

**BEAUFORT–PORT ROYAL  
METROPOLITAN PLANNING COMMISSION**

**AGENDA**

1911 Boundary Street, Beaufort, SC 29902

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

**Monday, November 17, 2014 5:30 P.M.**

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

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**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 the September 15, 2014 Meeting**
  - B. Minutes of the October 1, 2014 Workshop**
  - C. Minutes of the October 20, 2014 Meeting**
- IV. Review of Projects for the Town of Port Royal:**
  - A. Town of Port Royal – Text Amendment. Amend the Port Royal Code all Transect Zones with maximum front and side setback requirements to add language to allow exemptions to the maximum setback requirements to avoid trees with calipers greater than eight (8) inches. The exemption could only be granted with a certified arborist’s viability report of the subject tree(s).**
  - B. Town of Port Royal – Text Amendment. Amend The Port Royal Code, Article 5, Section 5.2.40, Gas Station. Delete from E. Site Design the section: *“Number of Pumps A maximum of 6 pumps are permitted per Gas Station”***
  - C. Town of Port Royal – Text Amendment. Amend the Port Royal Code, all Transect Zones that require Façade within Façade Zone. In T3 and T4 zones the Front façade in the facade zone will be 40%, the Side Street façade in the façade zone will be 20%. In T5 the Front façade in the facade zone will be 50%, the Side Street façade in the façade zone will be 30%.**

**V. Review of Projects for the City of Beaufort:**

- A. **City of Beaufort –Zoning Text Amendment.** Revising the Marsh Gardens Planned Unit Development Report and Regulating Plan to update the document, remove the Meeting Center, and add additional residential units. Applicant: 303 Associates.
- B. **City of Beaufort** – Update on Council Actions.

**VI. Review of Projects for the County of Beaufort:**

- A. No Projects.

**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 meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **September 15, 2014 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, at 1911 Boundary Street. In attendance were Commissioners James Crower, Alice Howard, Robert Semmler, and Bill Harris, and City of Beaufort planner Libby Anderson, Town of Port Royal planner Linda Bridges, and county planner Rob Merchant.

Chairman Joe DeVito 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**

Vice-Chairman Crower called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

### **MINUTES**

**Commissioner Harris made a motion, second by Commissioner Howard, to approve the minutes of August 18, 2014. The motion to approve the minutes as submitted passed unanimously. Commissioner Semmler abstained because he was not present at the meeting.**

### **REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL**

#### **Town of Port Royal – Annexation**

Annex 547 Broad River Blvd. The property is further identified as District 100, Map 28, Parcel 100A.

*The applicant is Lady's Island Real Estate Group, LLC.*

Ms. Bridges showed a map of where the parcel is. The parcel is in unincorporated Beaufort County and is suburban, she said; it lies within the town's growth boundary. The property has one single-family dwelling on it at present. It's already served by BJWSA, and it will still be, whether it's annexed or not. Also, the Burton Fire District serves it. The Port Royal police department has adequate abilities to deliver services to this area. They are already delivering services in close proximity to this property. In regard to more residential development, they would offer garbage and recycling to them if they are annexed.

The applicant has requested T4 Neighborhood Center, Ms. Bridges said, and the Town of Port Royal concurs. In regard to the comprehensive plan, the future land use in the Comprehensive Plan names it Restricted Growth Sector, Conventional Neighborhood. The traffic impact analysis ordinance would carry forward if a certain amount were reached; there is also a tree ordinance with which it would need to comply for new development. In regard to stormwater management, Ms. Bridges said, it has a stormwater management and utility agreement. No

environmental issues are foreseen. Public notice was made to property owners within 400' of this area.

Commissioner Harris said Ms. Bridges had said a traffic study has to be done, so he asked if they would want fewer driveways onto Riley Road and Broad River Blvd. Ms. Bridges said one is a state road, and the other is a county road, so good planning from street design standards will look at activity and look to put in a network of streets, not a cul-de-sac. Commissioner Semmler asked if the Lady's Island Real Estate Group owns all this property, and Ms. Bridges said it did. There's one house there that they also own. Ms. Bridges said the subdivision to which Commissioner Semmler referred is Shadow Moss. Ms. Bridges said she had received no response to her public notice.

**Patricia Brooks**, 521 Broad River Blvd., said her property is adjacent to this one, and she asked what would happen to the wildlife there. She said that Broad River Blvd. has enough traffic, and this will cause more traffic, which she was trying to avoid by moving there.

Commissioner Harris asked what the increase in traffic would look like. Ms. Bridges said the owner has not presented the Town of Port Royal with any plans for development. In regard to density change, there definitely would be one; it would be between 2 and 2 ⅓ units per acre, and the densest lot size would be a 30' lot, so it would be around 8 units per acre by the time it was netted out

**Charlie Pryor** said he has two properties on Riley Road. He said Shadow Moss is building a road, and the privacy fence and a sharp curve there will create a traffic hazard. He said he's against this and thinks the traffic study should be done. **Commissioner Harris made a motion to approve the annexation of the subject property into Port Royal. Commissioner Semmler seconded the motion. The motion passed unanimously.**

#### **Town of Port Royal – Zoning Request**

Zone 547 Broad River Blvd. The property is further identified as District 100, Map 28, Parcel 100A. The requested zoning designation is T4 Neighborhood Center.

*The applicant is Lady's Island Real Estate Group, LLC.*

Commissioner Semmler asked what happens if they keep this zoned as T1; Commissioner Harris said there's no building on it. Commissioner Harris asked why it should be T4-Neighborhood Center, not a T3. Ms. Bridges said the applicant requested T4, and the applicant realized that's what his neighbors had. Ms. Bridges said there are some other zoning designations, like all the T3's. She briefly discussed T3-Edge, which she said goes by the water's edge. Suburban is a minimum lot width of 75'. The Shadow Moss lots are about 50', she said. **Commissioner Harris made a motion to recommend that the property be zoned T3, Suburban Neighborhood; Commissioner Semmler seconded the motion. The motion passed unanimously.**

### **Town of Port Royal – Zoning Map Amendment**

Amend the zoning map, correcting a mapping error, changing parcels R110 011 000 67B, 73, 68, 69, 69A, 70, 67A, 72, 71, 78, 261, 352, 80, 81, 82, 206 and 427 from T5 Main Street to T4 Neighborhood Center

Ms. Bridges said this is 3.68 acres comprised of multiple properties, just off of London Avenue. Most recently, they were zoned T5 Main Street with the new Port Royal code. T5 Main Street has higher density, mixed-use buildings that accommodate retail, offices, row houses, and apartments along primary thoroughfares in a neighborhood setting. Proposed zoning is T4 Neighborhood Center. This zoning integrates medium-density residential into a neighborhood framework that is conducive to walking and biking. The parcels are classified in the future land use map from the Comprehensive Plan as Walkable Neighborhood in a Controlled Growth Sector. Ms. Bridges showed a map with the surrounding uses. T5 Main Street zoning on Paris Avenue would remain the same. There are no environmental issues to be considered. It's an active block of downtown Port Royal and has been for 100 years, Ms. Bridges said. The building types that are allowed in T4 Neighborhood Center "match better," Ms. Bridges said.

Commissioner Semmler asked if T4 Neighborhood Center meant the bait shop could stay. Ms. Bridges said they are conforming in either designation. Commissioner Semmler said the owner did not receive notice and "has no idea this is going on." He said the owner has been a good neighbor and should be informed. Ms. Bridges said, "The rezoning will be transparent." Ms. Bridges briefly discussed the port PUD. The T5 zoning was a reaction to the lay of the land.

**Sophia Prather** said she owns lots 34-37. She realized there might be a concern for her because she purchased it for an investment. If it's T4, she "won't be able to sell (her) property," she feels. Ms. Bridges said T4 Neighborhood Center would allow a lot of types of specified businesses. Density-wise, she thinks the opportunities would not change. Ms. Bridges discussed the building types in T5 Main Street, and said T4 Neighborhood Center "relaxes that" and "gives the opportunity to spread that out a bit." Ms. Bridges offered to go over the businesses list with Ms. Prather. **Commissioner Howard made a motion to change the properties listed to T4 Neighborhood Center, and Commissioner Semmler seconded. The motion passed unanimously.**

### **Town of Port Royal – Comprehensive Plan Update**

Preliminary presentation and discussion for the state mandated update of the Town's Comprehensive Plan

Ms. Bridges explained the strategy for creation of the formal code. She said, "A workshop is a very good place to start with an update." Her goal is to be done by the end of the year, and she would like feedback from the commission.

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

### **City of Beaufort – Rezoning Request**

Rezoning property identified as District 122, Tax Map 29, Parcels 103F, 233, 242, 243, 244,490, and District 100, Tax Map 29, Parcel 481 (also proposed for annexation). The current zoning of the lots is “General Commercial District.” The proposed zoning is “Highway Commercial District.”

