

A meeting of the **Beaufort-Port Royal Metropolitan Planning Commission** was held on January 9, 2012 at 5:30 p.m. in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners Robert Semmler, James Crower, Jim Hicks, and Alan Dechovitz, and City of Beaufort Planning Director Libby Anderson.

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

The chairman called the meeting to order at 5:30 p.m. Chairman DeVito led the Pledge of Allegiance.

ELECTION OF OFFICERS

Commissioner Hicks made a motion, second by Commissioner Semmler, to elect Chairman DeVito to serve as chairman of the Metro Planning Commission for another term. The motion passed unanimously.

Commissioner Semmler made a motion, second by Chairman DeVito, to elect Commissioner Dechovitz to serve as vice-chairman of the Metro Planning Commission. The motion passed unanimously.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – UDO Amendment. Revising Section 5.3.D.15, “Specific Use Standards, Other Vehicle Sales and Service,” to delete the requirement pertaining to location of vehicle display areas.

Ms. Anderson said this text amendment pertains to vehicle sales. In Light Industrial areas, they are permitted by right. In Highway Commercial districts, it is a conditional use. The relevant condition is the vehicles’ display location. No existing or proposed facilities abide by this provision, Ms. Anderson said, nor do they want to. Vehicle display is “the most important issue to car dealerships,” Ms. Anderson said. This proposed amendment would delete this provision to make the sales facilities consistent with the current program. The DRB will have a part in this, particularly for future facilities.

Commissioner Dechovitz asked about the requirements for the landscape buffer, and Ms. Anderson described those. Commissioner Crower asked if it required plantings and Ms. Anderson said yes. The DRB has been flexible with the type of species; staff experience is that there is great concern about the front of the auto sales facilities.

Commissioner Semmler said he thought this was the case already because everyone seems to ignore this provision except for a boat dealership. Even the pawn shop on Highway 21 has items displayed outside, so he was surprised that an ordinance existed that said they couldn't do this. Ms. Anderson said the ordinance exists but isn't being adhered to.

Commissioner Crower asked if there was a penalty for violating the ordinance, and Ms. Anderson said most are grandfathered, but the issue arose because of Stokes. Even if there's not a front buffer, the dealership "still can't display right up to the road," but the city isn't going to make them put the vehicles behind a building that's already set 100' back.

Commissioner Dechovitz said he's heard comments from the public about sales of autos by businesses that are not auto dealerships. Chairman DeVito said those are called "lemon lots." Commissioner Dechovitz said a lemon lot has used cars from a dealer that didn't sell and so were sold to someone else. He said he was referring to businesses like the Jiffy Lube that sell 3-4 vehicles at a time out in front of its building without buffering.

Ms. Anderson said for vehicle sales, a business has to have a state license as well as the city's. She said to inform her if they see a place like this because it's a licensing issue. If this ordinance change is approved, she said, there will still be regulation about where the vehicles are displayed. Commissioner Semmler asked if boats were vehicles, and Ms. Anderson said they are "called out separately." Ms. Anderson read from the ordinance in regard to boat sales.

Commissioner Crower made a motion, second by Commissioner Dechovitz, to approve the amendment. The motion passed unanimously.

City of Beaufort – PUD Amendment. Revising the Battery Point Planned Unit Development Ordinance to change the 35' wetland buffer to 30', consistent with the subdivision plats for the neighborhood.

Ms. Anderson said this revision will correct a situation in the Battery Point PUD. They have a provision for fresh water wetlands, and though it is meant to be a 35' buffer, the plans show 30'. The Battery Point president is in favor of revising this ordinance. City staff feels they need to revise it in order to be consistent.

Ms. Anderson said Battery Point Ordinance and the plats consider these "wetlands," though they began as stormwater ponds. The city doesn't have its own wetland buffer standard. Commissioner Crower asked if it's unambiguous that these are, in fact, freshwater wetlands. Ms. Anderson said in the critical line setback portion, it says 40'. These bodies of water aren't connected to the tidal creek.

Chairman DeVito suggested adding the word “freshwater” to address future concerns. He added that Chairman DeVito said there is no reference to this in any other subdivision in the city that he’s aware of. **Commissioner Crower made a motion, seconded by Commissioner Dechovitz, to amend the Battery Point PUD to add the word “freshwater” to the ordinance and approve the amendment. The motion passed unanimously.**

UPDATE ON COUNCIL ACTIONS

Ms. Anderson said that in regard to 1403 Lafayette Street, the public hearing has been held, and it’s now on the council’s regular agenda for first reading.

REVIEW OF THE MINUTES

Commissioner Semmler made a motion, seconded by Commissioner Crower, to accept the minutes of the November 21, 2011 meeting as submitted, with the verbatim transcript section added as an appendix. The motion passed unanimously.

DISCUSSION

Commissioner Dechovitz said he’d heard that the county had approved the rezoning request for the area at the intersection of Rug Rack, Laurel Bay and Joe Frazier Roads in Burton, which began a discussion about procedure. Commissioner Hicks said the Metro Planning Commission is a sort of sub-committee to the county; before the Metro Planning Commission was formed, a Lady’s Island subcommittee might review something, for example, but those sub-committees have been done away with. Commissioner Hicks explained that county council does three readings, not two (like city council does), and has an extra step in the process (sub-committees) that the city doesn’t have.

A discussion ensued comparing the two councils’ procedures and delineating the county’s procedures. Commissioner Hicks said when he was first on the county’s Planning Commission, it heard all matters pertaining to Beaufort and Port Royal. When they started to do the comp plans, one Planning Commission couldn’t handle the volume of work. The county Planning Commission had city representatives but couldn’t respond effectively. The current procedure, he feels, is superior.

Commissioner Dechovitz asked what happens if the county Planning Commission decides something that is opposed to what the Metro Planning Commission decided, and Commissioner Hicks said that sometimes happens in county sub-committees. Commissioner Dechovitz said they might never hear about it. Chairman DeVito suggested getting county subcommittee reports, and said they should ask Ms. Frazier to supply them with those. Commissioner Hicks said, if she did, the Metro Planning Commission will get more than they want; there are Planning Commission, sub-committee, and county council reports.

Commissioner Semmler said this case Commissioner Dechovitz had raised was an exception. Commissioner Dechovitz said he'd brought it up because he'd been "collared" after the last MPC meeting by community representatives who were thankful because they felt the Metro Planning Commission had turned the applicant down, but then the matter went to the county, which made a different decision. Commissioner Hicks said the Metro Planning Commission voted in favor of the applicant, 3-2. Commissioner Dechovitz said he must have misunderstood, but in any case, he felt like the people who had interest in the matter should have known that they had another place to go to continue to follow its progress. Commissioner Semmler said the interested parties were thus informed and had come to the next county meetings.

Chairman DeVito suggested that it might be a good idea for MPC members to go to the county's Planning Commission meetings and watch where a project goes once it's gone through the Metro Planning Commission.

There being no further business to come before the commission, the meeting was adjourned at 6:04 p.m.