

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on October 15, 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 Alice Howard, James Crower, Bill Harris, Jim Hicks, and Robert Semmler, and City of Beaufort Planning Director Libby Anderson and Town of Port Royal Planning Director Linda Bridges.

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.

MINUTES

Commissioner Hicks made a motion, second by Commissioner Howard, to accept the minutes of September 17, 2012 as submitted. The motion passed 5-1. Commissioner Crower abstained from voting because he was not present at the meeting.

A motion passed by acclimation to reorder the items on the agenda.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Annexation and Rezoning. Annexing and rezoning a 0.49-acre portion of a parcel of property located at 13 Inlet Road on Lady's Island, identified as District 200, Tax Map 15, Parcel 194A. The existing zoning is Lady's Island Village Center. The proposed zoning is General Commercial District.

Applicant: Gray Holdings Limited Partnership

Ms. Anderson said this is a rezoning request as a result of a petition for annexation. The property is on Lady's Island. The property to be annexed is only half an acre. This is being done for the purpose of the construction of the new Publix grocery. It's currently a freestanding storage facility. The property is contiguous to city limits. Municipal services will all be available; Lady's Island fire district will provide fire service. It's Lady's Island Village Center zoning now, and General Commercial is proposed. The zoning designations are both mixed use zones. Lady's Island Parkway has a mix of commercial uses, and there's a single family neighborhood in the area as well. Public notice was made and no comments were received about the rezoning.

Commissioner Harris asked "if all of Inlet would go away"; Ms. Anderson told him which portion would. Commissioner Harris asked about the design standards for Publix; Ms. Anderson said that in the city, it will be Lady's Island Village Center design standards. Ms. Anderson said there will need to be an access easement as well; there's a lot involved, and this is one small piece.

David Tedder said the adjacent landowners are all entering into an agreement for who has to maintain it, where curb cuts are, etc. The agreement will give the warehouse access. There's access on the upper end of it on the plan as drawn, west of the Sherwin Williams store. Mr. Tedder said there are many parts; the road has to be abandoned, so they need an easement agreement. Mr. Tedder has been in touch with DOT about this. The annexation of this triangular portion is pivotal because the land is needed to do the design. The DRB has been through multiple design scenarios already to meet their concerns in regard to a slip road and saving large trees, for example.

Commissioner Hicks asked how the entrance to the storage unit will be put in. The entrances will be the same, Mr. Tedder said, as are there now. The Sherwin Williams store will stay there. Mr. Tedder said there will be better stormwater, and when Publix is there, there will be different uses as time goes on. Commissioner Hicks said they should make recommendations on annexation *and* rezoning.

Commissioner Hicks made a motion, second by Commissioner Crower, that the property in question be forwarded to city council with a recommendation for zoning as General Commercial. The motion passed unanimously.

Commissioner Hicks made a motion, second by Commissioner Harris, that it be recommended to city council that the property be annexed into the City of Beaufort. The motion passed unanimously.

City of Beaufort – UDO Amendment. Revising Section 6.8.J.8.a of the Unified Development Ordinance, "Boundary Street Redevelopment District, Architectural Standards, Signs," by adding a new paragraph 5 pertaining to freestanding signs on nonconforming lots.

This amendment pertains to the Boundary Street Redevelopment District; new freestanding signs are not permitted currently, Ms. Anderson said. The building can be attention-getting and act as a sign. Staff is concerned about re-use and fix-up projects that don't trigger the Boundary Street ordinance. Most buildings there "were built during the suburban movement." A freestanding sign can't be reused. So that could leave a building in the back, with parking in front, and no sign on the street, so staff wants to amend the Boundary Street ordinance to allow freestanding signs for the reuse of existing buildings. They propose to amend the language to say that on lots that were redeveloped before 2-6-07, freestanding signs will be permitted. She showed the size of signs based on lot size and said this is similar to what's permissible on Boundary Street, Jr.

