

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held **on August 20, 2012 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners Alice Howard, James Crower, Bill Harris, Jim Hicks, and Robert Semmler, and City of Beaufort Planning Director Libby Anderson and Town of Port Royal Planning Director Linda Bridges.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

CALL TO ORDER

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

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Annex and Rezone 873 and 875 Parris Island Gateway

District 100, Map 34, Parcel 9, approximately 0.55 acres. The proposed zoning is Highway Commercial with the Shell Point Neighborhood Overlay District.

Linda Bridges said the applicants are **Steven Huffine** and **Tara Gabriel**. There's a residence and a mobile home on the parcel. It's in Beaufort County and regulated by the county ZDSO. It's Shell Point Community Preservation.

In regard to annexation, Ms. Bridges said, the Comprehensive Plan says the parcel is included in the future land use map and is within the growth boundary. In regard to public services, if the property is annexed, Ms. Bridges said, the Town of Port Royal's boundaries go substantially beyond this parcel's boundary, so they will be able to add it in with little or no adjustment to garbage and recycling services, etc.

In regard to zoning, in the Comprehensive Plan, the property is in an intended growth sector, activity center. It's in Shell Point, and Ms. Bridges read how the Comprehensive Plan addresses Shell Point. There is potential for more commercial and mixed-use development. Parris Island Gateway should support mixed-use and regional commercial, Ms. Bridges said. She indicated Shell Point in the hierarchy of urban vs. rural for the Town of Port Royal.

Ms. Bridges said that when a property is annexed, they "must wrestle with rezoning it." The applicant has requested to be zoned Highway Commercial. In regard to this request, Ms. Bridges said they will be zoning it with the Shell Point Neighborhood Overlay District. Highway Commercial is the most intense commercial designation and definitely auto-oriented, she said. The Shell Point Neighborhood Overlay District will regulate the aesthetic of the development or redevelopment on the property when and if it happens. It's unique in that this codification is an effort that happened years ago jointly between the Town of Port Royal and Beaufort County.

The desired end of the effort was to adopt an overlay code that is simple. This property is already under these design regulations and will continue to be when it's annexed and rezoned.

Environmentally, this is a developed piece of property; there are no wetlands, etc., so there are no environmental regulations to be addressed, Ms. Bridges said. Public notice to neighbors was made, and no comments were received.

Ms. Gabriel said she and her brother own the property and inherited it from their grandmother. **Reed Armstrong** with the Coastal Conservation League said in regard to this annexation and rezoning and the next one on the agenda, such intense mixed-use development is somewhat contradictory to the Comprehensive Plan, which states that they will be more pedestrian-oriented, walkable properties. There's no provision being made for sidewalks. He said the Metropolitan Planning Commission should address how to reach the goal of making more walkable communities. They might consider assessing a fee for a fund, which would help to construct sidewalks.

Commissioner Semmler said he agrees with the annexation, but he also agrees with Mr. Armstrong in terms of the zoning because there is no sidewalk requirement. It also says that there are no environmental issues to consider, but as the area builds up, there will be stormwater issues, and there will be a need for a frontage road. This is so close to Parris Island, Commissioner Semmler said, and there has already been one death on the road there. A plan needs to be submitted by the owners of the properties that develop it, Commissioner Semmler added. **Commissioner Crower made a motion that the property be annexed into the Town of Port Royal. Commissioner Semmler seconded the motion. The motion passed unanimously.**

Commissioner Crower made a motion to zone the property Highway Commercial. Commissioner Harris seconded. The motion passed unanimously.

Town of Port Royal – Annex and Rezone 1001 Cypress Street

District 100, Map 33A, Parcel 24, approximately 0.41 acres located at 1001 Cypress Street. The proposed zoning is Mixed Use-2 with the Shell Point Neighborhood Overlay District.

Ms. Bridges said the commissioners had before them three pages of letters in response to notification letters to neighbors and the neighborhood association; they also received other supporting materials, she said, including a tool to help them understand the Future Land Use map.

