A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **April 16, 2012 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were and Commissioners Alice Howard, Bill Harris, James Crower, Jim Hicks, and Robert Semmler, City of Beaufort Planning Director Libby Anderson, and Town of Port Royal Planning Director Linda Bridges.

Chairman Joe DeVito was absent.

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.

Commissioner Hicks made a motion, seconded by Commissioner Semmler, to make Commissioner Crower the acting MPC chairman. The motion passed unanimously.

CALL TO ORDER

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

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Annex and Rezone 5 and 7 Marina Blvd. District 100, Map 34, Parcels 12B and 12D, approximately 0.785 acres located at 5 and 7 Marina Boulevard. The proposed zoning is General Commercial (GC) with the Shell Point Neighborhood Overlay District.

Linda Bridges described the current zoning. In the comprehensive plan, the parcels are in the Future Land Use map and are within the future growth boundary for the town. In regard to the delivery of public services, the parcels are currently served by BJWSA, and that will not change; Burton Fire Department will be first deliverer, with the City of Beaufort and Town of Port Royal Fire Department as back-up. Fees are paid to the Burton Fire Department annually for properties on that side of Battery Creek by agreement, Ms. Bridges said. The Town of Port Royal Police Department has adequate staff levels to deliver services to this area. None of the public services to this area would be a drain on the Town of Port Royal, she said.

If the annexation is approved, the zoning must be converted to something in the town's code, and the suggestion is for General Commercial. The property is in a G-3 sector – an activity center which can support substantial mixed use because of its proximity to major roadways and existing or proposed development. Ms. Bridges went on to describe the way the area is addressed in the comprehensive plan in greater detail.

Ms. Bridges said the town's Shell Point Neighborhood Overlay and the county's Community Preservation are basically the same standards in each jurisdiction. Commissioner Semmler asked Ms. Bridges if there has been a traffic impact analysis done and she there has not been yet because it's not required until the time of pending development. Commissioner Semmler explained his concerns about traffic accidents in that area if it is rezoned commercial. Ms. Bridges noted his concerns and agreed. She pointed out that the Shell Point Overlay requires pedestrian and vehicular connections when development happens. She went on to say that he would hear more about the connections and ways out of the property later in the meeting. The subject has come up with some of the neighbors.

Ms. Bridges said the applicant's representation, **David Tedder**, was present.

Commissioner Harris asked if this zoning allowed car-oriented businesses. Ms. Bridges said yes, it's the second most intense type of designation. It allows drive-throughs at banks, services stations, etc. but not drive-through restaurants. Self-storage facilities are allowed. There are design parameters on all of these businesses.

Commissioner Hicks said within the growth boundary, as the economy recovers, people will wonder if they annex if they will have commercial on both sides. He asked "how deep it can go." Does a section in Port Royal that is lacking an Overlay District automatically allow General Commercial? Ms. Bridges said because of the nature of annexation in South Carolina, it is taken piece by piece. Ms. Bridges said they must depend on the comprehensive plan and the Future Land Use map to consider how deep development would be encouraged. Commissioner Hicks said property owners then would have to just wait and see what happens around their property. Ms. Bridges said there are some regulations in the corridors; the Shell Point Neighborhood Overlay is deeper than 500' and will control growth back away from just that corridor. The same is true downtown in the Traditional Town Overlay District. It's not one layer deep. It goes back into the community and looks at it at the neighborhood level, not just in the stripped down corridor. This is not the case on Highway 170, which she termed "a more old-fashioned corridor."

Commissioner Harris asked about form-based code in regard to this area. Ms. Bridges said they tested this map at the charettes, and it tested well in terms of converting to form-based code.

Commissioner Crower asked if the lots have sewer as well as water from BJWSA. Mr. Tedder said he believes so. Ms. Bridges said even if it's not currently there, if they use this zoning designation, it would be a requirement.

Mr. Tedder showed the zoning map and reiterated that it's surrounded on three sides by the Town of Port Royal. He said they are seeking to provide "alternatives to an aging mobile home park." Commissioner Semmler said there are vehicles coming out of the mobile home park, and in that area, there's a lot of traffic on Marina Blvd. The traffic coming out of that blind side road will be great and dangerous. Mr. Tedder said he didn't know what the traffic impact would be. Mr. Tedder said these parcels don't have the capacity to create that much more traffic by themselves. It needs to be looked at comprehensively as a traffic area, he said, not as single parcels.

Chris Caudle said he works in Belleview Business Park and represents the property owners' association there. He wanted to agree with the comments about the traffic and asked the commission to "carefully heed those words." He showed where the curb cuts were on three roads that "just don't line up" when Marina Blvd. is factored in. Mr. Caudle said there have been numerous wrecks there because the streets don't line up at major intersections. There are approved buildings which will have an impact on the traffic in the business park which aren't yet developed, but it's a heavy use area. They do think, however, that it would be positive growth in the area and for the business park.

