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A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **January 12, 2015 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners James Crower and Robert Semmler, City of Beaufort planner Libby Anderson, and Town of Port Royal planner Linda Bridges. Bill Harris 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.

CALL TO ORDER

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

MINUTES

Commissioner Crower made a motion, second by Commissioner Semmler, to table approval of the minutes of the December 15, 2014 meeting because they were not sent to the commission in time for them to read through. The motion to table passed unanimously.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Text Amendment

Amend The Port Royal Code, Article 4, Section 4.1.30, the Principal Use Table, to add a new item, Radio and Television Transmission Towers

Ms. Bridges said the applicant and his rep, **David Tedder**, are present. This amendment to the Port Royal Code will allow radio and TV transmission towers. The language will establish conditions for new towers and for the expansion of existing towers and tower farms. Ms. Bridges said she had given a second version of the ordinance to the commission. The second document was overlooked in Article 4 when the first document was drafted. They changed the Use Table but did not provide a succinct definition of 4.1.4, so that's added to the second document.

Ms. Bridges said they are trying to craft ordinance language that will amend the code that will allow things they already have within their boundaries – TV and radio transmission towers. It's hoped the applicant has enough information with the crafted code amendment to "tamp down a proliferation of these facilities" but allow an amount that will serve the communities.

Chairman DeVito asked if all the existing ones are on sites of 6 acres and meet that minimum requirement. Ms. Bridges said that's correct. Commissioner Semmler asked why it says twice that it needs to be on six acres; he asked if it was meant to ensure that people didn't miss it. Ms. Bridges said she thought it was fine to repeat it. She said

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“towers” may be used for both a singular tower, or the word may define a “farm,” which has more than one tower. In the existing situation, they have a farm. It’s right on Parris Island Gateway. Ms. Bridges said it could continue to be there. She offered its history and said its use can continue because it was grandfathered in. They discussed cell phone towers in the code review, and that was why Item 6 in the Use Table was purposefully left blank; they have enough cell towers. These are different. In the industry, the definitions are different; there are different requirements for TV and radio transmission towers. In the ordinance language that was brought forward, a cell phone antenna would be allowed if the technology allows it to happen. They have been doing this regionally in regard to co-location. Ms. Bridges said if they can encourage companies to co-locate with other providers, the community is better off.

Commissioner Crower said Ms. Bridges had mentioned the balancing of the number of towers and their usefulness and he asked for more explanation. Ms. Bridges said they wanted to allow them if necessary, but they wanted to take a look at the distance they are from one another, making the conditions such that “they can’t spring up on every corner.” They wanted a large enough piece of land not to be in the urban fabric of the community in the T3 zones, for example. The co-location for different businesses’ towers keeps more infrastructure from springing up rather than using the infrastructure that is already in their mix. Commissioner Crower asked who decides when a new tower is necessary. Ms. Bridges said the industry itself does.

Mr. Tedder said Ms. Bridges had done “a good job of encapsulating this matter.” There are more towers than there used to be, and they’re consolidated in one area. He went to the state municipal attorneys for a template, and there’s no ordinance, he said. Mt. Pleasant has one outside it. Colleton County has one, too, but there’s no industry standard. He conglomerated better standards for a tower through research. He described what standards he had built into this text amendment.

Chairman DeVito asked him about the difference between the local code and FAA standards on tower height, and he wanted to know if Mr. Tedder was comfortable with the way it was worded, should the occasion arise where it need to be defended, and Mr. Tedder said he was. He went on to explain what a tower farm is and said they had tried to ensure that everything a permitter would want to see on the site was there.

Commissioner Semmler said of the paragraph in regard to towers requiring FAA and FCC licenses that he’s concerned that someone could put up a tower that meets these requirements but could be a problem for the MCAS. Mr. Tedder said the MCAS is a necessary part of the federal process. **Commissioner Semmler made a motion to accept the more recent version of the code as submitted. Commissioner Crower seconded the motion. The motion passed unanimously.**

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COUNCIL UPDATE

Ms. Bridges said the Port Royal council meeting is this week, so she didn't have an update.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Subdivision Review

Conceptual review of new 47-lot subdivision, City Walk, located off Huguenin Drive in the West End neighborhood

Applicant: East-West Communities

Ms. Anderson said this is a major subdivision plat. The Planning Commission must approve the preliminary plat for new major subdivisions. In the city's code, a major subdivision is one with six or more lots or a new street. The Planning Commission also has the authority to waive or a very certain subdivision requirements in the code such as sidewalk installation and tree planting.

