

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **September 19, 2011 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners Alan Dechovitz and James Hicks, and City of Beaufort Planning Director Libby Anderson and Town of Port Royal Planner Linda Bridges. Robert Semmler and James Crower were 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.

CALL TO ORDER

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

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

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

Linda Bridges said these 4.2 acres are on Parris Island Gateway. The current zoning is Mixed Use 1 with the Shell Point Overlay District. It allows all residential development and a specific list of other uses which she said were neighborhood-scale services. The Shell Point Overlay District will provide design standards. It’s being proposed to rezone it Highway Commercial, which Ms. Bridges said “is purely commercial” and allows no other types of development. It’s “the broadest, most intense usage,” Ms. Bridges said, and is geared to auto-oriented businesses.

In regard to the comprehensive plan, Ms. Bridges showed the Future Land Use map. The Shell Point Overlay will ensure pedestrian friendliness, etc., she said. It is at the urban, intense end of a continuum Ms. Bridges showed. She showed the zoning map as well. The property is “in the center of development that has happened and is happening.” There are “no environmental issues that stand out to us, Ms. Bridges said. Public notice was made to those within 400’. The applicant was not present, she said.

Commissioner Hicks said he thought this property ran adjacent to a housing unit. Ms. Bridges showed where the last single family dwelling was on Wright’s Point Drive. She indicated other commercial and residential properties around the area. Commissioner Hicks asked if there would be abutment. Ms. Bridges said they find that there is still Mixed Use 1 300’ back, then Mixed Use 2. Commissioner Dechovitz said the residential property owners would not have received notice of this. Ms. Bridges agreed.

Commissioner Dechovitz said the other properties along the highway that have Highway Commercial zoning are single-lot commercial structures with a screening that backs to an established neighborhood, and this is an easement but not a completed road back to Wright's Point. He asked if people would drive through the equivalent of a gas station lot to get to their homes. Ms. Bridges said Wright's Point Drive is a private street that stops at the light on Parris Island Gateway. Commissioner Dechovitz asked the size of the parcel, and Ms. Bridges said it's approximately 300' by an unknown number, but the parcels are about 100' deep with an alley easement behind them. Commissioner Hicks asked if this were "split zoning." Its two parcels, Ms. Bridges said, but they are not doing blanket split zoning. The original master plan in 1998 zoned the front 300' Highway Commercial. Ms. Bridges said the owner at that time still owns the property today.

Commissioner Dechovitz clarified that this is not a cut-out but is a zoning of a portion of a total parcel. Ms. Bridges said that's correct. The applicant is not proposing to divide the parcels. Commissioner Dechovitz said the applicant may come back and want more Highway Commercial. Ms. Bridges said she hasn't heard that. Chairman DeVito said this has been done before and explained how that worked to Commissioner Dechovitz. There was no public comment.

Motion: Commissioner Hicks made a motion, second by Chairman DeVito, to recommend approval. Commissioner Dechovitz asked if anyone from Wright's Point had commented. Ms. Bridges said no, and the posting of the property would not happen until after council's first reading. Commissioner Dechovitz said he can't move on it until someone in Wright's Point - in close enough range of notification - would know about the application and be able to react. He feels they should hear from those who will experience a substantial impact. Ms. Bridges said she notified the Shell Point neighborhood association. Chairman DeVito said they are restoring this property to the original master plan; they're not changing something that wasn't already designed for the area. What Commissioner Dechovitz is proposing is different than anything that has been done on all other zonings in Port Royal. What Commissioner Dechovitz is asking for is a procedural change, Chairman DeVito said, which sets a precedent he's concerned about.

Commissioner Dechovitz said he's had an experience with not having benefitted from notice of this kind. The neighborhood association has not received notice, so the Planning Commission is not serving the public, he feels, only following procedures. He feels they should wait a month and see if they receive response. Before it goes to first reading the applicant would notify the neighborhood association, Chairman DeVito said. Ms. Bridges said she could direct the applicant to do so.

Bennett McNeal, the applicant, arrived at this time. Chairman DeVito explained Commissioner Dechovitz's concern that the Wright's Point homeowners' association hasn't been notified. Mr. McNeal agreed that he hadn't made that notification. Chairman DeVito asked if he would mind holding the application until after notice is made. Mr. McNeal said he would be willing to

withdraw this application for 30 days so the residents would receive a letter. He asked what kind of notification they would like. Mr. McNeal is the president of the homeowners' association; Chairman DeVito asked if they could use the mailing list to notify the homeowners' association, and Mr. McNeal agreed.

Commissioner Hicks withdrew his motion, and there was no vote necessary to table the application for now and postpone it according to the applicant's notification of the homeowners' association.

