

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **October 17, 2011 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners Alan Dehovitz, Robert Semmler, James Crower, and Jim Hicks, and City of Beaufort Planning Director Libby Anderson and Town of Port Royal Planner 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

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

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Rezone Front Acreage at Wright’s Point. District 112, Map 34, a portion of Parcels 3 and 5. This is approximately 4.82 acres located on Parris Island Gateway at Wright’s Point Drive. The proposed zoning is Highway Commercial (Highway Commercial) with the Shell Point Neighborhood Overlay District. The existing zoning is Mixed Use-1 (Mixed Use-1) with the Shell Point Neighborhood Overlay District.

Ms. Bridges said this property is undeveloped. She indicated the area under discussion and described what the existing Mixed Use-1 zoning allows. The proposed zoning of Highway Commercial would not allow residential development. The designation “is the broadest and most intense,” she said. Automobile-oriented commercial development is particularly encouraged in this zoning. Ms. Bridges said the comprehensive plan and Future Land Use map within it show that there is an intended growth center / activity center. The comprehensive plan said development in these areas can support substantial mixed use. There should be an interconnected street network. The goal is to find and create this in these areas when possible. There are no environmental or public service issues to consider. Public notice was made. Mr. McNeal wrote letters to residents in Wright’s Point, and there have been responses which Ms. Bridges gave to the commissioners. She said the messages received were asking city council and the Planning Commission not to entertain the rezoning request.

Ms. Bridges said at Commissioner Dehovitz’s request, she had done some research, and city council has had a history of issues in this area twice. In 1997, a portion was zoned Highway Commercial and the remainder Mixed Use-2. In approximately 2006, the property owner came to the Town of Port Royal and applied for the remainder of the property “in front of the gates” to be zoned Mixed Use-1, which it is. Commissioner Hicks asked if Wright’s Point was a PUD. Ms. Bridges said residents believe it was a PUD, but it never has been a PUD as defined by the Port Royal zoning code. They may have confused a PUD zoning designation with the idea of a “planned community.” It has had by-right zoning since it was annexed in 1997. Ms. Bridges said she didn’t know if it was a PUD when it was in the county.

Commissioner Dechovitz asked about the access road from Wright's Point and if there was an easement to Highway 802. Ms. Bridges said that road has been paved all the way through since 2000 at least. It's not a town road, she said. It's a private road that the town doesn't own or maintain.

Commissioner Crower asked about access to Bellevue Bluff. Ms. Bridges said it comes into the property then breaks off in a dirt road. Commissioner Semmler said if he lived on the bluff and was driving down the same easement for all those years, by-right of using it, it became a road. Ms. Bridges said it takes about 25 years. Commissioner Dechovitz said that is an expectation, but people may assume that they control land or have a right established by legal agreement. Ms. Bridges said the applicant provided documentation, and there could be some prior to and since filed at the deeds office, but the town was just looking for an image to present to show what was under discussion.

Ms. Bridges described the zoning in the area around that which was under discussion. She indicated which roads were the Town of Port Royal's and which belong to the state.

David Tedder said he was approached by Mr. McNeal, whom he had expected to be present at the meeting. Mr. Tedder said he is familiar with the area and could answer questions. He said some of the comments seem to indicate a misconception about the plan for the area, which was intended for shopping "all along" since 1997. At the entranceway to Belleview Circle, Marine Federal Credit Union put a bank drive-through to no ill effect. He said the project is currently in the minority in the area by not being Highway Commercial. In regard to road access, Mr. Tedder described which are privately held, and which are dedicated easements. He added that he's not that familiar with the roads of late, however.

Lauren Segal owns a lot in Wright's Point Circle and at 111 High Tide Drive off Midtown Drive. When they bought their house and lot in 2007, they were not told it would ever be Highway Commercial. She is opposed to the rezoning.

William Hucks, 52 Wright's Point Circle, said he objects to the Highway Commercial designation because of traffic and noise that would be created in the neighborhood. He said they were never given information that this would ever be zoned Highway Commercial.