Ms. Anderson said this proposal for rezoning also involves a petition for annexation of one of the parcels. She showed a drawing of the lots, all of which are vacant. They are currently zoned General Commercial and the proposed zoning is Highway Commercial. She showed a zoning map with the current designations, which are a mix of General Commercial and Highway Commercial. In regard to the Comprehensive Plan, staff feels it supports a rezoning.

Parcel 481 – 23 Horton Drive – is zoned Commercial Regional District under the county’s zoning ordinance, which is the most intense commercial zoning in the county code. The proposed zoning is not expected to have a greater impact than the current zoning on the natural environment. They received no public comment in regard to their notice. The biggest difference in uses, Ms. Anderson said, is their auto-orientation, which is more intense in Highway Commercial. In Highway Commercial, all types of office and commercial uses are permitted, including drive-thrus, vehicle sales and service, gas stations and car washes. The property is likely to be more marketable as Highway Commercial because of the wider range of uses permitted, including the vehicle-oriented uses.

Commissioner Semmler said, “I hate to see the auto malls pop up” on this highway. He asked about the properties surrounding the long, narrow property. Ms. Anderson said they are General Residential.

**Geraldine Doe** said she lives on parcel 204, which has General Commercial zoning. She is concerned about the increase in traffic. Drive--thrus could be across the street from her house. Ms. Doe said she doesn’t want to “lose the neighborhood environment.” She sees no purpose in changing the zoning and feels “they can already put whatever they want to” in General Commercial.

**David Tedder** pointed out why it is unlikely that there would be a drive-thru in this area, “though a use or two might be.” On the Lowe’s side of the road, on Highway 170, everything has to take access thru the rear.

Commissioner Semmler said he appreciated the comments; Cross Creek Shopping Center and Staples are on the other ends of the road. He can see all these properties developing, and if they’re “not careful, (they) will have one big strip mall.” Lowe’s is back from the road, and there’s green space there; it’s the same with Publix. He thinks they can have some good things

here without a lot of tree cutting; “to continually change zoning makes a businessman’s life a lot easier,” Commissioner Semmler added. This is what Hilton Head Island did. There are many complaints about a new mall, and “they cut down a lot of trees.” He feels the current zoning is adequate, and they “don’t need to expand it just so we can have another opportunity to put in a McDonald’s.” **Commissioner Howard made a motion, seconded by Commissioner Harris, to annex 23 Horton Drive into the city. The motion passed unanimously.**

In regard to changing zoning from Highway Commercial to General Commercial, Commissioner Harris said, “No one is a giant fan of this development type,” and “Lowe’s was planned.” He thinks the zoning is adequate for what is there. The 23 Horton Drive property doesn’t seem like it belongs as Highway Commercial or General Commercial. With the other parcels, there’s enough frontage and property there that “they could all become a good development.”

Commissioner Howard said, “As they are currently zoned is adequate.” She can’t imagine drive-thru restaurants there now. Commissioner Harris asked, “If these are the businesses that want to come to Beaufort, and they are willing to spend the money to do so, should we make it easier for them?” Commissioner Howard said where Arby’s is, there is a drive-thru, and “there seems to still be a lot of space.” The same is true of where Wal-Mart is. Commissioner Harris asked if, in the Boundary Street plan, “we want it to be more pedestrian and less auto-oriented, and should more auto-centric businesses go there?”

Vice-Chairman Crower said he has some problems with putting Highway Commercial right next to the cemetery. Commissioner Semmler said Commissioner Harris had commented that there have been many stores on the property next to it, “and there’s a huge turnover.” When properties close, they stay empty for a couple of years at least, so the commission should use imagination and not rezone new properties every time someone wants to build a McDonald’s. Vice-Chairman Crower asked if they want to exempt Parcel #481, also known as 23 Horton Drive. It’s been annexed, “so it needs to have some kind of zoning.”

Ms. Anderson said 23 Horton Drive is Commercial Regional under the county zoning, and she believes the general area is zoned the same way. Commissioner Harris asked if they could be denied being Highway Commercial. **Commissioner Howard made a motion to recommend that 23 Horton Drive (parcel 481) be zoned General Commercial District. Commissioner Semmler seconded. The motion passed unanimously.**

**Commissioner Harris made a motion to recommend that the remaining parcels remain zoned General Commercial; Commissioner Semmler seconded. The motion passed unanimously.**

## **City of Beaufort – UDO Amendment**

Revising Section 6.8, “Boundary Street Redevelopment District,” to provide more flexibility in development standards

*Applicant: City of Beaufort Planning Department*

Ms. Anderson said this originated with a request from City Council for the Planning Commission to review the Boundary Street Redevelopment District ordinance. Staff did some research, including convening a focus group; the goal was to make the Boundary Street Redevelopment District Ordinance easier to use and more flexible, and to spur investment by reducing building costs while still maintaining the goals and design intent of the ordinance. Although there hasn’t been a lot of development since 2007 when the code was adopted, this is not only due to code restrictions. Yet it can be improved, and Ms. Anderson said she hopes the changes will do that. **Lauren Kelly** has been drafting the changes.

The Boundary Street Redevelopment ordinance was adopted in 2007, but in 2011 we saw the first major development, and that was McDonald’s. In 2013, they had an application for an apartment complex. There have been some minor developments. A new Starbucks next door to city hall began going thru the development process at the end of 2013, and the Planning Department began to see that there were some issues with the code. Three months ago, Ms. Kelly said, the Starbucks developer, **Dick Stewart**, told them that the two-story building height requirement and the glazing requirements were cost-prohibitive.

They distilled what they had heard into modifications they could feel comfortable with now, Ms. Kelly said, knowing that the streetscape hasn’t yet started but will around the beginning of next year. This has been “a target area for redevelopment for years now” and will be more pedestrian-oriented; the codes are “meant to get the best quality development that can be gotten for this area.” She reviewed the proposed code changes:

1. The appeal process – Appeals are designated to go to the Planning Commission, but staff feels it might be “more accessible” for them to go to the Design Review Board, which is more familiar with this and would facilitate discussion between the applicant and the Board because of the Board’s experience.
2. The SCDOT’s ownership of the majority of the roads – Staff is proposing changes that allow more flexibility in regard to build-to lines for building frontages that currently aren’t permitted in the SCDOT right-of-way, such as colonnades, arcades, and balconies.
3. Two-story building heights – After an in-depth discussion, they decided to propose to eliminate this requirement for the majority of the Boundary Street corridor’s non-residential buildings, but ask that commercial one-story buildings have a 14’ minimum first floor height requirement. A two-story overlay would still be required for buildings at Boundary Street and Ribaut Road and at Boundary Street and Highway 170.

This spurred other requirements to be added, Ms. Kelly said:

4. Frontage requirements – This regulates the percentage of building to be built along the street frontage at the setback or build-to line. Staff recommends that a minimum frontage be a goal with staff administrator flexibility.
5. Consolidated frontage elements – These elements are “how the private portion interacts with the streetscape,” like a porch, a colonnade, etc. They were consolidated and clarified to eliminate confusion, so developers can look in one place for all of the standards.
6. Glazing requirements – Distinguished glazing requirements between commercial and non-commercial buildings
7. Maximum parking requirements, so as not to increase the land devoted to parking, were added to the code, which now has minimum and maximum standards.
8. The drive-thru special exception – This will have minor changes based on the Zoning Board of Appeals’ work.

Vice-Chairman Crower asked what staff was looking for from the Metropolitan Planning Commission tonight. Ms. Anderson said they would need a specific recommendation at some point. Commissioner Howard said she would recommend that the commission have a workshop. Vice-Chairman Crower said, “The pieces appear interconnected,” and he agreed a workshop would be “better than just saying “yes” and “no” to the changes.” Commissioner Howard asked if SCE&G or SCDOT had been met with on these changes, and Ms. Anderson replied, “Not yet.” Ms. Anderson asked if they wanted to do a workshop before the October MPC meeting. Vice-Chairman Crower asked Ms. Anderson if they could do that workshop at the same time as the workshop with Ms. Bridges. They decided that they would determine the date via email.

**Jon Verity** – chairman of the Redevelopment Commission – said he thinks the workshop will be good, and “times have changed” since the Boundary Street District was originally approved. The city has “an enormous investment in Boundary Street,” and they need to have the rules and regulations, which are important, but at the same time, these “need to be looked at thoughtfully,” and “the changes will be welcome.” Vice-Chairman Crower said the meeting would be open to the public.

#### **City of Beaufort – UDO Amendment**

Minimum finished first floor height for new residential construction

Revising Section 6.5.K, “Measurement and Exceptions; Height,” to require the finished first floor of all new residential construction to be elevated a minimum of 18” about finished grade.

Applicant: City of Beaufort Planning Department.

Currently, Ms. Anderson said, new residential development is required to be elevated in the Bladen Street District and the Boundary Street District; in townhouses, in the flood zone, and in

the Historic District, it's usually required to be raised. This is to prevent flooding for slab on grade, which is at risk if it is built at grade. The proposal is to raise the finished first floor of all new residential construction 18" above grade; this is consistent with the new Port Royal and proposed County Form-Based Codes.

