that forward to protect the neighborhood from “high-density development.” This also “assures harmonious zoning” throughout the Historic District, so “we’d like that to stay in,” Ms. Lutz said.

Ms. Kelly asked if the MPC would make its recommendations at the end of the review of the draft code. Chairman DeVito said that’s his preference, and there was no other response from commissioners.

Commissioner Semmler said that Ms. Kelly had said that “the 2% section” was modified from “shall” to “should,” so he asked if there were “any requirements anymore.” Ms. Kelly said “‘should’ . . . means try your best to achieve it, and you have to have a good reason to not do it.” Commissioner Semmler asked what a good reason would be. Ms. Kelly gave an example involving a fire station in a civic space.

Mr. Patterson said 2.5.1.C.2, which concerns corner parking, is a “rule (that) says you can’t have parking between the building and the street.” He said this does not fit a “practical building pattern” and named buildings, such as drugstores and “any strip mall that’s ever been built,” where the parking *is* between the building and the street. Mr. Patterson said while he agrees with this idea in theory, “from a practical matter, and all these existing buildings, it doesn’t happen that way, and it might be one of these unintended consequences.” For example, there’s parking on the front corner of the CVS on Boundary Street, Mr. Patterson said, “and that’s not allowed. And nowhere in all of the vision stuff the community talked about” was this type of parking said to be “really a bothersome thing.” He said, “It is a new urbanism theme to have parking in the back. I just wonder if there’s a disconnect here.”

Ms. Kelly said the language might be too vague. They will look at it again. In T5, they do want buildings up to the street, with no parking in front of them. In the RMX district, it’s not as much of an issue, so that should be clarified, she said. Mr. Patterson said he is unclear about where the requirement applies. Ms. Kelly said that needs to be clearer, and she will look at rewording.

ARTICLE 3: LAND USE PROVISIONS

Ms. Kelly said this this article converts Article 5 of the current UDO.

Public comments: In the Depot area, which currently has Industrial zoning, the new code “creates a sub-district of . . . T4 Neighborhood,” Ms. Kelly said, known as T4 Neighborhood Artisan. It combines T4 Neighborhood uses with industrial uses, so nothing that is there currently is non-conforming, but it “also allows other types of buildings that go more toward a neighborhood use, rather than an industrial use,” she said. Some residential uses are allowed there, as is lodging. “The surrounding neighbors, particularly from the Hermitage Road area, are very opposed to those types of residential uses within that industrial area,” Ms. Kelly said.

The other public comment was that the “Arts Overlay District” was incorporated into this new code by way of the home occupation standard,” Ms. Kelly said, and there were similar concerns about the sales of merchandise and incorporating that type of retail use into a residential neighborhood.

Chairman DeVito asked what “the issue (was) with not being able to address the lodging.” Ms. Kelly said, “We feel it should be kept” in the code. “A big part” of the Technical Review Committee’s vision for the code was that “we should have an aspirational zoning for this area,” she said. This means that they see the code being written “to accommodate what exists today, but to also allow it to change, because conditions in that area have changed significantly” since the opening of the Spanish Moss Trail, Ms. Kelly said. It is a more public space now. Other types of uses should be allowed, she said, though it’s not known “whether or not the market will allow them to be feasible.”

Commissioner Rentz asked if artists in the Arts Overlay District need to live in the buildings where they sell their art. Ms. Kelly said that’s the idea; you can’t occupy a residence there, then have your friends sell their art out of your residence. Ms. Anderson said individuals operating home occupations live in the structures where they work.

Ms. VanDeuser asked if those who “sell things out of (their) home pay 6% taxes because (they)’re commercial.” Ms. Kelly said it “would depend on what the primary structure was.” If an owner-occupied residence rented its accessory dwelling to an artist, the accessory dwelling would be a 4% property. There was a discussion of business licenses and taxes in the city and the county.

Commissioner Crower said his understanding was that the home occupation has to be a minor part of the building’s use, which should mainly be as a dwelling, so he thinks no one would need to pay an additional tax for a building’s minor use. Ms. Anderson said artisans would be most likely to work out of an accessory dwelling unit – i.e., use it also as a workshop or studio – so the county “must have methods of assessing these kinds of situations.”

Commissioner Semmler asked if he could live in T4-NA zoning and tattoo people or strip for them if he described that work as a form of art. Ms. Kelly said they had discussed the need to be very specific in the code "about types of art" that would be acceptable. Interpreting the ordinance, those uses would not be permitted, she said. The language alludes to the need for the art to be "handcrafted" and "a product."

Ms. Anderson said, in reference to stripping as an art form, "sexually oriented businesses are all covered in the code." They could modify the definition to clarify that it refers to the creation and sales of "visual," not "performing," art.

Ms. Murray said she had "heard a lot of concern" in her neighborhood about small-scale, multi-family residences on corner lots in T3. The north sides of Hermitage and Ribaut Road were at one point "going to be zoned that way," she said, but that's no longer the case. However, these types of residences are allowed in the West End area. People who live "on Meritta Avenue and other areas" are "concerned about 2- or 3-units on corners in their neighborhood," Ms. Murray said.

Ms. Kelly showed on the zoning map where these residences are permitted in the draft code. They are trying to integrate other types of housing there, she said, when that can be done appropriately. In March, a lot of public comments were made opposing the integration of different types of dwelling units (other than single-family detached housing), Ms. Kelly said, so they had removed a provision for rowhouses, and specified that multi-family residences had to be on corners or accessed by an alley, and limited the number of such residences to two per block. The intent had not been to permit 2- and 3-unit houses on *every* block, she said, but the city feels strongly about offering this opportunity as a permissible standard.

Ms. Murray said she believes "the essential conflict here" is that "the city's main goal is to subdivide and increase density." She thinks there are appropriate areas for that, such as the downtown core, in new areas that have not been developed yet, "or in very transitional areas," but "well-established neighborhoods" are not appropriate. Her neighbors don't want two 3-unit multi-family buildings per block in their neighborhood, she said.

Ms. Murray said there had been a public comment recorded about "a fear of people coming in" to neighborhoods; on her street, there is "great diversity," she said, including rentals and owner-occupied homes, \$200,000 houses and one that sold for \$1.2 million, and people who have "alternative lifestyles." The neighborhood "already (has) diversity," Ms. Murray said, and "that should be protected and celebrated." She feels "these efforts by the city" to incorporate multi-family housing "will create transition," which they don't want.

Ms. Kelly replied that a property owner in the West End had requested case studies on some lots there that are transitioning to T3-Neighborhood zoning. She showed these on the overhead and said that staff does not feel that increasing density incrementally would have “a significant negative impact on the neighborhood” or would “fundamentally change its structure,” but, she acknowledged, some of the residents do.

Ms. Murray asked Ms. Kelly to discuss the type of lodging that would be permitted in the T4-NA district. Ms. Kelly said what is permitted in T4-N is permitted in T4-NA: A B&B, “an inn (of) up to 24-units . . . permitted by special exception,” and short-term rentals as a conditional use. Ms. Murray said a hotel in that area would not be a problem, but the “ancillaries that come with a hotel” would be.

Chairman DeVito asked if there had been discussion about reducing the size of the lodging allowed; he feels this neighborhood is an “off the main drag” place to put a hotel, and one with 24 rooms “is a big place.” He asked how many units City Loft has. Ms. Anderson said it might have 25–30 units; an inn has 24 or fewer units. Chairman DeVito asked Ms. Kelly and Ms. Anderson to think about this and bring back a recommendation.

Mr. Patterson said in 2.4 and 3.2, “there’s no T4-NS or -NA . . . or T3-S.” He asked how “one know(s) for sure what it is.” Ms. Kelly said item F explains how T4-NA is incorporated into the table. She explained that “it’s all the same, with the exception of any conditions . . . mostly in the industrial section.”

ARTICLE 4: BUILDING DESIGN & INFILL STANDARDS

Public comments: Ms. Kelly said there were objections in the Hermitage Road/West End area to have 2- and 3-unit buildings within the T3-N district. They had “limited the number of these multi-family residences to two per block,” but on shorter blocks, it was suggested that they be limited to one. That change hadn’t been made, she said, but they “wanted to let you know that was a comment.”

The code “introduces building types that are similar to what the county and Port Royal did,” in their new codes, “but (it’s) a . . . pared down version,” Ms. Kelly said. They addressed building standards for all types *but* single-family detached housing “because we don’t feel that needs a lot of work,” she said. For example, liner buildings are required on large footprint buildings like a parking structure; there has been continuing public comment that this will be “prohibitive or cost-prohibitive,” particularly in the Historic District, where the sidewalks are smaller.

Ms. Kelly said there had been “varied comments on materials.” Some suggested the code should be more restrictive, “especially in T3,” she said, while others that commented that they “don’t want any kind of restrictions on material in any district.” Comments were made about chimney materials, which are traditionally not made of

flammable material, Ms. Kelly said. The planners feel this is an issue bordering on “something that’s authentic” and something of lower “aesthetic quality.” There were also comments made about prohibiting vinyl siding and plastic shutters.