East-West Communities is proposing a 47-lot development on 12 acres in the West End neighborhood of the city. She showed the site location on an overhead projector. Its north of the Woodlawn subdivision (Oaklawn, Water and Tidal Streets). The property has about 1200' of frontage on Battery Creek. A "cluster subdivision" is proposed, a conditional use, which needs no rezoning or variances and is "permitted administratively...through the subdivision process." The lot sizes and widths can be varied in return for the preservation of open space. Staff feels this is ideal for the Battery Creek frontage.

Ms. Anderson showed the 2004 Master Plan and said they were hoping even then to preserve the waterfront there. In the Boundary Street master plan, she showed the property and said the intent then was also that it be preserved as open space. Most recently, in the Civic Master Plan, the periphery of the Battery Creek Basin is designated as a multi-purpose path. The property is a good candidate for a cluster subdivision.

Ms. Anderson said the applicant requested a two-step process. The first step is a review of a conceptual plan of the subdivision at this meeting. They would like the endorsement of variations from typical subdivision standards in the city. The second and final step is review and approval of the preliminary plat, open space plan, street regulating plan, and a street tree-planting plan. The commission will also approve the names of two new streets.

Access would be from Water Street and would connect to Huguenin and then back into North Street. There are 47 lots. The properties will be reordered with alley access, like in Midtown. She showed the 2 new streets. One is a dead end, and Ms. Anderson said the fire department is okay with that. The minimum open space requirement has been met for a cluster subdivision. There is a proposal to develop a pervious pathway on the

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waterfront. There will be on-street parking on the new streets, which will be pervious. There's a 40' minimum right-of-way, and sidewalks are on one side of the street.

The Planning Commission can grant a waiver on some of the requirements of the subdivision ordinance, according to Ms. Anderson. They would like to have their variations considered and approved so they can proceed with the preliminary engineering for the next meeting.

- **Approval of the amount, type, and location of open space:** The master plan appears to meet the minimum requirements, Ms. Anderson said; the staff is happy with the type of open space being considered. However, they would like to implement the greenway, so staff recommends that the Planning Commission require a memorandum of understanding to be developed between the city and the developer to make the property accessible via a pathway easement where it connects to Park View Apartments, when it's ready to be developed. The apartments are likely to be redeveloped, and planners would like to be able to extend the greenway at the appropriate time.
- **Approval of sidewalks on only one side of Water Street and the unnamed loop street:** The Planning Commission can waive the both-sides requirement. Staff supports the waiver request.
- **Approval for no sidewalks on the 100' new street on the east side of the site**
- **Approval for no sidewalks on Huguenin Drive:** The applicant requested a waiver, but it's not in the commissions' packets. Staff supports this waiver if it is justified by preserving trees and grade changes, Ms. Anderson said.
- **Approval of 4' sidewalks** (instead of 5' by ordinance): Staff supports it if it's to preserve trees.
- **Approval of a 150' block** formed by new street on the east side: Blocks should be 300' by ordinance, but staff supports this request.
- **Approval of not extending the alley into Tidal Street:** Per the Unified Development Ordinance (UDO), staff recommends that it be extended to connect to Tidal Street. The Huguenin residents will have better access, if that's the case.
- **Approval of alleys with a 10' travel lane:** The UDO minimum width is 12'. Staff supports the request.

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- **Waiver of street tree planting:** The UDO requires planting trees on both sides of new streets, but they only want to plant on the south side of Water Street, adjacent to the large open space. Staff recommends the waiver if they work with the certified arborist, and they get an arborist's report on the health of the trees.