Commissioner Howard asked, if someone adds on to an existing house, if they would have to go to the Zoning Board of Appeals. Ms. Anderson said this is only for new construction, and staff would clarify that. **Commissioner Harris made a motion to approve the amendment as submitted, with the addition that this is only for new construction, not an addition to an existing building. Commissioner Semmler seconded. The motion passed unanimously.**

### **City of Beaufort – UDO Amendment**

Revising Section 7, "General Development Standards," to require silt fencing during new residential and commercial construction

*Applicant: City of Beaufort Planning Department*

Ms. Anderson said currently the ordinance has no requirements for silt fencing on smaller construction projects. After recent rains, though, they learned that silt can wash into the streets, and then into the stormwater drains, even on small construction projects. The fencing can be staked fabric, or in areas where there are concerns about trees, hay bales can be used. It is to remain during the construction period, Ms. Anderson said. A construction drive will need to be made with gravel or stone to prevent the tracking of soil.

Mr. Tedder said he has "no problem with the idea," but he doesn't think silt fencing "makes sense." In some places, he believes, "silt fencing won't work." Using it "is going to add \$1000 to a single-family dwelling," Mr. Tedder feels, so "more common sense needs to be written into it to keep dirt out of the gutters," he said. Commissioner Howard said it does say that hay bales can be used, but she worries "it could be arbitrary judgment by the staff." Ms. Anderson said on existing lots of record, the requirement could be waived. It can be tweaked, she said. Planning staff would enforce it initially, and then the building code inspectors, who are in the field, once the building starts.

Commissioner Semmler asked what construction *wouldn't* require silt fencing. Ms. Anderson said any lot where the administrator feels there would be soil disturbance would require it. With an addition of a garage, for example, whether silt fencing was required would depend on the size and location of the project. Commissioner Semmler said he trusted that the Planning Department "would use common sense and do the right things in the right places."

**Commissioner Howard made a motion to adopt the silt requirement, second by Commissioner Semmler. The motion passed unanimously.**

### **City of Beaufort – Update on Council Actions**

- Ms. Anderson said revision to the landscaping and tree conservation ordinance had had a public hearing, and the first reading has been held; September 23 is the second reading, and it's been sent to the development community for their remarks.
- The ordinance in regard to gas station signs will have the same schedule, with a September 23 second reading.
- A public hearing was held on side yard setbacks for attached garages last week, and first reading will be September 23.

## **REVIEW OF PROJECTS FOR THE COUNTY OF BEAUFORT**

**Beaufort County** – “Zoning Map Amendment/Rezoning from Lady's Island Community Preservation (LICP) District & Lady's Island Expanded Home Office District to Planned Unit Development (PUD) for R200 015 000 0051 0000, R200 015 000 051A 0000, R200 015 000 0724 0000, and R200 015 000 0725 0000 (39.09 acres, known as The Village at Oyster Bluff PUD, formerly known as The Village at Lady's Island)  
*Owner: Bennett McNeal / Agent: Josh Tiller*

**Rob Merchant** said the Village at Oyster Bluff PUD on Lady's Island is a 39-acre parcel, and the proposal calls for 114 dwelling units and 5.5 acres of commercial development at the corner of Oyster Factory Road and Sam's Point Road. It is zoned Lady's Island Community Preservation District currently, and the proposed zoning change is from those districts to Planned Unit Development (PUD). In 1996, county council adopted a PUD called Village at Lady's Island with 200 dwelling units. The ordinance required that at the end of 2009, if less than 50% of the lots in a PUD were platted, it would sunset unless council took action, and when that happened, council recommended discontinuing the PUD. The property owner considered other options and worked with the Lady's Island Community Preservation Committee to come up with alternatives, Mr. Merchant said.

They have a Traditional Community plan that allows denser development within 2 miles of the intersection of Sea Island Parkway and Sam's Point Road, such as is found at Newpoint, Mr. Merchant said. The property owner has chosen to do a PUD under the current code, which is in keeping with the basic requirements of the proposed Traditional Community Plan. Mr. Merchant described the parameters of this development. He showed a map of the districts that would be adopted as part of the PUD with modifications. They found the development consistent with Beaufort County's Comprehensive Plan and the city's Comprehensive Plan in regard to the area being compatible with traditional neighborhood developments and urban neighborhoods. It's slightly denser than the types of development in the surrounding residential areas, but is consistent with nearby traditional neighborhood developments.

Staff believes this development is in keeping with the Comprehensive Plans of the city and the county, Mr. Merchant said. The impact on the interior neighborhoods should be lessened. While staff looks favorably on the overall framework, they took issue with some of the

modifications to the draft code and to some of the proposed PUD standards, feeling that they “seemed to water down the traditional neighborhood plan.” They were to have porches, residential lots facing the street, and alley access, rather than alley orientation. There are no specifics about a building or frontage type. Some lots will have street access, and others will have access by the alley. It’s not specifically master-planned.

Mr. Merchant said property owners were concerned about all the backyards facing Sunset Blvd., so they know they need a visual buffer or to restrict access from there, so they recommended that to the developer. The county believes that most of it is consistent with the new code, but they had concerns about some of these elements that they felt needed to be addressed.

Mr. Tedder and **Josh Tiller**, the land planner, spoke. This is “close to year 6,” Mr. Tedder said, “to reinvent the PUD.” They received the staff report when they came in the room, according to Mr. Tedder, and “are at a slight disadvantage.” They have no problem with the buffer, so that “they aren’t looking into someone’s unfinished backyard.” Mr. Tedder said they think they can reach agreement with staff based on previous conversations on all of the points. With Sam’s Point Road being very auto-centric, they don’t want the build-to line to be to Sam’s Point Road. They would like the Planning Commission to provide “a recommendation that the county and applicant reach mutual agreement on the areas of concern as outlined in the September 15 memorandum.” “Huge driveways are not the intent,” Mr. Tedder added.

Commissioner Harris said right away he sees the house backing up to Sunset Boulevard “as a problem,” and “that’s the Achilles heel of Newpoint.” Mr. Tedder said originally it was being built in phases along Sunset Boulevard. Neighbors didn’t want that. That’s why the alleyway is being created: as a concession to the neighborhood.

Commissioner Howard said there appear to be 4 access points to the development. Mr. Tiller indicated the approved access points.

Commissioner Semmler asked Mr. Merchant about the county’s staff recommendations. He read a section about the county’s agreement and disagreement with plans, in terms of their concurrence with code. Mr. Tedder said he “had heard this was do-able,” and the county thinks that at a meeting later this week, they “will be ready to incorporate the level of detail that is missing.” Mr. Merchant said the overall density, layout, etc. falls in line with the Comprehensive Plan, but county staff has concerns about what is built on the lots, and they can change some standards to correct those. “There are no fundamental flaws”; it’s come down to what gets built on the lot, Mr. Merchant said, to make it a Traditional Community as opposed to a typical suburban lot. Commissioner Semmler said this was the first time they have tried to apply the community development code to a housing development, which he said wouldn’t be easy, but he also thinks it can be done and applauded the “effort to make it work.”

Mr. Tedder said they were asking the Metropolitan Planning Commission to endorse the modifications made by planning staff and to offer a recommendation “that the county and the applicant create the requested documents as they have set forth in here before it goes to the county Planning Commission.” They need to be mutually agreeable standards.

**Greg Gallagher**, 143 Sunset, said he “basically has no problems.” There have been people killed and injured on the street because of the traffic, he said. He had concerns about the buffer between Wallace and the proposed property in the past, but it seems to have been eliminated. The buffer doesn’t seem to be a permanent one. Mr. Gallagher said he doesn’t “want a wooden fence in front of me.”

**Donald King**, Sunset Blvd., said “it’s a difficult thing to do.” The total property is relatively small, as are the individual lots, compared to the entire community. The lots will be 45-65 feet. He wants to keep the Sunset Boulevard area “well-done.” He thinks it can work, but the small lot size will be difficult. Mr. King, too, would like to see a buffer on Sunset Boulevard for the developer’s and the community’s benefit. Commissioner Harris said, as they move forward, describing the buffer and how to prevent what the public is worried about will be important to do.

**Nancy King** said she has questions about the setbacks. There’s a 50’ setback on Sam’s Point Road; there’s none on Sunset Boulevard. She said she wants to know what kind of setbacks are involved, the distance between houses, and if “there are limits to that.” Mr. Merchant said on Sam’s Point Road, the PUD calls for a 50’ buffer. In a T3 Neighborhood, there are setbacks adopted: building placement is 15-25’ from the road with a 5’ side yard setback and rear yard setback of 15’. There is currently no buffer on Sunset Boulevard, Mr. Merchant noted. The way the current standards are written, it would be the rear yard setback, which is 15’, and the build-to zone is 15–25’, which will push it closer to the front, rather than to the rear.

