

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **February 18, 2013 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, Robert Semmler, Bill Harris, Jim Hicks and James Crower, and Town of Port Royal Planning Director Linda Bridges and City Planner 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

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

MINUTES

Commissioner Howard made a motion, second by Commissioner Harris, to accept the minutes of January 24, 2013 as submitted with the correction made prior to the meeting by Julie Bachety in regard to who had called the meeting to order. Commissioner Hicks and Chairman DeVito abstained from the vote because they were not present at the meeting. **The motion passed 4-0.**

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Amend Comprehensive Plan’s Future Land Use Map

Amend the Future Land Use Map in the Land Use Element to adjust the Town of Port Royal’s growth boundary

Ms. Bridges said the Town of Port Royal is asking for an adjustment to the future service delivery areas agreement map. She showed a piece of the map concentrating between Robert Smalls Parkway and Parris Island Gateway. In the late 1990s, she said the councils established a line to delineate which areas would be served by the Town of Port Royal and which by the City of Beaufort. The Town of Port Royal has since made this its growth boundary. This would be an amendment to the Town of Port Royal’s comprehensive plan.

Ms. Bridges said that the commission’s recommendation will go to the town’s council for a first reading, public hearing, and second reading. There is interest by property owners on Robert Smalls Parkway to annex into a municipality for an urban growth standard. The properties are contiguous to the town, but one is on the town’s side of the line, and the other isn’t. This request led to a closer look at the line, Ms. Bridges said.

The town brought this to the Metropolitan Planning Commission in January, and the commission told her “what would be important to the quantified analysis.” Staff asked that a special workshop be held for a closer study before making a special application; they are now asking for a recommendation on the movement of the line. They want to adjust the line to

follow a path which Ms. Bridges described and showed on an overhead map. The change will cause an area to shift from outside of the town's boundary to inside the town's boundary and another to shift from the Town of Port Royal to the City of Beaufort. Ms. Bridges said she had sent a chart of this to the Metropolitan Planning Commission members.

74 acres would be gained by the Town of Port Royal, and 120 acres gained by the City of Beaufort. 3918 linear feet of major road frontage on Robert Smalls Parkway would be gained by the Town of Port Royal; the City of Beaufort would gain 2295 linear feet on the west side of Parris Island Gateway. In regard to market value for acreage: the Town of Port Royal's is \$6 million, and the City of Beaufort's would be more than \$12 million.

In addition to adjusting the line, Ms. Bridges said, because this is the Future Land Use map for the Town of Port Royal, if it's adjusted, Town of Port Royal staff would like a document that gives them guidance as to what will happen with future annexations. Currently the comprehensive plan and Future Land Use map are guides for staff for future zoning designations as annexation happens; moving the line will help with annexation, but not on guidance with zoning.

Ms. Bridges showed the same portion of the Future Land Use map and described the various areas. Beyond moving the line, staff would like to place an activity center at the intersection of Castle Rock Road and Robert Smalls Parkway. Activity centers support more robust, intense zoning, Ms. Bridges said. The contributing factors to this decision are the stop light, the realignment of Castle Rock Road, infrastructure that is already there, etc. Plus, the Town of Port Royal will be gaining a small strip center that is already there and, if it's annexed into the Town of Port Royal, the town would want a zoning designation to match the development that's there. The old Beaufort Glass building, similarly, has development of a particular magnitude that will want to rent or buy that place, i.e., boat sales, Ms. Bridges said.

Chairman DeVito asked Ms. Bridges, if they approve this, if she is expecting them to also approve Exhibit B, and Ms. Bridges said that's the town staff's request. Commissioner Crower said there appear to be differences between the map she showed and another map. Ms. Bridges explained the difference and referred the commissioners to their paper maps for clarity.

Commissioner Crower said the change they are asking for is "totally county property at this point," and Ms. Bridges said that's correct. There's no municipal property at this point. Commissioner Howard asked her to clarify what is in the Town of Port Royal on the map, and Ms. Bridges showed the current boundary. She said this particular map is from 2009 and hasn't been amended.

Chairman DeVito said they are considering the motion to change the map to add and subtract each area's service boundaries. **Commissioner Hicks made a motion that they forward to the Town of Port Royal and City of Beaufort a recommendation for approval of amending the Future Land Use map to adjust the Town of Port Royal's growth boundary. Commissioner Harris seconded the motion.**

In regard to Exhibit B, Commissioner Harris asked if the City of Beaufort is in favor of this. Ms. Anderson said it hasn't been presented to council, but both staffs have agreed on the map. **The motion passed unanimously.**

Town of Port Royal – Annexation and Zoning of Forest Lawn Cemetery and Annexation and Zoning of 599 Robert Smalls Parkway

Ms. Bridges said the staff report covers agenda items B – E. She said the Town of Port Royal has received annexation petitions from two applicants. The area is *behind* Robert Smalls Parkway and *at* Robert Smalls Parkway. She described the size and occupancy of the two parcels and showed the parcels and property lines on an overhead map. She then showed the cemetery, which is already in the Town of Port Royal. Building on that to the north, Ms. Bridges said, there will be another piece, which she showed. She indicated the portion that is not yet on the town's zoning map.

