

CITY OF BEAUFORT - TOWN OF PORT ROYAL JOINT MUNICIPAL PLANNING COMMISSION

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MINUTES

JOINT MUNICIPAL PLANNING COMMISSION

June 14, 2010, 5:30 P.M.

Municipal Court Building – 1901 Boundary Street, Beaufort, South Carolina

Members Present: Joe DeVito, Vice-Chairman, James Crower, David Lott, and new member, Alan Dechovitz.

Members Absent: Darryl Owens

Staff Present: Libby Anderson, City of Beaufort Planning Director, Linda Bridges, Town of Port Royal Planning Administrator, and Julie Bachety, Recorder.

I. Call to Order:

Mr. DeVito, Vice-Chairman, called the meeting to order at 5:30 P.M. and led in the Pledge of Allegiance, since Mr. Laing, Chairman, as resigned from the Board.

II. Review of Projects for Town of Port Royal:

- A. Town of Port Royal – Rezoning.** District 100, Map 33A, Parcels 22, 26, 27, 53, 54, 55, 56, 61, 122, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172, approximately 11.92 acres located on Savannah Highway and Parris Island Gateway, between Shell Point Road, Walnut Street and Hickory Street. This rezoning is the result of a request to annex into the town. The proposed zoning is Mixed Use-1 and General Residential with the Shell Point Neighborhood Overlay District.

Linda Bridges, Town of Port Royal Planning Director, presented her staff report. The site is currently undeveloped. The parcel is currently zoned Shell Point Neighborhood Commercial Preservation/Residential under Beaufort County's Zoning and Development Standards Ordinance (ZDSO). The parcel is included in The Future Land Use Map in Appendix D. The property borders two Growth Sectors and borders a third. Some of the property is covered by the Restricted Growth Sector (G-1). Letters were sent out to property owners within 400 feet of

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the property being rezoned. Leadership of The Shell Point Neighborhood Association has also been notified of the annexation request. Ms. Bridges went over the history of this request stating that it has been presented to Town Council several times and eventually council voted to deny the request.

Steve Andrews of Andrews Engineering was present on behalf of the owners, Shell Point Investments, LLC and Edwin W. Pike, Jr. Trustee. Mr. Andrews said he is here again because the property is identified as the growth area of the Town of Port Royal. He referred to Page 11 of the Comprehensive Plan. He said the owners want to be pro-active in the rezoning classification. He said we're back to the basics using the Comprehensive Plan and the current ordinance for guidelines. Mr. DeVito asked Mr. Andrews if he is willing to honor the lines on the plans submitted. Mr. Andrews said yes. Mr. Andrews said Shell Point Drive will become right-in and right-out. He said it will not have a direct access to 802 and 280.

Mr. DeVito opened the floor for public comment.

John Youmans resides at 981 Edith Lane across the street from the other side of this development on 802. He said he's been involved in this for years. He's concerned about the drainage because at extreme high tide there is water that comes under 802 into this property and drainage from Shell Point Plaza goes into the lot across the street from Shell Point Road. He said the plan is good but not for this property.

Mr. Lott asked Mr. Youmans if he then felt this site should not be developed for any use. Mr. Youmans said they cannot exceed the drainage run-off water and feels this is why other people turned it down.

Reed Armstrong with the Lowcountry Coastal Conservation League said he is concerned about the stormwater management for the property. He said there are flooding and drainage issues. He referred to the plan done by ATM for the Town in January. He said ATM has three requirements: (1) demonstrate how the proposed development will not impact the drainage of the surrounding properties; (2) need to meet Town's Stormwater Ordinance; and (3) how it would handle detention for the 25 year design storm event.

Mr. Lott asked aren't the existing homes and existing neighborhood run-off goes through there too and shouldn't there be certain restrictions for people who want to tear down or build a house. Mr. Armstrong responded.

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Brian McDaniel residing at 1004 Cypress Street asked if the current request is for denser residential and more relaxed commercial than what was previously proposed. He said the public has come out over and over with the same concerns and the people here tonight are representing a much larger group than what is here. He said there are ratings from A to F and this was given an “F” rating and after the changes are made it will still be given an “F” rating. He feels the traffic will be devastating to the area and there is no consideration of the traffic, access or the neighborhood. He feels the homes are going to be back-to-back against businesses like banks and it’s not right for the neighborhood.

Mr. Dehovitz asked if Mr. McDaniel was familiar with the residential buffering yard requirements. Mr. McDaniel said he was not. Ms. Bridges went over the requirements. Mr. Dehovitz asked Mr. McDaniel if there was a buffer, would that change his mind. Mr. McDaniel said it would help but he’s still concerned about the traffic.