The building isn’t close to the road, Vice-Chairman Crower said, “but you might have most anything else.” He asked if the T3 Neighborhood and Hamlet Center were incorporated. Mr. Merchant said that’s in the staff report, but not among the details they were most concerned about. Vice-Chairman Crower said he’s generally leery about recommending something that is 90% finished, but if they can do it – recognizing it will still go to the county planning commission for approval, by which point it will have the difficulties ironed out – he “can live with it.”

Commissioner Semmler suggested recommending approval based on the county’s planning staff’s recommendations and the ability of the applicant to negotiate with that. This is in the city’s growth boundary, and “there’s nothing to be gained by holding it up,” Commissioner Semmler feels. They should “get it going. It will go through other committees and commissions and continue to grow and change.”

**Commissioner Semmler made a motion to recommend the application and the modifications made by planning staff favorably, with the applicant and the county to reach mutually agreeable standards for the items contained in the September 15 staff report, with the changes as suggested by the planning staff; Commissioner Howard seconded the motion. The motion passed unanimously.**

**There being no further business to come before the commission, Commissioner Howard made a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 8:21 p.m.**

DRAFT

A workshop of the Beaufort-Port Royal Metropolitan Planning Commission was held on **October 1, 2014 at 4:00 p.m.** in the first floor conference room of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners James Crower, Alice Howard, Robert Semmler, and Bill Harris, and City of Beaufort planner Libby Anderson, Town of Port Royal planner Linda Bridges, and future Commissioner Carolyn Davis.

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.

### **CITY OF BEAUFORT – UDO AMENDMENT**

**Revising Section 6.8, “Boundary Street Redevelopment District,” to provide more flexibility in development standards**

*Applicant: City of Beaufort Planning Department*

**Libby Anderson** said the Boundary Street Code was meant to create a walkable environment. The project is a \$28 million infrastructure environment. The idea is that Boundary Street will serve the walkable urbanism that the code is designed to create. Staff feels the proposed changes that they worked on, taken together, can achieve that.

**Lauren Kelly** said that the Boundary Street Master Plan and Code were done in 2006-2007, and the goals were to create more walkable, complete neighborhoods, reminiscent of a downtown urban character with a mix of building types and uses and a greenspace network. Since the early 2000s, this area has been discussed as not being the best gateway to the city. Not much has changed yet – just a little in Marsh Gardens – but the city is about to invest a significant amount on streetscape improvements, and they want to encourage development to go hand in hand with this.

One of the first significant projects was the McDonald’s and then the TIGER funds were awarded. Then came Starbucks and then Ashley Point, which is in the building permit process. In mid-July, 303 Associates met with the Redevelopment Commission about concerns about the Boundary Street master plan in regard to Starbucks and other properties in the area, and then staff was directed by council to make it more flexible and easier to use. Local architects, 303 Associates, and staff met in a focus group. Ms. Kelly showed a list of the people at the meeting. They discussed the development community and what is happening in the region and what were potential code modifications. She presented a summary of the development community position: The two-story building requirement is not economically viable; the glazing requirement is not clear; the focus should be on making a successful, vibrant, walkable district.

Developers feel that there is a need for a viable plan that suits the current economy, Ms. Kelly said. They emphasized the need for the right buildings in the right place with the right details, advising planners to set up the urbanism in the best way possible “with what can happen now.”

Ms. Kelly gave examples of other form-based codes in the region:

Town of Port Royal (newly adopted Form-Based Code)

- Two-story building heights required in their most urban districts with a few exceptions
- Frontage requirements – 75% and 90% percent minimum
- Drive-thru are permitted in the most urban zones (conditional uses)

Beaufort County (draft development code)

- Two-story buildings required in their most urban zones
- Frontage requirements similar to Port Royal's
- Drive-thrus in their most urban zones (special exceptions)

Mt. Pleasant/Coleman Blvd:

- Require two stories and permit mezzanines to fulfill the requirement
- Do not allow a false second floor
- Do not permit drive-thru restaurants
- Require 100% of the frontage to be built out except when a curb cut is required

West Ashley (just before Charleston):

- Mostly one-story buildings
- Parallel parking and some trees
- Streetscape to the curb is good, but not great after that.

The current Boundary Street ordinance:

- Requires two-story buildings or mezzanines along its length
- Drive-thrus by special exception
- No minimum frontage percentage build out – building must be 16' wide minimum, but there's no min. frontage percentage, so you could have a 100' lot with a 16' building.

Chairman DeVito asked how the City of Beaufort and also the Town of Port Royal is handling curb cuts. Ms. Kelly said they don't mention it. Chairman DeVito said he doesn't recall seeing anything about curb cuts, and Ms. Kelly said that only Coleman Blvd calls them out. Commissioner Harris asked why this rule is so lenient, and Ms. Kelly said they were just discussing that, and they're not really sure.

Ms. Kelly said they agree with the development and architecture communities in regard to focusing on a great building scape and district and looking at how to do that with one-story buildings. The focus group discussed building height – removing the minimum except at the intersections of Ribaut Road and Boundary Street and Highway 170 and Boundary Street and having a 14' minimum for the one-story buildings. Chairman DeVito asked how the zones would be specified. Ms. Kelly said it's a two-story overlay presently.

The building design discussion included:

- Authentic details and a need to focus on the details and frontage types.
- The percentage of glazing required for windows.
- Shop fronts and a discussion of what can be used if a building is not a shopfront.
- Building disposition – a minimum amount of building frontage – 60-80% for T4 and T5.
- Are drive-thrus in conflict with the walkable environment?

Most of the architects were surprised that drive-thrus were allowed at all on Boundary Street. Commissioner Harris said the drive-thrus at Chick-fil-A and Walgreens were the kinds of drive-thrus that they seemed surprised about – ones that could be seen from Boundary Street. They discussed if the standards need to be beefed up.

The group also discussed the need for a parking maximum. Every other zone has a minimum and a maximum but not Boundary Street. They discussed how much of a parcel could be allotted to vehicles.

Ms. Kelly offered a summary of the conversation points, then a summary of the draft that the MPC had received:

1. Change of the body to hear the appeals process from the Metropolitan Planning Commission to the Design Review Board ;
2. Address SCDOT ownership of the roads – e.g., colonnades that extend over to the right-of-way – they “added flexibility for those things people can’t do” under the current code that the planners want to see on Boundary Street. SCDOT owns the majority of the streets in the whole district, Ms. Kelly said. There’s a zero build-to line and a frontage element is required, so staff can permit the building to be moved back if someone wants one of those elements. In response to a question about streets in the area, Ms. Anderson said that Marsh Gardens has some privately held (not DOT’s) streets. Commissioner Semmler asked what it would entail for DOT to transfer ownership to the city; Ms. Anderson said the cost would probably keep that from happening. The burying of cable, etc. needs to happen – and will with money from the grant – but then it must be maintained once the project’s done. It will need to be resurfaced eventually, and that would be costly for the city if they owned it, and at some point, it will need to be rebuilt. Council doesn’t feel that it’s willing to take that on. Chairman DeVito compared it to Port Royal, and said he thinks this is a good choice;
3. One-story building height except in two designated areas;
4. Minimum frontage goals – The focus group felt that they want a good building with a certain amount of the property built upon;
5. Glazing require clarified;
6. Maximum parking requirement; AND
7. The drive-thru special exception – streamlined.

Commissioner Semmler asked, in regard to the maximum parking requirement, about a slide she had shown that said that a drive-thru would reduce the maximum, and Ms. Kelly said they didn’t do that.

Chairman DeVito said he wanted to discuss the change of the appeals process to the DRB. He said he agrees with it because the MPC deals with the use, not the buildings themselves. There was general agreement that this was a good idea. Chairman DeVito said it's stronger and more organized now (the DRB), and it's more uniform and organized. Commissioner Semmler asked the next step after the appeal – if it went to lawyers – and Chairman DeVito said yes.

Ms. Kelly said in regard to the two-story building requirement, it's geared toward commercial buildings. Commissioner Howard asked about live-work buildings. Ms. Kelly said you couldn't have a live-work building unless it was two stories, and Commissioner Howard said it could be front and back. Ms. Anderson said in that case it would be a commercial building. Ms. Kelly said they could consult the building code, but "live-work is commercial by its nature."

In regard to the frontage goals, staff proposes 60% in the more urban areas and 40% in the less urban areas, which they feel is conservative and could change in the future but is flexible for now. Street types categorize these, Ms. Kelly said. She showed Ribaut Road and the frontage buildout and then compared it to a less urban street where it would be 40%. She said they feel this has benefits to the walkable urban environment and eliminates the amount of gaps and spaces in between buildings, as well as reduces the amount of curb cuts, which makes the streetscape safer and more contiguous. She showed graphic examples of the conditions now, without a significant amount of built-out areas, to demonstrate how the building frontages would help. They really want this to be a goal, she said. If the two-story building height requirement is removed, they really want to have the frontage goals. In addition to the Beaufort County and Port Royal codes, the Lady's Island Village District has also been 60% for years now.