Commissioner Semmler asked if by the comment on the handout Ms. Kelly had meant that a private home couldn’t have a glass front door. Ms. Kelly said she thinks that means an entire door made of glass, with a metal frame, like on a commercial building.

Referring to her earlier comment about insurance, Ms. VanDeuser said, “This is where it becomes 75% (*inaudible – was not at mic – steno.*) . . . 50% is based on market value and tax value” of one’s home. She described the materials used in the homes in her “eclectic neighborhood.” When chimneys are added to houses made of hardie plank, Ms. VanDeuser feels the neighborhood’s new houses “will look completely different than most” of the other, older houses. This will be a nuisance, and visually a nuisance.” She said, “We’d sort of like to be left alone on some of these items.”

Mr. Patterson believes “the neighborhoods” and commercial properties in the city do not need “an architectural control process” like the Historic District does. The community never said in the Civic Master Plan that it wanted architectural review for the whole city. “Now the rules have changed,” he feels, “so the city decides what materials can and can’t be used.” He stated various objections to the administrator approving the use of certain materials, which he thinks is “a step away from what the community said (it) wanted when we did the Civic Master Plan.”

Mr. Patterson said the roots of the code are in new urbanism, and the standards are “new urban type designs” that have been “dropped . . . on the whole community,” not just in new development. “We had the use code,” he said, “and then the form-based code . . . was going to be an option,” but both are together, which is “a hybrid code” that is being “applied . . . to all places.” Mr. Patterson said, “It’s a systemic complaint (that) a lot of these communities are talking about.” He doesn’t believe people outside of new urban developments like Habersham would agree with the code’s “architectural controls.” Mr. Patterson cited a state law in North Carolina, which says that municipalities can’t “have architectural control of what is built in the community, unless the citizens agree to take that constraint off.”

Mr. Patterson said he’s designed half of the buildings in Beaufort Industrial Village, which he owns, and Cooter Ramsey has told him that the buildings Mr. Patterson has built there are “ugly.” While that’s Mr. Ramsey’s opinion, Mr. Patterson said, the code is the law, which means “you won’t be able to build anything except ‘this’,” (i.e., what the code’s standards allow), and the City of Beaufort will “determine what all the buildings will look like.” All of the code’s design standards “will make a very beautiful scene,” he said, but he only supports following them “on a voluntary basis,” because he feels “it’s arbitrary to throw (design standards) on the whole community.”

Ms. Kelly said it's important to note that "these are not blanket standards that are applied everywhere," and section 4.6.3 says that they are standards *for transect zones* and do not apply in industrial areas like Mr. Patterson's business park.

Also, Ms. Kelly said, staff has listened to a lot of the public's comments and modified those things that are at the administrator's discretion to be specific to the Historic District. She suggested that Mr. Patterson might have an older, unrevised version of the code, since he is discussing things that have already been changed in more recent drafts in response to public comments, including his own.

In response to a question from Mr. Patterson about architectural control in industrial parks, Ms. Kelly said that section 4.6.4 gives standards for industrial parks, but they are unchanged from those in the current ordinance.

Ms. Kelly said additional architectural standards have been added into the new ordinance. They came from the Opticos code, which both Port Royal and the county had used in their development codes and had adapted to their needs. The city is trying to encourage infill, she said, and there's an expectation of a minimum standard of what those buildings should look like. They have relaxed some of the standards, Ms. Kelly said, by changing "shalls" to "shoulds," etc. during the technical review process.

Ms. Anderson said in other cities, there is "uncertainty" about what infill will look like, and residents are concerned that it won't be consistent with or add value to their neighborhood, so these standards for infill projects were added for the residents' protection. If the neighborhoods don't want these standards, Ms. Anderson said, staff can change or remove them, but they were added to the code "as a trade-off to add value."

Ms. Kelly explained "the way PUDs work" in the new code. They had met with a number of PUD representatives to inform them that they could "apply the underlying zoning" – which is what Battery Point is doing – yet maintain the PUD. If PUDs want to apply the underlying zoning, they can, or they can keep the PUD; if they want to eliminate the PUD at any time, they can, and they will not have to be rezoned. In a neighborhood like Battery Shores, which is not a PUD, but which has covenants, the covenants apply, Ms. Kelly said, "as long as they're stricter than the city's."

If you have vinyl siding on your house and something happens to it, Chairman DeVito said, you could rebuild using vinyl siding. Ms. Kelly said that Ms. VanDeuser had expressed concern about the materials that could be used for an addition. The materials used in the original house can be maintained in an addition, Ms. Kelly said, as long as the addition doesn't exceed 50% of the value of the house.

Chairman DeVito asked if there's something in the code that would allow a house to have vinyl siding if the houses on either side of the it had it. Ms. Kelly said there are standards like that for setbacks, but for his example, one would have to obtain a variance. Chairman DeVito told Ms. Kelly, "I get where you're going with the chimneys."

Mr. Patterson said part of the purpose of the Civic Master Plan "was to encourage all sorts of business development" because it "pays for public services." He said he has "a big problem with that." When the City of Beaufort bought the commerce park to encourage economic development, Mr. Patterson said, he "predicted you wouldn't have any lot sales in three years," because he "didn't think I would have any lot sales" in Beaufort Industrial Village. The city "put special zoning in the commerce park," which he believes should be applied to "any other property that's zoned Light Industrial," like Beaufort Industrial Village.

Mr. Patterson listed what he termed "a bunch of rules" that were allowed in the commerce park, (e.g., "you can clear-cut all the trees you want, you can pave to the edge of the road . . . put up chain-link fence . . . you don't have to do stormwater," etc.), which the city had said would "make it easy (for businesses) to build there" and would make the park "competitive with Charleston, Savannah" and other cities. Mr. Patterson said his response was, and is, that "other industrial properties (should be) competitive as well." His desire for "a level playing field . . . was discussed," he said, and he was told that when the new code came out, "that would be the appropriate time to balance the books," so that "private guys like me" would have "similar rules" in their Light Industrial zoning to those the city has in the commerce park. Mr. Patterson asked for "that (to) come to fruition at this time." He said he knows of five instances that indicate "there is not an equal treatment on the prospective buyers" who've looked at the commerce park. He asked "the MPC to give me equal status with the city on the zoning, to level the playing field." He and Ms. Kelly discussed this.

Chairman DeVito asked about the 2- and 3-unit buildings on smaller blocks. 400' blocks are the standard in Beaufort. He suggested they could consider that "the core number, and anything smaller than that" could be "considered a small block," and should have only one 2- or 3-unit building. He asked Ms. Kelly to think about that idea and bring it back to the commission.

Chairman DeVito asked the status of corrugated metal. Ms. Kelly said it's currently in the draft code as "permitted at the discretion of the administrator." The person who made the comment about it was "advocating for stronger restrictions on materials," Ms. Kelly told Chairman DeVito, including exterior paint colors.

ARTICLE 5: LANDSCAPING, PARKING & LIGHTING

Ms. Kelly said a few public comments on Article 5 "are pertinent and . . . still pending"; those changes haven't been made yet. One comment was that "we have build-to lines,"

she said, but also have plant requirements in our buffer areas, and “those were in conflict.” Ms. Kelly said the answer is that there are not, in general, front buffer requirements where there are build-to lines, but anyone who found areas where there was a conflict should let staff know, so they could make changes; they haven’t made any yet, she said, because they have not received a response.

A comment was made about section 5.4.1.B.2 that in the criteria for reviewing applications for tree removal, “whether or not the tree constrains ‘reasonable development’ on the site” is “arbitrary,” Ms. Kelly said. However, a “better term” was not given, and staff feels “reasonable development” works. She explained why but said staff is open to suggestions.

Commissioner Semmler said there might need to be a TRC-like committee for trees “because right now, anybody can do anything they want.” He suggested that the city might provide incentives for development “to do something else,” rather than penalizing developers after-the-fact. He feels they need to address the term “reasonable development” because “a lawyer could tear that up so fast.” Ms. Anderson said the planners are open to that, but “right or wrong, it’s the terminology that’s used in the existing code. It hasn’t been a problem to date.”

Chairman DeVito asked what Port Royal and the county had done in regard to trees in their revised development codes. Commissioner Semmler said Beaufort County’s planning commission was given the task of rewriting the county tree ordinance and is doing “a matrix . . . to see what all the differences are” in various tree ordinances. Ms. Kelly said that the city’s mechanism for doing that is PTAC; Liza Hill had created such a matrix, and that’s where this ordinance had come from.

Ms. Kelly said, “We now have 3 standards of trees” based on their caliper inches: regular, specimen, and landmark trees. The priorities for preservation are based on how big a tree is and where it’s located.

Under 5.4.2, “infrastructure exceptions,” Commissioner Semmler asked why there is a 12-month wait *after* the new code is adopted and suggested it be shortened considerably. Ms. Anderson said that comes from the current code. Some utilities already have agreements with the city; if those agreements are already working, “we’re not going to ask them to start over again,” she said. She agreed that they need to look at that language again.

