

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

City of Beaufort Planning Department
Post Office Drawer 1167 ~ Beaufort, South Carolina 29902
Phone: 843-525-7011 ~ Fax 843-986-5606

MINUTES

SPECIAL MEETING

August 30, 2010, 5:30 P.M.

City Hall – 1911 Boundary Street, Beaufort, South Carolina

Members Present: Joe DeVito, Vice-Chairman, James Crower, Alan Dechovitz, and Greg Huddy.

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 5:45 P.M. and led in the Pledge of Allegiance.

II. Election of Officers

Mr. DeVito reminded the board members that it was discussed at their last meeting that the Election of Officers be put on hold since the Metropolitan Commission will be adopted soon.

Motion: Mr. Huddy made a motion, seconded by Mr. Crower, to hold off on the Election of Officers until the decision about the Metropolitan Commission is finalized. The vote carried with a vote of four to zero.

III. Review of Projects for the Town of Port Royal

- A. Town of Port Royal – Rezoning.** Rezoning a parcel of property located at 631 Robert Smalls Parkway, identified as District 112, Tax Map 31, Parcel 15B, from Mixed Use-1 to Highway Commercial. Applicant: BBLP LLC (Larry Padgett).

Linda Bridges presented her staff report. Ms. Bridges went over the Land Use Compatibility and Comprehensive Plan. Ms. Bridges referred to the Future Land Use Map and how it relates to the rezoning. She said there are no environmental

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or public services issues. Letters were sent to property owners within 400 feet of the property being rezoned.

Larry Padgett, the owner, spoke. Mr. Padgett referred to the Shadow Moss area. He said he inherited this property along with his siblings when his father died. He said the property is for sale and or lease and he has received several calls. He thinks it's a great spot for what he wants to do. He said two years ago he went to the County for a commercial rezoning and then went to Port Royal assuming MU-1 was the same as the county's commercial zoning, but found out it wasn't and that's how he got to where he is now.

Mr. Dechovitz asked the applicant, what the parcel south of his parcel is zoned? Mr. Padgett said most likely commercial. Mr. DeVito said there is still one parcel in between. Ms. Bridges showed this area on Beaufort County's Bird's Eye View Map.

Mr. DeVito opened the floor for public comment. There was no public comment. Mr. DeVito closed the public comment.

Motion: Mr. Huddy made a motion to deny the rezoning application submittal; Mr. Crower seconded. The motion carried with a vote of four to zero.

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

Ms. Bridges said there are no council actions to report.

IV. Review of Projects for the City of Beaufort:

A. City of Beaufort – UDO Amendment. Revising Section 5.3.D.9, Specific Use Standards, Commercial Uses, Fuel Sales," by increasing the number of pumps permitted at gasoline stations from four to eight. Applicant: David Tedder

Libby Anderson presented her staff report. Ms. Anderson said the applicant has submitted an application to revise the Unified Development Ordinance (UDO) to permit additional pumps at gas stations under certain conditions. Ms. Anderson said currently "fuel sales" are permitted in the General Commercial District by special exception. Fuel sales are permitted in the Highway Commercial District and Limited Industrial District as conditional uses. She said the UDO defines a "pump" as a fueling station for an individual vehicle. Ms. Anderson went over

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the survey that staff conducted of gas stations in the city limits and the surrounding areas. Ms. Anderson referred to the Comprehensive Plan and the Form-Based Code. Staff recommends that that the ordinance be revised to define a pump as a fueling station for up to two vehicles, with this condition of the ordinance being revised to read, *No more than 4 pumps (defined as a fuel dispensary serving up to two vehicles) shall be permitted.* In addition to the revision of the definition of “pump,” staff would also recommend revising the ordinance to recognize the corner lot condition where gas stations often desire to locate. Staff recommends revising paragraph f to read, *If more than two pumps are proposed, the pumps shall be split and located on either side of the building, except that on corner lots, the building shall be located at the corner of the lot, with all the pumps placed on one side of the building on the interior side of the lot*

Staff recommends the following conditions for the UDO amendment application:

- Deny request for 8 pumps city-wide; maximum 6 pumps in the SC 170 Design District and US 21 Design District outside the Boundary Street Redevelopment District; if the Planning Commission believes the 4-pump restriction is too restrictive in these areas based on current road configuration and land uses;
- Revise/clarify definition of pumps; and
- Revise and possibly revise design standards for gas stations. Address the corner lot situation. Consider “gas backwards” stations.