Commissioner Howard asked how many of the buildings are occupied. He said one is vacant and two are half-vacant. The total is 14 lots; 10 buildings are built, 7 are fully used, 2 ½ are partially used, and one is vacant, and "it's tough getting in and out of there."

Commissioner Semmler said the business park has its own exit onto Savannah Highway and the area under discussion is another egress point. He said it needs to be carefully studied. In his opinion, the traffic part of it was poorly conceived and needs to be rethought. Commissioner Semmler said he thinks this is a good direction to go, but he would like a footnote on the motion to have a traffic impact analysis done. Commissioner Hicks said he didn't think that could be required on a rezoning. He thinks they could recommend that the county traffic engineer should be able to provide comments. Commissioner Semmler said it could be a recommendation. **Commissioner Semmler made a motion that the MPC forward a recommendation for approval of the annexation. Commissioner Howard seconded. The motion passed unanimously.**

Commissioner Semmler made a motion to recommend approval of the rezoning to GC with Shell Point Overlay District, and recommended that Beaufort County do a traffic impact analysis. Commissioner Howard seconded. The motion passed unanimously.

<u>Town of Port Royal</u> – Rezone. District 112, Map 34, Parcel 11, approximately 2.09 acres located at 30 Wayside Drive. The existing zoning is Mixed Use-2 (MU-2) with the Shell Point Neighborhood Overlay District. The proposed zoning is General Commercial (GC) with the Shell Point Neighborhood Overlay District.
Applicant: Carolyn Anderson

Ms. Bridges said this is a private drive off of Marina Blvd. She described what is allowed in the existing zoning as "a very light commercial designation." The request is to rezone it GC. The mobile home park is a grandfathered non-conforming use. The applicants requested annexation 10-12 years ago, and council zoned it MU-2 but mobile home parks are not allowed in MU-2. It can operate daily as a mobile home park with 15 pads, and if a mobile home moved out, another would be allowed to move in, but a sixteenth mobile home could not move in.

Ms. Bridges said the staff report is similar to the previous rezoning. She reiterated what General Commercial allows. In regard to the comprehensive plan, the activity center in the Future Land Use map encompasses this property as well. It is referred to in the comprehensive plan the same way the last property under discussion is. The question is about the intensity of the ultimate uses that might be allowed under this zoning. The G3 intended growth sector falls on the more urban end of the spectrum, Ms. Bridges said. She showed the zoning map in the area around the parcel under discussion. There are no public services or environmental issues that have been determined. Town of Port Royal staff does not make recommendations, Ms. Bridges said, in response to a commissioner's question.

Commissioner Harris asked if this property is served by sewers; Ms. Bridges said it's served by BJWSA, and she thinks that there are septic tanks but if it were developed, it would have to have to come up to sewer. She said no intended use has been shared with her. Commissioner Semmler said it is on a busy highway, with commercial zoning on it, then behind it there's residential with a small mixed use. In this case, there's a doctor's park, but it's very low-key.

Commissioner Semmler described this area and pointed out that the water drains toward Battery Creek, which he thinks is a key part of the environmental impact, but he didn't see that in the staff report. He asked if there were plans to put houses behind the houses on Battery Creek. He thinks that building would be counter to form-based code. Ms. Bridges said "if form-based code were laid on a blank canvas," they would look for the scenario he described. The edges would be blended. It's not as clear-cut because they are "real towns and real communities where development has been going on for hundreds of years." She said that the large piece of property behind there would facilitate residential development to as much as 26 units per acre if the infrastructure supported it. When the business park was designed, the built environment was reminiscent of residential. In regard to environmental issues, Ms. Bridges said she hadn't thought about the creek, but she knows that when development happens, the Town of Port Royal is a member of the county's stormwater utility, so these issues will be addressed,

and there will need to be satisfactory engineering answers to protect those waters. A standard will have to be met, Ms. Bridges said.

Ms. Bridges said a site development permit process is when the applicant will present various "permissions" and plans which are then reviewed and evaluated, as would the stormwater review and a traffic impact analysis, etc., then a site development permit is given, if it's determined to be appropriate to build. Mr. Tedder said there's an opportunity to deal with the environment in this case. Any development that comes in will be compelled to upgrade, which is a benefit to this area.

Commissioner Crower said the existing access road is not on this property. He asked if that would be a problem. Mr. Tedder said there's a designated access easement there; the two front lots can be shifted around to make better access. Commissioner Crower asked if the intention was to develop all three parcels concurrently. Mr. Tedder said yes. Commissioner Crower said there's a proposed road at the north end of the property. Mr. Tedder said the surveyor picked that up from an existing plat, but it's not their intention to develop that.

Mr. Caudle described, in regard to the creek, where the stormwater is piped. Sometimes the ponds get dry, he said, but they are tributaries to Battery Creek. He said the area is all woods from an aerial view and comparing it to the Town of Port Royal's red dot of high density growth, he feels that reiterates the problem of too much traffic. He said "this is an opportunity to make several wrongs right."

