

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

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## MINUTES

### JOINT MUNICIPAL PLANNING COMMISSION

October 11, 2010, 5:30 P.M.

City Hall Council Chambers, 1911 Boundary Street, Beaufort, South Carolina

**Members Present:** Joe DeVito, Vice-Chairman, Alan Dechovitz, James Crower, 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 5:30 P.M. and led in the Pledge of Allegiance.

Mr. Crower suggested rearranging the agenda to hear items 2 A and 3 C both at the same time later on in the meeting since they are essentially the same language.

**Motion:** Mr. Crower made a motion to hear items 2 A and 3 C both at the same time later on in tonight's meeting. Mr. Dechovitz seconded. The motion carried with a vote of four to zero.

#### **II. Review of Projects for the Town of Port Royal**

**A. Town of Port Royal – Text Amendment.** Amend Chapter 22, Article IV, deleting Section 22-77 FH flood hazard district and consolidating all Flood Damage Prevention requirements to Chapter 9, Flood Damage Prevention.

Linda Bridges presented her staff report. She said earlier this year, staff initiated an effort to bring the town into FEMA's Community Rating System (CRS) program. The initial step of this process is a Community Assistance Visit (CAV) by a FEMA official. Ms. Bridges said their July CAV revealed that the town's Flood Damage Prevention ordinance was deficient in that it was adopted into disparate sections of the code and antiquated in some of its

terminology. Staff was provided a *model ordinance* for the state of South Carolina. After customizing the ordinance, staff is proposing to delete from the zoning code Section 22-77 Flood Hazard District and replace the entire contents of Chapter 9 Flood Damage Prevention.

Mr. DeVito asked if this applies to one area or a variety of areas. Ms. Bridges said it applies to any "A" zone. Mr. Dechovitz said he does not see any place where there would have any effects on redevelopment. Ms. Bridges said there will actually be a 1/3 in the floodplain. Mr. Dechovitz asked if any property owner's flood insurance been seriously affected by this? Ms. Bridges said no and the flood ordinance has been in place since 1976. Mr. Crower referred to page 7 and said noted there is a blank line. Ms. Bridges said it will be filled in with wording Beaufort County. Mr. Crower also referred to page 8 and noted there was also a blank line. Ms. Bridges said the wording Port Royal was filled in and the line will be taken out. Ms. Bridges said council will hear this for 1<sup>st</sup> reading this month.

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 Huddy, to approve the deletion of Section 22-77 in Chapter 22, Article IV, as submitted. The motion carried with a vote of four to zero.

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

Ms. Bridges said there are no council updates.

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

- A. City of Beaufort – **Rezoning.**** Rezoning seven parcels of property located at 33 Tekoa Lane and to the rear (west) of 1210, 1220, and 1224 Ribaut Road. The lots are identified as District 120, Tax Map 7, Parcels 23, 24, 25, 26, 27, 28, and 29. Existing zoning: General Residential District. Proposed zoning: General Commercial District. Applicant: Russ Fielden.

Libby Anderson presented her staff report and Site Location Map. The seven lots involved in this rezoning are located at 33 Tekoa Lane and to the rear of property located at 1210, 1220, and 1224 Ribaut Road. The lots are under one ownership.

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With the exception of the Tekoa Lane lot, the parcels are land-locked. The owner of the subject lots also owns the property at 1210, 1220, and 1230 Ribaut Road. A power line runs down the back of the parcels. All development in the General Commercial (GC) District is subject to the City's Design Review Ordinance. The Design Review Board (DRB) reviews new construction for compliance with Design District site planning and architectural guidelines, and staff review alterations and additions to existing structures according to these same standards.

Ms. Anderson referred to the Framework Plan in the City's Comprehensive Plan. She also referred to the Land Use Compatibility map. The applicant has submitted a current survey of the property. Water and sewer are located nearby, but will need to be extended for development of the property. Letters were sent out to owners of all property within 400' of the property being rezoned on September 24. To date, staff has not received any public comments. Staff recommends approval.

Mr. Huddy feels there is no guarantee that the land-locked parcels will go away and if they don't, than no use will be appropriate. Ms. Anderson said if these lots were rezoned, it could allow redevelopment. Mr. Huddy asked if this trend will spread down to the back lots. Ms. Anderson said the apartments are already well-established.