Commissioner Semmler said he doesn’t understand #5 under “Exceptions.” Ms. Kelly said it means if the utility companies breach the rules they have agreed to, they are no longer exempted from the tree removal provisions in the ordinance, which they’re given to do work they’re contracted to do in the city.

Commissioner Semmler said he feels there's an "enforcement issue" about tree cutting/removal: "Who's watching for this *before* it happens?" he asked. If developers take out trees on the weekend, he said, the county and municipalities aren't working, and it's too late by Monday. There could be a phone number for citizens who see violations to call, Commissioner Semmler suggested, and then maybe "enforcement guys can get involved." He thinks this needs to be reviewed, and that could be done collaboratively. Ms. Anderson said there are a number of items in this section that were brought over from the current code, so they will look again at those sections where they need to. When trees are removed, Ms. Anderson said, "we hear about it."

Chairman DeVito said he thinks that #5 originally meant that when a developer takes out trees, they have to plant back; if a utility has an agreement with the city, they don't have to replant unless they break the agreement. It pertains to taking out trees to put in utilities, he said, and utilities have been doing that, but they are not required to plant back or put money into the tree fund. Ms. Kelly said if utilities break the agreement, then they have to adhere to the current code. Chairman DeVito said he thinks that "needs to be reworded to make sense."

Mr. Inglese complimented staff, the public, and the Metropolitan Planning Commission and said he's "super-impressed" with the process for developing the code; "this is how it's supposed to be done . . . and the product that comes from the process will be so much better."

Mr. Patterson said there are a lot of concerns in the building and development communities about the trees. It's not that they "want to take out a lot of trees," he said. It's "about command and control, and how are you going to implement this thing, and what (are) the unseen consequences" of the tree ordinance. He feels a "tree isn't public property," and that he owns those trees that he planted on those properties – commercial and residential – on which he pays taxes, including those on properties in his business park. There, Mr. Patterson said, if he can't fit buildings on lots without taking out trees, even 24" live oaks, he feels he "should be allowed to cut (any) tree (to) develop a project," without having to "pay \$15-20,000 just because (there happened to be) a 20" live oak there." Mr. Patterson stated again that he is "concerned about unintended consequences." A tree ordinance in any city is "not the same as a rural plan," he said. Duplicating the county's tree ordinance "is not right," he feels, because Beaufort's ordinance "should be a city-centric, urban tree plan."

In a tree protection zone, Mr. Patterson continued, "there has to be a buffer" that remains unplanted, and a fence is required; he objects to this buffer and the fencing specifications. On Boundary Street, he said, there have been many live oaks taken out to install utilities. He discussed a tree that remains, but which he said has been treated in a way that is "the antithesis of what you should do with a tree," and which has "a plastic

open fence around it." Mr. Patterson said he "would like some latitude (and) . . . some reasonable adjustments on this" tree ordinance.

Ms. Kelly said tailoring the tree requirements based on transect zones is "exactly the intent," and the city is "in full agreement on that" with Mr. Patterson. Where Mr. Patterson "think(s) that's in conflict," she said, it would be helpful for him to give specific comments to staff. "That was the intent," Ms. Kelly said, "so if we're not doing it, we'd like to know how." She said staff has been asking for such comments since March 7, and as a result of comments, they had added a provision for those who couldn't address the tree protection zone, for example.

Ms. Anderson said council updates for the commission were included in the commissioners' packets.

There being no further business to come before the commission, the meeting was adjourned at 7:05 p.m.

A special meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **May 18, 2016 at 4:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Vice Chairman James Crower, Commissioners Robert Semmler and Tim Rentz, and Lauren Kelly and Libby Anderson, City of Beaufort planners.

Chairman Joe DeVito and Commissioners Bill Harris and George Johnston were absent.

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.

CALL TO ORDER

Vice Chairman Crower called the meeting to order at 4:30 p.m.

REVIEW OF BEAUFORT CODE

Ms. Kelly discussed the plan for the meeting, which was to continue reviewing the articles and comments, to look at the map, to discuss comments made at Monday's meeting by commissioners and the public, and to present strategies that she and Ms. Anderson had designed "to address some of the comments that were made."

Commissioner Semmler read from page 126 (5.7.8.B.2) about the proximity of parking to trees. He asked if this meant that parking could be 2' from a tree. Ms. Kelly said this section is meant to determine ample tree planting in parking lots. Ms. Anderson said it ensures shade within a surface parking lot, and doesn't pertain to tree root zones. The general standard is to have 10' before a tree aisle, Ms. Kelly said; she and Ms. Anderson agreed that they should look at the wording. This is unchanged from the current ordinance, Ms. Kelly added.

ARTICLE 6: SIGNS

All of the public comments that have been made on this article have been addressed, Ms. Kelly said. Much of the sign ordinance in the draft code has been carried over from the current ordinance, except that in the code, signs are covered in a separate article. For flexibility, they made a few changes, she said, such as allowing changeable copy signs for schools and theaters, clarifying what's permitted for "grand opening" signs, prohibiting some signs, and permitting more signs to allow for the greater number of tenants in large commercial developments. The allowable amount of signs there is tiered, depending on the number of businesses in the development.

ARTICLE 7: LAND DEVELOPMENT

Ms. Kelly said this article is about developing large parcels, incorporating streets, civic and open spaces that are appropriate for a development, and developing in a subdivision style on "larger amounts of property." On Monday, there had been

discussion about the 2% of the land that developers must allocate for open space and how the developer is to be compensated for that, Ms. Kelly said.

Public comment: This section covers the requirement in new developments to install public streets and street signs. Ms. Kelly said there were questions about the appeal process, “who has the authority to grant relief,” and whether the city would own and be responsible for maintaining these streets and signs. She said a street-regulating plan in the Boundary Street Master Plan shows what existing streets should look like, and where new streets should be added or provided for within a development. The Spring Hill Suites design has been approved for the Boundary Street area, and it allocates a section of its property for a city street that is part of the Boundary Street Master Plan to go through. This is not something new, Ms. Kelly said; it’s a response to the question of ownership and maintenance responsibility.

According to the code, if a property is being developed and has a substandard right-of-way (e.g., it’s 40’, and should have a sidewalk installed, but none is provided for), then “the developer is responsible for installing and providing the right-of-way for that,” Ms. Kelly said. New multi-family housing on Greenlawn Drive, the Family Dollar on Ribaut Road, and Beaufort Memorial Hospital provide examples of such a prescribed street section. This is a carryover from the current ordinance, so while it’s not new, there has been a question about a “process to obtain relief,” she said, and if these improvements could be made in lieu of road impact fees.

Ms. Kelly said parking lots need to be connected to one another when possible; this also is a carry-over from the current ordinance and has been implemented since approximately 2003. A comment was made that “this required connectivity would discourage redevelopment,” and a question was asked about how ownership would be addressed, especially if two people own a property but one person sells, so there’s a new owner. Ms. Kelly said that would have to be dealt with through easements.

Merritt Patterson came to the table and said, as a developer, he has “done a lot of . . . land planning.” With improvement guarantees, the developer has to write a bond, and the city thereby forces a developer to complete a subdivision, even if there’s no one who will buy its lots, he said. “Improvement guarantees used to be (for) when you were pre-selling lots,” he said. “This doesn’t make that distinction,” so Mr. Patterson “want(s) to put in a pre-sell agreement in the matter.” If he hasn’t pre-sold any lots, he feels he “shouldn’t have to do a performance security bond.” Ms. Anderson said that’s the way the current ordinance is, but that may not be clear. Mr. Patterson said, “It’s not that it’s not clear; it just doesn’t say that.”

Mr. Patterson said that 7.2.2.C refers to the length of stub streets and the need for a permanent or temporary turn-around on them. He discussed the prevalence of stub streets in Beaufort. The section also says “dead end streets and cul-de-sacs shall not be

included in plans.” He named places in the city where there are existing dead end streets and wondered why this provision is in the code, apart from the desire to conformity to the principles of new urbanism. Mr. Patterson said he thinks this section should be eliminated.

Ms. Kelly said the 150’ length is driven by the fire department’s standard, and they “do not permit any backing up longer than 150’.” She said they could discuss this with the fire department and see if there’s any flexibility that was not allowed in 2003.

According to the draft code, Ms. Kelly said, in the T3 zones only, cul-de-sacs and other turnarounds may be approved by the technical review committee (TRC) to protect or preserve a site-specific environmental feature. Mr. Patterson said T3 shouldn’t be “the scapegoat” – i.e., the only zone in which cul-de-sacs are allowed– “since all the zones have this geography,” which he feels cul-de-sacs are suited for, including “business developments and light industrial parks.”

The code says, “gated streets are not permitted,” Mr. Patterson said, yet “we’ve got lots of gated little communities” in Beaufort. The code says cul-de-sacs should “contain a planted median,” but they’re not to be included in any plans, so he asked if this is required when a cul-de-sac has been approved by special exception. Ms. Kelly said the code says, “cul-de-sac approved by the TRC shall meet the following standards.”