P.M. Barry, 20 Wright's Point Circle, said the property was sold to them as Mixed Use as in Newpoint, and was represented to him and his wife as a PUD. He doesn't believe this is the right thing for their community. Commissioner Dechovitz asked when it was presented as a PUD and a Mixed Use, if they got anything in writing to that effect. Mr. Barry said they got a lot of paperwork 11 years before, and he would have to look. He said they were not made aware that it was Highway Commercial and were shown a different plat than the one that is being shown. He said that he didn't go to the courthouse and do research to learn differently.

Andy Corriveau, 14 Wright's Point, said he had three objections to the rezoning. The Town of Port Royal has adopted the concept of New Urbanism, he said, which is pedestrian-oriented, while this is in contrast to that as it is auto-oriented. He bought his property six years before and in extensive conversations with the developer, there were no plans shown for Highway Commercial-type development. He's on the DRB for Port Royal and explained that not allowing a drive-around in the front has meant some businesses were not approved. Second, he said as an owner, he relied on what he was told by the developer and his sales people. After they bought property, 3 years later, they were presented with new plans, but "none included any development of the Highway Commercial variety." In regard to restricted covenants of the Wright's Point Property Owners Association, Mr. McNeal is in litigation, and the issue is unresolved and pending as to this. Mr. Corriveau said he recommended not approving it

Shirley Nobel, 34 Wright's Point, said she and her neighbors "don't want commercial." She requested a turn-signal for the extra traffic to get in and out of the property if the Planning Commission decides to approve the applicant's request for redesignation.

Tom Patterson, 56 Wright's Point Circle, said in regard to the PUD, he and his wife were "enthralled" by the PUD and the work-live situation like Habersham's. This redesignation is not what they were expecting when they purchased, and is unlike the drawings that they saw.

Commissioner Semmler asked about the legal issue; Chairman DeVito said he didn't feel it affects this particular piece of property. Ms. Bridges said that's her understanding. Commissioner Dechovitz said if the owner or developer stated in court that the area was under the auspices of the property owners' association, it would apply. Chairman DeVito said that wouldn't apply to the rezoning. Commissioner Semmler said it would be the job of the Planning Department to let the Planning Commission know if that's the case. Chairman DeVito reiterated that this would not change the underlying zoning.

Mr. Tedder said last Thursday, Mr. McNeal had asked him to be present for this meeting. He described the details of the restrictive covenant if a permit were being requested, not a rezoning. "Until a permit is pulled," he said, "you can't tell whether something is restricted or not." Mr. Tedder showed some illustrations of the access road to explain who owns it. Commissioner Dechovitz said he wondered if the property owners' association owned the access to their easement. He said he'd understood Ms. Bridges to say that the property owners' association doesn't have access to its front gate.

Mr. Tedder said a PUD is an ordinance, and there's no ordinance on the area. He's personally seen marketing materials which showed the area described as a shopping center, and he doesn't know what kinds of drawings the property owners were shown. To his knowledge, the McNeal partnership or Mr. McNeal owns the access road. Commissioner Dechovitz said if he owns an easement, he doesn't have to maintain it. Mr. Tedder said in some cases, the owner

would have to maintain it. He said in any case, this is not the issue under consideration. The owners will still have access however it's zoned. Chairman DeVito agreed. They bought property that showed access coming through there and will be supported by 60 years of law. Chairman DeVito said access *has* to be granted, even if it's redesigned.

Chairman DeVito said they need to consider if Highway Commercial is appropriate for the 300 feet of property. The owner has clearly changed his mind about the zoning, Chairman DeVito said. The Planning Commission has to determine if it's the right zoning for the property and consistent with the comprehensive plan.