Town of Port Royal – Text Amendment. Amend the text of the Planned Unit Development (PUD) for the South Carolina SPA Port of Port Royal Tract. The PUD covers approximately 317 acres, known as District 10, Map 10, Parcels 00, 75, 79, aka 79-B, 79-A, 182-A, 182-B, 182-C, 182-E, 182-F, aka 182, 202, and 282. Also District 110, Map 11, 00, 77, 78 (portion aka 78-A), 79, 80-A, 81-A, 82-A, 83, 84, 84-A, 84-B, 249 (portion) and 249-B.

Ms. Bridges indicated what the commissioners have in their packets in relation to this amendment. The summary of the changes she said are stricken out or in red text in the documents. She indicated Ribaut Village and PV6 on a map. There have been amendments to the land use table, Ms. Bridges said, which have regulated the uses in the district, added new uses, and changed some uses that are now allowed or disallowed. The total dwelling units' densities have changed. The hotel units are no longer included. Non-residential square footage has decreased, and there have been some changes in it as well. Open space has been reallocated. Conversions of density have been eliminated. The protocols for their conversion have largely been stricken. The definition of how to measure a building has been changed, though the building heights have not changed. There's an allowance for converting gross density and for non-residential square footage. The conversion is allowed and it's in there, Ms. Bridges said. The waterfront promenade north of 14th Street has been relocated.

The applicant, **Jeff Pinckney**, went through the history of the port since its closing. They are "asking for a little less density than the 'citizens' plan,'" he said. He defined those numbers. Commissioner Dechovitz said the original plan had a dry stack marina, and this doesn't. Mr. Pinckney said there is nothing currently in Northern Beaufort County. They plan to reuse the concrete there for one. Mr. Pinckney said there are buildings there that could be used.

Commissioner Dechovitz asked if the ten slips to be reserved for the public were a day dock. Mr. Pinckney said that's a minimum and will probably in reality be greater. Commissioner Dechovitz said the Planning Commission "has learned that the words count." Mr. Pinckney said the plan is for 10 slips, and they'd need a text amendment for something else; Commissioner Dechovitz clarified that that would be a day dock. Commissioner Dechovitz said the use is permitted for live-aboard boats; he didn't see anything that speaks to that, and he asked if Port Royal has the same use or intended to. Ms. Bridges said Port Royal doesn't regulate live-aboard boats the same way Beaufort does. If they moor in Battery Creek, they have to come in and

register it, but it doesn't permit or regulate live-aboard boats. Commissioner Dechovitz said he feels the Town of Port Royal needs this badly; he asked if there were anything that would keep them from being successful in achieving their financial objectives and being able to build out at whatever rate the market could absorb it. Mr. Pinckney said he doesn't know of anything that would hamper their success.

Commissioner Hicks said he had studied the document all weekend and feels it's a good document that gives a lot of flexibility, particularly "the conversion thing." He asked for a concept of how the developers see it at this point: how they will get to where they want to go. The game plan for the reuse dry stack will make the first great impact, Mr. Pinckney said. It's a 48' building. As first steps, they will move the fence back, clean up the concrete, maybe tear down a building, and work on the one-acre park at the end of Paris Ave. and the Dockside area. It all needs cleaning up, he said, and they are looking to do that and reuse what they can. They will start on a promenade "so they can get people to the water," which is "what Port Royal is," he said. If the economy gets better, they can move faster. The dry stack and marina are the big initial impact, Mr. Pinckney said. The market will drive the rest of the project, the developers feel. The bluff neighborhood is the more residential area. Whatever the mix is, he hopes it will be great. He doesn't expect it to be strongly one way or the other. Clean up will probably take a year, he said.

Commissioner Hicks said they are using variegated heights around the Dockside area. He asked if they had made any efforts to blend them and make them similar to one another. Ms. Bridges said in the original document, the heights were in there because the dry stack was envisioned to be in the marina village. It was disallowed in PD3. They had a broad range to accommodate what's there, and no one wanted the restaurant to go away. Every plan since 2006 has put the dry stack there, and that was the original intent in this. Mr. Pinckney said "the highest and best use will apply"; at some point it may move. Commissioner Hicks complimented the document and the work done on it.

Chairman DeVito referred to page 4, Section 1.8 "Deeded Open Space and Access"; it says that public walkways, etc., will be deeded back to the town, but it doesn't mention which ones aren't and are; he asked if the Town of Port Royal is okay with that. Ms. Bridges said they'll "test council's temperature on that next month."

Chairman DeVito then referred to Section 1.6 in regard to stormwater and said that they should ensure that it would be "the existing plan at the time" to ensure that it's not outdated and follows best management practices.

Chairman DeVito also asked about the definition of height change. Mr. Pinckney said it was measured that way everywhere except for in the Traditional Town Overlay.

