A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **November 17, 2014 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, Alice Howard, Robert Semmler, and Bill Harris, City of Beaufort planner Libby Anderson, and Town of Port Royal planner 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.

MINUTES

Commissioner Crower made a motion, second by Commissioner Howard, to approve the minutes of the September 15, 2014 meeting. Chairman DeVito abstained because he was not present at the meeting. Commissioner Crower noted that on page 2 of the minutes, the vote was for T-3 Neighborhood zoning. Chairman DeVito suggested that the word "Suburban" be removed from that section. **The motion to approve the minutes as amended passed 4-0.**

Commissioner Semmler made a motion, second by Commissioner Harris, to approve the minutes of the October 1, 2014 workshop. Commissioner Semmler said that he did not recall saying that the Olive Garden-Red Lobster building had no windows, as the minutes stated on page 5, and he requested that the sentence be removed. Chairman DeVito suggested that the sentence be amended to say that the statement was made – and then corrected by **Dick Stewart** – but not by whom it was made, since there was confusion on that point. **The motion to approve the minutes as amended passed unanimously.**

Commissioner Crower made a motion, second by Commissioner Howard, to approve the minutes of the October 20, 2014 meeting as submitted. The motion passed unanimously.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

TOWN OF PORT ROYAL – TEXT AMENDMENT: Amend Article 3, T-3 Suburban, T-3 Neighborhood, T-4 Neighborhood Center, T-4 Urban Center, and T-5 Main Street

Language is proposed to be added for all transect zones with maximum front and side setback requirements to allow exemptions to the maximum setback requirements to avoid trees with caliper size greater than 8", Ms. Bridges said. The exemption could only be granted with a certified arborist's viability report on the tree(s). If the arborist says the tree is viable, instead of going to a board, the administrator can say it makes sense and approve it.

Ms. Bridges said any tree greater than 8" requires a permit for removal. There's a setback zone

of 5’-20’, so you can’t go closer than 5’ or further back than 20’. If there is a substantial or grand tree worth saving, and it falls in the zone, staff would like to make it an administrative decision, so that the owner would be able to set the house back as far as they need to in order to accommodate the tree.

Ms. Bridges said there is precedent for this and described it.

Commissioner Harris asked if this would apply to *all* trees or if it was for hardwoods, grand trees, etc. Ms. Bridges said in the past, she has considered it as applying to “all trees,” though not to shrubs, crepe myrtles, and maybe not to palmettos. Ms. Bridges said she wouldn't say a palmetto was a tree, as an administrator, but they don’t have a list of trees, even in their tree ordinance, so they would evaluate “anything that's a tree.”

Commissioner Harris asked if a Port Royal certified arborist was required, or if others could make the report. Ms. Bridges said they would “look for a credentialed third party.” Chairman DeVito said he thinks it’s good because it doesn’t stall building and is something that staff should handle.

Commissioner Crower made a motion to amend Article 3 for the T-3, Suburban, T-3 Neighborhood, T-4 Neighborhood Center, T-4 Urban Center, and T-5 Main Street to allow the administrator to adjust the setback if it is obstructed by a tree with a caliper measurement of greater than 8”. Commissioner Howard seconded the motion. The motion passed unanimously.

TOWN OF PORT ROYAL – TEXT AMENDMENT: Amend Article 5, Section 5.2.40, Gas Station – Delete the section “Number of pumps – a maximum of six pumps are permitted per gas station.”

Ms. Bridges said when regulating gas stations, there are criteria, including limiting to six the number of pumps in a gas station. T-4 NC Open and T-4 UC are the zones they are allowed in; she detailed other stipulations as they apply in terms of where the station can be and design regulations. They want to delete the stipulation limiting the gas stations to six pumps because discussions have raised concerns that they might be increasing the number of gas stations by limiting the number of pumps. She said she thinks they have enough design criteria and other rules that they could perhaps remove this one.

Commissioner Semmler asked if someone had come to the Town of Port Royal and said they wanted more pumps; Ms. Bridges said, “Many players in the industry have voiced an opinion” about this matter.

Chairman DeVito said the question is whether there should be a limit over six. Ms. Bridges said

they could take baby steps and "increase it to eight and see how it goes." Chairman DeVito said he's okay with nine; the pumps are built 3-deep already, so they will be increasing the depth more than the width. Commissioner Harris said a limit of nine pumps means actually having more than nine pumps. Ms. Bridges explained that this is because "you can service from both sides." Chairman DeVito said, "The pump's the pump," so "getting in the ninth one just adds a little more depth."

Commissioner Semmler made a motion to delete the limit in the amendment. The motion died for lack of a second. Commissioner Harris made a motion to approve Article 5 with the limit of nine pumps. Commissioner Howard seconded. Commissioner Semmler said soon, hybrid-charging stations would also need a "pump." Commissioner Howard said they might not put that with the pumps for safety reasons. **The motion passed unanimously.**

TOWN OF PORT ROYAL – TEXT AMENDMENT: Amend the Port Royal Code for all transect zones that require façades within the façade zone. In T-3 and T-4 zones, the front façade in the facade zone will be 40%; the side street façade in the façade zone will be 20%. In T-5, the front façade in the facade zone will be 50%; the side street façade in the façade zone will be 30%.