Russ Fielden was present on behalf of the Keith family who owns all of the parcels. Mr. Fielden said before submitting his application, he spoke with the owners of property to the north and south of the property and he hasn't heard from them. He also asked the woman who owns the daycare center and she said if her taxes would not be increased so much she would have gone along with the rezoning. Mr. Fielden said he spoke with SCE&G and they found old maps that show an easement at 50' or 60'. He went over his survey with the commission. He also showed photographs of the foliage of the properties which shows how green they are, the power lines and the fence that runs along the entire length of the property. He referred to the potential of the rezoning of the parcels to the west of his and said it's not likely. He referred to the "grandfathered" access and said he spoke with The Knights of Columbus and the Fire Chief. Mr. Fielden feels his request is a compatible use.

Mr. DeVito opened the floor for public comment.

**Ms. Mouzon** spoke and said her parents live on Ribaut Road and have a lot adjacent to the apartment buildings. She asked about the access.

Mr. DeVito closed the public comment.

Mr. Crower asked if neighborhood commercial zoning would be more appropriate. Ms. Anderson said we still have the split zoning issue. Mr. Huddy referred to the redevelopment opportunities that Ms. Anderson spoke about earlier. Mr. Huddy feels it's an awkward piece of property. Ms. Anderson referred to her staff report and to the Framework Map from the Comprehensive Plan to show the depth of the commercial district.

**Motion:** Mr. Dechovitz made a motion, seconded by Mr. Crower, to accept the rezoning application. The motion carried with a vote of four to zero.

- B. City of Beaufort – Rezoning.** Rezoning two parcels of property, one located at 702 Bladen Street and one located at 609 Adventure Street. The lots are identified as District 120, Tax Map 3, Parcels 153 and 212 respectively. Existing zoning: General Commercial District. Proposed zoning: Neighborhood Commercial District. Applicant: Community Development Corporation.

Libby Anderson presented her staff report and Site Location Map. The two lots involved in the rezoning occupy one square block between Bladen and Adventure Streets, and Duke and Prince Streets. Parcel 153 contains the 2-story structure and Parcel 212 is current vacant. Ms. Anderson referred to the Framework Plan in the City's Comprehensive Plan. The area contains a mix of land uses. Water and sewer are available to the lots. Letters were sent out to owners of all property within 400' of the property being rezoned on September 28. To date, staff has not received any public comments. Staff recommends approval on the assumption that the Neighborhood Commercial rezoning will not slow the Bladen Street Redevelopment District approval process.

Steve Tully, the applicant was present. Mr. Tully said he has left out a parcel and would like it added. He showed the missing parcel on the Site Location Map. He referred to the Form-Based Code. Mr. Tully said he's ready to start building the single-family structures. He said will keep part of the "community" garden area. Mr. DeVito said we cannot procedurally introduce another parcel now. Ms. Anderson said it has to go through the normal process with Planning.

Mr. DeVito opened the floor for public comment.

**Willie Daniel, Jr.**, said his parents live on the corner of King and Bladen. He asked if there are going to be changes to his parent's property. Mr. DeVito said it will not change the zoning of his parent's property.

David Tedder is the owner of property on Bladen and King Street. He said he supports the rezoning.

Mr. DeVito closed the public comment.

**Motion:** Mr. Dechovitz made a motion, seconded by Mr. Huddy, to approve the rezoning request. The motion carried with a vote of four to zero.

#### **IV. Gas Station Amendments**

- A. City of Beaufort – UDO Amendment.** Revising Section 5.3.D.9, "Specific Use Standards, Commercial Uses, Fuel Sales," and adding a Gas Station Design Guidelines to the Appendix.

Libby Anderson presented her staff report. David Tedder submitted an application to revise the Unified Development Ordinance (UDO) to permit additional gas pumps at gas stations under certain conditions that was reviewed by the commission at their August 30 meeting. The Commission established an ad hoc study committee to review the issue in more detail. In addition to staff and the applicant, the study committee included Greg Huddy from the Planning Commission, Don Starkey from the Design Review Board, and Linda Bridges, Port Royal Planning Administrator. Ms. Anderson went over the major changes that the Study Committee recommended to be made to Section 5.4.D of the UDO. The Study Committee also agreed that specific design standards for the gas stations should be developed.

- B. Town of Port Royal – Text Amendment.** Revising Chapter 22, Article IV, revising automobile service station conditions in General Commercial, Highway Commercial, Neighborhood Commercial and Limited Industry. Additionally, revising Chapter 15.5, Articles IV and VI, adding Gas Station Design Guidelines.