Commissioner Harris said on the surface it seems like a great idea and makes things easy for awhile. He is concerned that it will be less attractive to redevelopment. He said if they permit the street signs, there will be "something else." He asked if this was the first sign of "loosening"

and will prevent them from getting where they would like to be. Chairman DeVito said he'd thought it was an oversight to have not thought about what will happen as Boundary Street is being redeveloped. He sees this as a correction of an oversight. Some of the businesses are pretty far back from the road. Commissioner Hicks said they want every business that's there to have their best shot and get customers. He sees this as an opportunity for them to reach customers. **Commissioner Howard made a motion, second by Commissioner Semmler, to adopt the proposed changes as written. The motion passed 5-1, Commissioner Harris opposed.**

CITY OF BEAUFORT UPDATE ON COUNCIL ACTIONS

Ms. Anderson said the UDO amendment addressing the minimum front setback for garages had its second reading and was adopted by council on September 11. First reading of the ordinance adopting the new stormwater standards was also done at that meeting. Second reading for the ordinances to annex and rezone the lot at the corner of US 21 and Parris Island Gateway took place at the September 25 council meeting, and a public hearing on the day dock and water sports center was also held that night.

UPDATE ON FORM-BASED CODE PROCESS

Ms. Anderson said the next Form-Based Code Committee meeting is 10-24-12 at 8:30 am for representatives and the public. They will begin review at this time.

DISCUSSION

Commissioner Semmler asked, in regard to the new Publix, what would happen to the old Publix. Ms. Anderson said "time will tell." Commissioner Semmler said he had found the owner in Coral Gables, Florida, and he feels there's so much effort to improve Lady's Island, but he wondered if anyone has gone to the effort to make the old building look like its part of the community, when Publix starts a new store. Mr. Tedder said in his dealing with the Office of Civic Investment and in the charettes on Lady's Island, they took into account that the old Publix would go away, and they could develop it to be more in line with the type of development they want to do.

Chairman DeVito said the Office of Civic Investment is probably the right group to ask about this. Commissioner Semmler said he is concerned that it's short-sighted to do this new building but not do anything with the old building. Ms. Anderson said it "could be divided into two nice tenant spaces that could be re-used; there's nothing to prevent re-occupancy of it." Mr. Tedder said it's in no one's interest to leave the property unattended. Commissioner Crower said they've had some experience with similar situations on Lady's Island, and Ms. Anderson cited the case of Wal-Mart moving and then Best Buy and Belk moving in at their former Cross Creek location.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Annex 860 Robert Smalls Parkway

District 100, Map 30, Parcels 3, 321 and 322, approximately 11.65 acres located at 860 Robert Smalls Parkway

Ms. Bridges showed an exhibit relevant to all three of the matters before the MPC tonight in Port Royal. Ms. Bridges said it's a single family residence and is currently zoned Suburban which allows some commercial activities if they're triggered by proximity to major highways and arterials. The comprehensive plan has a Future Land Use map and these parcels are in that Future Land Use map and the future growth boundary for the Town of Port Royal. It is served by BJWSA and will be served by the Burton Fire District. The police department serves properties beyond this, so this area will be covered by them. The same goes for garbage pick-up and recycling, Ms. Bridges said. They are on the road to going even farther out with these services.

Town of Port Royal – Zone 860 Robert Smalls Parkway.

District 100, Map 30, Parcels 3, 321 and 322, approximately 11.65 acres located at 860 Robert Smalls Parkway The proposed zoning is split zoning of Highway Commercial with the Robert Smalls Parkway Overlay District and General Commercial.

The parcels are in the Broad River area, and Ms. Bridges read from the comprehensive plan as it applies to these parcels. The comprehensive plan says they could support regional retail uses. Commercial development in other areas of Broad River should be small-scale, market-style development. She read other requirements from the comprehensive plan as well. In the transect continuum, Broad River is in the rural end of the spectrum. In the Future Land Use map, the property is in a restricted growth sector, low-impact area. According to the comprehensive plan, low-impact should apply throughout.

Ms. Bridges then showed the zoning map, and said there are zoning designations in place already in the area. Adjacent to these parcels is Mixed Use 2 and General Commercial, Highway Commercial, and a PUD across Highway 170 from these parcels. The PUD is based on existing zoning designations which are General Commercial on the highway and "feathering back to MU-2 as it comes away from the highway." The proposed zoning is split: Highway Commercial for anything within 500' of Robert Smalls Parkway, and then General Commercial deeper in. She described the uses allowed in General Commercial, including residential.

The overlay is similar to the others in Port Royal, Ms. Bridges said; it adds design standards, not going to use. It creates contributing structures and access management as per the Robert Smalls Parkway plan. Ms. Bridges said that Robert Smalls Parkway overlay was a joint jurisdictional effort, like the Shell Point plan was, among the city, town and county.