Commissioner Semmler said it's MU-2 now, and he's "not afraid of the trailer park." Commissioner Harris said the property behind it is seen as smaller single-family homes, and Ms. Bridges agreed. He said it could be a good buffer between the office park and this area. Commissioner Crower asked if MU-2 could be developed commercially, and Ms. Bridges said yes, primarily with buildings like the office park. The 1998 master plan showed residential coming up against the established residential.

Commissioner Semmler made a motion to recommend denial of the zoning change; Commissioner Harris seconded. Commissioner Howard asked Commissioner Semmler what his thinking was; Commissioner Semmler said he wants "to stick with the form-based code and it works." He agrees with it along the highway and feels the transportation problems have to be taken care of. Increased commercial in this area is going to create more problems, he believes. He feels that the form-based code should be allowed to run its course. There are many opportunities with MU-2, and he doesn't feel General Commercial should be stretched all the way back to those homes.

Commissioner Harris said the kind of commercial in MU-2 would be less intense and coming to the shopping center. Commissioner Crower said General Commercial is okay along the road,

but beyond the highway, it should fade back to less dense and less commercial as they get away from the road. **The motion passed unanimously.**

Town of Port Royal – Update on Council Actions

Ms. Bridges said she had no updates because she hasn't appeared before the MPC for some time.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Amendment. UDO Amendment. Revising the Unified Development Ordinance to create a new Industrial Park District and related changes pertaining to industrial park development.
Applicant: City of Beaufort.

Ms. Anderson said this is a modification to the UDO. Council feels that a new type of industrial zoning should be created; the Industrial Park (IP) zoning is envisioned to be a placeholder until the form-based code is developed.

Ms. Anderson showed the definition of the IP zoning for the proposed Commerce Park. The use table would be amended; the permitted uses are proposed to be much narrower than in the Limited Industrial (LI) which allows a greater range of uses than IP would. IP is limited to true industrial uses, Ms. Anderson said among them are aviation services, light industrial, and manufacturing and production.

Ms. Anderson described the development standards in the proposed IP zoning. Ms. Anderson said fencing and security are important and they are proposing allowing 10' fences if they are in a setback of the IP zoning. She went on to describe exemptions for landscaping for the IP district. In regard to landscaping standards at the perimeter, a lot would be required to create a buffer. On the interior lots, no landscaping would be required.

Signs would be permitted that are similar to what's allowed on the major arterials, Ms. Anderson said. Some reasonable additional signs may be permitted by the administrator. In regard to parking, the current code limits it for all types of uses. IP zoning would be exempt from that limit and will be determined by what is needed for a site plan's use. Parking over the minimum would have to be of a pervious material. Landscaping plans in either LI or IP will not be required to be sent to the DRB; the city's landscape architect can manage this, Ms. Anderson said.

The Commerce Park has already had a traffic impact analysis completed, so they are proposing that it not be required for lots zoned IP. Subdivision of lots zoned IP would be reviewed by staff, not by the Planning Commission as is currently the case with major subdivision plats.

Commissioner Semmler said he thinks the Commerce Park is a great idea, and these proposals "prime the pump." He said there are two other industrial parks, and asked if it would make it easier for those businesses now that went to the Beaufort Industrial Village because they found the Commerce Park too restrictive. He also asked if these changes would make it easier to start a business. Ms. Anderson said she wasn't sure it would make it easier to start a business, but it would make it easier to develop the site. Commissioner Semmler said, in regard to signs, it appears it's being made easier. Ms. Anderson said the sign provisions wouldn't change for lots zoned LI.

Commissioner Semmler said lots would be sold to people who will build a building, and some restrictions have been eased that other businesses had to fight through; those businesses pay taxes to the city, and now they're in competition with the city for business.

Ms. Anderson responded that the city is not purchasing the Commerce Park to make a profit but to create jobs. Also, she feels questions about the purchase of the Commerce Park should be addressed to council rather than to her because her role is limited to matters of zoning.

Commissioner Howard said she has a concern that trees can be taken out, even in setback areas. Ms. Anderson said that isn't the intention, she agrees with Commissioner Howard, and would like to revise the section on tree removal. Commissioner Crower clarified that as it's written, they could clear cut and replant, and Ms. Anderson said that that wouldn't make sense. Commissioner Crower wondered if there were trees out there that need protection. Ms. Anderson said this is applied to seven lots in the Commerce Park, and she hasn't seen a tree survey of those lots. She said one lot is completely clear and some are wooded, and at a glance from the street, there appears to be a mixture of pines and smaller trees. Commissioner Crower said as it's written, there's no protection at all for trees, and Ms. Anderson said that's correct.

Commissioner Crower said he has concerns with the parking. He read the proposal as saying that "the maximum parking shall not apply, which means they could have unlimited parking." He asked if there was any guideline or maximum and what Ms. Anderson's position as administrator would be. Ms. Anderson said for industrial uses, currently, the parking requirements are low. Parking is based on square footage currently, and if there's shift work, they would want to base it on numbers of employees, so that would have to be worked out individually. Commissioner Crower said his point is that as it's written, there's no limit. Ms. Anderson said that was correct.