David Tedder said he appeared before council last week and showed them how history of gas stations has evolved in our city and other cities. He said it also shows an evolution of the use of the automobile and where things go. He said he permitted his last station in the City of Beaufort in 2005-2006 which was the Boundary Street Sea Store (Exxon) which is now closed due to bankruptcy. He agreed with staff that a gas pump is both sides. Mr. Tedder showed pictures of several gas station throughout the area such as the convenience store on Boundary Street across from old bus station on Boundary Street that has two pumps and canopies; the Hess Station on Boundary Street across from the Boundary Street Sea Store (Exxon); the split gas station near Gilligan’s; the Shell Station across from Beaufort Plaza; the Shell Station on Ribaut Road; the BP on Ribaut Road; the service station at the intersection of Parris Avenue which had no pumps; and the latest one which is the Enmark in Port Royal that has 8 pump stations. He said the Enmark is good station because it has split canopies, they increased the landscape buffers, and they moved the building away from the corner and softened

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it up with landscaping. He said the Enmark fits in very well with the area. He said the issue is not the number of pumps but how it's landscaped. He also showed pictures of gas stations on Savannah Highway and Highway 170 & 280. Mr. Tedder said he trying to keep his amendment as simple as he could, requiring that if the number of pumps is increased that they can be placed on one side of the station, additional setbacks/buffers are required, as well as placing a building of sufficient size between the street and the pump area to provide better site placement aesthetics. He showed the site plan of the Boundary Street Sea Store that shows 6 pumps. He said he has done a lot of research on the Form-Based Codes. He asked the board members to favorably consider his request.

Mr. DeVito said there should have been a picture presented of the Neighborhood Store in Bluffton. Mr. DeVito was unhappy when the Enmark was built in Port Royal. He went over several other gas station projects that he was disappointed in when they were finally built. Mr. DeVito said we need to be careful in what we do and where we go. Mr. Tedder referred to the ordinance provision that he re-wrote.

Commission Discussion:

Mr. Dechovitz asked Mr. DeVito if he is still disappointed in the Enmark. Mr. DeVito said yes. He said it's a nice store but the access and parking was not done well.

Mr. DeVito opened the floor for public comment.

John Trask said he submitted a synopsis of his opinion similar to Mr. Tedder's presentation. He said there is no residential near the proposed property but there are commercial properties such as the industrial village at SC 170 & Burton Hill Road, Lowe's, the vacant parcel across from Lowe's which will be developed soon and Wal-Mart. Mr. Trask referred to staff's gas station survey and said this is not Beaufort 5 years ago or even 10 years ago. Mr. Trask asked that the commission approve the text amendment as proposed.

Mr. Dechovitz asked if Mr. Trask owns property at Burton Hill Road and SC 170. Mr. Trask said yes. Mr. Trask also said he submitted several letters of support property owners on this strip. Mr. Dechovitz referred to the Lowe's out parcel project that was presented to the Design Review Board, which he was a member of.

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Mr. Huddy thought it would be great to limit the number of pumps for an entire corridor but he's not sure it's feasible. He feels it's the commission's charge to look down the road.

Mr. DeVito closed the public comment.

Mr. Dechovitz said he's not satisfied with anything that is before him tonight. He referred to the smaller stations on Boundary Street and felt even if they were landscaped, there would still be traffic issues.

Ms. Anderson said you could schedule a workshop, research design standards, and or get with the applicant and see exactly what the proposal will be and what it will ultimately look like. She said there is time frame for a decision, maybe 30 days. Mr. Tedder said he would not be opposed to tabling his application until the September meeting so he can present a better resolution.

Mr. Dechovitz said it's not the size that is offensive but the location and he would like to see the following:

- that the UDO specify a distance or location standard for these stations;
- that DRB to have the maximum flexibility for the configuration of the fueling station because every site is different;
- that DRB needs to have decisions over landscaping to soften the station; and
- that DRB needs to look at the configuration of the site regarding the traffic impact.

Mr. DeVito also recommended that these minutes be available at the workshop so they can be reviewed. Mr. Crower said we need to be careful about what words we are putting into the ordinance.