Ms. Bridges said this is an amendment for a minimum façade in the façade zone. She said **Libby Anderson** has discussed this: in the Boundary Street Master Plan, it's called a "frontage requirement," which is the same thing as a façade or a façade zone. Ms. Bridges said they think this has been calibrated incorrectly and is "far too high." They are a minimum of 75% on the front, and basically, if the lot is 100' wide, 75' has to be filled with house. She has looked at the traditional town overlay under which they have operated for 10+ years; for residential development, the numbers were 30% minimum to 80% maximum. Most of the homes she is evaluating right now are in Pinckney Retreat. These are the minimums, and in these suburban-like settings, "the market has a desire to have a little more yard on all four sides." They're currently 75% and 50%, and she wants to amend them to 40% and 20%. T-4 Neighborhood Center is the zoning of Pinckney Retreat.

Commissioner Harris said, "It's not ... the property width; it's the buildable envelope," so the percentages for the lot are "really lower." Ms. Bridges agreed. Commissioner Harris asked about T-4 Neighborhood Center and T-5 Main Street. Ms. Bridges said they have minimums; the facades and facade zone is in T-3. A carriage house is the only permitted type in T-5 Main Street. It has 90% on the front and 50% on the side, and she suggested they might exempt that from this change; they would only use it in the areas where they are getting residential development. Chairman DeVito said right now, it's "all," and Ms. Bridges said it does apply to all construction; the amendment would be for limited zones: "It could not reach as far as T-5."

Chairman DeVito clarified that the discussion is about amending the façade frontage in all *residential* zones except for T-5 Main Street, where the 75-50 would remain in place.

Commissioner Harris made a motion to approve the amendment with the following changes: Would allow T-3 Neighborhood and T-4 Neighborhood Center to go to 20% and 40%; in T-4 Urban Center, only residential would be changed to 20%-40%, and T-5 Main Street would stay as it is now. Commissioner Semmler seconded. The motion passed unanimously.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Zoning Text Amendment – Revising the Marsh Gardens Planned Unit Development report and regulating plan to update the document, remove the meeting center, and add additional residential units.
Applicant: 303 Associates

Ms. Anderson said 303 Associates has submitted an application to amend the Marsh Gardens PUD. She described the history of the PUD and the amendments that were made to date. She showed the original PUD and described what was permitted in it. The amendments would be deleting the meeting center; changing the total residential units from 24 to 60; revising the master plan to reflect these changes to more residential and more mixed use; clarifying the term "mixed use" to include upstairs residential units.

Ms. Anderson said this PUD is in the Boundary Street Redevelopment District. Multi-family units are strongly encouraged. In regard to mixed use, it means ground floor commercial and upper story residential. To permit the residential units in the master plan seems appropriate, Ms. Anderson said. There is already residential development in the Burnside Building.

Courtney Worrell said, "This dates back to 2001." Feasibility studies for the conference center have determined that it's not needed, but more multi-family residential is. Commissioner Harris asked about the area termed "open space" on the water. Ms. Worrell said they are restricted; it's been conveyed to the Open Land Trust. She pointed out two areas in yellow that are mixed use.

Commissioner Harris made a motion to approve the PUD changes as submitted. Commissioner Howard seconded. Ms. Anderson said seven units exist; 24 units was the limit in the original PUD, and they will raise the limit to 60. The city wants to plan for enough residential development. Ms. Worrell said they believed 60 covered "the standalone residential," not the mixed-use residential. Ms. Anderson said she wants to ensure that they don't restrict themselves. Chairman DeVito said it doesn't read it that way in the PUD; it doesn't mention residential in the section on mixed use.

Commissioner Harris asked where the multi-family residential would be, and Ms. Anderson pointed it out. It's not single-family dwellings, she emphasized. The parking will not impact public streets, Ms. Anderson said, or additional private property in the surrounding area. The

developer owns these properties, and "the parking will be handled internally." She doesn't think parking is an issue in this situation.

Ms. Anderson said the 60 units cap does not include upper-story residential. Sixty is if the lot is "designated exclusively as residential." Commissioner Semmler asked if a traffic impact analysis has been done, and Ms. Anderson said it's not required in the Boundary Street Redevelopment District because they already know all of that as part of the project. Chairman DeVito asked if the commission was comfortable with the wording in regard to the units. There was no concern expressed. **The motion passed unanimously.**

The Boundary Street Master Plan includes traffic analysis from Neil Road to Ribaut Road; all the zoning is based on that traffic analysis, so the individual projects do not require it. Ms. Anderson said in other areas in the city, traffic analysis is not necessary: other redevelopment area like Carteret, Ribaut Road, and Bay Street. Chairman DeVito asked if it were an official statement that the development is not going past Greenlawn. Ms. Worrell said yes, it was determined in the four workshops that were held about Boundary Street.

Chairman DeVito said the Metropolitan Planning Commission had "voted on a specific project" for the penny tax and the limits on it, so this adjustment could mean the vote might have to be adjusted. He thinks the minutes should be looked for and reviewed. He feels that they need an official presentation on the start and finish of the project and the extent of its divergence – from the original conception to where it is now.

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson said City Council's second reading of the Boundary Street Redevelopment District ordinance would be the following night.

In regard to the rezoning of property on Robert Smalls Parkway, council's second reading is November 25. The original proposal was for rezoning entire parcels; that has been amended. On the Robert Smalls Parkway frontages, the property to be annexed is to be zoned General Commercial. Council feels that Highway 170 is appropriate for Highway Commercial zoning.

Ms. Anderson said she would go back to council in a work session on elevation of new construction in the flood zone because there was concern among council about it.

The second reading on silt fencing, Ms. Anderson said, would take place the following night.

There being no further business to come before the commission, **Commissioner Crower made a motion to adjourn. The motion passed unanimously,** and the meeting was adjourned at 6:28 p.m.