Commissioner Semmler said he feels that existing industrial parks that might have been under more restrictions should also benefit from this new zoning designation. Commissioner Semmler confirmed that this only applies to the Commerce Park and not to other business parks. Ms. Anderson said that's correct. She described the other LI areas in the city; the Beaufort Industrial

Village is the largest one. IP zoning in the Commerce Park, which is “way out there” is necessarily different than in the other, closer LI areas.

Commissioner Semmler said if the city is buying a commercial park to bring jobs to Beaufort, the development ordinance should also apply to the other industrial village, which is basically doing the same thing. To have the city make its requirements less restrictive than it is for other parks may give the city an unfair advantage, he said.

Commissioner Howard asked if the AICUZ would apply, and Ms. Anderson said yes. Ms. Anderson reviewed how the ordinance changes were determined by looking at other communities’ that had industrial parks. Commissioner Crower asked about the time frame that this might be in effect. Ms. Anderson said realistically form-based code might take a year to 18 months.

Jay Weidner, 1307 Calhoun Street, said he feels this is a great thing for the City of Beaufort to move in this direction, but he’s concerned about the trees in IP zoning. The major function of trees is to mitigate the heat island effect, and he feels each parcel should have a minimum amount of required trees to keep ambient temperatures lower and to keep the heat from being raised up to a mile away. He said Atlanta’s summer temperatures are 10 degrees higher now because of unlimited pavement, etc. that isn’t covered by trees. He feels the property should have some degree of over-story tree requirement, even if they’re small, so as not to put a burden on potential developers.

Merritt Patterson, 317 Laurens Street, is the owner of the Beaufort Industrial Village. The industrial park was formed many years ago, he said, and it was successful. He went on to describe the history of the Commerce Park. In the city, there were insufficient areas for some uses, so that became Beaufort Industrial Village, which was zoned LI. They developed the business park and “complained about the requirements because they were too hard and weren't conducive to business development.” He thought that the Commerce Park would be zoned LI, and then the city would be forced to fix the problems in LI.

Mr. Patterson said that he feels this is spot zoning, that the city is removing the requirements that are onerous to it, and that they would not be paying property taxes. He is “looking for some equitable treatment in the marketplace,” he said. He went on to say that this park is ostensibly for large-scale manufacturing, but that doesn’t seem to be the case when he reviewed the provisions of the ordinance. He has recommended that, to be fair, the Commerce Park should be zoned LI, the problems of LI should be fixed and the city should “not be allowed to play by a different set of rules.” The LI rules are so difficult, he said, that the city won’t apply it to its own project.

Mr. Patterson said Beaufort Industrial Village still has 12 parcels, and there are 80 acres across the street that could be developed, so he does not believe that it is a lack of land that is stopping development. He recommended that the MPC recommend that the city zone the Commerce Park LI until the advent of form-based code. He said he's speaking not just for himself but for everyone who has property zoned LI.

Conway Ivy, 501 King Street, said he agrees with Mr. Patterson that there should be equity, and added that if there are tax abatements for new businesses, they should apply as well to existing businesses.

Commissioner Semmler said he agrees that there should be equity, but they "don't want to kill this." it needs to be easier for businesses to come in to Beaufort, but at the same time it doesn't feel right to change the rules for one group and not the others. He said if there's a way to ask the Planning Department to make it applicable to all the LI areas, it should be the same across the board for everyone.

Commissioner Howard said she disagrees because the neighboring properties have to be considered. The LI on Boundary Street is very different. She knows from being on the ZBOA that some parcels on Boundary Street are LI. Commissioner Semmler asked her about an area that's specifically zoned LI, and Commissioner Howard said that's what she thinks the city is trying to get to.

Commissioner Hicks said if this document were made to apply to all LI park areas, he feels there should be a size requirement that would make it applicable or not; it should not apply to "just any LI spots." Commissioner Hicks and Mr. Patterson each described some LI areas, and Mr. Patterson said the city wanted to encourage residential so they made those areas residential instead. Mr. Patterson said there are other large tracts that would be appropriate for LI, or they could make those LI areas fall under the new zoning. As far as he's concerned, he feels all of Burton could be zoned IP because there are other tracts there in addition to his.

Commissioner Hicks said there would need to be a minimum – such as 10 acres – before the IP ordinance would apply to existing parks. Commissioner Howard said they could ask the staff to look at this before they take action. Commissioner Howard said there's only one action. Commissioner Hicks said they could recommend approval of this ordinance with a recommendation that it also be applied to existing LI lots of acres of a certain size. Commissioner Harris said LI seems not to facilitate development enough, and this new zoning is being applied only to this one area.