Ms. Bridges said that recently, the addition of the traffic light has happened where Savannah Highway comes out to Robert Smalls Parkway. She mentioned that in addition to zoning, the town's development codes will regulate tree removal, mitigation, pruning, traffic impact, etc. They have a stormwater management utility agreement, and these are among the newer issues that have come on the scene since much of what they discussed is the 2009 comprehensive plan.

In regard to environmental issues, Ms. Bridges said, they can't lose sight of the fact that a parcel touches the marshes of the Broad River. They have received no public comments at this time after notice was made. The applicant's representative is Mr. Tedder.

Commissioner Howard asked if The Oaks were in the Town of Port Royal, and Ms. Bridges said they're not; they're in unincorporated Beaufort County. Commissioner Harris asked what "market style development" is. Ms. Bridges said she thinks it's a term akin to "hamlet." She has in mind "a small place."

Commissioner Crowder said he presumes that the yellow block (on the diagram) is proposed to be General Commercial and the rest Highway Commercial. Ms. Bridges said that's what the request is. Highway Commercial is driven by being 500' from Robert Smalls Parkway. That overlay is actually a corridor overlay and only affects the land within 500' of the corridor. Mr. Tedder demonstrated this on the overhead image. He said he thinks the property even beyond the 500' has to be complied with in the same way. "It's a distinction without much merit," he said.

Mr. Tedder said since the plans were adopted, the road has been built and widened and got the traffic light. Considering where it is, there are new developments coming in. There's development across the river and across Savannah Highway, and "this area can serve as a road to the five subdivisions up there." It is a "magnet center." The owners there realized that they couldn't develop it to its best use by themselves. As Ms. Bridges pointed out, Mr. Tedder said, one of these parcels has frontage on the marsh. They have offered to subdivide that off and work it as a donation to one of the trusts, but they haven't gotten them to accept it yet. The owners are willing to give it away for protection, but not to give access to someone. He feels the owner is willing to offer the protection to the marsh.

Commissioner Crowder said the Future Land Use map gives him concern about having commercial there, but he appreciates the border of the marsh on reserve. Commissioner Harris asked what "the plus" for a potential buyer is about being Highway Commercial as opposed to Mixed Use 2. Ms. Bridges said General Commercial and Highway Commercial have more uses and are more "intense." MU-2 is residential zoning that allows all types of residential development "but also a certain kind of commercial development." Highway Commercial and General Commercial open that up to more businesses, more auto-oriented, etc. Highway

Commercial and General Commercial are different in that Highway Commercial doesn't allow residential development at this time, and Highway Commercial allows drive-in restaurants, whereas General Commercial does not.

Commissioner Semmler asked Ms. Bridges to explain about the buffer: if the zoning is done now, is the buffer included in the new zoning? Mr. Tedder said the marsh buffer isn't. They are trying to find someone to put it in a conservation easement. It probably couldn't be built on there, anyway, but he will do the best he can to find the right organization to donate it to. Commissioner Harris asked Ms. Bridges if the Robert Smalls Parkway overlay district would apply no matter what this was, and Chairman DeVito and Ms. Bridges both said that's correct. Commissioner Crower asked, for Part A, which parcels they were discussing. Chairman DeVito pointed them out. Ms. Bridges indicated them on the overhead diagram.

Commissioner Harris made a motion to recommend annexing the "L" shape that was outlined (Parcels 3, 321, and 322); the motion was seconded by Commissioner Howard. The motion passed unanimously.

Chairman DeVito made a motion for the recommendation of the zoning of the same parcels with a split zone of General Commercial and Highway Commercial with the Robert Smalls Parkway overlay district; Commissioner Howard seconded. She asked that the motion be amended to include the fact that the Highway Commercial will be on the Robert Smalls Parkway section in the general vicinity of Sundown Boulevard as the line. **Chairman DeVito amended his motion, and Commissioner Howard seconded it.**

Commissioner Crower said he has concerns about including the section along the marsh in this zoning. He would like to see it split into a different zoning. Commissioner Hicks said they could add an amendment that the property owner and planner negotiate a secondary motion that the Town of Port Royal and the owner work on: that Parcel 322 be split.