The applicant is **YunHi Flores**. The parcel is in a residential area of the Shell Point Neighborhood Community Preservation area. In regard to annexation, Ms. Bridges said, as in the previous application, this is in the Comprehensive Plan's Future Land Use map and in the growth

boundary for the town. All services can be adequately delivered. It's at the corner of Cypress and Parris Island Gateway.

The applicant has requested MU-2 zoning. It's in a controlled growth sector. The goal is to provide walkable neighborhoods with a mix of housing opportunities with different price points, sizes, etc., and to have commercial in close proximity to enhance walkability. Ms. Bridges showed that Shell Point is in the more urban end of the spectrum. The Shell Point Neighborhood Overlay District applies to this property; the DRB will ask questions in regard to design, connectivity, etc.

MU-2 is a residential zoning designation, but it allows commercial activities, Ms. Bridges said. They are neighborhood-friendly types of commercial activities like offices, small shops, day care centers, etc. It allows a spectrum of residence types. MU-2 also allows duplexes, townhouses, and multi-family housing. Minimum lot size is 4000 square feet.

In regard to public notification, they have received letters, e-mails, and a phone call, which was opposed to the MU-2 designation on the property.

Ms. Flores, the applicant, said she wants to rezone because she is a single mother with a 12-year-old boy and wants to use the property in the future for a business purpose and to ensure that it will be there for him. She said when she previously tried to annex into the Town of Port Royal, there were safety concerns, and she had suggested a traffic light there. There's one set up now, so she thinks there's no danger as there was before.

Commissioner Howard asked how many times this has come before the commission. Chairman DeVito said he believes it was the third time he's seen it. There were more traffic concerns on this corner before that he feels have been solved.

Chairman DeVito asked Ms. Bridges to show the proximity of this parcel to the previous applicants'. Commissioner Crower asked if this was rezoned MU-2 if it could it be subdivided. Ms. Bridges said residentially it could be divided at least once. The current house is in the center of the lot, so it couldn't be subdivided without losing the house. **Commissioner Crower made a motion that the property be annexed into the Town of Port Royal. Chairman DeVito seconded. The motion passed unanimously.**

Commissioner Howard said she has concerns about the zoning based on the letters from the neighborhood association. They are concerned about the consequences if the corner were to become totally commercial at the entrance to their neighborhood. Commissioner Semmler said he sees no difference between this and Fat Patties. That corridor will be Mixed Use-2 eventually. **Commissioner Semmler made a motion that it be rezoned Mixed Use-2, Commissioner Harris seconded.**

Commissioner Hicks asked Ms. Bridges how far back they are willing to go with Mixed Use-2. He has concerns about it creeping into the neighborhood and asked if it's up to the Metropolitan Planning Commission or the Town of Port Royal "to put up a barrier." He said he's a little uncomfortable with saying yes to Mixed Use-2 without any limits. Ms. Bridges said that's probably why it's been before the Metropolitan Planning Commission three times. There are hard lines on the map, which she indicated, in terms of where it was an easier decision to make than at other points, where it's "more blurry." She said she doesn't know where the transition happens. The most recent Comprehensive Plan is "the big picture." Until each one of these is addressed, Ms. Bridges said, there's not a hard line between one zoning or another. Chairman DeVito agreed that when the Comprehensive Plan is updated next, they might need to draw "more hard lines." He mentioned that the elected officials can agree with or vote against the Metropolitan Planning Commission's recommendation.

Commissioner Hicks stated that he preferred "to vote for safety for the community until the government comes up with a line." Commissioner Semmler asked if the applicant can go to Town Council if the Metropolitan Planning Commission votes not to rezone this property. Ms. Bridges said the applicant can, but she would prefer that the commission make a recommendation. Commissioner Semmler said he was asking if, for some reason, they don't vote for mixed-use, the applicant could go to Town Council to petition for it. It was generally agreed that she could.

Commissioner Harris said this parcel is small enough that any MU-2 use would not become too intense; the road work has made it safer, and it's up against the growth area. It also becomes somewhere that the people in these neighborhoods could walk or ride to without having to cross the road.