Ms. Anderson said that what Commissioner Hicks had suggested – setting a minimum size standard – would be a good place to start once an IP zoning designation is accepted. A large

piece on Burton Hill Road might be appropriate for IP development. Commissioner Crower asked if there's any area limit on LI, and Ms. Anderson said no, there are no limited lot widths.

Commissioner Hicks recommended the planners be allowed to determine the size numbers with research. Commissioner Semmler said it needs to be fair across the board, including for the existing Beaufort Industrial Village. There was a reason those requirements were established for industrial parks, and changing them is to facilitate getting new businesses. He feels that they should not be compelled to pay to come before a board to apply for IP zoning. It should be given to them.

Ms. Anderson said the proposed use table is different for IP than for LI, and many types of business permitted in LI such as mini storage, auto repair, etc. would not be allowed in IP zoning. Commissioner Crower asked the reasoning behind limiting the number of uses when they want to bring in business. Ms. Anderson said that this is meant to be "restricted to major industrial uses."

Commissioner Howard said the city doesn't want to permit the same kinds of uses that are permitted in the LI areas; there can be a school in LI but not in IP. She said she feels that there is a real difference between the two types of zoning. Commissioner Semmler said they could rethink this and questioned the logic behind doing this. Ms. Anderson said in a planned IP zone, public investment is being made that isn't the appropriate place for businesses that are permitted in LI. IP is for manufacturing and production ONLY which is why the list of uses was narrowed for IP. She said a couple of reasons for this were the AICUZ and the use of high value land for high value job-creating uses. "The Beaufort Commerce Park is much, much different than Depot Road," she concluded.

Commissioner Hicks said a recommendation to apply it to size wouldn't take into account the different uses in LI as opposed to IP. Commissioner Harris said they could pass this and recommend looking at revising LI. Commissioner Crower said the issues that they were bothered by were trees and parking, and he questioned whether they should recommend approval of it without taking those into consideration. Commissioner Semmler said they should have some controls but not so many that they prevent business. He said he doesn't feel comfortable with how it's written, but he doesn't want to say no to it.

Commissioner Howard made a motion to approve a recommendation of this ordinance as-is with a recommendation that the larger properties currently zoned for LI be looked at to make them come closer to the standards that will be IP zoning. Commissioner Semmler seconded the motion. The motion passed unanimously.

<u>City of Beaufort</u> – Annexation. Annexation and Rezoning Request. Annexing and rezoning seven parcels of property at or near the Beaufort Commerce Park from Industrial Park District (County Zoning) to Industrial Park District (City Zoning).
Applicant: City of Beaufort.

Ms. Anderson said this is for seven parcels of property totaling 205 acres at or near the Beaufort Commerce Park. One parcel is owned by Clarendon Farms and the others, which belonged to the former LEN, by the bank. She showed a map of the property proposed for annexation. All municipal services will be available upon annexation. Fire service will continue to be provided by Burton. The property is zoned IP district under the county's standards. Proposed zoning is IP under the city's standards; the city's IP was based in part on looking at the county's zoning, Ms. Anderson said.

Ms. Anderson said public notification was made and there have been no public comments received on this rezoning and annexation. Commissioner Harris said he assumed it was up to the property owners if they wanted to be annexed in. Ms. Anderson said it is. There are forced annexation methods, but that's not being proposed, and all the properties are coming in voluntarily. Commissioner Crower said SCB&T and Clarendon own the properties at the moment, but the city is the applicant. He asked if SCB&T and Clarendon are also applying. Ms. Anderson said when someone signs an annexation petition, "they need to be zoned something." Commissioner Semmler gave Parris Island as an example. Ms. Anderson clarified that the green areas in the Commerce Park map might merit additional environmental examination because of soils, wetlands, etc.

Commissioner Crower said he looked at the county GIS, and the parcel that Clarendon owns is in two parcels. He asked if the arbitrary line that's there means that the two parcels have been merged. Ms. Anderson said it's been stamped as approved by the county's zoning department, and they are awaiting the parcel number.

Commissioner Hicks recommended that a double–check should be made on the continuity issue. The city would take over jurisdiction for police protection, Ms. Anderson said in response to a question from Commissioner Howard.

Commissioner Crower asked if "the odd-shaped piece" was the Beaufort Commerce Park, or if the areas contiguous to it are occupied. Ms. Anderson said it's a mix; there are industrial uses in operation there. A vacant building could be reoccupied. Commissioner Crower asked if the odd-shaped piece is what the city is buying. Ms. Anderson responded by showing a working map of the properties to be purchased. She said it shows what's proposed to be purchased, but one piece can't be annexed because it's not contiguous. Commissioner Crower said he has issues with what's contiguous to the city and also about what the boundaries are for the Beaufort Commerce Park.