Linda Bridges presented her staff report for the text amendment revising Chapter 22. This text amendment will amend two distinct areas of the town's Code of Ordinance which are the Zoning Chapter and the Overlay Districts Chapter. By amending the Zoning Chapter, we will establish specific conditions on the use,

Fuel Sales. Amending the Overlay Districts Chapter will impose specific design standards on the use, Fuel Sales. Ms. Bridges went over the conditional uses in the General Commercial, Neighborhood Commercial, Highway Commercial, and Limited Industrial zoning districts. She said the Shell Point Neighborhood Overlay District and the Robert Smalls Parkway Overlay District currently address gas stations in a limited manner, giving guidance only under their respective Lighting Standards. Staff proposes to delete the Lighting Standards for gas stations in the respective overlay district text and replace other text.

Mr. Huddy said he was not at the last meeting. Mr. Huddy asked about the requirement that the building be at least 50% as long at the length of the pumps. David Tedder was present and said what we were trying to make certain was that the visual of the canopy did not overwhelm the building.

Mr. Huddy referred to #1 under the Architecture Section in the Gas Station Design Guidelines. Mr. Tedder suggested changing the sentence so it reads; Buildings *should not* derive their image ..... Mr. Huddy also referred to #4 under the Architecture Section in the Gas Station Design. He said there was some debate on this one. Mr. Dechovitz feels it's desirable for a big box retailer to have the gas sales on the same property. Mr. DeVito said we don't want the Wal-Mart gas station look. Ms. Bridges said should the canopy match Wal-mart or strike out on its own. Ms. Bridges said right now we are going to mimic what's behind it. Mr. Huddy said it's not worth having them mimic the entire center. Ms. Anderson said we can strike the whole thing (#4) and then it can be a case-by-case with the DRB. Mr. Tedder said he doesn't have a problem with it. Ms. Anderson said if the intention is to prevent the kiosk, than its better to just say that. Mr. Tedder said the question is, is it appropriate with a big box development where a typical fuel sale section should be or could be allowed. Mr. DeVito said it should say, "*Needs a primary building*". Mr. Tedder said rather than to hold it up, if it's all about kiosks, there should be a separation section. Ms. Anderson said we can just say for now, it's not permitted. **It was agreed by everyone to strike #4.** Mr. Dechovitz said, kiosk is a small ancillary building which is intended to take gas payments and supervise the pumps. Mr. DeVito referred to the section on Site Plan and Sidewalks. Mr. Dechovitz referred to the driving access at the Enmark in Port Royal. Mr. Tedder felt we addressed the driving access. Mr. Tedder said the Traffic Impact Analysis will have to be reviewed by the Engineers. Mr. Huddy referred to #7 under the Site Design. He said if everyone is comfortable with #7, the he is too.

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Mr. Tedder said he is trying to enhance the streetscape not the building. He is said an example is the Boundary Street Sea Store.

Mr. Huddy agrees with him but this is not what this says. Mr. Tedder said landscape itself does not enhance the street. Mr. DeVito suggested changing the word *enhance* to *address* and *street* to *public realm*. Mr. Huddy asked about the light mounting and the fascias and asked if this was addressed. Mr. Tedder said he didn't get everything he wanted, but believes it is going in the right direction. Mr. Tedder thanked everyone.

Ms. Bridges went over how Ms. Anderson's information will be incorporated into her ordinance.

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 to approve the proposed amendment for the City of Beaufort regarding the gas stations as amended in tonight's meeting. Mr. Huddy seconded. The motion carried with a vote of four to zero.

Mr. Dechovitz made a motion to approve the proposed amendment for the Town for Port Royal as proposed and amended at tonight's meeting. Mr. Huddy seconded. The motion carried with a vote of four to zero.

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

Ms. Anderson went over her items.

**V. Minutes – September 13, 2010 Meeting:**

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

**VI. Discussion:**

Ms. Anderson informed the commission of the upcoming Hiers Property Workshop. Ms. Bridges informed the commission of some other upcoming workshops as well.

Mr. Crower asked about the status of the Metropolitan Planning Commission. Mr. DeVito said he was told by Tony Crisitello that it will be going to the next County

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Council meeting. Mr. Tedder said he was at the last meeting and said tonight there was a resolution to move forward to create an ordinance.

**VII. Adjournment**

**Motion:** Mr. Dechovitz made a motion, seconded by Mr. Huddy, to adjourn the meeting. The motion carried with a vote of four to zero.

Meeting adjourned at 7:40 P.M.

Submitted by Julie A. Bachety