Commissioner Crower asked about the zoning across Parris Island Gateway, and Ms. Bridges said it is Highway Commercial. Commissioner Crower said if they make the lot "somewhat commercial," it has "essentially no access to Parris Island Gateway." Access would have to be off Cypress Street. Commissioner Semmler said it's the same thing with Fat Patties. Commissioner Harris agreed that Fat Patties is a similar situation, and a small-scale Neighborhood Commercial area is "healthy," he feels.

Commissioner Crower said at this scale, any commercial enterprise would have very low traffic. Commissioner Semmler said when Form-Based Code is implemented, the density on the highway side will be greater there and lesser elsewhere. The Metropolitan Planning Commission tried to establish a line that the Town of Port Royal moved back. He feels establishing a line is right and making this MU-2 is establishing a line and a starting point. He said other homes along that road now are already real estate companies and other types of

businesses with frontages on the highway, so “it’s already working its way up there.” **The motion passed 4-2, Commissioner Hicks and Commissioner Howard opposed.**

TOWN OF PORT ROYAL COUNCIL UPDATE

Ms. Bridges said the Town of Port Royal council had annexed 881 Parris Island Gateway (Al’s Barber Shop) and zoned it General Commercial with the Shell Point Neighborhood Overlay.

Council also annexed First Christian Church and zoned it General Residential with the Shell Point Neighborhood Overlay.

Council has appointed a six-member review board to review and edit the Town of Port Royal’s draft Form-Based Code. She named the board’s members.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Rezoning

Rezoning four parcels on Harborview Drive identified as District 123, Tax Map 14, Parcels 21, 22, 24, and 26 from R-4 High Density Single-Family Residential District (R-4) to Neighborhood Commercial District (Neighborhood Commercial), and rezoning the rear portion of District 123, Tax Map 14, Parcels 28 and 30 from R-4 to Neighborhood Commercial

Applicant: Aslan, Whitehall, LLC

Libby Anderson reviewed the history of the application with the Metropolitan Planning Commission and City Council. The applicant is resubmitting a revised application as a result of those meetings. It’s on the Whitehall tract with six parcels under consideration for rezoning from R-4 to Neighborhood Commercial. Originally the applicant requested that all six parcels be rezoned Neighborhood Commercial, but now they want to rezone four to Neighborhood Commercial as well as the rear portions of parcels 28 and 30. The front portions of those two parcels are to remain R-4.

Public notice was made and an e-mail was received which was forwarded to the commissioners. The Office of Civic Investment has suggested that they wait “until the Form-Based Code is before us,” Ms. Anderson said.

Chairman DeVito asked Ms. Anderson the depth of the arc in the rendering. Ms. Anderson said the applicant could answer that. Commissioner Crower asked if it were separate zoning, not a separate parcel. Ms. Anderson said if council were to approve it, they would ask them to combine to avoid a split zoning situation.

Commissioner Semmler said on the staff recommendation portion of the report, it says that the Office of Civic Investment recommends denial, and he asked if that was also Ms. Anderson’s office; Ms. Anderson said the Office of Civic Investment is speaking on behalf of the city.

David Tedder, representing the applicant, said when this came before the Metropolitan Planning Commission, there were concerns for residents to the south about mixed-use development. City Council discussed those residents “not wanting commercial up against them.” The applicant tried to accommodate those concerns with a light commercial designation, as the Office of Civic Investment had shown in its plans. They also tried to address traffic concerns. Mr. Tedder said, “this property has been planned to death.” He said that the Office of Civic Investment had said six months ago to wait six months for Form-Based Code, but it’s still another six months away, at least. This plan, Mr. Tedder said, is exactly as the Comprehensive Plan says it should be. They have addressed the concerns of the neighbors.