Chairman DeVito asked Ms. Bridges about Parcel 322 B having a different zoning designation. Ms. Bridges said the most restrictive would be Conservation / Preservation. Chairman DeVito said if Parcel 322 B were zoned Conservation / Preservation, Parcel 322 A could be Highway Commercial. Mr. Tedder said there's a residence on there, and he wondered if they are "creating a non-conformity situation." Mr. Tedder said the line that would divide the parcel goes through a house. He suggested just doing residential zoning. R-17 would be the next most-restrictive zoning, Ms. Bridges said, as opposed to Conservation / Preservation. R-17 would be conforming, Ms. Bridges said.

Chairman DeVito suggested that the motion be modified again to include the rezoning of 322 Parcel B to some type of Residential; Ms. Bridges and the owner can work out what that precise zoning designation is. Commissioner Howard agreed to second this amendment. Ms.

Bridges said she assumes they want single-family only, and Chairman DeVito said that's correct. Ms. Bridges said she's hearing that any of the three residential zonings that fit best are the one they would like her to choose, and Chairman DeVito agreed. **The motion passed unanimously.**

Town of Port Royal – Rezone Parcels:

R112 030 000 0307 0000 approximately 1.61 acres

R112 030 000 0308 0000 approximately 1.21 acres

R112 030 000 0316 0000 approximately 2.27 acres

Parcels are located on or near Robert Smalls Parkway at the eastern end of the Broad River Bridge. Parcels 307 and 308 are currently zoned General Commercial with the Robert Smalls Parkway Overlay District. Parcel 316 is zoned Mixed Use-2 with the Robert Smalls Parkway Overlay District. The proposed zoning is split zoning of Highway Commercial with the Robert Smalls Parkway Overlay District and General Commercial.

Ms. Bridges said these are much the same issues except for "the marsh front dynamic." She gave the names of the individual owners. It's about 5.79 acres. All 3 parcels are in the Town of Port Royal. Current zoning in Parcels 307 and 308 are General Commercial zoning, and Parcel 316 is Mixed Use-2; Parcels 307 and 308 are also in the Robert Smalls Parkway corridor and would be covered by those standards, she said.

The proposed zoning is Highway Commercial and General Commercial. They would include the Robert Smalls Parkway overlay district. It's a cross-jurisdictional code. The comprehensive plan tells us the same kinds of things; these parcels are in the middle of the continuum. She said in regard to the environment, there are no protected wetlands. Public service issues are fine because the parcels have been in the town for a number of years. Property owners adjacent by 500' were notified, and no comments were received.

Commissioner Howard made a motion to recommend that these parcels be rezoned as requested to Highway Commercial and General Commercial with the same split as in the earlier motion. Commissioner Crower seconded the motion. The motion passed unanimously.

TOWN OF PORT ROYAL COUNCIL UPDATE

Council annexed 873 Parris Island Gateway and zoned it Highway Commercial with the Shell Point Neighborhood Overlay. They also annexed 1001 Cypress Street and zoned it MU-2 with the Shell Point Neighborhood Overlay.

DISCUSSION

Ms. Bridges said that the development code process has begun; they have met once, and the six-member committee has been reviewing the first two divisions of the document. They will meet again the following evening for more discussion and for Ms. Bridges to get their feedback.

Commissioner Hicks said the composition of the county's committee was strictly technical, and he asked about the Town of Port Royal's. Ms. Bridges described the professional composition of the committee. Commissioner Hicks said the county has finished their form-based code review and there's now a question of how to bring it out.

Chairman DeVito said the Rail Trail is being paved. His perspective is that cement seems to be the best option. Also, over time, it allows the best way to patch the pavement and keep smooth seams as opposed to asphalt. This is a different type of ride on a multi-purpose path, so this is the most apropos material. Asphalt presents a lot of problems and doesn't last. Chairman DeVito said grass roots attach and destroy the asphalt. Concrete is more expensive but easier to repair. November 20 is the opening date for the trail, he said.

There was a general discussion about elements of the trail and a crossing at Highway 170. Digging a tunnel would involve the relocation of many utilities, Chairman DeVito said. It's going to cost about a million dollars to go over Highway 170. He personally likes the idea of a pedestrian bridge. He added that they are working hard to get a matching grant.

There being no further business to come before the commission, Chairman DeVito made a motion to adjourn the meeting. The meeting was adjourned at 6:57 p.m.