Paul Keyserling residing at 824 Broome Lane North said the zonings are equally denser and he feels there are even more difficult uses such as hotels, shopping center and theaters. He referred to the lot lines and said it all depends on whether they are going to be moved or not.

Kitty Wright residing at 414 Broad River Drive said she is concerned about the traffic. She said the buffer is a good thing but it’s not always done. She talked about the curves of the road in the area. She also talked about the extra 1500 trips it takes because of the curb cuts. She asked why traffic is being diverted into a residential area for a commercial development because traffic is the biggest issue and since there are no sidewalks it’s hazardous to the children.

Donna Garcia resides at 5000 Hickory Street directly across from the development. She is concerned about the ditches on Hickory and Walnut. She’s been in touch with DOT about the delivery trucks. We have walking neighborhood with no sidewalks; kids have to ride their bikes in the road. She didn’t get a letter about the meeting and feels it was deliberate. She said her neighbor didn’t get the letter either. This area was originally subdivided into 24 individual homes and he was adamant on how the area would be. She said the applicant originally wanted to put in a “mom and pop” store and homes, but now they want to put in a bank and a bank creates tons of traffic a day. She asked the new board members to walk the site.

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Patricia Youmans residing at 981 Edith Lane said she is concerned with the increased traffic. She said because of the Bi-Lo Shopping center there is already flooding problems. She is also concerned about the estuaries. She referred to several studies done about these issues. She said, "Let's be pro-active".

Carolyn Davis represented the Shell Point Neighborhood Association and first she answered Commission Member, David Lott's, questions by referring to the Wetland Inventory. She submitted her concerns to Julie Bachety (see attached).

Ron Pettit residing at 23 Stuart Town Court said should the commission approve the rezoning request, he feels comfortable that the Town of Port Royal can handle it and should be granted.

Barbara Stanley residing at 3011 Shell Point Road said it's not an annexation issue but a rezoning issue. She said there are several school bus stops and access is a big concern. She is also concerned about the drainage and the creek. She said trees are a great buffer for our area and she doesn't want them to be removed because of this development. She said she would be happier if things were pulled further back from the road because there will still be shelter and benefit the several birds that come back and forth in the area. She said more traffic will tear up the roads. She feels there is no need at this time for an overall development. She referred to Walnut Street where there are several homes for sale and have been this way for a long time. She asked why not just refurbish our existing sites and save our tree drainage that also filters the air pollution and the highway north.

Paul M. Hesse, Sr., resides at 3001 Dogwood Street. He said he's a former Mitigation Planner and the neighborhood asked him to look over the request. He said this site has been discussed on a County level and with Port Royal and was declined. He went over a couple of points such as the proposed site being located in a Floodplain; soil is unsuitable; inconsistent with the eligible standards; the legal responsibility. He referred to Hurricane Floyd.

Mr. Hesse said it's a great project but not for this area and will create great liability. Mr. Lott said a lot of the items discussed are for much broader areas.

Mr. Dechovitz asked about the flood insurance through FEMA. Mr. Hesse explained.

Mr. DeVito closed the public comment.

Motion: Mr. Lott made a motion to recommend annexation with an R-17 zoning. Mr. Crower seconded the motion.

Further Discussion:

Mr. DeVito said we cannot recommend annexation but we can recommend zoning.

Mr. Dechovitz said he is concerned with the zoning because we do not have a lot of information. Mr. Lott said he's recommending this zoning because it has been submitted several times and he would like Port Royal to evaluate whether anything can be done with the property and whether the development works and the flood insurance issues. Mr. Lott feels it needs to be in the jurisdiction of Port Royal or it will just keep coming back. Mr. Crower said such zoning uses can be dense and cannot be handled.

Mr. Lott amended his motion to state that he recommends an R-17 zoning. Mr. Crower seconded the motion. The motion carries with a three to one with Mr. Dechovitz being opposed.

B. Town of Port Royal – Update on Council Actions.

Ms. Bridges said there were no recent council actions.

The Commission took a five minute break.

III. Review of Projects for the City of Beaufort:

A. City of Beaufort – Rezoning. Rezoning a parcel of property located at 2410 Allison Road, identified as District 120, Tax Map 5, Parcel 268, from R-2 Medium Density Single-Family Residential District to Office Commercial District.

Libby Anderson, City Planning Director, presented her staff report. She reminded the board members that this proposed rezoning was tabled at their last meeting with the recommendation that staff ask the City Attorney to advise them on whether rezoning this single lot would risk a “spot zoning” challenge; and contact the owners of the two properties to the east of this lot to gauge their interest in having their property rezoned. The City Attorney’s opinion regarding the spot zoning issue has been sent to the board members. The owners of 2408 Allison Road and 23 Myrtle Street signed a statement expressing their interest in having their property rezoned. Letters were sent out to owners of all property within 400’ of the property being rezoned on April 22. The property was posted on April 26.