Commissioner Dechovitz said there's not any reference to short-term rental or long-term rental in this document and asked if there should be. Ms. Bridges said short-term rental is allowed in all residential zoning areas in the Town of Port Royal. She interprets the document to say that a short-term rental would be allowed, and "it would be allowed across the line as well." The allowance is there, she restated.

Commissioner Dechovitz said there's not a separate line referring to a "dry stack marina," just a marina. Ms. Bridges said she read that to mean both: "a marina's a marina." Commissioner Dechovitz said dry stack was a controversy in the past; he doesn't want the development to get tied up in "unnecessary administrivia."

Motion: Commissioner Dechovitz made a motion, second by Commissioner Hicks, to accept the PUD as presented with a change to Section 1.6 on page 4 in regard to stormwater management design as Chairman DeVito had suggested. Ms. Bridges said she would "insert 'current' between 'the' and 'storm'" so that it would read "all of the current stormwater management provisions." **The motion passed unanimously.**

Town of Port Royal – Update on Council Actions

Ms. Bridges said she had provided the commission with a staff update regarding the first reading of the annexation and rezoning of Shell Point Plaza to General Commercial with the Shell Point Neighborhood Overlay District. This was the only reading that was pending, she said.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Rezoning Request. Rezoning a parcel of property located at 1105 Middleton Street, identified as District 120, Tax Map 3, Parcel 714. The existing zoning is "Limited Industrial District." The proposed zoning is "Neighborhood Commercial District."

Applicant: Judith Warrington

Ms. Anderson said **Judith Warrington** is the property owner and the applicant. The property is at 1105 Middleton in the West End neighborhood of the city. She indicated the property on a map. A two-story office building is currently on the site. It's on the Beaufort County Above Ground Survey and is a historic structure. It's zoned Limited Industrial District. The surrounding area is zoned residential. The proposed zoning is Neighborhood Commercial District. Ms. Anderson described the permitted uses in Neighborhood Commercial; auto-oriented activity is not permitted in this zoning. There can be upper story residential, with a business below. 2500 square feet is the limit for single-use commercial buildings.

In the Comprehensive Plan, this neighborhood is designated an Urban Neighborhood G2. It contains denser mixed use development. She described the types of permitted uses in the Comprehensive Plan. The Office of Civic Investment is currently doing detailed design planning in this area through the charettes. There is a planning effort going on at the same time this rezoning request is being looked at, Ms. Anderson said. The vision is for this area to transition

from industrial uses to a more mixed use type of neighborhood. Surrounding land uses include a core of light industrial uses and a residence which is part of a residential neighborhood that surrounds it, which Ms. Anderson showed photos of and described. Street access will be a long-term issue for the area, Ms. Anderson said, which it's hoped the charettes will address. There are a number of lots in the area whose only legal access is the railroad right-of-way. To facilitate the redevelopment in the comprehensive plan, they will need to develop permanent legal access to many of these parcels. Public notification was made. No comments were received on the proposed rezoning.

Staff's recommendation is similar to the Comprehensive Plan, Ms. Anderson said, which is that it transition to a more mixed use neighborhood. They acknowledge that during the transition, there will be issues as commercial and residential development occurs. Some may want a quieter neighborhood than this could be. The Comprehensive Plan envisions this transition, so staff recommends approval, she said.

Commissioner Dechovitz asked if the city doesn't own the rest of the road at the end of Depot Road – at the end of the railroad right-of-way. Ms. Anderson said 'it's just there. Commissioner Dechovitz said the problem with access is substantial. Ms. Anderson said this property has better access than some of the properties that have *only* the railroad right-of-way. Commissioner Dechovitz asked about the access to that right-of-way; Ms. Anderson said there needs to be cooperation and coordination, planning, and follow-up, which the charettes will help with.

Michael Mark said he owns the warehouse to the south side of this property. He's concerned about short-term rentals and B&Bs being allowed in this area. This application "might create an opportunity for issues." The industrial buildings make noise and this "spot zoning doesn't make sense" to him. Ms. Warrington commented that she has no interest in having a B&B. She wants to have a consignment shop for furniture. She has no issues with noise. She finds the area "interesting"; the only issue with the property is that there was parking on her property when she first bought it, so she blocked the parking spaces and maybe ticked off some neighbors who had parked big trucks and equipment there in the past.

Chuck Ferguson owns the parcel to the north and has a woodworking business. He said this type of zoning changes could affect his ability to use his parcel as he chooses; the business has deliveries in the early morning and subsequent noise.

Tommy Logan said he shares some of these businesses' concerns about spot zoning. He feels the city has wanted to eliminate Limited Industrial areas for some time. Limited Industrial areas are the only places where sexually-oriented businesses are allowed. He feels like spot zoning isn't in keeping with the future plans of the whole neighborhood. He said they should do the whole thing if they're going to do it, but not rezone one parcel at the time.