The glazing requirements are distinguished between residential and commercial. Commissioner Crower asked what the issue was with the glazing. Ms. Kelly said a percentage is required by ordinance, and there was also a shopfront type that required 75%, so there was a question of when 40% could be done and when the 75% was required. When a shopfront building type is chosen, they want a substantial amount of glazing. Live-work would be commercial standard on the bottom and residential standard on the top.

**Dick Stewart** said 75% glazing requirement and building two stories affect developers' profits. That much glass combined with the two stories is "subject to seismic requirements," which requires stronger steel frames and the glass is "hugely expensive." The return on investment and the constructability are "a significant problem for us."

**Merritt Patterson** said the city hall building has nowhere near 75%, and he wanted to know "what the end goal is in the glazing requirement," asking rhetorically if it would "achieve the broad goal of economic development" and "what would happen if it were eliminated entirely ... and people who needed it could have it and those who didn't could have less." Commissioner Harris said everyone has the option to do a storefront model or to choose "another frontage that's in the 40% level." If you do a storefront model, you'd be held to 75%. "You don't have to do one or the other," Commissioner Harris said, "but be the one you do." Commissioner Harris

said no one is being forced to do 75%, but you would have to do it if you want to be a storefront.

The ground floor level of Beaufort Town Center is 75%, Commissioner Harris said, and Mr. Stewart said it's 41%. Mr. Patterson said staff is "saying they don't want anything that exists now." Chairman DeVito said the glazing requirements are to make it a more attractive, walkable area, and there's evidence that it works. He used examples of buildings with little glazing like the Rite Aid on Ribaut Road. Chairman DeVito said he was surprised by the 42% Mr. Stewart had cited for Beaufort Town Center. Mr. Stewart said the problem with 75% is that the windows cannot be blocked, and Starbucks has said "they need to close it on the inside to run their business." He said 303 Associates supports 40%, "but no one can recall where the 75% came from." The "tenants will vote (on this requirement) with their feet," Mr. Stewart said.

Commissioner Semmler said there are no windows in the Olive Garden/Red Lobster building. Mr. Stewart said there are. The plan was to encourage the private sector to support walkable streets. In Beaufort Town Center, they have a goal of minimum heights and frontage. The city wants the street to be "anchored," and it is now at Boundary Street and Ribaut Road and Boundary Street and 170. He would have preferred a different kind of building in that space. The restaurants were performing well, Mr. Stewart said, but the Olive Garden is selling the Red Lobsters. "People need somewhere to walk," he explained, "if you want a walkable neighborhood."

Mr. Stewart said Taylor Motors on Boundary Street operates in a mobile home with a car lot and customer parking in the rear. It's 220' wide. If they are told to build a building with a 60% frontage, people won't be able to see the cars. On Bay Street, some of the buildings are very narrow. In the Kmart shopping center there is a 60% requirement; if Mr. Stewart were to build it out, it could be multiple units, and he can't build them all at once. He would like to have "deeper buildings" and "not one store for people to walk by." This is not greenfield development, he said. He supports the infill and the frontage. "We believe it's the right thing to do," he said, but the details of the plan make him "nervous," and he said "the other folks up and down the street will" feel that way, too. They have to submit a survey on stormwater, etc., but if it goes well that will change in 2 years. He wants "language added" because in the next 2 years, while Boundary Street is being built, "there will be a lot of stuff stirred up." They shouldn't require builders and developers to submit a plan based on how Boundary Street is now; it should be based on how it will be.

Mr. Stewart said 1100 parking spaces were required at Jean Ribaut Square, "and now instead of it being the minimum, it's affected by the maximum." They will have to reduce the amount of parking with redevelopment. Ms. Kelly said if it's an infill situation, "you can infill the building, not tear up the parking spaces." Starbucks is an infill, she added. Mr. Stewart said they want to encourage people to invest, so they "should make it easy" for the developers. He would rather people walk past 6 stores that are 25' wide, not one store that's 100'. Mt. Pleasant has "run-away development." He doesn't fear that with Boundary Street, though.

Chairman DeVito said in regard to the maximum build out, he doesn't believe that the entire front of Taylor Motors has to be built out in one shot. A single structure that doesn't cover the 60% leaves the other space for future development: "The other land doesn't become unbuildable." It's phase-able. Chairman DeVito went on to say that while it doesn't have to be 160' of frontage coverage now, but "you have to be able to show that you can go the whole way" and not build a stormwater pond over half of it, for example; that's how he understood it. Commissioner Harris said without requiring a master plan for that parcel, Mr. Stewart feels like he would be held to that. Mr. Stewart said he's OK with the level of detail, but he's "not OK telling the guy at Taylor Motors" that "by the way, someone, someday, somehow" will tell him that they have to get the engineering and survey work done, because "he will say, "Hmm, I think I'll keep what I have." He won't want to do that. Mr. Stewart thinks it's enough for the developers and owners to tell the city what they want to do and not be required to spend \$4000-6000 on engineering. Mr. Stewart would like the trailer at Taylor Motors to be moved, and for the owner to build a little office and lease out a space next to that; he'll get a banker, and be bringing in the money from the building he's leasing, and have a better chance of people walking by the building stopping in, then he would be a good advocate "for the next guy on Boundary Street. Ms. Davis asked, "What if he only wants to lease a little spot and put cars in there?" Mr. Stewart said he can't do that, but the issue for Mr. Stewart is that the Taylor Motors owner shouldn't have to pay for plans. If he's "making money on the additional space he's leasing, it won't be difficult to get him to build more. What they don't want is for him to "stay like he is." It's an infill site, Mr. Stewart added.

Mr. Stewart said he wants someone to say that he doesn't have to reduce the number of his parking spaces. He said he "is punished" when he wants "to build a park." He asked repeatedly for that to be a statement in the Redevelopment District, no one will lose parking.

In regard to two-story buildings, Mr. Stewart said there's second story space available in Beaufort Town Center and City Hall. If the city requires Sgt. White's to build a two-story building, a commercial elevator costs \$200,000, and it's also \$500-600 in monthly expenses. "People resist building those buildings," Mr. Stewart said. If they get more people walking and customers for the businesses on Boundary Street, they will get people building two-story buildings, he feels. "We would like you to consider whether you want to say, 'Don't build here when there are so many other places you could build,' including down on 170 and make 170 look like 278."

Ms. Kelly said they tried to incorporate the frontage build out language by calling it a "concept plan," which is a general layout of where buildings can be and doesn't require an engineering plan. Commissioner Harris said he was thinking of that or "a default to the plan that is established." "But not doing something that precludes that from happening," Ms. Kelly added. "That's our goal." Commissioner Harris said in regard to the process with the planning office, "the plus seems to be to use the logic for these things." He feels the word 'concept' is fine; they can say that they "don't have to require a site plan and all that," but they will need to know where the water is, for example. Mr. Stewart suggested it be to the level of detail that is in the Boundary Street Plan. He said people aren't interested in the plan and "feel like you're doing

something to them.” He believes that planning staff should want to “establish a level of confidence in people” and not have them “feel like they have to go to the city to see how they’re feeling today.” Mr. Stewart predicted that if they require two-story buildings, they would only attract bats to the second floors.

In regard to the maximum parking requirement, Mr. Patterson asked what happens if a business needs more than the amount that is in the code. Ms. Kelly said the numbers are based on generally accepted standards in the county. 140% of the number you need is the maximum, so if you need 10, you could do 14. The area adjacent to the Atlantic Inn is a large greenfield parcel that can develop in a number of different ways.

Chairman DeVito said it’s clear that existing parking does not have to be removed. Mr. Stewart said “what infill is” needs to be defined. Commissioner Harris said it says this maximum would apply “on sites that already contain parking.” Chairman DeVito said adjacent parking spaces can be counted, and that’s in the ordinance now. Commissioner Harris said it’s a maximum, not a minimum, so you wouldn’t be held to do less, even as an infill.

Chairman DeVito asked Mr. Stewart’s specific concern. Mr. Stewart said he’s concerned about the people who aren’t in the room whom they want to entice to the redevelopment district; he wants to know specifically which lots on Boundary Street will require a maximum limit, because “people will feel they have to come down to City Hall and ask,” which He believes is a problem because “the folks out there are suspicious of City Hall” and “believe for some unknown reason that it’s hard to get stuff built.”

Mr. Patterson said, “We have tried to press the Huddle House people to renovate and reopen” the restaurant. He said “the franchise guy and corporate want to do it,” but they don’t know what the requirements will be so it would be better to tear out the building and build a new one because it would be easier than getting “into compliance with whatever the rules are.” Mr. Patterson said this comes from “the corporate guy,” who “has no income and no way out, and there’s the perception and the reality.” He compared it to the architect at Wendy’s (which closed after a fire and hasn’t reopened) who said they were going to do repairs and reopen but “in 5 months, nothing has occurred.” Chairman DeVito said, “None of that is infill construction.” Mr. Stewart said, “All these folks are so nervous about doing business. That doesn’t encourage the folks who we want to come in” to do infill. Ms. Anderson asked Mr. Patterson to have the Huddle House corporate people call the staff so they could help because staff has not been contacted. Mr. Patterson said that “they’re afraid to talk to you...there’s all these rules...” Mr. Stewart said he could provide “a list of people who will never do business in this city again because of the way they’ve been treated.” Corporate investors from out of town, he said, “came, they were abused, they left, and they’re not coming back.”