Ms. Anderson said some areas would be zoned IP under the county. Commissioner Crower said if the county is to be involved, the MPC would like a presentation by the county to explain, for example, the differences between the city's and the county's zoning. Commissioner Hicks and Commissioner Semmler agreed that they didn't find this to be relevant. Commissioner Hicks said if they want to promote economic development, the MPC needs to determine if the zoning and annexation are appropriate. As an economic development body, he said he agrees with Commissioner Crower that they should do what Commissioner Crower suggests, but they're *not* an economic development body. They are a Planning Commission and therefore should determine if this zoning and annexation are legal. Commissioner Hicks said the county is not the same as the city, and this document is as close as it could be to the county's but has been made to be the city's. Commissioner Hicks went on to say that analyzing the county's IP zoning will slow things down. Commissioner Crower said his point was that he would have liked the county to be represented. Commissioner Semmler said, "Silence is consent."

Ms. Anderson said what Commissioner Hicks said about using the county's IP zoning as a starting point is accurate, and they also used other cities', the use tables, etc. **Commissioner Semmler made a motion, seconded by Commissioner Harris, to forward to council a recommendation of approval for annexation from the county to the city. The motion passed unanimously.**

Commissioner Semmler made a motion that the Planning Commission recommend approval of the zoning from IP district under the county to IP under the city zoning with an additional recommendation that the city LI zoning is to be reviewed. Commissioner Howard seconded the motion. The motion passed unanimously.

<u>City of Beaufort</u> – Amendment. UDO Amendment. Revising Section 6.10 of Unified Development Ordinance, "Bladen Street Redevelopment District," to clarify the standards for side and rear setbacks and for building mass.
Applicant: City of Beaufort

Ms. Anderson said staff is proposing to amend the Bladen Street Redevelopment District ordinance to account for lots that are zoned "Bladen street" but don't have a specific site plan. 711 Bladen Street has a particular site plan, she said, showing it as an example. 13 parcels are zoned under the Bladen Street code, but 2 don't have a site plan, though their zoning is Bladen Street. To address the gaps, Ms. Anderson said, the proposal is to amend the Bladen Street code to account for those two in regard to building placement and building height. This section will be revised to read building height and mass; Ms. Anderson went on to read the other revisions in regard to maximum and minimum stories.

Commissioner Crower asked if in the existing site plans there are side yard and rear setbacks existing. Ms. Anderson said she didn't think so, and the existing site plans were where she got these standards. Commissioner Harris said these parcels weren't in the original ordinance because they didn't want to be in the Bladen Street plan at the start. Ms. Anderson said these lots proposed for rezoning had specific site plans, and she's not proposing to bring them forward, for one thing because there was a note about shared parking which is difficult to ask property owners to do. She said when the properties are developed, those issues will hopefully be worked out.

Ms. Anderson said this is also a placeholder/transitional zoning until the overall city form-based code is adopted. These individual site plans are unlikely to be used city-wide. The streetscape work and this code were "designed to facilitate vertical development," Ms. Anderson said. These specific site plans were designed to give the current and future owners an idea of what could potentially be done with the lot.

Commissioner Crower said they had received two letters of public comment. One was from Dr. Bell and one had come from Julie Good at Historic Beaufort Foundation that day.

Commissioner Semmler made a motion to approve the changes to the Bladen Street plan; Commissioner Howard seconded the motion. The motion passed unanimously.

<u>City of Beaufort</u> – Rezoning. Rezoning Request. Rezoning a lot located at the southwest corner of Bladen and King Streets, from Office Commercial District to Bladen Street Redevelopment District, and rezoning a lot located at 1601 North Street from Neighborhood Commercial District to Bladen Street Redevelopment District.
Applicant: City of Beaufort.

Ms. Anderson said this rezoning is for two parcels on Bladen Street. One is currently undeveloped, and the other is a one-story building most recently used as a retail business. She shared some history of the zoning. Nine were rezoned to Bladen Street Redevelopment in January of last year. In April 2011, an additional lot was brought in; in May, two additional lots were brought in and then a final lot brought in in June 2011. This will bring two more into the Bladen Street Redevelopment District. If these lots are rezoned, there will still be two lots along the Bladen Street corridor that won't be zoned Bladen Street Redevelopment. She discussed the two parcels that aren't participating and said they're "being worked around," but this would add two more that are in the Bladen Street District.

Ms. Anderson said when the project started, there were a variety of zonings in place. These two lots have two different zonings. The Comprehensive Plan supports the rezoning as a G3 sector. There is already a mix of office and residential uses along Bladen Street. Public notification has been made, and the two public comments were received and noted in the previous matter.

Commissioner Semmler asked about how the street would look if it would go all the way to Bay as the redeveloped part does now to Boundary. Ms. Anderson said with a few exceptions, yes. Commissioner Harris asked about on-street parking, and Ms. Anderson said they are bringing it to the west side of the street adjacent to the lots being rezoned.

Commissioner Crower said the applicant is the City of Beaufort, but these lots are privately owned. Ms. Anderson said they don't want to rezone without the property owners' permission; they have been working with the owners and this is why these two owners want to come into the district now.