Commissioner Hicks asked Ms. Bridges about the Mixed Use-1 zoning. Chairman DeVito said it was originally Highway Commercial. Commissioner Hicks said the zoning was changed to Mixed Use-1 at the request of the Town of Port Royal. Commissioner Hicks said it was marketed as Mixed Use-1 during that time. Ms. Bridges said that when it came into the Town of Port Royal, there was a request that it be Mixed Use-1. Ms. Bridges showed the exhibit from the annexation petition and ordinance when it was annexed. Commissioner Hicks asked how it came to be Mixed Use-1 and Ms. Bridges said the owner came to the town in 2006 and requested the rezoning to Mixed Use-1 from Highway Commercial. Commissioner Hicks said if the owners bought believing it was Mixed Use-1, it's strictly a matter of fairness, as well as one of rezoning, and "there's reasonable doubt that upzoning would be inappropriate," so he would vote against it.

Commissioner Crower asked Ms. Bridges about the commercial uses allowed in Mixed Use-1: retail, service, office uses, Ms. Bridges said. Highway Commercial is more intense; a restaurant is allowed in Mixed Use-1, but not a drive-through. Pharmacies and banks are allowed in Mixed Use-1 but there's no prohibition against drive-throughs. A broader array is allowed in Highway Commercial. Mixed Use-1 is a commercial zoning designation, she said, that allows residential.

Commissioner Semmler said when he looks at Highway 802, it's Highway Commercial all the way up, and he feels if they approved changing Mixed Use to Highway Commercial every time it's requested because of the economy, it would be a disservice to what is being endeavored in the comprehensive plan and the work of Ms. Bridges and the town.

Commissioner Dechovitz said he agrees with Commissioner Hicks that the people in the community are probably being treated unfairly. He feels someone misrepresented something, but the Planning Commission can't explore that, only the courts can. The access road is to a state or town route, and it's a path into a substantial development belonging to a developer who seems to have misrepresented what he was selling. Commissioner Dechovitz said he has a problem putting this sort of zoning in front of a development that would be unprotected. In regard to rezoning a property on a major thoroughfare like the trailer court, after exploring zoning options, Highway Commercial was found to be appropriate in that case. He is also concerned that there would be a lot of commercial uses for the frontage but that wouldn't

necessarily requiring Highway Commercial zoning. He can see the zoning changing and make it General Commercial, but recommended that city council then would require a development plan that would upgrade the street and dedicate it to the town. Since the Planning Commission is being asked for Highway Commercial, and the developer isn't present, he's not inclined to act.

Commissioner Semmler made a motion, second by Commissioner Dechovitz, to deny the change in zoning at Wright's Point Drive from Mixed Use-1 to Highway Commercial. The motion passed unanimously.

TOWN OF PORT ROYAL – UPDATE ON COUNCIL ACTIONS

Ms. Bridges said the council annexed the Shell Point Plaza and also gave first reading to the amended Port of Port Royal PUD.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Annexing a parcel of property located at 103 Robert Smalls Parkway, identified as District 100, Tax Map 29, Parcel 148. The existing zoning is "Commercial Regional District." The proposed zoning is "Highway Commercial District."

Applicant: Vaden Automotive Group

Ms. Anderson said this is the site of the former OC Welch Ford dealership. The property is contiguous to the city limits and is in a "donut hole." In regard to annexation, all municipal services would be available. Fire service is provided by Burton. The property is Commercial Regional district (CR) and is the most intense commercial zoning district in the county code. Proposed zoning is Highway Commercial and permits all types of office and commercial uses. According to the city's comprehensive plan, it is located within a regional center for high-intensity commercial and office activity.

Redevelopment and reinvestment would not negatively affect the area's natural features. The existing land uses are intensely developed, and Ms. Anderson went on to describe the surrounding businesses in the area. Public notice was made. There has been no public comment to date. Staff recommends approval. Chairman DeVito said the other lot in the area is already annexed into the city.

Bill Daniels, one of the principals, represented the applicant. **Commissioner Dechovitz made a motion, second by Commissioner Semmler, to recommend approving the annexation. The motion passed unanimously.**

City of Beaufort – Rezoning. Rezoning a parcel of property located at 103 Robert Smalls Parkway, identified as District 100, Tax Map 29, Parcel 148. The existing zoning is "Commercial Regional District." The proposed zoning is "Highway Commercial District."