Chairman DeVito said he thinks that’s sad about Huddle House, and maybe staff should call them, but that’s not the subject. He doesn’t know how to fix that. He agreed with Mr. Stewart that the definition of infill is what is missing. Mr. Stewart said if every lot on Boundary Street

that's vacant were an infill lot, he'd be happy. Chairman DeVito said it might be the properties that front Boundary Street. Ms. Anderson said staff would look at it.

Mr. Patterson asked about renovating existing vacant spaces. Chairman DeVito said that would be a DRB matter. Ms. Anderson said the ordinance has a section on non-conformities, and she thinks it's if the improvements are for over 50%, they "need to see how it came into compliance." Mr. Patterson brought up Wendy's again, and Chairman DeVito said, "There's been no denial to do work; they have chosen not to do work."

Commissioner Semmler said whatever plan they come up with, he wants places like the Sea Eagle Market to stay. Taylor Motors "adds a little bit of Beaufort to the street" as does the ABC store next to Outback. With everything they are doing, Commissioner Semmler said, they tell "people everything they have to do," and he gets "frustrated with overplanning." He said Mr. Stewart had said that people get frustrated with the planning process and the bureaucracy, and they have a chance to clean it up and take out some of the fogginess. He thinks that people should be invited here and "told that we want them to invest." Mr. Stewart said he would take a banker, a builder and an architect with him and go to every business on Boundary Street "if you will simplify the plan."

Chairman DeVito said he didn't see "a section on non-conforming," and Ms. Anderson said it might not be its own section. Ms. Anderson said it's definitely for improvements over 50%. Ms. Kelly agreed that it might not be called "non-conforming."

Ms. Kelly found the 50%/non-conforming section and put it up on the screen. Ms. Anderson said repairs after a fire are not modifications, if they put back what's there. If they add something, change the roof, etc., it counts as an improvement, but putting back what was already there is *not* an improvement: it's a repair. McDonald's, which Mr. Patterson had referred to earlier, had a plan for renovations that went beyond 50%. Ms. Anderson said they could clarify in the code that this does not include repairs.

Chairman DeVito said they should discuss 1.5-2 stories. Ms. Davis asked the purpose of the two-story buildings. Chairman DeVito said "aesthetically" and owing to "human nature...taller buildings slow people down and calm you down," which is proven. One side of Boundary Street will have marsh, and the other will have tall buildings. It "brings the area in and makes it feel smaller." It fits more in the area, he said, but do they need it to spur growth? Or do they need a modified plan? Commissioner Semmler said in Port Royal, he hates the building complex that Carolina Wings is in. He compared it to Sarasota, where, at any given time, the area is packed, and there are homes behind it. He sees nothing wrong with "a Talbots-style building." Mr. Stewart said Talbots is 24' tall. Commissioner Semmler said City Hall is prominent, and two-story buildings across the street from it "will look terrible," he feels. Mr. Stewart said 24'-28' in the Marsh Gardens PUD is required because vehicle traffic responds like Chairman DeVito had said, and it makes people/pedestrian traffic feel like they're in a more comfortable urban setting. They will invest in a two-story building to make people feel that, whereas Sarasota can do it with one-story buildings. In Port Royal, the problem with the building Commissioner

Semmler referred to, Mr. Stewart feels, is that “the intersection is 98’ across,” and “it feels like you’re taking your life in your hands” crossing it? To make it feel like a city, they have to make people and traffic slow down.

Mr. Stewart said if people are moving up and down Boundary Street, and “the economy is such that people want to use” and live in a walkable area, they “can avoid a cost of a car, which is today about \$1000 a month for the least expensive, by living and working in the same area, people will build” two- and three-story “buildings as those make sense.” Commissioner Harris said intersection size and street widths, street trees, sidewalk widths, etc. all contribute to making people feel more comfortable. It’s possible with 1.5 stories, but 2 are better. If you’re interested in building a two-story space, you can put your building in one of the anchor intersections. He feels like doing so “should be incentivized.”

Chairman DeVito asked what is meant by 1.5 stories. Ms. Kelly said they’re specified in residential spaces with a dormer that’s not fully built up. On Boundary Street, they propose a one-story building with 14’ height, so it’s 16-18’ on the street. Ms. Kelly said they feel the special intersections “deserve a little more time...until the economy or the development demand catches up.” If someone wants to put in a one-story building there, though, they can go to the DRB. Chairman DeVito told Mr. Patterson that there’s an appeals process: if you want a great designed building that wants to go in at 1 story at one of those intersections, you go to the DRB. Chairman DeVito said Mr. Stewart “would like to do a mass that *appears* to be two stories.” Mr. Stewart said that’s where they should start. For the next 2 years, they should make it easy for people to put up what they want. He feels certain he could talk people into building more if they can build what they want to build now.

Chairman DeVito said in Sacramento they had gone into a 150-year-old building with 19’ tall ceilings that had been converted into a restaurant. He asked the commission to consider if something like that could be developed now, by saying that mass has to be there. He likes the idea of the taller anchor buildings on those corners, he said. He asked if they should say it has to have a height requirement or that it has to have 2 stories. Commissioner Harris said the Marsh Gardens PUD requires 24’-28’; “that gets done what needs to be done.” If he were building a 28’ building, he would have a two-story option. Mr. Stewart said that happens: 303 Associates is selling a building that is 24’ (or 28’) and 1-story; the buyers needed the space, so they’re putting in a mezzanine, so it will be the equivalent of a two-story building.

Ms. Anderson said there was concern about this kind of building as to how the upper part would be articulated. If it’s not a second story but is to *read* as a second story, how is that going to be articulated? Commissioner Harris said they could control the architectural elements. Ms. Anderson said, “If we have to say that, then we’re not being friendly...it’s not predictable.” They get back to seeming “too subjective.” They want to be clear, she said. They can do this, but they want it to be unambiguous. Commissioner Harris said the exterior requirements don’t change, but it may have a second floor or not, as when it’s being built for a tenant such as the one Mr. Stewart had told about. Ms. Anderson asked what the extra area would look like if it’s *not* two-story but *looks* two-story. Commissioner Harris said the overall concept is that there will be

more height at the intersections, and they will see more density, which is the goal. Ms. Anderson said that they could look at that. Chairman DeVito recommended looking at the Marsh Gardens PUD. Commissioner Harris said these “aren’t for people who want to do buildings that will be seen in 100 years”; they are to determine the minimum that is acceptable. The new State Farm building “goes well beyond the minimum,” he added, “but that’s someone who wanted to do more than the minimum.”

Chairman DeVito said they needed more conversation in regard to the glazing requirement. Commissioner Howard said the new seismic requirements are relevant. Chairman DeVito said he’s a fan of a lot of glass.” Chairman DeVito said if he can see what’s in a store, he might go in, but not if he can’t see what’s there. Mr. Stewart said he builds spec buildings and does not know what it is going to be when he builds it. They build “the most marketable building we can.” They got “caught” building a coffee shop (Starbucks). If its part of a Form-Based Code, he asked, “how do you decide the type (of building) that goes in various places?” He thinks it could be confusing for “the unsophisticated person to walk up and say, ‘We’d like to build something. What kind of building (do) you think we ought to build?’” Even a “pretty good architect...ended up in that 70% 2-story quandary.” Mr. Stewart said he, too, would like to see a lot of glass on Boundary because he wants “to see people walking up and down that street.

Ms. Kelly showed the glazing requirement: 40% transparent material on commercial buildings or floors fronting the street for each floor under the roofline. The shopfront comes in to play in the frontage standards. The ordinance has a number of different options for frontage standards, which are common in this kind of code. Some frontages include a colonnade, arcade, or balcony – the purpose is “to provide enclosure and to activate the façade.” She showed the storefronts, which have structural elements like expansive windows; the entries can be different types. They have expression lines, transoms, etc. They outline the components of a particular building type, Ms. Kelly said, and that’s where the 75% glazing for a shopfront comes from – “from looking at traditional architecture and the kinds of structures they needed to have.” It’s not an arbitrary number; “it’s been in there since the beginning.” Other ordinances say “a substantial amount of glazing,” she said. The idea is that a building with a shopfront concept “should be articulated in an authentic way,” but if no use is known, Mr. Stewart or another builder/developer should build a type that requires only the 40-50% glazing: “don’t go with the shopfront.”