Mr. Patterson said delivery trucks can turn around in a cul-de-sac that is at least 50’; a planted median makes a cul-de-sac 80’, which is “monstrously big.” He said “they” have found planted medians “to be problematic,” because “cars will run over them (and) the irrigation breaks . . . In practice, (they) do not work.”

Section 7.2.3.D says that “only one driveway will be permitted per lot” for 1- and 2-family homes, Mr. Patterson said; he asked why that is. Ms. Anderson said that is “generally good access management planning.” DOT “frowns on more than one driveway . . . except for very large commercial frontage properties.” Mr. Patterson said a lot of people, particularly older women, can’t or don’t want to back their cars up, so they want circular driveways. Ms. Kelly said they could look at that for lots with larger widths.

Mr. Patterson said section 7.2.4 says sidewalks must be constructed concurrently with the streets in a development, but he feels “doing so . . . is not reality anymore.” This is not “how construction sequences work,” he said. Ms. Anderson said without concurrent construction, there would be “a fragmented sidewalk network.” Sidewalks should be put in at the same time as the other infrastructure in the development. She gave an example of a development where they had to pull in the developer and the developer’s attorney to get the sidewalk network completed. If damage is done during construction, Ms. Anderson said, the developer would be required to fix it.

Mr. Patterson said there are no sidewalks in The Point or Cottage Farm, and people walk there. Commissioner Semmler said Mr. Patterson is using examples of neighborhoods "taken out of context" of the reason for this section of the code. The Point is a historic area, created when streets were narrow and neighborhoods didn't have sidewalks, Commissioner Semmler said, and while Cottage Farm is not a gated community, its neighbors don't go in there to walk. A new subdivision like Oyster Bluff will have sidewalks, he said, and so will City Walk, which has a community adjacent to it that doesn't have sidewalks. Commissioner Semmler feels this section of the code is "flexible" as to which communities need sidewalks: Some will need them on one side only, and some will need them on two sides. He said the planning department would work with the developers on this for "a common sense approach."

Mr. Patterson said "adding all of these things on" will add costs to the developers that will in turn prevent housing from being "affordable." Commissioner Semmler noted that the Greenheath subdivision is no longer a PUD and "could follow these plans." Mr. Patterson said a 180-lot subdivision he's developing has sidewalks on both sides of the road, and the houses cost between \$185,000 and \$210,000, which is "kind of affordable," but "if I put this in, I've got another \$15,000 (for) some of this stuff on top of that." If the city were to "load up" the code with elements that cost developers money, Mr. Patterson said, houses will "end up at Habersham (and) Newport prices, and you will change the character of Beaufort."

Ms. Anderson said this part of the code "puts developers on notice" that the city is looking for sidewalks, though they may not be needed on both sides of the streets. Commissioner Semmler said he understands Mr. Patterson's point, but he feels sidewalks are very important.

Mr. Patterson said in section 7.3.3, there's a reference to an "Industrial Park" district that should be to a "Light Industrial" district.

Mr. Patterson asked if the requirements for civic and open space apply to projects over 40 acres. Ms. Kelly said this applies primarily to large pieces of land, and Traditional Neighborhood Development (TND) overlay projects are a good example; with a development of at least 15 acres, certain zones can be allocated within it, and the amount of open space that needs to be provided is "based on the zone."

Mr. Patterson described studies "we did . . . the last cycle we did this code" and the code's requirements "invariably" made the properties "unbuildable." He asked if the city staff had done studies to determine whether the required percentages for wetland buffers and stormwater detention areas, for example, were feasible. Ms. Kelly said the zoning is important when looking at case studies and determining the outcome. They looked at both existing and proposed projects, she said. City Walk was a cluster

development, for example, but it's in line with T3-N zoning. This code is "pretty flexible," she said, and is intended to encourage development while maintaining minimum standards.

Mr. Patterson said, "The statement was made (by **Jeff Ackerman** that) under this code, they couldn't build City Walk" because they would have been required to add "tree protection, setback buffers, the streets, (and storm water). Ms. Kelly said they'd be happy to look at Mr. Ackerman's analysis, but she doesn't feel that any "changes from this code would give that result." Commissioner Semmler said he was impressed by the City Walk development, which has retained its trees, and with the open space there. Mr. Patterson said there are "no poor people" in City Walk.

Commissioner Semmler said on p. 154, it says a traffic impact analysis is required for development that would "generate more than 50 trips during the peak hour on the adjacent street." 200 homes are being built in Greenheath, and there will be a lot of traffic there because of the school and Fiddler Road, but no traffic impact analysis is required. Ms. Anderson said Greenheath is in the county, so she doesn't know how the county's code would apply, but what Commissioner Semmler had cited is "pretty much verbatim from our current code . . . and I believe it's the same requirement for the county." She said a traffic impact analysis "is not required at the time of zoning," but "at the time of the development."

Mr. Patterson said a traffic impact study costs about \$10,000, and "there's always some improvement DOT will make (a developer) do," so "the budget amount for any project is closer to \$20,000," and \$80,000 if DOT requires "a big improvement" like a traffic light. The developer doesn't always pay for the latter (e.g., the City of Beaufort paid for the light when Lowe's was developed).

Commissioner Rentz said he's sure Greenheath had to do a traffic impact analysis "when they were going through the PUD process." Once a subdivision does a traffic impact analysis, any other developments that come in behind it must consider that traffic impact analysis in their own development. Mr. Patterson said **Dick Stewart** fears that the code will require additional traffic studies on Boundary Street development, even though traffic studies have already been done there. Ms. Kelly said that staff has clarified the language in the code in response to Mr. Stewart's comments.

Commissioner Rentz said when a project is approved, everyone else who wants to develop has to consider what has already been done and approved. For Greenheath, 200 units with no commercial development has less impact than the original PUD, which had 300 units that included commercial, so no additional traffic impact analysis would be required now, because the developer "is doing less than what's already been approved."

Commissioner Semmler said he agreed with Commissioner Rentz, but he is concerned about the statement “none is required” in regard to traffic impact analysis. No traffic impact analysis was required for PUDs that were developed 20–30 years ago, but the city has grown and changed since then. He feels that a traffic study needs to be done “when it’s necessary.” Ms. Anderson said she hopes it’s clear when traffic studies are and aren’t required. In the Boundary Street Redevelopment District, they’re not required because the planning is already done. On Highway 170, a development might trigger the requirement, or the state might require a traffic impact analysis, even if the city and county don’t, she said.

Mr. Patterson said **Fred Trask** had attempted to sell a TND subdivision with the features that are in this new code but was unable to. Mr. Patterson believes “there are places (the code’s standards) will and won’t work,” and “doing it everywhere will be a problem.” The Celadon development, he said, is an example of a development where they didn’t work.

Alice Howard said the charter school at Shell Point was required to do a traffic study; DOT approved it as a public school, so it didn’t take into account that nearly “every child there is brought in a car.” She cautioned those present to be aware that a public charter school is “a totally different scenario, because nobody walks to a charter school.”

Terry Murray said that the majority of the public who were present had come to react to Monday’s MPC meeting. She asked Vice Chairman Crower to change the format of the workshop. Vice Chairman Crower asked which sections those present had concerns about. Ms. Murray said they wanted to talk about the Depot Road area, cottage courts, etc.

Chad Dando, 115 South Hermitage Road, said he agreed with Mr. Patterson that “this ‘report’ looks nice,” but he doesn’t believe it’s “reality.” He asked if there were “a case where new urbanism has been inserted into a neighborhood” that is 50–60 year old. He believes the standards of the code “will change the dynamic of the neighborhood,” and will not be “a fit” for the area he lives in, because Mr. Patterson had said, “they’ve tried it before, and it hasn’t worked.”

Ms. Kelly offered a summary of the many public comments obtained during the code process, and “a lot more since,” which were heard at Monday’s MPC meeting. Two “hot button issues” were about what were mistakenly called “hotels” in the T4-NA district (Depot Road area), she said, and whether 2- and 3-unit residences in the Hermitage/Hundred Pines/West End neighborhoods should be allowed, prohibited, or allowed with restrictions. Ms. Kelly said she and Ms. Anderson had strategies about possible additional restrictions that they could discuss. She also clarified that “the lodging component” proposed for the Depot Road area is an “inn,” not a “hotel.” Inns

are more limited in size. Staff is open to reducing the number of rooms allowed in the inn to ten or fewer, she said.

A goal of the Beaufort Code “is not to keep everything exactly the same,” Ms. Kelly said. They have heard throughout the process that “these neighborhoods are some of the oldest suburbs” in Beaufort; there was no zoning when the neighborhoods started, and “they were allowed to evolve as people wanted to develop them.” When the city brought in zoning, it “froze how that evolution happened” by creating “zoning to match exactly what (the) on-the-ground conditions were” at that time, Ms. Kelly said, so the neighborhoods were never allowed to evolve further. The goal of the code is not to *require* new urbanism, small lots, alleys, or 2- and 3-unit buildings, she said, but “to allow things to evolve as the market wants them to.” She thinks there’s “definitely room for compromise,” though she doesn’t feel that what city staff believes – which “is based on planning efforts” – and what the residents of these neighborhoods believe will necessarily allow the two sides to “come to an agreement.”