Applicant: Vaden Automotive Group

Commissioner Crower made a motion to recommend the rezoning, second by Commissioner Dechovitz. The motion passed unanimously.

City of Beaufort – UDO Amendment. Revising *The Unified Development Ordinance of the City of Beaufort, South Carolina*, Section 6.10, “Bladen Street Redevelopment District” to change finished floor height, porch and stoop height, and build-to line requirements, and to delete the standard for first floor height for residential uses.

Applicant: City of Beaufort Planning Department

Ms. Anderson said six projects have gone through the Bladen Street ordinance and recommended changes to the code are addressed here. Height would be adjusted from 3’ to 2’; a section of the code would be eliminated that is a duplication; porch height is currently described as 30” and would be reduced; stoop height would also adjust from 3’ to 2’; building placement at the build-to line would be 0-15’ for residential and 0-12’ for commercial and mixed use.

Ms. Anderson said the current projects met the standards, and this is “what’s out there today,” for future use. Commissioner Dechovitz said there’s been no discussion of handicap access, but the properties are being raised. Ms. Anderson said there would be a ramp in the back if that were called for. The elevation is in the front / street façade. In the rear of the properties, it’s less. There might be 1-2 steps for access from the back, though, that would be replaced with a ramp. Commissioner Dechovitz asked if handicap access were ever discussed in the ordinance. Ms. Anderson said on Bladen, it would be a flush elevation for a commercial use; they’re not required to be elevated.

Commissioner Dechovitz made a motion, second by Commissioner Crower, to accept the changes as recommended. The motion passed unanimously.

City of Beaufort – Amendment. Amending *Vision Beaufort; 2009 Comprehensive Plan*, with the “City of Beaufort, Civic Master Plan, Volume I, Sector 1: Downtown.”

Applicant: City of Beaufort Planning Department

Josh Martin, Office of Civic Investment, made a presentation about the Sector One City Master Plan which he said would eventually encompass five sectors in total. He described what was in the appendices. They want city council to adopt it and so brought it to the Planning Commission. Commissioner Hicks said he’d like Mr. Martin “to explain strategically what this does to the City of Beaufort.” This document is most compatible with the Boundary Street Master Plan, Mr. Martin said. He went on to explain that this is the Master Plan for the downtown area of the City of Beaufort. It’s not yet codified, but is synonymous with the Boundary Street Master Plan for this section of the city. Commissioner Dechovitz asked “what they are doing today that they would have to do differently tomorrow to make it a reality” vs. what the city has now. Mr. Martin said this is a different kind of plan that Beaufort has. It was

done block-by-block and is a “drill-down of the comprehensive plan.” He said nothing specifically changes tomorrow, but if this were adopted, this acknowledges that the city has adopted it as a vision / planning document for the city and is moving into the form-based code process.

Commissioner Dechovitz said a Master Plan for a business or manufacturing facility, etc. would have “4-5 guiding principles that would be adopted to guide actions to achieve the following measurable goals.” The only decision he sees after reading 300 pages, he said, is that the city is accepting that form-based code will be applied over the area. Mr. Martin said there are guiding principles, and it’s coupled with the Redevelopment Commission’s projects list, which is different than what has been done in the past. Commissioner Dechovitz said “that’s not strategy.”

Mr. Martin said there are “guiding and specific” principles. Commissioner Dechovitz asked if any of them “represent a change today that city council has to make.” Mr. Martin said these are from the comprehensive plan. He then showed the plans and recommendations based on the principles applicable to this specific sector. He gave as an example promoting USCB to grow along Boundary Street vs. “growing in certain neighborhoods.”