The parcels are currently zoned Commercial Suburban. County council is considering a text amendment to Commercial Suburban that would allow businesses that service boats to sell them, too, Ms. Bridges said. Parallel to that, the applicant has asked the Town of Port Royal to annex the property. The parcels are on the edge and just beyond the Town of Port Royal's Future Land Use map. The proposed amendment "will bring parcel 120 D into the growth boundary and beyond as a cushion," Ms. Bridges said.

Ms. Bridges said delivery of services from BJWSA will remain the same; the Burton fire district will serve the area. Funds are allocated annually by contract to be the first deliverer of services, Ms. Bridges said. The Port Royal police department will provide services in the area as they already do. Commercial garbage pick-up may not be immediately addressed but could be in the future. The town is already delivering services in the area, Ms. Bridges summarized.

The applicants are requesting Highway Commercial zoning. The marine service is within 500' of Robert Smalls Parkway and would be covered by the Robert Smalls Parkway Overlay District. Highway Commercial allows a wide range of commercial uses, including the two uses that exist right now: marine repair and sales, and the cemetery. The Robert Smalls Parkway Overlay would come into play if there was a change in the appearance of the property. Everything in that overlay goes to the Town of Port Royal's DRB for approval.

Ms. Bridges said in regard to the future land use, Highway Commercial would be a zoning designation compliant with the activity center discussed previously. Although they talk about zoning, she said she would remind the commission that the Town of Port Royal code has chapters on tree removal, stormwater retention, street layout, etc. "All of these are part and parcel of the town's code," Ms. Bridges said, and "these properties would be part of those stipulations."

There are no environmental issues that stand out to staff now, and letters were sent to property owners within 400' of the affected properties, Ms. Bridges said.

The applicant, **Craig Freeman** of Barrier Island Marine, said they were unaware that they would start all this when they moved their business two blocks down the street. Commissioner Hicks thanked Mr. Freeman for his patience as they do this and said doing so will make it easier for the Metropolitan Planning Commission to do this for future businesses.

Commissioner Hicks made a motion to recommend that the Town of Port Royal annex District 100, Map 31, Parcel 2C, adjacent to 611 Robert Smalls Parkway into the Town of Port Royal. Commissioner Harris seconded the motion. The motion passed unanimously.

Commissioner Hicks made a motion to recommend that the Town of Port Royal zone District 100, Map 31, Parcel 2C, as Highway Commercial within the Robert Smalls Parkway Overlay District. Commissioner Harris seconded the motion. The motion passed unanimously.

Commissioner Hicks made a motion to recommend that the Town of Port Royal annex District 100, Map 28, Parcel 120D at 599 Robert Smalls Parkway into the Town of Port Royal. Commissioner Crowder seconded the motion. The motion passed unanimously.

Commissioner Hicks made a motion to recommend that the Town of Port Royal zone District 100, Map 28, Parcel 120D at 599 Robert Smalls Parkway as Highway Commercial within the Robert Smalls Parkway Overlay District. Commissioner Crowder seconded the motion. The motion passed unanimously.

TOWN OF PORT ROYAL – UPDATE ON COUNCIL ACTIONS

Ms. Bridges said town council has rezoned District 110, Map 9, Parcels 23A and 23 F from General Residential to MU-2. The applicants are building a small commercial building there.

Commissioner Hicks asked Ms. Anderson if, upon approval, the City of Beaufort Future Land Use map needs to be changed. Ms. Anderson said the City of Beaufort doesn't treat it the same way in terms of the growth boundary, but she thinks they will want to present the change to council as they have for the last decade. Ms. Anderson said the city does have a Future Land

Use map that includes land in the city and county. She said she would look at this matter though, in regard to the change, as Commissioner Hicks suggested.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

UDO Amendment – Revising Section 6.6.F.1 “Outdoor Display of Merchandise,” to clarify what types of merchandise are exempt from display requirements

Ms. Anderson said this was presented in December and tabled for staff to provide more information. She reviewed the definitions of “indoor” and “outdoor” merchandise. Outdoor merchandise is not held to the same strict standards as indoor merchandise is, she said. Indoor merchandise is typically used and stored indoors, but if placed outside, it can only be within 5’ of the building, not on the street, in the parking lot, on the sidewalk, etc. Outdoor merchandise, like cars and boats, has more flexibility; she described the limits to this in terms of where the merchandise will be allowed to be displayed outdoors, which requires a site plan.

A new business at Highway 170 and Salem Road triggered this when they moved into their new space. The business’s owners were told that they were not permitted to display their lawn mowers outdoors as outdoor merchandise. The owners appealed the decision based on the ordinance’s wording, which includes lawn maintenance equipment as outdoor equipment, Ms. Anderson said. The appeal is still ongoing, and staff feels the wording of the ordinance should be modified.