Ms. Good, Executive Director of the Historic Beaufort Foundation, reiterated what had been written in her letter: that Historic Beaufort Foundation opposes the rezoning. She called it "spot zoning." The Bladen Street code is applying to properties that are not contiguous. There's no consistent pattern, she said, so these properties will not be in the Historic District and therefore not under the purview of the Historic District Review Board (HDRB). City staff and Historic Beaufort Foundation need to protect the district. This project touches on five blocks, Ms. Good said, and the additional parcels make it seven blocks with a big impact on the rest of the Historic District. Historic Beaufort Foundation feels strongly that removing these from the HDRB purview removes them from what they have been trying to protect for many years. They strongly oppose this, Ms. Good emphasized.

Commissioner Semmler asked if Historic Beaufort Foundation opposes the zoning change or the fact that the city didn't go to Historic Beaufort Foundation about it. Ms. Good said to her knowledge the city didn't go to Historic Beaufort Foundation with it. Historic Beaufort Foundation is not directly affiliated with the city via the HDRB, Ms. Good said, but these properties are in the Historic District. Review would go to the City Architect with appeal to the Design Review Board (DRB), which normally doesn't have any purview in the Historic District.

Commissioner Crower asked to be shown the boundaries of the Historic District. All of "the green properties" are in the Historic District, Ms. Good said, referring to a map, and this would create "a donut hole" in the Historic District. Commissioner Semmler asked Ms. Anderson why the Historic Beaufort Foundation wasn't included. Ms. Anderson said the Bladen Street Redevelopment project *was* presented to the HDRB and Historic Beaufort Foundation has a representative on the HDRB.

Commissioner Howard said if a building is proposed on a vacant lot, it doesn't go to a Board. Ms. Anderson said that was correct, that it goes to the city architect. Ms. Anderson said new construction *outside* the Bladen Street District that's in the Historic District goes to the HDRB. Ms. Anderson said new development in the Historic District goes to the HDRB, but under the Bladen Street Redevelopment ordinance, the city architect does the design review, not the HDRB.

Commissioner Harris said as an ordinance that is meant to spur development, the Bladen Street project has been "tremendous." Commissioner Howard asked if having an architect do design review instead of the HDRB, affects national landmark status. Ms. Anderson said there are various standards at various levels, but the important thing is that design review is being done, not so much who does it. Commissioner Crower asked if there were certain restrictions about what can be done to a historic building. Ms. Anderson said on this part of Bladen Street, there are parcels that are "not contributing," and there are vacant lots, as well. Some buildings are contributing but are not part of the Bladen Street project.

Commissioner Howard said Charles Street zoning was the same; Ms. Anderson said Charles had its own zoning and is now Neighborhood Commercial. She expects the same will happen with this district with the advent of form-based code.

Mr. Ivy, who chairs the Historic Beaufort Foundation, said they have made additions to their home so they have been through the HDRB processes, and their house is on the national registry. He presented a different graphic showing the Historic District. He said there are two different standards between what's Historic District and what's Bladen Street Redevelopment District. The most important one, he feels, pertains to mass and scale. He went on to explain the Milner guidelines that property owners who want to make changes in the Historic District must adhere to. They could go to the HDRB, he said, and if "everything was in keeping, they would be approved." He said all the buildings are different and that is why this is done on a site by site basis. The Bladen Street District has different standards, and that's been fine, but in this case, the mass and scale for these two properties proposed to be rezoned is the problem for Historic Beaufort Foundation. They could have a 55' structure on one lot with a two-story building next door that would harm the view.

Mr. Ivy said that the other concern of the Historic Beaufort Foundation is that they "are watching the Bladen Street District grow." They are concerned about precedent-setting when the parcels aren't in some cases even contiguous. He said "blocks can be lifted out of the Historic District" and then built and developed under different standards. The Historic Beaufort Foundation wants to see infill development, Mr. Ivy said, and it has supported the Northwest Quadrant. But what's put there, he said, needs to be in keeping with mass and scale. Though form-based code is not yet passed, Mr. Ivy said, in the Historic District they would let these decisions be made by the HDRB; outside of the Historic District, the DRB or city architect would review it. They want to maintain the integrity of the Historic District, which he said is important to economic development. Mr. Ivy said developers have complained that getting approval through the HDRB is difficult and time-consuming. Historic Beaufort Foundation has made suggestions of ways to improve this process, he said.

Harold Boney owns one of the lots under consideration at King and Bladen. He said these two properties were proposed from the beginning to be included in the Bladen Street District and due to some impracticality in the original plans, they were dropped. Now those issues have been resolved, and the two properties would like to be a part of the Bladen Street District. He said calling this spot-zoning is inappropriate to these properties. They are fronting on Bladen and should be a part of the Bladen Street District.