Ms. Murray said she wanted to talk about the Depot Road area. Many of the people present at the meeting were involved in the Civic Master Plan process, she said, and residents of her neighborhood had “negotiated away – out of the master plan – some of the things (they had) found most worrisome,” such as “connecting streets.” Plans for development in the Depot Road area (Section 9.1 of the master plan) were removed from the Civic Master Plan, but are now in the Beaufort Code, Ms. Murray said, though those residents who were involved in the master planning process “felt we had all agreed to” eliminate them. Things like “artisan activities” and “small commercial operations that are related to fostering” the Spanish Moss Trail are “fine” with the residents, she said, because they’re more concerned with the “terrible traffic pattern” in that area and with ensuring that no commercial activities will bring in “lights or noise” after their light industrial neighbors closed up for the day (e.g., no outdoor restaurants).

“When I learned Monday night that the definition of ‘lodging’ is a potential 24-unit” inn, Ms. Murray said, she felt “it runs counter to what’s in (the) master plan.” She read from Section 9.1 of the Civic Master Plan: “This plan anticipates uses and activities in the Depot area that are complimentary to this rapidly emerging trail corridor” while being compatible with and protective of the surrounding neighborhood. Ms. Murray said the section concludes by saying, “This plan recommends a discussion with Depot area stakeholders and the community at large” with the goal of creating a special zoning district; the city was to convene a meeting for this purpose “within the next 12 months, as new sections of the trail are completed.” She asked if this meeting had taken place, but continued without a response, saying that “no zoning should be contemplated now” in her neighborhood, especially if it “runs counter to what we had been promised,” which was that “the whole neighborhood” would work “in consultation on that.”

This draft code does not implement the master plan, Ms. Murray said. She wonders, "how many more hotels are hidden in this document," and said she "believe(s) citizens will find more surprises." She feels the civic process is "so distorted," and citizens can't "trust the city" to "protect our neighborhoods" and "honor their commitments."

Ms. Kelly said city staff had held a public meeting to discuss the Depot area, though it was not the "stakeholder meeting" Ms. Murray had cited from the Civic Master Plan. Residents had attended, and that's where "the comment about 'lodging'" came from, because "it was disclosed on the conversion sheet," Ms. Kelly said. That comment "has been carried forward through the whole public comments process." Planners are not trying to hide the idea of allowing lodging in that area, she said; they have "put (it) out there" throughout the process.

Ms. Murray said, "But lodging was never contemplated when we put the Civic Master Plan to bed." She said she and **Kathy Lindsey** were out of town when the Depot Road meeting Ms. Kelly had referred to took place, and "nobody else knew about that" meeting.

Ms. Lindsey said she and Ms. Murray had gone to "dozens of meetings with **Jon Verity**" about the Civic Master Plan, some of which included city council representatives. She said they had "a bargain for exchange," wherein they would "be able to shape" the rezoning of the Depot area, "not have it presented to us" with requests for comments. "The city has not kept faith with us," Ms. Lindsey said. Because "we are good citizens," she said, "we should be at the table when it's created." Of the process of public comments on the code for city staff and/or council to consider, or staff saying, "Maybe we can put some more restrictions on it," Ms. Lindsey said, "That is not good enough. You have no mandate for that," because since the Civic Master Plan was passed, there are two new council members, "one council member who voted against" the master plan, and "a new city manager, but we're still here."

Maxine Lutz said she represents the Historic Beaufort Foundation, but "I support this crowd here tonight." She clarified that the Metropolitan Planning Commission has representatives from the City of Beaufort, the Town of Port Royal, and the county, and told the commissioners that while she "welcome(s) your listening to us," she is concerned because she's unsure that "the right people are here to hear what these people are saying, (and) the press is not here." Ms. Lutz urged those present from the public "to take these concerns to city council . . . it needs a fuller hearing than the three of you," she said, referring to the commissioners, "and I know (you) don't want to take full responsibility for it, anyway."

Vice Chairman Crower replied that the MPC *has* "to take full responsibility for it. We are the planning commission." Regardless of which area each commissioner represents, he said, "we're all together," and they have heard the concerns that have been expressed:

"We'll see that something comes out of that." If area residents were promised a stakeholder meeting, "I think we probably ought to see that that happens," Vice Chairman Crower said.

Concerning the stakeholder meeting, Ms. Anderson said that when staff was "kicking off the public involvement component of the code" process, they made "a first attempt at a stakeholder meeting for this code to try to flesh out . . . the special overlay district that would apply to (the) Depot" area. They had invited all of the property owners in the area that's currently zoned "Limited Industrial," Ms. Anderson said, and, as they typically do with zoning, they sent letters to invite adjacent property owners within 400'. Ms. Anderson also sent copies of the letter to Ms. Murray and Ms. Lindsey, as representatives of the neighborhood, and they were able to invite others to attend the meeting as well.

Not a lot of people attended that meeting, Ms. Anderson said, but "we did start the dialogue," and that's when "the issue of the lodging came up." That component has been in the draft code since that meeting, she said, so while it's unfortunate that it wasn't discussed again fully until Monday night's MPC meeting, it was not "a surprise."

Ms. Lindsey said, "We don't see it as a meeting or consultation that was skipped." She and Mr. Verity "nailed down the language" of the Civic Master Plan so that residents "would be at the table, in consultation with staff . . . shaping the process." Ms. Lindsey said, "We fought over almost every word" of the Depot section of the master plan, so that unlike any "other area of the city," Depot residents would be able to "shape the vision," rather than make comments. The master plan "was passed by council with those words in there," she said. "It is no accident."

Vice Chairman Crower asked Ms. Lindsey if there is a neighborhood association for the Depot, if "you are all individual homeowners," and if the group is seeking "a democratic process" where "everybody gets to speak." Ms. Lindsey said, "We have an email group," and those who are the most interested and who want to participate "show up." She said, "We feel like it needs to be a democratic process." Vice Chairman Crower asked Ms. Lindsey who the "we" she refers to are. She joked about using the "royal 'we'" when referring to herself, "like the Queen."

Trey Matthews said he has lived in Hundred Pines for 15 years, and "at one point, you wanted to put low-cost housing right beside my house. It disgusted me." He asked about "issues with existing property," like the Pickle Factory, and said he doesn't want his neighborhood "to look like Paris Avenue in Port Royal" (i.e., with small lots, close together). He asked why Bridges School on Boundary Street isn't being built. Mr. Matthews said his neighborhood is "pretty well established," so he does not favor multi-family housing there. He asked the planners rhetorically if they were saying that under the code, the owner of the lot across from his, which "has 400 linear feet," could

“additionally have 16 homes on that lot.” He said he feels lot sizes “are being reduced way too much.”

Ms. Murray summarized “the kinds of concerns we have.” The first is the reduction of lot sizes “to such an extent in an established neighborhood.” The second is 2- or 3-unit houses on corners. These houses “can also be done on lots with alley access,” she said, which some lots in her neighborhood have. Ms. Murray said another concern is cottage courts; she is unable to find anything in the master plan about them.

Mr. Dando said the code says waterfront lots can be subdivided further, which he’d prefer not to see. About Mr. Matthews’s question about the Pickle Factory, he said Mayor Keyserling had held a meeting several years ago with its owner and residents of the neighborhood, and it was decided it would be “a high-end condo development,” which was an “outcome” Mr. Dando said he “didn’t agree with,” but it never developed. He said he’s not part of a Hermitage neighborhood association. Decreasing lot sizes on the water “to fit more homes in there” is ideal for developers, he said, but that’s not “the best feel for the neighborhood” or what’s best for the environment because of run-off into the river.

Ms. Kelly said what Mr. Dando is referring to applies to “fairly large waterfront lots.” Whether the dimensions are exactly how they should be, she said, the idea is that on large waterfront lots, a house could be built facing the street/ a park on the interior portion of the lot – so that there would be “eyes on the street” for safety and a “more consistent streetscape” – while another house faces the water. Ms. Anderson said this provision was put in the code specifically for Pigeon Point, where there are very deep waterfront lots. Someone could subdivide their lot and have a house fronting the park and one facing the water. Ms. Kelly said this applies to lots that are 18,000 square feet, or 1.5 times the minimum lot size. Mr. Dando said staff could have a stakeholder meeting for people to whom this would apply. Ms. Anderson said that the setback would have to be met, which narrows the range of those lots to which it would apply.

Ms. Lindsey said if the city has a stakeholder meeting “before the Depot is rezoned,” staff could contact her, Ms. Murray, and Mr. Patterson, who would “get the word out” about the meeting.

Ms. Lindsey said the development of the marina parking lot was “all set to go” until “someone in our group happened to walk through (Waterfront Park), and noticed that it was built on land that was funded with federal dollars.” She said the City of Beaufort would have incurred a \$3 million fine after spending hundreds of thousands of dollars on tests; she feels that this is an example of “the law of unintended consequences.”