Ms. Anderson said this is a conceptual approval, and they will have to come back for preliminary approval.

Jim Beckner, the applicant, is a principal with East-West communities. He said the primary reason for their 40 years of success is that "we continually ask ourselves if we would live there." He thinks the city should want this development because it will bring two years or more of benefit to:

- Builders, engineers, architects, etc.;
- Local custom builders, merchants like Grayco, and "the big guys" like Lowes;
- Mortgage lenders and bankers;
- Realtors – in commissions;
- The city – in the form of \$20 million on the tax rolls; and
- Families – who will not put a strain on the city system.

Mr. Beckner said the expectation is that residents will be a combination of people who already live here and retirees coming to Beaufort. They have been selling these people homes in Pinckney, he added.

Staff pulled out the Civic Master Plan, Mr. Beckner said, East-West Communities is happy to build the greenway and "to connect it to the major plan at some point...because it all makes sense." He said he had brought his support staff to answer questions.

Chairman DeVito asked Mr. Beckner why they don't connect Tidal Street to the alley. Mr. Beckner said they didn't put a lot of thought in it, and then when the city said they wanted it, he had no problem with that. Chairman DeVito asked if that would be acceptable when the apartment complex was redone, and Mr. Beckner said they "want that to happen." They will use it as marketing.

Ken Szarek, 2605 North Street, said he has questions about integration of this development into the neighborhood. There is a lot of fast traffic on North Street plus children now; adding this street will bring in more families, so he would prefer sidewalks on both sides all the way down and 4-way stop at Water and Tidal Street to let children walk across the street. The police are bringing down the mobile radar, but sidewalks will allow children to walk along North Street, which has heavy traffic and a crosswalk is needed for the children to cross safely. Commissioner Semmler asked Mr. Szarek whether he had been informed by the city that this development was to take place. Mr. Szarek said he had not been.

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Chris Damgen said he is a City of Beaufort resident but does not live on North Street; however, because of his background in planning, he had come to the meeting to represent tenants and property owners on North Street at their request. Mr. Szarek had brought up the stop sign, Mr. Damgen said, and so would those he represents. He suggested it be at Water Street and/or Huguenin Drive. He asked if there was ever any plan to do a PUD. Ms. Anderson replied, "We are hoping to get away from those," adding that when a Form-Based Code is instituted, they can "maybe get away from it altogether." They prefer this to be a unique zoning ordinance rather than a PUD, she said. Mr. Damgen added that the run-off from 47 small lots could have an impact on Battery Creek.

Nigel Stroud, 2127 Oaklawn, said he feels the development "will be a positive." He's an architect. He said that the city didn't notify him, either, about this development or the Metropolitan Planning Commission meeting. He asked if a traffic study had been done because 47 homes and their cars "is a lot to add." The stop sign at Water Street sounds like a good idea to Mr. Stroud; he'd rather it be at Tidal because of its proximity to Ribaut Road. The mobile speed sign when it is in the neighborhood is "flashing all the time." The traffic light at North Street and Ribaut Road is "one of the longest (stop) lights I have ever seen in my life." Even the police avoid waiting for it. With 47 more houses and 2 cars per house, they are adding tremendous volume, he believes, and "this is a dynamic change." The lives of those who live on Oaklawn, where the new road is parallel to their property, will change. There should be some thought as to what happens along that line, Mr. Stroud feels. He asked about privacy fencing and if that kind of barrier has been anticipated.

Dawn Mathers, 2724 Oaklawn, asked for the developers to reconsider limiting the sidewalks because of where the school bus stop is located across North Street, and the route will not change. In regard to stop signs, Ms. Mathers said her house is across the street from the proposed alleyway, and she has 4 children. She feels the developers will need to control the speed of traffic between the street and the alley for the safety of the neighborhood's children.

Michelle Barker, an Oaklawn resident, asked, if all goes as scheduled, when construction and tree clearing might start. Her question was not answered.