Susan Krumm owns a lot on Middleton Street. She'd like to see the Depot area remain Limited Industrial. She "feels like they don't need retail there." Without an evacuation route, she would like to see it stay the way it is. It's historic, she said, and there are "a lot of ways to fix it up," but keep it non-residential. The late-night, early morning trucks don't disturb anyone now, she feels.

Dot Pierce said she has had no problem with the Limited Industrial businesses in the area. She's "concerned about traffic with the EMS being where it is." She described the buildings that are there, saying that "traffic goes in and out twice a day." The consignment shop will be open all day, and she's "mostly concerned about the traffic." If commercial businesses can go in there, there will be a lot of uses that aren't allowed now with Limited Industrial, which allows fewer types than any other zoning. She's concerned about the spot-zoning opening up others' interest in the area, too.

Commissioner Dechovitz asked Ms. Anderson if there were an interpretation that would allow this use under Limited Industrial for Ms. Warrington's business objective. Ms. Anderson said retail is definitely not permitted under Limited Industrial. Chairman DeVito said he hears what the residents and business owners have said, but he sees this as being in the best long-term interests of the neighborhood. Under current zoning, a business could come in and would be allowed "that would be terrible for the residents in the neighborhood," such as a cultured marble business. The access will be an issue no matter what happens, Chairman DeVito said. The railroad is locked in and can never be subdivided for a road. He said there's probability of access across the tracks going away once it's a rail trail. Chairman DeVito said there is no legal access to the lot directly across Depot Road. That will become an issue at some point.

Commissioner Dechovitz said he understands the public's expressed concerns. He said the businesses in Limited Industrial provide good long-term employment, more than a consignment shop would. In regard to spot-zoning, Chairman DeVito said that's not what this is. Commissioner Dechovitz said it's inconsistent with the entire area of surrounding properties. It would be more consistent with a residential zoning than with retail since everything else is Limited Industrial.

Commissioner Hicks said the Office of Civic Investment is going to do a charette and make a recommendation; he asked Ms. Anderson when that might be made. Ms. Anderson said the final presentation that includes this area is on the first Tuesday in October. He asked if they weren't trying to solve a problem that the Office of Civic Investment planners will be coming up with a plan for. The applicant has a right to apply, but he feels they're trying to solve a problem before the solution has been created. He recommended that either the applicant wait until the charette is over, or that the Planning Commission recommend denial, since the problem is under study and within 60-90 days there will be a comprehensive plan made.

Chairman DeVito said a third option is that it will go to council without a Planning Commission recommendation. Or they could make a recommendation to wait for the charette presentation on October 4th which Ms. Anderson said should show a schematic for this area. Ms. Anderson said there should be an illustration of a Mixed Use neighborhood in the presentation, though she doesn't know that with certainty.

Chairman DeVito said for it to come back to the Planning Commission, they have to make a motion to table it and come back next month. They can ask the Office of Civic Investment if there is a plan. Commissioner Dechovitz said he believes in rezoning the city in a rational overall plan, not patchwork. He will have trouble with rezoning a lot that is not in a continuous block of similarly zoned properties.

Motion: Commissioner Hicks made a motion to table the application for 30 days and see what the Office of Civic Investment plan is. Commissioner Dechovitz seconded the motion. The motion passed unanimously.

Chairman DeVito explained the process to the applicant and what she can do at the following meeting. "The whole process is on hold," he said, though the public hearing before City Council will happen, and then the matter will come back to the Planning Commission.

City of Beaufort – UDO Amendment. Revising Section 5.1 of the UDO to permit single-family dwellings and two-family dwellings in the Core Commercial zoning district in existing structures. Applicant: City of Beaufort

Ms. Anderson showed a map of the area between the river, Craven, Carteret, and Charles Streets. Single family and two-family residential is not allowed currently in the Core Commercial district. There's a vacant building that was built as a single-family dwelling that is being marketed and parties are interested; staff proposes a change to allow single-family and two-family residential development in existing structures. Staff wants to eliminate obstacles to reuse in that area.

Motion: Commissioner Dechovitz made a motion, seconded by Commissioner Hicks, to accept the ordinance change as recommended. The motion passed unanimously.

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson reported on two UDO amendments: one for approving design exceptions had a public hearing on September 13 and council requested a work session at 5 pm on September 27 at which they have requested that Design Review Board members and others attend. First reading will be later in that session of council. The other UDO amendment concerned permitting linear building additions on non-conforming structures. The matter had a public hearing on September 13 and will have first reading on September 27, too.

REVIEW MINUTES OF THE AUGUST 15, 2011 MEETING

Commissioner Dechovitz made a motion, second by Commissioner Hicks, to accept minutes as submitted. The motion passed unanimously.

There being no further business to come before the commission, **Commissioner Hicks made a motion to adjourn, second by Commissioner Dechovitz. The motion passed unanimously,** and the meeting was adjourned at 7:18 p.m.