Ms. Lindsey said on page 39 of the code, there’s a picture of a cottage court on a lot that is the size of her and her next-door neighbor’s lots if they were to combine them into a

single parcel; she called this “a very easy threshold to meet.” She feels that if the city allows “this many households, children, pets . . . and traffic” into her neighborhood via multi-family housing, the neighborhood “loses its feel.” Ms. Lindsey said, “We bought into a suburban area, not a ‘new urbanist’ area, for a reason. That is wrong. That defies the law of expectations of what we thought we were getting.”

Monty Hopey said he represents the Cottage Farm property owners association. Mr. Patterson and **Jamie Boswell** “were responsible” for Cottage Farm. There are 102 residents who “bought into something” when they bought property there. The residents like their subdivision, Mr. Hopey said, so “we resent somebody trying to change that, and that’s what this board is trying to do,” and what “the form-based code is trying to do.” Residents want Cottage Farm to be a PUD, he said and they don’t want the “nuances of T3-S within our subdivision.” Mr. Hopey suggested that planners “need to do . . . a homeowners study” to determine how “what you’re proposing is going to impact on us.”

Delores Hopey said they had chosen to live in Cottage Farm because it was residential-only and had covenants. If they had wanted something else, she said, they would have chosen to live elsewhere. They wanted underground utilities, storm drains, and no commercial development. Ms. Hopey said that when it approved Cottage Farm, “the city made a covenant” with people who live there now and in the future. She feels that the code is telling those who live there that they’re “not smart enough” to know what they need in their development, which she finds “insulting” and “infuriating.” Ms. Hopey said that Cottage Farm “could be grandfathered,” and the city could “have your form-based codes, with the exception of Hermitage, Cottage Farm, (and) whoever is against it.”

Ms. Kelly said there have been conversations with residents of developments with existing PUDs, like Cottage Farm, because city planners thought it made sense for older PUDs to adopt the T3-S zoning, “knowing that your covenants still would apply . . . (but) we’re not trying to force any PUDs to adopt the underlying zoning, so we can absolutely just keep it as the PUD.”

Vice Chairman Crower said, “if you have covenants, they run with the land,” and the city is not going to change them. Ms. Anderson said older PUDs like Cottage Farm have a subdivision plat and covenants, but they don’t have a PUD document, so there’s nowhere to go to determine minimum lot area, width, setbacks, etc. The city doesn’t enforce covenants. Planners felt adopting the underlying zoning might be a benefit to the owners, she said: to have these standards “for clarity and to administer development” in that subdivision. Ms. Anderson said she “would like to have another try” at a conversation with all of the Cottage Farm owners. Mr. Hopey said she could come to the Cottage Farm board of directors meeting.

Ms. Howard said she had sent an email to council about Southside Park. *(A copy is attached to these minutes for the record. – steno.)* In the proposed code, there's a definition of parks and open spaces, she said. Southside Park is coded T4-N, and she is concerned that "developers will think that it's open for development." She requested it be coded T1.

Ms. Howard also commented that she has a background in planning, and in "a newer city," these suburbs "might already have been put on the historic register" because of their age, open space, and uniqueness. Waddell Gardens, Mossy Oaks, and "parts of Hermitage" are among "the few affordable housing areas left," and people are moving in there because they "have nice green space." She confirmed with Ms. Lutz that in some cities, suburban neighborhoods like Pigeon Point and Hermitage are on the National Register of Historic Places.

Joe McKain, 158 Fuller Parkway, said he has a lot of good neighbors and would like to keep it that way, and "keep things the way they are."

Margaret Breithaupt said she lives next to Mr. McKain at 126 Fuller Parkway. She described the background of Fuller Parkway and Hermitage. Some Fuller Parkway residents who have two new homes there want to acquire "part of the parkway as their property," Ms. Breithaupt said. "We had an agreement with the city that (it) owned Fuller Parkway and would maintain it, when we agreed (to) BJWSA (putting) in the sewer system." She said, "We'd like to be sure that our property is going to be protected, and you're not going to give away Fuller Parkway." Ms. Kelly said Fuller Parkway is proposed to be zoned T3-S.

Mr. Matthews said "that entire block" uses the accessway and "drives over the grass." He said that he understood that the property 15' from his property line, "going toward the road," is owned by BJWSA, which doesn't maintain the trees there, so the limbs break, and if "a tree falls on a kid, the city will probably be accountable for that." Under "the old codes," Mr. Matthews said, "you couldn't build on the lots because you didn't have the setbacks," he said, but "conveniently," now that "4000 square feet (is) proposed, you've got setbacks." He asked planners if this was because "the millage rate (is) not right, or are you looking for revenue?"

Linda Bowers, 118 Elliott Street, said her street has no sidewalks and gets a lot of traffic from TCL; "I don't want apartments built in that neighborhood." It's zoned for single-family dwellings. Ms. Kelly said told Ms. Bowers that the only type of housing proposed in that area is T3-S, and the only allowable housing type is single-family residential.

Ms. Lindsey said that's true on Ms. Bowers' street, but not "just a couple blocks over" from it, "plus you can put cottage courts on her street, plus you can divide the streets down to 75' from 100', plus there's an alley back there, so we don't know what's going

to happen there.” Ms. Anderson said Ms. Bowers’ comment had been about multi-family housing, and that’s not permitted in T3-S. Ms. Lindsey said Fuller Parkway is going to T3-N, where cottage courts and “little 4000 square foot” houses are allowed, “even if it’s not right on my street.” Ms. Anderson said the cottage courts might be allowed in T3-S, but only by a special exception from the Zoning Board of Appeals.

Penny Tarrance said the Cottage Farm board had “gone through this . . . and (saw) that if all of this was accepted, we could have a bait shop . . . jet-ski rental . . . (and) short-term rentals.” Vice Chairman Crower said if Cottage Farm’s covenants don't allow jet-ski rental, then there won't be jet-ski rental there.

Ms. Hopey asked why, if Cottage Farm’s “covenants supersede everything,” the development isn’t “just grandfathered in.” Ms. Kelly said Cottage Farm is a PUD, and it has covenants, but a development doesn’t have to be a PUD to have covenants. Battery Shores and Islands of Beaufort are not PUDs, but they have covenants, so, for example, an Islands of Beaufort resident could not give piano lessons at home, Ms. Kelly said, because the development’s covenants don’t allow the type of home occupation where people come to a residence to do business. If a development’s covenants are stricter than the city ordinance, she said, by state law, the city must enforce the covenants *through the development’s property owners’ association*. If someone comes to the city to get a business license in order to have a home occupation, Ms. Kelly said, that person has to sign a waiver that (s)he is not violating the neighborhood’s covenants by doing so. There are some exceptions, “but they also have the rules of our underlying zoning.”

Cottage Farm has a PUD, Ms. Kelly said, but the standards in it aren’t very clear about setbacks, for example, so she and Ms. Anderson had thought this was a way to maintain covenants – “so you don’t have a bait shop” – or if you don’t want the type of home occupation in your neighborhood that allows a resident to give piano lessons, “that’s already in your covenants.”

Mr. Hopey told Ms. Kelly that Cottage Farm’s “covenants were written 25-some odd years ago,” and nothing in them prohibits churches, bait shops, etc. “What you’re doing is forcing us to take a look at all of these different issues that you’re bringing up,” he said, “and saying, ‘You have to go back and modify your covenants,’” which didn’t address short-term rentals, for example, so they have changed the covenants to prohibit them. “What you’re doing is opening that door” to those things that Cottage Farm’s covenants do not prohibit, Mr. Hopey said, “to force us to go under T3-S.”

A bait shop is not permitted in T3-S, Ms. Kelly said, but if Cottage Farm residents are reading the draft code that way, city planners need to know that. They would like to understand the concerns of those who live in Cottage Farm, and “see if there’s a way to accommodate them with the base zoning.” If there’s not, she said, “then it might not be a good idea,” but there could be “unforeseen *benefits*,” she joked. If neither she nor Ms.

Anderson were at City Hall when someone wanted to build in Cottage Farm, for example, everyone in the planning department would know the setbacks there because they'd be those in the Beaufort Code. The setbacks are not clear in the Cottage Farm covenants, Ms. Kelly said, and they are carried on through "institutional memory."

Mr. Patterson said setbacks "are set up on the plats and maps"; residents have "an architectural control committee," and "a process to modify the architectural control plan." Cottage Farm's "covenants are pretty standard," he said, though they're 25 years old, and the property owners "are empowered to change them as they see fit." They "have an architectural control, but under the architectural control section in this new urban code, you also have that requirement," Mr. Patterson said, "so there's an 'iffiness' of who's in charge." He said there's no doubt in his mind that it's the property owners, but he feels "that's ambiguous in this code."

Mr. Patterson also said that the tree ordinance in the new code creates issues with tree removal in Cottage Farm, because "now there's this idea that if you have to remove a big live oak that's in the middle of (a) lot, are you going to have to pay the \$5,000?" This development "is well-controlled," he said, and the Cottage Farm residents "are happy with it." Mr. Patterson told the planners and MPC, "We want to be left alone," which he said "every established neighborhood" had said repeatedly during the Civic Master Plan process. As the city tries "to get architectural control, (a) tree ordinance, (and) storm water (regulation)," through the new code, Mr. Patterson said, "there's that disconnect in the plan . . . There's a core conflict there, so systemically, this committee ought to address that. It's back to the unintended consequences."