Mr. Tedder went on to say that, one property owner sent a letter in February which said that they weren’t opposed to the plan, but they wanted to see a site plan so they could “see what’s going on.” When council had questions about the 12’ buffers, Mr. Tedder said, Ms. Anderson said at the July 26 workshop that the DRB will make the determination about what the buffer is, and they may request more or less. Mr. Tedder feels that there should not be more hold ups on this while they are waiting for Form-Based Code. He feels there will be no increase in the size of buffers that they haven’t already accommodated here. Neighborhood Commercial is fairly consistent with the proposed transect, Mr. Tedder said, and they have come a little further by ensuring that there’s no commercial connection by eliminating it at Harborview Drive.

Commissioner Harris said the buffer stops at Harborview Drive. He asked why there was no buffer for a different property (Lundgren), which had sent two letters. Commissioner Harris said they are zoning R-4 to protect some properties, but he wondered why the former Taylor property is not similarly protected. Mr. Tedder said there’s a dock, and it won’t be torn down; there’s always been a plan for public access, he added.

Mr. Tedder said he understood that when the parcels were annexed, there was a private road that came in that’s not under city or county jurisdiction; it’s owned by the applicant. Mr. Tedder reiterated that “this is a zoning.” If it’s in the city limits, it can be subject to rezoning. He indicated what he thinks the boundary is. Ms. Anderson said the parcels were annexed, not the roads; no roads were included. (Note: Ms. Anderson later determined the road had been annexed after reviewing the annexation ordinance). She agrees that it’s a private road because it’s not on any list for the DOT, county or city. She said Bill Harvey and Mr. Tedder “can figure that out.”

Mr. Tedder said council hasn’t even had a first vote yet to approve the rezoning, so there’s been no planning done. Chairman DeVito said Mr. Tedder is asking for a split zoning on these lots. Mr. Tedder said they would have plans to show “when they know what’s going on.” Chairman DeVito said the Metropolitan Planning Commission approves zoning “on plats that

(they) can see.” He also doesn't know that the commission can make a recommendation on Harborview Drive.

Commissioner Semmler said “the owner wants to get on with this, obviously,” and it looks as if they have “sweetened the pot with the curve,” but the road “fiddles into there.” He doesn't know who has the authority to do that. Chairman DeVito said they can't make a recommendation to include the road at this time. Ms. Anderson said if it's private, and the adjoining roads are annexed, they might be able to annex it as well, but she doesn't know, having had no experience with this situation before.

Commissioner Semmler said the crescent was done “to make the neighbors happy.” Mr. Tedder said it was done “to build the residential buffer they wanted.” Chairman DeVito asked how many plots the applicant is planning there. Mr. Tedder said they could make no more than six. They can only get as many lots as the frontage allows. Commissioner Semmler says they're nice homes with larger frontages. Mr. Tedder said the zoning is R-4 now, and they could change the lot widths now if they wanted to. The Comprehensive Plan supports greater density now, too, he added. Mr. Tedder said, “Large homes are not the preferred modus of building anymore.”

Chairman DeVito said they are being asked to zone everything outside of the R-4 area – apart from the road – as R-4. Mr. Tedder suggested that the Metropolitan Planning Commission could make “a conditional recommendation in the applicant's favor.” Chairman DeVito asked Ms. Anderson if she had enough information to determine how deep the R-4 section is. Mr. Tedder said they didn't show the dimensions, but they could show them. Chairman DeVito clarified that the commission was being asked to look at the rezoning of the entire lots of 26, 24, 22, and 21 and the backsides of numbers 28 and 30 as R-4. Chairman DeVito pointed out a difference in the parcel lines in two documents.

Tina Lee, 1 Harborview Circle, said Mr. Tedder had said that “to make the residents happy, just the back sides of the parcels will be commercial,” but she asked where people will come in for the commercial area planned apart from on Harborview Circle. She agreed 100% with the initial findings not to recommend this rezoning. Meridian Road already gets so much traffic when the bridge is closed, or there's a traffic accident. When people boat, they park their cars there, which is fine with the property owners, but it's residential. There's no outlet on the other side of Harborview Drive, Ms. Lee said. There's already been a crime uptick in their area. Ms. Lee made a list of all the different businesses that have been affected by the poor economy in the area, and said she's concerned that “commercial will bring that closer” to the residents. They “need no more vulnerability than they are already experiencing with crime in their neighborhood.”