Chairman DeVito said he thinks ‘substantial’ is a good word. Mr. Stewart asked if it will be 40% or ‘substantial,’ and Chairman DeVito said, “It depends on what you’re going to do...If you don’t know, do the 40%.” The amount of glazing required on a shopfront, though, is substantial. Ms. Kelly said a shopfront is “a specific thing.” Not all stores have a shopfront; it’s an industry word. Commissioner Harris said as a designer, if he knew he was designing a spec building, he’d avoid the shopfront type of frontage. Ms. Kelly said that it doesn’t mean a store couldn’t go in another building type. Commissioner Harris said if the use were unknown, he would go with the design requiring 40%.

Mr. Patterson asked about the floors being 18" above finished grade, and he asked if it would apply to this district or not; Ms. Kelly said it already does apply by ordinance and explained the specifics for residential and commercial buildings. Ms. Anderson said there has been a lot of surface flooding, and 18" of elevation can prevent that from happening. That's what Port Royal and the county are requiring. Mr. Patterson said, "Shadow Moss would be illegal under that requirement." Ms. Bridges indicated that was correct. Mr. Stewart said in the Marsh Gardens PUD, they did that so "windows and porches (were above grade) so you get the interaction." Chairman DeVito pointed out that there's an aesthetic component as well, to allow people to look in the windows as they drive. Ms. Anderson said it's meant to protect people. Mr. Patterson said that the regulation "will add \$4000 per house," so they should "stop talking about that affordable housing thing and we'll go this other way."

### **Town of Port Royal – Comprehensive Plan Update**

Preliminary presentation and discussion for the state mandated update of the town's Comprehensive Plan

Ms. Bridges said she was going to present updates to the comprehensive plan and detail where they are in the process with various "strategies" in the document. Ms. Bridges read through the strategies, which she said were the only changes made to the comprehensive plan. Ms. Bridges said the direction is to develop a master plan and that hasn't been done; there's some implementation but no master plan to go with it. It needs its own plan, and that's the direction they were given, so she's labeled it as "implementation."

A discussion ensued when Commissioner Semmler recommended that there be rewording in regard to possible "unintended consequences" of the phrase "affecting lower income people." Commissioner Semmler had concerns that this would be "disenfranchising them." Commissioner Howard said they are "trying to say that they are not going to gentrify." Chairman DeVito noted that it's in a section about building neighborhood plans. Commissioner Semmler said it should be the same for everyone, whether it's about a rich or a poor neighborhood. Chairman DeVito said, "A certain group of people come, they make plans, and it pushes out the people who didn't come to the meeting." The purpose of the phrase was to maintain the idea of remembering everyone in the neighborhood, not just the ones who come to the meeting. Commissioner Harris recommended changing to "displacing other residents." Chairman DeVito said Ms. Bridges could play with the wording. Commissioner Howard said "gentrification" covers it, too.

Commissioner Semmler mentioned to Ms. Bridges that she should capitalize "Naval Hospital."

Chairman DeVito said, "Public education is the only piece that's missing" in the Annexation section. Ms. Bridges said she'd reword it and follow Commissioner Semmler's suggestion of adding, "continue to." Overall, Chairman DeVito said, "So much of the plan is done."

There being no further business to come before the commission, Chairman DeVito adjourned the meeting at 7:07 p.m.

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **October 20, 2014** at 5:30 p.m. in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners James Crower, Alice Howard, Robert Semmler, and Bill Harris, and City of Beaufort planner Libby Anderson, Town of Port Royal planner Linda Bridges, and county planner Rob Merchant.

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 meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

**Commissioner Crower made a motion, second by Commissioner Howard, to postpone acceptance of the minutes because the commission did not receive them in time for review. The motion passed unanimously.**

### **REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL**

#### **Comprehensive Plan Update**

Adopt The Town of Port Royal Comprehensive Plan Update 2014

Ms. Bridges said that the existing Comprehensive Plan goes forward, but this is “a prequel to it” and “will be published in the same way.” It updates certain relevant parts and will be used for the next 5 years. Chairman DeVito said he had gone through it and felt she had covered the commission’s input that was given in the meeting and workshop.

**Reed Armstrong** said he hasn’t seen the 5-year update but proposed that they consider the county’s Comprehensive Plan and include a “place type map,” including some of Port Royal, which he feels should be in the update, in the “Future Land Use” portion. In the “Natural Resources” element, Mr. Armstrong said, Sea Grant has been conducting studies and is completing their recommendations on that, so he suggested including an “adapting to sea level rise” section. The final recommendations will come from Sea Grant at a meeting next month.

Ms. Bridges thanked him for mentioning the Sea Grant effort and said they will address it – in regard to the place type map matching the county map, the future land use map, and their growth boundaries, there have been planning meetings among the city, county, and Town of Port Royal planning departments to look at the growth boundaries and the future land use maps. As staffs, they are “trying to find a way to begin the conversation.” At the last JLUS (Joint Land Use Study) meeting, she said, they thought the Northern Regional Planning Committee might be the place to bring that forward. They will be bringing up “stronger mapping ideas over the next year,” Ms. Bridges said.

Commissioner Semmler said the growth map is one of the strengths of the triad comprised of the City of Beaufort, the Town of Port Royal, and the county. The flexibility among the departments is one of its greatest strengths, and he feels there may be a way to work around including one “permanent” map that then needs to be revised every 6 months.

Ms. Bridges said the Planning Commission would be adopting the update, not recommending it. **Commissioner Semmler made a motion to adopt the 2014 update to the Comprehensive Plan. Commissioner Harris seconded the motion. The motion passed unanimously.**

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

### **City of Beaufort – UDO Amendment**

Revising Section 6.8, “Boundary Street Redevelopment District,” to modify minimum building height, clarify transparency requirements, add minimum frontage requirements, and make a number of other revisions to streamline the design review process.

*Applicant: City of Beaufort Planning Department*

Ms. Anderson said since the commission has had a presentation, this presentation would focus on the *changes* that have been made to the Boundary Street Code since their work session.

1. The minimum requirement of a two-story building – In the code currently, two-story buildings are required everywhere in the district, especially on Boundary Street itself. Staff felt there was justification for being more flexible about this and to have it just be a requirement at the intersections of Boundary Street and Ribaut Road and Boundary Street and Robert Smalls Parkway. They have now rethought that and are going with a requirement at those intersections for the *mass* of a two-story building – has the appearance of 2 stories but needn’t actually be 2 stories – at a minimum building height of 24’. So at those 2 intersections, a tall building, but not a two-story building, is required.
2. The minimum building frontage requirement – Currently, if a lot is 100’ wide, a 60’ building frontage width is required. However, there arose a question of a large parcel with multiple buildings on it; it is harder to calculate if each building is not on an individual, dedicated lot. So staff has added a definition of a conceptual (or illustrative) site plan. It need not be engineered or fully to scale, but it should give “an idea of how it will be built out over time.”
3. Maximum parking requirement – This is citywide and limits the amount of parking that can be required on a lot to 140% of the available needed spaces. To provide and ensure flexibility, staff gave a definition of an infill project. On an existing developed site on which buildings are added, removing existing parking will not be required.

Commissioner Howard asked if there were any undeveloped land in this district. Ms. Anderson said there is some behind the Atlantic Inn.

4. Non-conforming structures – There's a section in the code in regard to a limit on the amount of investment on a non-conforming structure that can be made without bringing it into compliance. An addition, major renovation, putting on a second story, etc. would put it over 50%, so the owners would have to bring it into compliance. This was not in its own section, Ms. Anderson said, so staff pulled it out and made it clear that repair and replacement in-kind does not count toward the 50%.

Chairman DeVito confirmed that post-fire repairs to Wendy's would not count toward the 50% if they were to put the walls back in the same place they were before the fire, etc. Ms. Anderson said that was correct. Chairman DeVito said that's what he was reading, and he thought that was correct.

Commissioner Harris said in regard to infill development, it could also say "or predominantly surrounded by a lot that has been previously developed," even if it's not been built on. Ms. Anderson said what he's referring to is talking about not having to remove existing parking. It's applicable when the parking is already there, and it is grandfathered in, so they wanted to clear up any misconceptions people may have about the requirement.

Commissioner Howard asked if they could go over the drive-thru changes. This came out of the Zoning Board of Appeals' (ZBOA) review and the decisions on the two drive-thru facilities that they have had before them. Ms. Anderson said, "The site should dictate the stacking." Therefore they have removed the limits on the stacking lane; a restaurant with a drive-thru window will need an order board, so they allow it now automatically. Ms. Anderson said the stacking lane and the menu board should not be visible from the street.

**Dick Stewart**, 303 Associates, thanked staff and the Metropolitan Planning Commission for the process and the progress that's been made. He said he wanted to clarify something and asked for the section to be shown about two-story buildings and mezzanines (6-73). He is concerned that it be stated clearly that mezzanines are not required. Ms. Anderson said that's the intent, and they would look at it and ensure that it's clear. **Commissioner Harris made a motion to recommend approval with the stipulation that staff clarifies in the code that a mezzanine is not required. Commissioner Howard seconded. The motion passed unanimously.** Chairman DeVito thanked Ms. Anderson for her work and the process they used to get here.