Mr. Patterson went on to say that on Depot Road, "We don't (want) to rock the boat with our neighbors." He had attended "the charette" and other meetings, where, he said, "We have been uncomfortable with the residential stuff" in the code as it applies to the Depot area. He said he "agrees with whatever the neighborhood wants."

Ms. Anderson said all scheduled meetings related to the code are on the city's website. Staff will set up a Depot Road stakeholders meeting and will let Mr. Patterson, Ms. Lindsey, and Ms. Murray know, so they can get the word out.

Vice Chairman Crower adjourned the special meeting at 6:43 p.m.

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

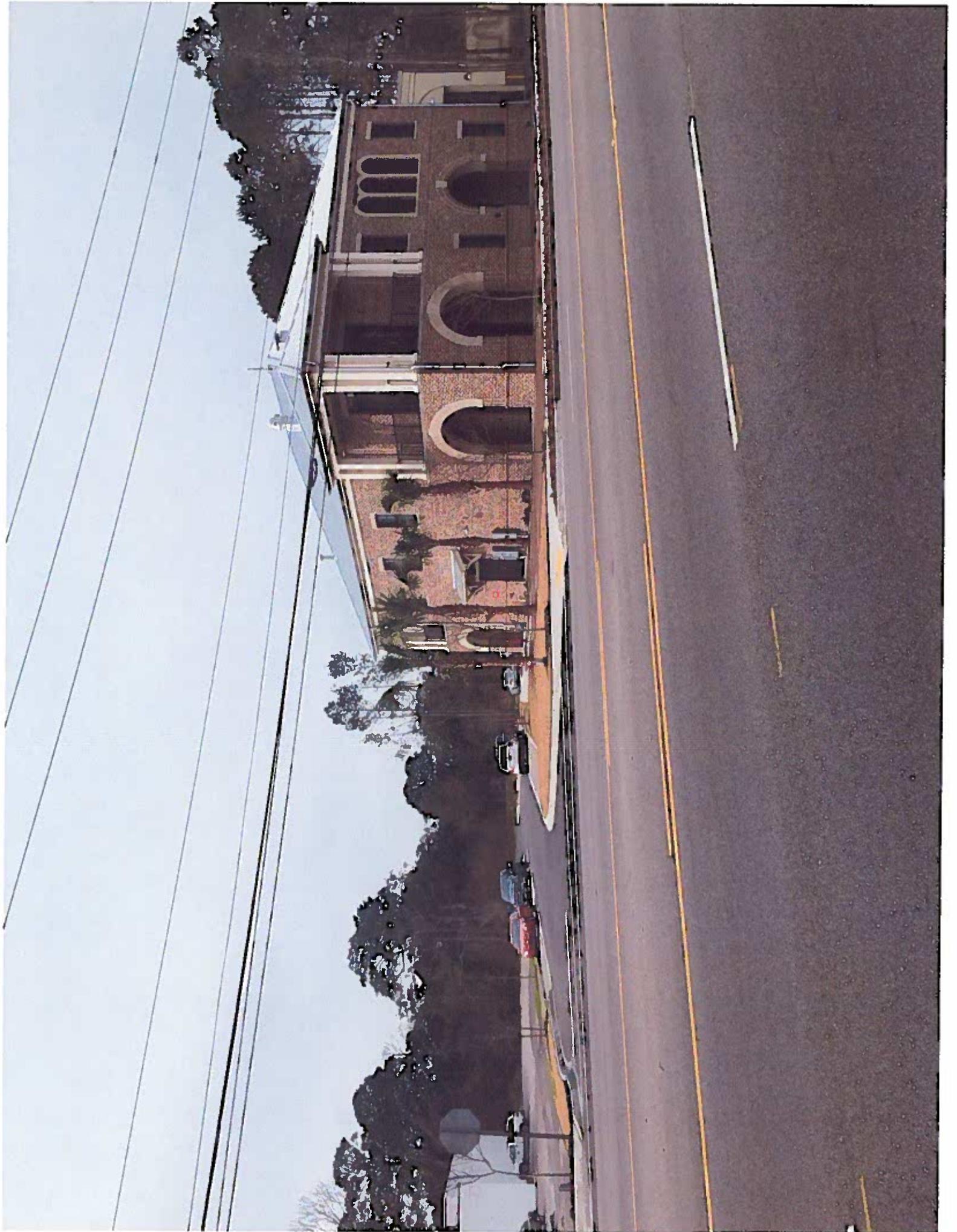
TO: Beaufort–Port Royal Metropolitan Planning Commission
FROM: Libby Anderson, City of Beaufort Planning Director
DATE: June 10, 2016
SUBJECT: Request for New Street Name

According to the Unified Development Ordinance (UDO), the Planning Commission approves the name of new streets. As part of development of the new fire station at 1120 Ribaut Road, a new street was constructed to connect to the existing Bowling Lane. The new street will also serve as future access to the Kingsridge townhouse development located in back of the Fire Station. A map showing the location of the street and photo of the street are attached. The street is proposed to be named "Firehouse Lane." The proposed street name has been approved by the County E911 Office.

attachments

Firehouse Lane





CITY OF BEAUFORT
REZONING ANALYSIS RZ16-04
PUBLIC HEARING DATE: JUNE 28, 2016

Applicant

The applicant is Beaufort Retail Investment, LLC. This is a rezoning request as a result of a petition for annexation.

Site

The property to be annexed is located at 255 Sea Island Parkway, and is identified as R200 018 000 054F 0000. The property is located at corner of Sea Island Parkway (US 21) and Airport Circle (see attached Site Location Map). The lot, which is approximately 0.26 acres in area, is currently undeveloped. Until recently, the property had been owned by the Beaufort County Open Land Trust.

Annexation Issues

The property is contiguous to the existing city limits. All municipal services will be available to the property upon annexation. Fire service in this area of the City is provided by a contract with Lady's Island Fire District.

Present Zoning

The property is zoned "S1 Industrial" under the County's Community Development Code. The S1 zone permits office, manufacturing, industrial, warehousing, and uses that support them. The zone is also designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization.

Proposed Zoning

The proposed zoning for the lot is "HC Highway Commercial District" (HC). As described in the UDO:

The HC Highway Commercial zoning district is intended to be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along the City's roadways. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

The HC District permits all types of office and commercial uses. A variety of auto-oriented uses are permitted including drive-thru and drive-in restaurants, vehicle sales and service, gas stations, and car washes. Warehousing, wholesale sales, and light industrial services are also permitted. The lot adjoins property in the City zoned Airport Junction Planned Unit Development (PUD). The

Airport Junction PUD has been approved for Highway Commercial and Limited Industrial Uses (see attached Land Use Summary Chart and Master Plan/Regulating Plan).

Adjoining property at 4 Airport Circle was annexed into the City in July 2015 and was zoned Highway Commercial District.

Consistency with Comprehensive Plan

The Framework Plan in the City's Comprehensive Land Use Plan designates the area as "Growth Sector 1 (G-1) Moderate Density Residential Neighborhoods." An excerpt from the comprehensive plan describing the G-1 sector is attached.

Consistency with Civic Master Plan

The Civic Master Plan does not set out a specific redevelopment plan for this area.

Land Use Compatibility

A produce packing operation is located across Airport Circle from the subject lot. The Lady's Island Airport is located north of the property on the west side of Airport Circle. The "Island Shops" project under construction on the adjoining property to the east is zoned PUD. This development includes a 149,000 square foot Walmart store and 32,750 square feet of retail space in an outparcel on Sea Island Parkway.

Suitability of Property for Uses Permitted in Current Zoning District

The property is proposed for annexation, so a City zoning designation is required. The infrastructure to serve the property is proposed to be developed in conjunction with development of the Island Shops.

Suitability of Property for Uses Permitted in Proposed Zoning District

The property is proposed to be developed as part of the adjoining commercial center in the Airport Junction PUD.

Availability of Infrastructure

Water and sewer is being brought to the property as part of the Island Shops development.

Public Notification

Letters to adjoining property owners were mailed on June 9. Staff notified representatives of the Lady's Island Business & Professional Association (LIPA) of the application by e-mail on June 9. To date, staff has received no public comments on the proposed rezoning.

Staff Recommendation

Staff recommends approval.

Parcel 54F



EE-3 LAND USE SUMMARY CHART

For purposes of designating specific areas of land use the Airport Junction Tract has been divided into Parcels. The Parcels are referred to in the Land Use Summary Chart below and in the PUD Master Plan (EXHIBIT EE-6).