James Hobbs, 2715 Oaklawn, feels that city services such as street repair, stormwater, etc. are being done poorly as of now, so he's concerned about the impact of 47 more units. Oaklawn was just repaved a couple weeks ago, Mr. Hobbs said, and "there are already puddles everywhere." The system for water distribution in the area is poor, so he's concerned that they are doing new construction when things already aren't working. Chairman DeVito said he would give Mr. Hobbs information about who to contact about these issues following the meeting.

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Courtney Cadien, an Oaklawn resident, said she has a toddler who often plays in the street and where the proposed alley is, so she shares others' concerns about increased traffic. There need to be sidewalks and lines on the roads. Her current access to the waterfront is where the alley would be, so she asked how they would get to the water if that's developed. There's a lot of wildlife back there, Ms. Cadien added, and there should be concern about that. She said the speed limits are currently 30 mph, and she wondered if this new neighborhood might have lesser speed limits than that. She was told those sorts of questions would be answered later in the process.

Commissioner Semmler asked if the owners were to have been notified and if it need not be posted. Notification was not mandatory, Ms. Anderson said, because of the type of subdivision it is. This process is lacking resident participation, Commissioner Semmler said, and without it, it "will fail miserably," which would be a shame because he feels it is "a great development." In regard to the connection to the road, he walked the area for 2 hours and saw the wildlife and all the tree ties that a resident had referred to. He said he also has no idea what the ties' colors mean, and the three homeowners he had talked to "had no idea this was going on." There's a site there where people are living, and someone from a construction company was looking at it when he was.

Commissioner Semmler feels that they don't have enough information to give the approvals and waivers they are being asked to make. He made the following points based on his time on site:

- The area where the open space is planned is about 1.5 times the size of a lot on Oaklawn – which is to say it's "tiny" – and the road around it will take away the backyards and views of those residents on Oaklawn and "put cars there" instead. Commissioner Semmler suggested that maybe East-West Communities could adjust their plans somehow to remedy that.
- On lots 1, 2, and 3, it's stone water run off; that's the watershed for the area, and it should be protected.
- In regard to the alleyway that stops at the apartments and then another one comes through, Commissioner Semmler said he'd talked to someone with a brand new house next to the apartment who thinks the development sounds great, but he wants to know more about it.
- Everyone has said there is a need for a traffic study, Commissioner Semmler said, and asks if one has been done; he doesn't feel it has been.
- The repaved road has been widened, he noted, "and there's a big hole there." If the state's responsible for that road, then the city should help the residents get it fixed.

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“This development could be really, really good,” Commissioner Semmler concluded, and if the developers are looking for conceptual approval, they need to let the residents know what’s going on.

Ms. Anderson said in regard to notification, since the development is permitted by right, no notification is required, but they do have contacts in the West End, one of whom was notified, and she “got the word out informally.” Also, Ms. Anderson said, she sends out the agendas for all city meetings weekly to the neighborhood association contacts – about 100 people.

Ms. Anderson said the city requires a traffic study for 50+ units, so one wasn’t required in this situation, which is planned for 47.

Commissioner Crower said he was bothered that people on the north side of Oaklawn will have a street in front of *and* behind their houses. Chairman DeVito agreed that something should be done about that.

Commissioner Crower said he’s in favor of tying the alley into Tidal Street. There was a discussion about Tidal Street and connectivity; Chairman DeVito agreed with Commissioner Crower on Tidal Street and said the original plan was laid out that way. He is struggling with the matter of the Huguenin sidewalk; he understands that the elevations are an issue, but there “might be a hybrid that could work.” He’s in support of the rest of the concept. The connection, the sidewalk, and the easement are his issues.

Commissioner Semmler said this is an opportunity for the city and the developer “to come through with something fantastic...and create something transparent.” Chairman DeVito said traffic came up a lot in the public’s comments, and he asked if the city could request a stop sign of DOT. Ms. Anderson said, “Absolutely.”

Mayor Billy Keyserling said that for the last 6 years, they have talked to DOT about North Street, Charles Street, etc. when people have asked for stop signs and speed bumps on streets that DOT owns and controls. Anything the Planning Commission could do, outside of this project, to lend its support in efforts to persuade DOT would help. “This has been an issue...for years,” he concluded. Ms. Cadien said she went to the DOT last year about traffic matters and had made some progress by getting 30 mph signs on Tidal and Water Streets. Chairman DeVito said, “Making the roads pedestrian-friendly is the key” and will take a community effort.