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The public notice appeared in the April 26 edition of *The Beaufort Gazette*. To date, staff has received two public comments which have been sent to the board members and the applicant. Staff recommends that the Planning Commission vote to have a rezoning action started for the properties at 23 Myrtle Street and 2408 Allison Road.

The applicant, Dr. Ralph Moore, was present. Dr. Moore said he addressed the volume traffic on the street. He said he has an office about 100 feet from the proposed site and the volume of traffic on Allison Road will not be increased if this office moves to the subject site. He said the hospital is also buying some of the other sites near Allison Road. He referred to the Pediatrician's office that looks like a house with parking in the back.

Mr. DeVito opened the floor for public comment.

Dave Jirousek resides at 2417 Oak Haven Street. He lives two houses down behind the subject property. He said he appreciated the points Mr. Dechovitz's brought up. He said the concept makes sense but we need to find the natural breaking points. He referred to his comments at the meeting last month. He said this is not in his backyard but is a neighbor's who expressed her concerns at the Council public hearing that she is not in support of this application. Mr. Jirousek as a Planner for Jasper County, he has been in this situation about a year ago and referred to the "perfect circle" and asked the Commission before moving forward that they please consider this.

Mr. DeVito closed the public comment.

Mr. DeVito asked how we are going to deal with the infrastructure such as sidewalks. Ms. Anderson said the ordinance does require a sidewalk and although it will not connect to anything right now but maybe over time. Mr. DeVito referred to letters signed by the other two property owner stating they want to be rezoned too. Ms. Anderson said these two properties will be reviewed in July. Mr. Lott said it's not fair to make the applicant wait until July. Dr. Moore said he currently does not own the property and time is of the essence. He said his current lease is up in October. Ms. Anderson said Council is only having a few meetings since its summer.

Motion: Mr. Lott made a motion to recommend adoption as submitted. Mr. Crower seconded.

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Mr. Dechovitz recommended amending the motion to state that staff proceeds with the rezoning of 23 Myrtle Street and 2208 Allison Road.

Mr. Lott accepted the amendment. Mr. Crower seconded the motion. The motion carried with a vote of four to zero.

- B. City of Beaufort – Unified Development Ordinance Amendment.** Revising Section 6.6.C.5 of the UDO to delete the 25% open space requirement in Design Districts.

Ms. Anderson said staff is proposing to revise Section 6.6.C.5 of the Unified Development Ordinance (UDO) by deleting the requirement that 25% of the site remain as open space. The UDO does not define the term “open space” and as a result, this standard has been applied inconsistently. The effects of this requirement are building setbacks and building separations which create a suburban style development, but the City is now moving away from a suburban development model to more urban standards.

Mr. Lott asked Ms. Anderson to comment further on open space and pervious surface. Ms. Anderson explained. Mr. Dechovitz asked how we get our green space into our urban space and that it needs to be done carefully. Ms. Anderson said we do have an Open Space Plan that we are working on. She said we are trying to think better when it comes to open space. Mr. DeVito asked if we should hold off until we have the Form-Based Code.

Mr. DeVito opened the floor for public comment.

Tommy Logan asked isn't there already in place a building costs for non-conforming landscaping. Ms. Anderson said yes.

Mr. DeVito closed the public comment.

Motion: Mr. Lott made a motion to approve the revision. Mr. Crower seconded the motion. The motion carried with a vote of four to zero.

- C. City of Beaufort – Update on Council Actions.**

Ms. Anderson reviewed the city's recent council actions.

IV. Discussion:

A. Pathways Connection presentation.

Mr. DeVito said he spoke with the local Pathways Connect Group. Mr. DeVito said there are some changes happening within their group and we should have someone giving the Commission a presentation within a few months. Mr. DeVito referred to the sidewalk and chain link fence at Beaufort High School. Ms. Anderson said the real bottle neck is right there at the hospital between Allison and Reynolds. Ms. Anderson said if they could just increase the width it would be much safer.

Mr. DeVito opened the floor for public comment.

Tommy Logan said he was here today to see the status of the Pathways Connect.

Mr. DeVito closed the public comment.

V. Review Commission Meeting Minutes:

A. Minutes of the May 10, 2010 Meeting.

Mr. Dechovitz noted on page 3, second sentence, *shrubby* should be *shrubbery*.

Motion: Mr. James Crower made a motion to approve the minutes with the one correction. Mr. Lott seconded the motion. The motion carried with a vote of four to zero.

VI. New Business:

Mr. Lott informed the commission of his resignation. He thanked everyone for all that they do.

VII. Adjournment

Meeting adjourned at 8:30 PM

Submitted by Julie A. Bachety, Recorder