Ms. Lee asked what they will do about sewage when presently they're on septic. She asked if the parcels are sold and asked how many years they will have to look forward to building on

their road. Ms. Lee asked the commissioners if they would want this in their own neighborhoods. She asked who would want to live across the street from businesses and said she sees no benefit in it for the residents. She agreed with an earlier statement about the “creeping of commercial into our lives in our little circle.”

Mr. Armstrong said that in the packet, a picture of the framework map for the Comprehensive Plan of the city was included, and these parcels were not included with the Whitehall property. He wondered if the Comprehensive Plan needed to be amended.

Commissioner Howard asked if Harborview Drive is the only access road. Mr. Tedder said access was the concern that they had tried to address by cutting off a connection so that people would have to come off Highway 21. He showed other potential access points. He said the applicant is trying to mitigate traffic by putting R-4 zoning there with no access on to Harborview Circle. Chairman DeVito said, “The existing lots are the existing fronts.” Those parcels will be accessed through Harborview Circle, and what happens in Whitehall proper will be accessed by other roads. Mr. Tedder said this is “counterintuitive to Form-Based Code in that it cuts off access” to Neighborhood Commercial.

Chairman DeVito asked Mr. Tedder how much it would hurt him to table this in order for the Metropolitan Planning Commission to get more information in order to make its recommendation. He said he’s concerned that all of this will have to come back again to the commission. Mr. Tedder said he understands the questions about the road, and were they to go with that plan subject to the rezoning of the road, it would push them until October before they can go to city council again.

Commissioner Hicks said this property has been designed five or six times in many ways. The Metropolitan Planning Commission is being asked to approve something, which has no design. They are negotiating improperly he said, when they don’t know what the next zoning will be. They are being asked to increase the value of the property so that it can be sold before the Office of Civic Investment makes its decision. Commissioner Hicks asked if it’s proper to zone something when only part of it is seen. They need to see the whole thing, not just a part of it, he said. They owe it to the residents to support the Office of Civic Investment, which recommends denial at this point. **Commissioner Hicks made a motion to deny the zoning request as submitted. Commissioner Semmler seconded the motion.**

Chairman DeVito asked Ms. Anderson if the Office of Civic Investment had reissued their opinion. Ms. Anderson said no, they feel that the Form-Based Code will add predictability, but it’s behind schedule from where they had hoped it would be.

Commissioner Crower said he’s bothered by the 110’ buffer of residential zoning across the Harbor Circle, but it wasn’t extended to the marsh. At the other end of the crescent, it’s also

residential and Neighborhood Commercial. Commissioner Crower said he feels that the applicant's solution is "only a partial solution is best." **The motion passed unanimously.**

City of Beaufort – Revision

Revising Section 7.2.G.2.b of *The Unified Development Ordinance*, "Attached Signs," to add a new paragraph clarifying how sign size is measured.

Applicant: City of Beaufort

Ms. Anderson said this is an amendment to the UDO. The ordinance currently stipulates that the maximum area of a wall sign is one square foot per linear frontage of a building. It is specific about the number of signs the building can have, but it doesn't specify how the area of the wall signs should be measured. Staff proposes that the area of the signs be measured "as the area of the perimeter of the letters, excluding ascenders or descenders," including the horizontal and vertical space between words.

Commissioner Crower asked the definition of a wall sign. Ms. Anderson said this is applicable when the sign's attached to the building. This issue comes up particularly when each letter is on individually. They count the space between the words, not between the letters, and this clarifies the point, so that they "don't have to debate this and can just spell it out." She said this is what they've been doing for some time, but the purpose of the revision is to have it down in writing. Commissioner Harris asked what happens when it's not standard script. If there are big loops, they will put the box around the average sizes, Ms. Anderson said. **Commissioner Howard made a motion to approve the revision as submitted; Commissioner Hicks seconded. The motion passed unanimously.**

City of Beaufort – Annexation

Annexing a 9.7-acre parcel of property located on the southwest corner of US 21 and Parris Island Gateway, identified as District 100, Tax Map 26, Parcel 160.