Chairman DeVito said the Planning Commission is to do a conceptual approval to send their comments to the developers. The Metropolitan Planning Commission wants the developers to look at the Tidal Street connection, the houses behind the houses on Oaklawn, and the Huguenin sidewalks; also, the commission needs to see more

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information about stormwater. Commissioner Crower said he wanted to know more about “the block less than 300’ long.” He asked where it is and what the impact of it is. Chairman DeVito explained, saying it’s the 125’ that goes to the right and turns to the alley. When he was “part of the update to that,” it was “a block that had an entrance and an exit, not a dead end.” He doesn’t have an issue with this being less than 300’, he said. When they wrote that block, they wanted “blocks, squares, intersections – traditional city grids.”

Elizabeth Stroud asked if the green space would be passive, active, or a retention pond. Chairman DeVito said that it’s “something that should be addressed over time.” **Dan Keefer**, East-West Communities, said it would be active open space along Battery Creek with a pervious trail, and the space between lots 30 and 21 would “be left aside for retention...and to create an active space” as well. They will set it aside and determine what it is later, Mr. Keefer said. Mr. Keefer said on Water Street, they are proposing to connect the sidewalk to North Street. They have walkability, and the plan shows the existing sidewalk on North Street and the new one that’s off-site. That’s not required – it’s in addition to what the ordinance requires. In regard to Tidal Street, they like the connection, and it offers Huguenin Drive and North Street residents’ easy access on a pedestrian scale.

Mr. Keefer said in regard to the U-shaped road he pointed out the access points and said it would be as narrow as possible. They would like to dedicate the roads to the city, he said. Chairman DeVito said the state is not accepting roads.

Commissioner Semmler said in regard to the U-shaped road: all the homes that surround the 47 units they’re building are part of the community as well, not just those they develop. Mr. Keefer said they want to have pedestrian and vehicular connectivity. They “don’t want to fence off our neighbors.” Commissioner Semmler said East-West Communities should show that, and show that they are working with the *whole* community in the area. Chairman DeVito said this is a conceptual approval of the design with some suggestions. The developers need direction to move forward, and they are owed a vote.

Chairman DeVito made a motion for conceptual approval of the City Walk pre-application with suggestions to look at connectivity to the existing neighborhood (specifically Tidal Street), doing something on Huguenin Street in regard to the sidewalks, taking a close look at stormwater, and working out the U-shaped road and how it addresses the existing houses’ views. Commissioner Crower seconded the motion. The motion passed on a vote of 2–1, Commissioner Semmler opposed.

COUNCIL UPDATE

In regard to the proposed requirement for new residential development to be raised to 18” above grade, city council gave the ordinance change first reading, Ms. Anderson

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said, but a number of concerns were expressed, so council had a work session. Now there will be a second reading the following evening with a scaled back version of the original proposal, with buildings needing to be elevated above grade only if they are located in a "bowl." Chairman DeVito asked if a number was discussed for this, and Ms. Anderson said no, because it would be problematic in certain areas, such as Cottage Farms. Chairman DeVito said, if you're below the road, you need to raise the building; if you're even with the road or above it, you don't, but he asked if they had determined a "number that is 'road plus something'." Ms. Anderson said no, and Chairman DeVito said that seems to leave "(you) open to a subjective interpretation."

Ms. Anderson said in regard to the Marsh Garden PUD, first reading on the revision was done at the December 9 council meeting.

In regard to the ordinance amendment in regard to short-term rentals, council had a public hearing, and there will be a workshop with the Zoning Board of Appeals, and Ms. Anderson said she'd send out a notice about it if members of the Metropolitan Planning Commission would like to attend it.

There being no further business to come before the commission, **Commissioner Semmler made a motion to adjourn. The motion passed unanimously,** and the meeting was adjourned at 7:00 p.m.

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