PARCEL	ACREAGE		USE	Dwelling Units		Square footage
				per parcel	per acre	
A-1	3.43	14.57	Highway Commercial	16	1.1	116,000
A-2	3.76					
A-3	7.38					
B-1	2.2	7.04	Highway Commercial			
B-2	4.84					
C-1	4.34	19.16	Highway Commercial/ Limited Industrial			260,000
C-2	14.82					
Open Space	8.15					
Gross	40.77			16	.39	376,000
Net	30.91			16	.51	376,000

The figures presented in the above chart represent maximum dwelling units for the Airport Junction Tract, as well as maximum square footage computations for Highway Commercial, General Commercial, and Limited Industrial space. The Tract has 40.83 acres. The number of dwelling units shall not exceed 16. The total square footage of

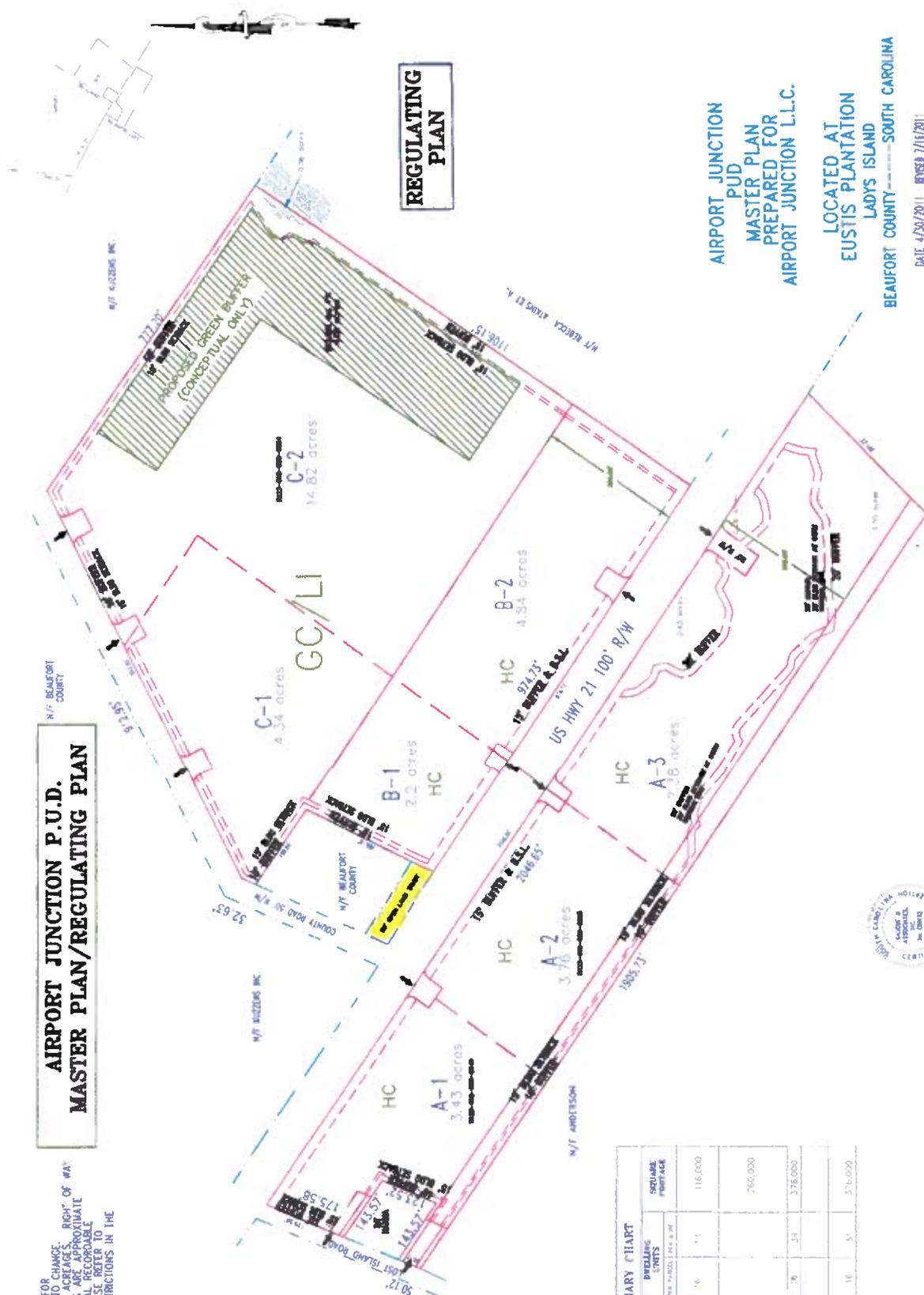
AIRPORT JUNCTION P.U.D. MASTER PLAN/REGULATING PLAN

NOTE: THIS MASTER PLAN HAS BEEN PREPARED FOR AIRPORT JUNCTION L.L.C. AND IS SUBJECT TO CHANGE. ANY PROPERTY LINES, TRACT DIMENSIONS, ACREAGES, LOCATIONS, OR NARRATIVE DESCRIPTIONS ARE APPROXIMATE AND SUBJECT TO ADJUSTMENTS FOR FINAL RECORDABLE PLANS. THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE APPROVAL OF BEAUFORT COUNTY. ANY RESTRICTIONS IN THE OFFICE OF BEAUFORT RMC.

NOTE: THIS PLAN IS THE PROPERTY OF AIRPORT JUNCTION L.L.C. AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT PERMISSION OF AIRPORT JUNCTION L.L.C.

EXHIBIT EE-6

REGULATING PLAN



AIRPORT JUNCTION
PUD
MASTER PLAN
PREPARED FOR
AIRPORT JUNCTION L.L.C.

LOCATED AT
EUSTIS PLANTATION
LADYS ISLAND
BEAUFORT COUNTY SOUTH CAROLINA

DATE 4/30/2011 REVISED 7/16/2011
SCALE 1" = 100'

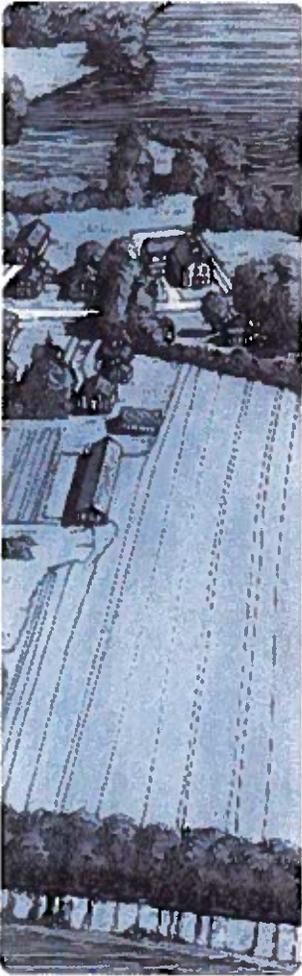
DATE PLOTTED 7/16/2011

LAND USE SUMMARY CHART			
PARCEL	ACREAGE	USE	SWELLING UNITS PER PARCEL (AREA PER SQUARE FOOTAGE)
A-1	3.43	HIGHWAY COMMERCIAL	16
A-2	3.76	HIGHWAY COMMERCIAL	16
A-3	7.36	HIGHWAY COMMERCIAL	16
B-1	2.2	HIGHWAY COMMERCIAL	16
B-2	8.94	HIGHWAY COMMERCIAL	16
C-1	4.34	GENERAL COMMERCIAL/INDUSTRIAL	76
C-2	14.82	GENERAL COMMERCIAL/INDUSTRIAL	76
GRSST	40.27		
OPEN SPACE	815		
TOTL	57.91		576,000



GASQUE & ASSOCIATES INC.

1000 S. UNIVERSITY BLVD. SUITE 200
BEAUFORT, SOUTH CAROLINA 29501
P.O. BOX 1000
843-327-1788



Source: Randall Aronak

Conceptual view of hamlet-type development: buildings clustered around a cross-roads

FG 1.4 GROWTH SECTOR 1 (G-1): MODERATE DENSITY RESIDENTIAL NEIGHBORHOODS

The G-1 sector, indicated by the light yellow on the Framework Map, is intended for relatively moderate density residential development. This sector includes existing moderate-density residential neighborhoods (generally less than 4 units acre) that are not likely locations for redevelopment. It also includes lands that are not proximate to thoroughfares and are not projected to be high growth areas due to limited access to transportation networks, existing services, and utilities. In addition, poor/wet soils that not typically appropriate for development are included in this sector, which is intended for relatively low-density development. Soils information should be overlaid and investigated a detailed level when developing in these areas so as to avoid the most sensitive soil types.

Appropriate development in this sector typically consists of cluster developments such as conservation subdivisions, or low-density residential development on relatively large lots. For Beaufort, this sector is generally located away from planned neighborhood or regional centers and close to heavily encumbered O-1 or O-2 land.

APPROPRIATE LAND USES/DEVELOPMENT TYPES:

The community types and land uses appropriate for this sector are:

- existing low-moderate density suburban residential neighborhoods
- moderate-density residential development (up 4 units/ gross acre) if developed as a traditional neighborhood and if significant open space is conserved in the neighborhood or as part of a transfer of development rights from O-1 or O-2
- limited neighborhood retail and service uses
- civic uses (parks, schools, religious and government uses)