Motion: Mr. Dechovitz made a motion, seconded by Mr. Crower, to table the submittal for the purpose of a workshop and that Mr. Huddy will serve as the Planning Commission representative. The motion carried with a vote of four to zero.

B. City of Beaufort – UDO Amendment. Revising Sections 5.1. and 5.3.D to permit Short Term Rentals by Special Exception in the Historic District.
Applicant: John and Erica Dickerson

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Libby Anderson presented her staff report. Ms. Anderson said the applicant has submitted an application to revise the Unified Development Ordinance (UDO) to permit short term rental of residential dwellings by special exception in the Historic District. Ms. Anderson said currently short term rentals are not permitted in residential districts or the Highway Commercial or Limited Industrial Districts, but are permitted in the Neighborhood Commercial, Office Commercial, General Commercial and Medical Districts. Ms. Anderson said if the commission approves this request, they may want to add a condition that the initial approval of the Special Exception is limited to 12 months, after which time the Board will reconsider the approval and may extend it to run with the property ownership. A 12-month review would all the Zoning Board of Appeals (ZBOA), staff, and the neighborhood to address any property maintenance or other issues that may have arisen in conjunction with the use. Staff recommends that short term rentals be permitted in the Highway Commercial District.

Commission Discussion:

Mr. Crower asked if the owners will be required to have a business license. Ms. Anderson said yes and they will also be required to pay Hospitality Tax.

Mr. Dehovitz asked about the neighborhood associations and if they are all on board with this amendment. Ms. Anderson said the associations in the Historic District were notified of amendment, but have provided no comment.

Erica Dickerson passed out information packets to the commission. John Dickerson said they have property at 1004 Duke Street and it's in the corridor that is currently neighborhood commercial. He said they also have a short term rental on 714 Charles Street and have been very successful at bringing in good clients that are looking to eventually moving to Beaufort specifically in the Northwest Quadrant area. He said they only allow 4 people in their current place and have plenty of parking. He said the proposed property does join directly to his current rental property. He said next door is an owner occupied property. He went over the surrounding area by showing photos of each house. He also showed pictures of the interior of his property at Charles Street and how tastefully it was furnished. Mr. Dickerson said by having short term rentals enables them to help bring more people to Beaufort. He showed his contract for his current short term rental. He asked the commission to favorably look at his application.

Mr. DeVito explained the process that will take place after the meeting tonight. Ms. Anderson further explained.

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Mr. DeVito opened the floor for public comment. There was no public comment. Mr. DeVito closed the public comment.

Motion: Mr. Dechovitz made a motion, seconded by Mr. Huddy, to allow short term rental in the Historic District and Highway Commercial subject to the Special Exception supported by staff's report. The motion carried with a vote of four to zero.

C. City of Beaufort – Update on Council Actions.

Ms. Anderson gave the commission a copy of the Smart Growth book on behalf of the City Manager. She also gave them information on an upcoming workshop, entitled, Original Green Lecture on September 15 at The Technical College of the Lowcountry.

Ms. Anderson went over city's recent council actions.

V. Discussion

Mr. DeVito said he has been nominated as Vice-Chairman of the Northern Regional Plan Implementation Committee.

Mr. DeVito said they had a meeting with Dr. Trusedale about where their schools are going and may have some information in the future to share with the commission.

Mr. DeVito spoke about the county's TIGER Grant (now called BUSLivability Grant). He said as a group, we need to think about this and maybe it should be on our next meeting agenda. He said he will pass along some e-mails that he's received to the commission.

Ms. Bridges said this Wednesday, the Town Council has a special agenda for a resolution supporting the Mayor and what he proposes. Ms. Anderson said this will also be on the City's Council Workshop agenda tomorrow night.

Motion: Mr. Dechovitz made a motion stating that it is the Planning Commission's recommendation that both City Councils work with the County Commissioners to ensure that the implementation of the BusLivability Grant funds designated for use within the Northern Growth Boundaries be directed by priorities set by the Northern Beaufort County Regional Plan Implementation Committee. The motion was seconded by Mr. Crower. The vote carried with a vote of four to zero.

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VI. Review Commission Meeting Minutes:

A. Minutes of the July 12, 2010 Meeting.

Motion: Mr. Crower made a motion, seconded by Mr. Huddy to approve the minutes as submitted. The motion carried with a vote of four to zero.

VII. Adjournment

Meeting adjourned at 8: 00 PM

Submitted by Julie A. Bachety