Chairman DeVito said if the objectives aren't in place for how the area will look, they can't put form-based code in place. He said this is a business plan for how they want the areas to look. It's “a concept of what is wanted by those who came to the charettes.” The Planning Commission and city council need to say “we agree” or not. It tells what the people were looking for and the next document will say what they are going to build to meet those objectives. Commissioner Dechovitz said this may capture hundreds of people's vision, but council as executives have to go out and make it happen. He said he'd want to have specifics if he were the boss / city council. The document “doesn't tell council that they have to do anything different to have this plan come to fruition” or “what they will get if they do that.”

Commissioner Dechovitz said if they adopt form-based code, he would like to know the financial implications of that, or of the development around USCB. It's “not an action document,” he feels. It's different, Chairman DeVito said, in terms of how closely the neighborhoods are looked at. Commissioner Dechovitz said a large percentage of Beaufort is looking for change, action, and implementation of docs, not more docs. Mr. Martin said the city council made sure that the Redevelopment Commission was formed to carry many of those projects out. This organizes the efforts “in terms of implementation,” Mr. Martin said.

Commissioner Dechovitz said most of the recommendations for the Redevelopment Commission were “study this, study this, study this.” Mr. Martin said he disagreed. Commissioner Hicks said the plan for Daufuskie Island was similar to this, but in the principles, a senior planner could grant a variance so long as it was shown to comply or enforce with the principles stated. He asked if that would happen in the City of Beaufort's document. Mr. Martin

said he can't speak for the city. The steering committee will go through line-by-line to avoid confusion as in past form-based code efforts. That will be corrected and "also have one of the most progressive codes they can have."

Commissioner Hicks asked why they stopped at Whitehall, since the City of Beaufort owns "quite a bit of property on Lady's Island." Mr. Martin said they were "trying to coordinate their timing with the county." This would most closely align with their planning processes on Lady's Island. Commissioner Hicks asked if someday it would be realistic to see Lady's Island strip as standardized zoning whether it's city or county. Mr. Martin said he thinks that's very realistic. Commissioner Hicks said the City of Beaufort has agreed to growth boundary lines, and since the county doesn't agree, he asked if there would be a standardized agreement so when property is annexed, it will be in keeping with the City of Beaufort's comprehensive plan. Mr. Martin said it will all depend on the timing and implementation of the codes. If the city does an administrative rezoning from current state to form-based code, that would take so long to rezone thousands of parcels, so "there might be a reeducation process." The standards of the district and the way the communities are designed, one community wouldn't get more than another. Commissioner Hicks said the county has agreed not to upzone. The process itself would remedy Commissioner Hicks's concern, Mr. Martin said.

Commissioner Dechovitz asked, if the ordinance and the plans for the county and city are essentially the same, what the purpose is of the jurisdictional difference. Mr. Martin replied "the range of intensities." In the city and county context, the code would be different. Commissioner Dechovitz said the transects might be unique to the county, and Mr. Martin said "the goal is to standardize the process as much as possible."

Charlotte Pazant-Brown asked the Planning Commission to reconsider enforcing tax loans in the area of USCB and the properties around it. Her family owns property in the Old Commons and she wondered how far that plan will go before "eminent domain," is claimed, for example. She agreed with Commissioner Hicks that they "don't want a lot of 'gotchas' down the road." Changes are unknown and affect people living in the areas where they're being made.

Steve Parker, Barnwell Bluff, said he's been looking at the plan, and the condos in Barnwell Bluff are highlighted to be redeveloped. A section of the bluff is shown to be a hotel and convention center, and he wondered where the condos would go. They are surrounded by Open Land Trust property; some diagrams show a waterfront walkway through Open Land Trust property, and he wondered how the city was able to maneuver through Open Land Trust.

Jay Weidner, Calhoun Street, said he's present to support the vision of those who put the plan together. He agreed with Chairman DeVito that this is step one and material changes can't be made without an idea of where they're moving to. There have been many plans and many actions taken without a lot of thought behind them. He feels the planners have identified a lot

of places where the existing fabric of the city can be improved. Mr. Weidner said it “gives a framework for intelligent decisions about where to lead our city.”