#### **City of Beaufort – Update on Council Actions**

Ms. Anderson said City Council has a workshop on the Boundary Street Code the following day. In the September meeting, the Planning Commission had considered the rezoning of an area of Highway 170 from General Commercial zoning to Highway Commercial. A public hearing was held in council on this matter on October 14. Staff recommended that the frontages on Highway 170 be Highway Commercial for 500' back. Commissioner Semmler asked if that was on both sides or just in front of Lowes, and Ms. Anderson said it's on both sides. An opaque

screen is required, and the Design Review Board (DRB) can require 50' of buffer in addition to the screen as a starting point. A drive-thru restaurant might need the whole screen, but another store might not. Commissioner Semmler asked about Zaxby's and if they have to comply with the regulations; Ms. Anderson said they are built already, and she's unsure of the regulations at the time the building was built. Ms. Anderson said this will be on council's agenda for a first reading on October 28.

In regard to the ordinance requiring new residential construction to be 1.5' above grade, council had asked that the ordinance amendment be sent to contractors, architects, etc., so it's gone out to various professionals, Ms. Anderson said.

In regard to the requirement for silt fencing, council had asked for it to go out the building industry for feedback, Ms. Anderson said, so that was sent to contacts in that industry for review.

Chairman DeVito offered an update on the Spanish Moss Trail: There were 2 bidders on the area known as Sector 5 – from Depot Road to Burton Hill Road – and the cost is slightly above the grant amount, so they're working with DOT and the state because they're supposed to have 3 bidders. Because they don't, they can't negotiate, so they are trying to get it approved. It's not in the county approval process yet, Chairman DeVito said; it's gone back to the state. Commissioner Howard asked what the grant was; Chairman DeVito said it's a piece of the TIGER grant that they have had for 2 years, and now they're "on hold" again. He went on to discuss working with the port authority on the section in Town of Port Royal. He said they're working on a pocket park and "something interesting." Commissioner Crower said he had heard there would be a crosswalk. Chairman DeVito said it's based on the design approved for Highway 170, and it will have a push button pedestrian crosswalk.

**There being no further business to come before the commission, Commissioner Semmler made a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 6:05 p.m.**

# MEMORANDUM

**To:** BEAUFORT–PORT ROYAL METROPOLITAN PLANNING COMMISSION  
**From:** Linda Bridges, Planning Administrator  
**Subject:** Amend Various Articles of The Port Royal Code  
**Date:** November 17, 2014

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Staff is submitting the following amendments to The Port Royal Code.

- Amend Article 3, T 3 Sub-Urban, T 3 Neighborhood, T4 Neighborhood Center, T 4 Urban Center, and T 5 Main Street. Add the following language under Building Placement; Miscellaneous:  
The Administrator may grant exemptions to the maximum setback requirements to avoid trees with calipers greater than eight (8) inches. The exemption could only be granted with a certified arborist's viability report of the subject tree(s). This is language that was in the Traditional Town Overlay District Code and I feel that it would be appropriate to bring it forward to the new code.
- Amend Article 5, Section 5.4.20, Gas Stations.  
**The Proposed change is to delete the limit for the number of pumps allowed.**  
Considering the strict design criteria, the limited zoning districts available to the gas station use and the further limitation of no more than one per block, no more than two per intersection, it may be that this pump restriction is not only not needed, but may prove to fetter market forces to the extent of being deleterious at a regional perspective. It could have the effect of adding more stations to our community.
- Amend all T-zones with a requirement for a minimum façade within the façade zone. Following the research just completed by the City of Beaufort, with regard to the Boundary Street design requirements, I am proposing to change the minimum façade in the façade zone in T3 Neighborhood, T4 Neighborhood Center, T4 Urban Center and T5 Main Street to:

Front	40% minimum
Side Street	20% minimum

  
The existing standard is:

Front	75% minimum
Side Street	50% minimum

**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, Planning Director**

**DATE: November 12, 2014**

**SUBJECT: Revision to Marsh Gardens Planned Unit Development Ordinance**

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303 Associates has submitted an application (attached) to amend the Marsh Gardens Planned Unit Development (PUD). The Marsh Gardens PUD was adopted in January 2001. In February 2011, the PUD was amended to add an additional parcel to the PUD located at the corner of Greenlawn Drive and Pearl Street, and to revise the design standards to add a new lot type that addresses the Boundary Street frontage and facilitated the development of the Olive Garden building.

The original PUD permitted a 125 room hotel, a 9, 000 square foot meeting center, 142,5000 square feet of commercial development, and 24 residential units (see attached Regulating Plan dated December 2000). The developer, 303 Associates, is now proposing to amend the PUD to:

- delete the meeting center from the development;
- add additional residential units to permit a total of 60 units in the PUD;
- revise the master plan (map) to reflect the current proposed plan; and
- clarify that the term “mixed use” includes residential uses.

Staff recommends approval of the proposed changes. Marsh Garden is in the Boundary Street Redevelopment District. Residential uses, particularly multifamily units, are strongly encouraged as a means of supporting current and additional commercial development in the Boundary Street corridor. In today’s parlance, the term “mixed use,” as in a “mixed use building,” means ground floor commercial uses with residential units on one or more upper floors. Permitting residential units on Lot Types A/B in the master plan, (designated as “Mixed Use”), is appropriate, and in fact, the Burnside Building, located on Burnside Drive in the PUD, has seven upstairs residential units.



# APPLICATION

**\$ PAID**  
10/22/14 CR

City of Beaufort  
Department of Planning & Development Services  
1911 Boundary Street  
Beaufort, South Carolina 29902  
Phone (843) 525-7011 / Fax (843) 986-5606

Application Fee \$400
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Revised - August 2010

**APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE AMENDMENT**

OFFICE USE ONLY: Application #: ZA14-12 Date Received: 10/21/14

Applicant: 303 Associates, LLC

Phone #: (843) 521-9000 Fax #: (843) 379-9545

E-Mail Address: ctw@303associates.com and dstewart@303associates.com

Address: 2015 Boundary St, Suite 300  
Beaufort, SC 29902

List sections of Unified Development Ordinance proposed to be changed: This is an  
amendment to the existing Marsh Gardens PUD.

Reasons for requesting amendment: See attached

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

Applicant signature: Courtney Nance Date: 10/21/14

**MARSH GARDENS PUD AMENDMENT**  
**October 2014**

This amendment to the Marsh Gardens PUD is intended to reflect changes in the local conditions, support the Boundary Street Redevelopment Plan as approved by the City of Beaufort, and provide for phasing development to meet market demands as encouraged by the City's 2009 Comprehensive Plan.

A hallmark of the original Marsh Gardens PUD was a Meeting Center. At the time the PUD was drafted and approved (2000/2001), conventional wisdom was the City of Beaufort required a meeting and conference facility. Feasibility studies conducted since that time have determined a meeting and conference facility of the size contemplated by the PUD would not be supported by the Beaufort market. However, there is a desire for more residences within the City of Beaufort. As such, we propose replacing the space allocated for the Meeting Center with residential space.

The PUD shall specifically be amended as follows:

1. Lot Type C (Meeting Center), and its associated permissions (.60 acres gross lot area) shall be deleted.
2. The original Marsh Gardens PUD provided for some residential (Lot Type D). Given the elimination of the Meeting Center and the market demand for in-town housing, additional residential shall be added to replace the Meeting Center build-out.
3. Lot Type D (Residential with internal parking) shall apply to Parcel B and a portion of Parcel C in a general configuration as shown below on the conceptual site plan.
4. This shall provide for 3.0 acres / 60 residential units.
5. Lot Type A/B – Mixed Use, shall be clarified so that residential may be a permissible use on upper stories.



**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: November 12, 2014**

**SUBJECT: Status Report on City Council Actions**

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**UDO amendment revising the Boundary Street Redevelopment District Code** to modify minimum building height, clarify transparency requirements, and add minimum frontage requirements. First reading of the ordinance adopting the changes was held at the October 28 City Council meeting.

**Rezoning 7 parcels of property (annexing 1) in the Robert Smalls Parkway Corridor, from General Commercial District to Highway Commercial District.** First reading of the ordinance adopting the changes was held at the October 28 City Council meeting. The ordinance rezones the Robert Smalls Parkway frontages to Highway Commercial District to a depth of 500'; the remainder of the property stays zoned General Commercial District. The property at 23 Horton Drive to be annexed is proposed to be rezoned General Commercial District.

**UDO amendment revising Section 6.5.K to require all new residential construction to be elevated 18" above grade.** First reading of the ordinance adopting the changes was held at the October 28 City Council meeting.

**UDO amendment revising Section 7 to require silt fencing during new construction.** First reading of the ordinance adopting the changes was held at the October 28 City Council meeting.

Please contact me with any questions on this information.

Thank you.