Mr. Weidner said he's a member of the Preservation Committee of the Historic Beaufort Foundation and has served on the HDRB. When the Federal Government established the Preservation District, part of its establishment was that a review board would look at changes to the district. The preservation of the Historic District has happened since 1973 because of the HDRB, Mr. Weidner said. Applicants know what is expected from them and what standards they need to meet, and if they do this, "they sail through easily." The problems are when they are not properly prepared or when they didn't receive the proper information from the city to prepare their project. Most projects initiated are moved through to approval, Mr. Weidner said, unless they are "bizarrely inappropriate." He said the Federal Government asks that approval be done by a Board, not an individual like the city architect. He thinks the idea of a Redevelopment District is a great one, and other neighborhoods need it, but he doesn't feel this area should be removed from the purview of the HDRB.

Terry Murray, 100 Grayson Street, said those concerned with the Historic District are not against redevelopment of Bladen Street. Historic Beaufort Foundation favors redevelopment of blighted properties. At the crux of the issue, she said, is that Historic Beaufort Foundation and other preservationists were involved with the city "until the very last minute" when, she said, the city decided to substitute a new review authority for the traditional HDRB. These properties will be looking right on Bay Street and yet HDRB will not be reviewing them. She said the Planning Commission should turn down the rezoning until the form-based code occurs and developers can go before the HDRB until that time.

Mr. Ivy said City Council established the Bladen Street District by ordinance, but they didn't state at any time that they would be incrementally adding parcels as part of the plan. This is, he said, a "creeping of the Bladen Street District." It's eating up the balance of mass and scale, Mr. Ivy said, and will create a hodge-podge that will "ruin the tenor of much of our Historic District."

Commissioner Semmler said in regard to rezoning, council should listen to the neighbors. He feels not enough information was provided to the Planning Commission on this matter. If he had a house on Bellamy Curve, he said, he theoretically could say that he wanted to be in the Bladen Street District, and he could be. He feels more should be known about the role of the Historic Beaufort Foundation in this process and what their charter is. Commissioner Howard said it should also be known if this has been taken away from the HDRB's purview.

Ms. Anderson said by law the Bladen Street District is not reviewed by the HDRB. She showed a graphic of the area which was originally proposed, and these two lots under discussion were included. They have been working to bring in some lots over time that for various reasons were not included in the district at the beginning, she said.

Commissioner Crower asked if there were geographic limits when council passed the ordinance. Ms. Anderson showed the original plan and said anyone could ask to be rezoned to anything, but the Board would make the evaluations and then they would go to City Council. Commissioner Crower said no geographic limit was put on it, so any property in the Historic District could be taken *out* of the Historic District. Ms. Anderson said they are still in the Historic District, and the city is not changing the boundaries of the Historic District. The only change is to the review process. Commissioner Howard asked when the review process was changed and taken from the HDRB. Ms. Anderson replied that it was that way – that design review would go to the city architect – "from the get-go." Initially, *appeals* were to go to the HDRB, but at second reading, council decided that the appeals should go to the DRB, not HDRB.

Commissioner Hicks said the purpose of the Planning Commission is not to change this. Council passed an ordinance; that the Planning Commission doesn't like the change in the review process is not its purview. The Planning Commission is also not meant to determine the boundaries of the Bladen Street District. The Planning Commission "can't determine whether or not it's a good thing." He said they are not to determine council's intent. If the ordinance needs to be changed in regard to mass and scale, then Historic Beaufort Foundation should go to council about it, Commissioner Hicks said. The ordinance as passed by council with staff assurances included Mr. Boney's property, and he will support it. However, Commissioner Hicks said he does recommend that clear limitations to the boundaries be established.

Commissioner Hicks made a motion to recommend to council approval of the two properties being rezoned, and that clear standards be established for the boundaries of the project. Commissioner Semmler seconded the motion.

Commissioner Hicks said the Planning Commission's job is to determine if these two properties were in the council's original intent, and he feels there's evidence of that. Commissioner Harris said he feels as if it is our responsibility to approve the two lots. Commissioner Semmler said if they were in the original list, they shouldn't be voting on them because they were approved by ordinance. Commissioner Crower said a zoning district was created and people were invited to opt in.

With a vote of 2-3 (Commissioner Semmler, Commissioner Howard, and Commissioner Crower opposing), the motion failed; the MPC recommending *against* approval of the rezoning.

Commissioner Howard made a motion to deny this proposal and to ask council for clear delineation of the Bladen Street District. Commissioner Harris seconded the motion. Commissioner Howard then withdrew her motion and Commissioner Harris his second.

Ms. Anderson said this matter would go before council the following night for a first reading.

City of Beaufort – Update on Council Actions

Ms. Anderson said that "Whitehall is on hold," and UDO amendments pertaining to vehicle display were approved by council February 28.

REVIEW OF THE MINUTES

Commissioner Crower made a motion, seconded by Commissioner Hicks, to accept the minutes of the February 20, 2012 meeting as submitted. The motion passed unanimously. Commissioner Semmler, Commissioner Howard, and Commissioner Harris abstained from the vote because they were not present at the meeting.

There being no further business to come before the commission, the meeting was adjourned at 9:39 p.m.