Bill Turburin, Barnwell Bluff, said the two most beautiful things in Beaufort are the marshes and the live oaks. The plan will take some of that over, and he objects to a plan that allows the city to take over Open Land Trust property or to cut down live oaks on that property.

Mr. Martin said the recommendations in the project book would require plan review, public notice, and approval, and “are just ideas at this point.” He went on to address the plans for USCB, saying they’re “a blueprint.” In regard to Barnwell Bluff, the plans are for 100 years. They are not taking over Open Land Trust land, he said, and the plan for the live oaks is not to cut them down.

Mr. Martin said there was no mention of the HDRB in the document and they didn’t mention any boards or commissions. He explained why that is the case: the form-based code would put all documents in one place “so the Northwest Quadrant and Milner would be together.” They are not rezoning any parcels, he said; “This is just a vision forward.” He addressed other concerns expressed, e.g., abandoned alleys in the Northwest Quadrant and possible plans for those. The plan “prefers renovation and repair,” he said, but they might have to demolish some. They are evaluating specific properties as they come up for possible demolition.

Chairman DeVito said the Planning Commission was to decide if they “would pass the plan on to city council as a vision.” Commissioner Dechovitz said he has a problem with the process, which “is not making decisions but is creating yet another vision,” and as a result, in the past, not much has happened. Ultimately, to have a vision, strategic decisions must be made. Beaufort hasn't shown itself to be great at implementing the visions they create.

Commissioner Hicks said if the comprehensive plan is added to by sectors, “it will require a wagon” as it will be a huge document. Planners don’t re-write these every five years, he said, so after ten years, “some consultant will be hired to consolidate it down, to say what it really meant to say,” and create a workable comprehensive plan. He asked if there were an alternative to that. Ms. Anderson said the comprehensive plan will be much different in ten years than it is today. The form, shape and guidance will be different. They will go beyond a Master Plan to a parcel by parcel plan. They will want to update it, but it will be a different document than it is today.

Commissioner Dechovitz made a motion, seconded by Commissioner Crower, to pass the plan to city council. Commissioner Semmler asked Ms. Anderson, if they want to do something to Waterfront Park in the plan, for example, if Ms. Anderson would make the proposal to the city council and then it would come to the Planning Commission or to another commission. Ms. Anderson said it depends on who owns the property. If the city does, and funding is in place, if it’s consistent with the civic Master Plan, they wouldn’t have to do that. It depends on the

project and how it conforms to policies and plans. Ms. Anderson said the mooring field development is a change, and it will not have to come to the Planning Commission, but a change to development standards and zoning would have to come before the Planning Commission.

Commissioner Dechovitz asked what happens if a property owner doesn't like the planners plan for his property. He asked "if it would impact his property rights." Ms. Anderson said the development standards will control it. Mr. Martin said the redevelopment initiative is to show people what they can do with their property as "people don't understand what the codes mean for their property."

Commissioner Dechovitz asked, if the principles guide what's to be done to the properties, why they didn't just adopt the principles "rather than create the nightmare document we're headed towards." That way, he reasoned, when people want to change their property, they can apply the principles, as opposed to going property by property for five districts. Mr. Martin said it's important to show people what can be done with their property. They need the legal framework of the zoning, also, Mr. Martin said. Great plans aren't small documents and require detail. **The motion passed unanimously.**

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson said there were three amendments to the UDO passed since the last Planning Commission meeting. The Middleton Street rezoning was withdrawn by the applicant.

REVIEW MINUTES OF THE SEPTEMBER 19, 2011 MEETING

Commissioner Hicks made a motion, second by Commissioner Dechovitz, to accept the minutes as submitted. The motion passed unanimously. Commissioner Semmler and Commissioner Crower abstained because they were absent from the meeting.

There being no further business to come before the commission, **Commissioner Crower made a motion to adjourn, second by Commissioner Semmler. The motion passed unanimously,** and the meeting was adjourned at 7:51 p.m.