The ordinance’s intention for outdoor merchandise was that they be items that are very difficult to move around daily, Ms. Anderson said. Those items that are moved in and out every day should be held to the same standard as clothes and furniture, so they are proposing to clarify the wording of the ordinance to make it clearer that the distinction is between “temporary” and “permanent” merchandise. They are eliminating the provision for lawn maintenance equipment, Ms. Anderson said. Outdoor display is really *permanent* display, Ms. Anderson said, and is for items that can’t be moved around on a daily basis. Merchandise that is stored inside should not be considered outdoor merchandise. Another part of the ordinance revision designates that outdoor merchandise must be displayed according to a site plan. A site plan will designate where the display is allowed. The mower business is not new development, Ms. Anderson added.

Ms. Anderson said she had received display ordinance copies from the Town of Port Royal. Outdoor display in Beaufort has been studied for more than a year by the council, to the same degree as short-term rentals were in terms of public scrutiny, etc.

Commissioner Semmler said he agrees with Ms. Anderson that the ordinance change is “nitpicky,” and said that “some businesses will nitpick.” He can foresee someone putting a vehicle outside of their business and leaving it outside with an indoor item mounted on it in

order to advertise their business. There are ways people can get around this ordinance by putting things in front of their property, Commissioner Semmler said.

Commissioner Hicks said the Town of Port Royal and the City of Beaufort use the words “and stored” and the county uses “normally *used* inside.” He said maybe at some point the county will standardized this because they have had their issues with outdoor display as well.

Commissioner Harris asked where a place like Lowes falls in this situation, in that they bring items in and out regularly, and the items are placed further than 5’ from the building. Ms. Anderson said she didn’t realize that Lowes brought items in and out. She said those items aren’t in the parking lot or on Highway 170, so they may be blocking the sidewalk, but they are not in an area that’s not approved for outdoor display. She added that Lowes is a new development and the display “was pre-arranged.”

Chairman DeVito clarified that the way this ordinance change is worded, if a business wanted to designate an area for outdoor storage, they would not be able to bring items out for display and back in at night. Ms. Anderson said yes. Chairman DeVito said he struggles with a business wanting to protect their merchandise from the environment overnight, especially if they bring an agreed-upon site plan. Chairman DeVito said he struggles with the idea of the business not being able to take things in to secure them.

Commissioner Harris said if there’s an approval process for where and how this happens and a site plan is reviewed, he thinks that is enough. It seems to him “a little arbitrary,” and for this case it might make sense, but he can see a business finding its way around the provision. The intent is to try to keep down visual clutter, he said, but he doesn’t know that anything in this revision does that more than is already done. Ms. Anderson agreed that it is difficult, and she would recommend the elimination of outdoor display altogether if possible, because it’s very difficult to regulate. These mowers are bigger, heavier items than baby clothes and used furniture, but there’s “no real difference,” Ms. Anderson said. Council was trying to get away from the many businesses that want to bring their merchandise out, and they determined that the merchandise had to be close to the building.

Chairman DeVito asked if a business built a gazebo and stored everything under it permanently, if that would be permitted, and Ms. Anderson said yes, with a site plan. Commissioner Hicks said the only exception would probably be if the objects on display were “capable of movement under their own power,” but that is even more complex.

Chairman DeVito clarified that the item has to be within the 5’ line of the building, so a larger mower would have to be turned sideways. Ms. Anderson said yes.

Ms. Anderson said the ZBOA had said that if they approve the appeal, there has to be a designated area because if the owners aren't there at some point, whoever *is* there needs to know where the merchandise should be displayed. There was no public comment.

Commissioner Howard made a motion to recommended approval of the changes to the ordinance as submitted. Commissioner Crower seconded the motion. The motion passed 5-1, Commissioner Harris opposed.

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson said the UDO amendment in regard to the boatel is going to first reading by council on February 19.

UPDATE ON THE FORM-BASED CODE PROCESS

Ms. Bridges said the Town of Port Royal review committee is working its way through the use table; new definitions have been put together in a different way by the consultant.

Commissioner Harris said the city is slowly progressing. There is a meeting Wednesday morning. Commissioner Howard said there is confusion about the maps, and they have received emails; neighbors are already meeting about them and not understanding that they're drafts, so there's "some controversy." The county has finished their technical review of the Form-Based Code, Commissioner Hicks said, and "will form a committee that understands what's in it," then will put it out to the public while this group goes over the document, so "there will be a nucleus of folks who understand what it is and what it's doing" when it goes to the county's Planning Commission and council.

Commissioner Hicks said he will not be on the county's Planning Commission for a sixteenth year, and the person who will replace him on that commission would logically replace him on the Metropolitan Planning Commission as well.

Chairman DeVito thanked Commissioner Hicks for his work in planning and his service to the county, the City of Beaufort, and the Town of Port Royal. Commissioner Hicks said the work done on the growth boundaries and the plan tonight was a good way to end his service on the Metropolitan Planning Commission.

There being no further business to come before the commission, Chairman DeVito made a motion to adjourn and the meeting was adjourned at 6:36 p.m.