The applicant is Many M's, Ms. Anderson said. She showed the property, which is the former location of the Dixie Mobile Home Park. In regard to annexation, all public services will be provided. The current zoning is Commercial Regional District, the county's most intense zoning. The proposed zoning after annexation into the city is Highway Commercial District, the city's most intense commercial zone, including all vehicle-oriented uses. In the area, most lots west of Neil Road on Highway 21 are zoned Highway Commercial.

In regard to the Comprehensive Plan, this area is designated G-3. Ms. Anderson said she had contacted **Craig Lewis** with the Office of Civic Investment, and he said it's consistent with the recommendations in the draft Sector 4 plan. The land use in the area is mixed: gas stations, a Howard Johnson's, etc. There's a residential subdivision with an auto dealership in front of it.

There are several large trees on the property. Public notice was made and to date there have been no public comments on the proposal.

Commissioner Howard asked if there was sewer service there now. Ms. Anderson said she had contacted BJWSA, and they had said its “available,” but it’s not on the site at this time. **Jeff Pinckney** agreed to represent for the applicant.

Bruce Patterson said he owns nearby lots opposite this parcel. He asked if the rezoning would allow access on the highway for other property. Chairman DeVito said rezoning doesn’t change access to whatever is there; that’s a highway department matter. Chairman DeVito said nothing the Metropolitan Planning Commission does will change the highway. Ms. Anderson said the property he’s referring to is in the unincorporated area of the county, so she doesn’t know. She said he can apply to be in the city. Mr. Patterson went on to ask if there has been a plat or development to show how it will be developed. Chairman DeVito said they don’t have anything in front of them at this time. Chairman DeVito said traditionally the Metropolitan Planning Commission rezones before they know what the use is.

Commissioner Harris asked what happens with the trail there. Ms. Anderson said for development of this property, they are proposing putting a Parker’s gas station there. A number of permits will be required to do this: encroachment permits, OCRM, DHEC, Beaufort County (to cross the Rail Trail), etc. Before the development is approved, they’ll come to the city with all these permits. There may be more than one use, but she doesn't want them to recommend or not based on its use or the fact that the Rail Trail is there.

Commissioner Hicks said this has the potential for crossing the Rail Trail, and “it will set a precedent.” He said that **Gary Kubic** has done work to initiate a paper to establish procedures for getting easements to cross the Rail Trail. Commissioner Hicks said the Northern Regional Plan says it is proper for this property to come into the City of Beaufort. For the Metropolitan Planning Commission, a motion to approve both zoning and annexation as recommended needs to be made without the discussion of curb cuts and the Rail Trail.

Commissioner Semmler made a motion that the property be annexed; Commissioner Howard seconded. The motion passed unanimously.

City of Beaufort – Rezoning

Rezoning a 9.7-acre parcel of property located on the southwest corner of US 21 and Parris Island Gateway, from Commercial Regional District (County zoning), to Highway Commercial District (City zoning). The property is identified as District 100, Tax Map 26, Parcel 160.

Commissioner Semmler made a motion to rezone as submitted; Commissioner Howard seconded. The motion passed unanimously.

CITY OF BEAUFORT UPDATE ON COUNCIL ACTIONS

The two UDO amendments establishing a minimum front setback for garages and one adopting new stormwater standards received public hearings at the August 14 council meeting, Ms. Anderson said, and she anticipates a vote on the amendments at the next regular council meeting.

MINUTES

Commissioner Hicks made a motion, second by Commissioner Crower, to accept the minutes of July 16, 2012 as submitted. The motion passed unanimously.

There being no further business to come before the commission, Commissioner Hicks made a motion to adjourn the meeting. The meeting was adjourned at 7:25 p.m.