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A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **February 16, 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 Bill Harris, James Crower, George Johnston, Tim Rentz, and Robert Semmler, 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 Harris, to approve the minutes of the November 17, 2014 meeting. The motion to approve the minutes as submitted passed unanimously.

Commissioner Semmler made a motion, second by Commissioner Crower, to approve the minutes of the December 15, 2014 meeting. The motion to approve the minutes as submitted passed unanimously.

Commissioner Crower made a motion, second by Commissioner Semmler, to approve the minutes of the January 12, 2015 meeting. The motion to approve the minutes as submitted passed unanimously.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Annexation

Annex 11.92 acres at Shell Point Road and Savannah Highway. The property is 19 parcels and is further identified as District 100, Map 33A, Parcels 22, 26, 27, 53, 54, 55, 56, 61, 122, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172.

The applicant is Shell Point Investments, LLC and Edwin Pike.

Also annex 4003 Hickory Street, a .04 acre parcel owned by the Town of Port Royal, described as District 100, Map 33A, Parcel 23.

Ms. Bridges requested that the commission note “several pieces of communication” that she had received in the days before the meeting and a council update.

The annexation property has a 50’ x 50’ parcel of land adjacent to it that is owned by the Town of Port Royal, and Ms. Bridges said she’s including it in this annexation. The main site is 11.92 acres and owned by Shell Point Investments. Some of the parcels have addresses. She showed a map of the parcels included “in this effort.”

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The parcels are currently in Beaufort County and carry zoning designations from there as T4, Hamlet Center and T3, Hamlet Neighborhood. She showed an image of the transects. She read descriptions of the zones. T3 was placed next to single-family residential that has been developed for years.

Ms. Bridges said the Future Land Use map is an important part of the town's comprehensive plan. They are within the town's growth area. In regard to the delivery of services, the BJWSA and the Burton Fire Department, with the Port Royal Fire Department as a backup, serve the parcels. This will continue to be the case if the parcels are annexed. The town is filling in a donut hole of parcels that services are delivered to and beyond. The police department routinely patrols this area, and recycling and garbage collection "happens beyond these parcels."

In regard to zoning, Ms. Bridges said the Future Land Use map offers guidance if parcels can be annexed. Those in question fall within a more intense sector and a less intense sector. They are within "controlled growth" and "restricted growth" (the back of the property) sectors. Ms. Bridges read from the comprehensive plan about a restricted growth sector: single-family residential development that is already in existence. She also read the controlled growth sector's description.

Ms. Bridges went on to describe the current county zoning and to compare it to the zoning if the town were to annex these parcels. As form-based code takes hold, she said, the neighborhood commercial facilities, which aren't there now, will be available within walking distance. T3 zoning integrates single-family residences and multi-family dwellings, with transit, park, and other functions within walking distance. The town's development code regulates tree removal and pruning, and requires a traffic impact analysis and street design standards.

In regard to stormwater management, Ms. Bridges said the Town of Port Royal and Beaufort County have had a stormwater management and utility agreement since 2012; it adopts Beaufort County's best management practices for stormwater management. It's a regional issue, Ms. Bridges said, and doesn't stop at jurisdictional boundaries, so the Town of Port Royal feels well served by this.

There are no environmental issues at this time on the property. Property owners within 400' of the property were notified, as were members of the Shell Point Neighborhood Association.

Ms. Bridges showed the proposed T4 / T3 split in zoning: they will mimic the zoning designations that Beaufort County has placed on the property. She said the commission had received a communication from **Carolyn Davis**, who was also in attendance to speak. Ms. Bridges said that she had received letters that day from **Anne Eversole** and **Dean Bradley** and an email from **Alice Howard**. Ms. Bridges concluded her presentation.

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Chairman DeVito explained to new Metropolitan Planning Commission members how the process works when a presentation is made.

Chairman DeVito asked Ms. Bridges to clarify that there were no subdivision or parcel line changes, and Ms. Bridges said that's correct: nothing is proposed for the property at this time. Commissioner Harris asked about what appeared to be a right-of-way or a lane that goes through the area. Ms. Bridges said it's an extension/entrance from when the subdivision was originally built: Palmetto Ridge. It's doesn't exist now and is not cleared out; it's just "lines on a survey. Commissioner Semmler said Ms. Bridges had indicated a T4 section in which apartments and townhouses could be put; he said there are no other apartments or townhouses within a quarter of a mile. Ms. Bridges said that's right. Commissioner Semmler said it "doesn't really flow with the rest of the community." Ms. Bridges said the "form-based code "goes beyond simple uses." T4 and T3 allow multi-family, but the code controls *form*, and in the T3 zone, "mansion apartments" are allowed, which are limited to 6 units, so there is a scale and mass that is regulated by the zoning code. This is designed to ameliorate the differences and limits the scale of the development that can be done.

Commissioner Semmler said Ms. Bridges had indicated that a traffic impact analysis could be done, but in the City of Beaufort, an analysis is conducted when there are a certain number of units. Ms. Bridges said the same threshold applies in the Town of Port Royal. The use as its proposed must generate a minimum of 50 trips per day. Commissioner Semmler asked when the lots were divided, and Ms. Bridges said that she didn't know. Commissioner Semmler observed that it was "way before the code we have today." He said the single-family homes there now "were what everybody wanted then." Commissioner Semmler said the stormwater run-off management is tremendous, but "a great portion of this area is low – very low . . . it's a marsh all the time," so he is puzzled about justifying building homes and a road "where it's a marsh." Chairman DeVito said this is not about a development; it's an annexation. That's all that's being discussed, not a subdivision development.

Ms. Bridges clarified that the applicant is not looking to move any lot lines. The existing subdivision as it's laid out wouldn't need a traffic impact analysis because they have the development that is envisioned by the lot lines by right. "The new zoning designation, either in the town or the county, does not preclude what is seen on the maps today," Ms. Bridges said.

Commissioner Johnston said that Ms. Bridges had said that the town zoning mimics the county zoning, and he asked her to summarize the difference between the two zonings. Ms. Bridges described T3 in the county and said the town adds the mansion apartment; that's a key difference: density. T3 Suburban steps down from T3 Neighborhood. She went on to discuss the county T4 Hamlet Center, which expands on the T3. It is the same for the town, which also adds the "landmark building," which would be something a

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developer would see as an opportunity for offices, general services, etc. If a developer were to use such a building somewhere, it would be used for high visibility to traffic.

Commissioner Johnston said that the statement says there are no environmental issues, but “that seems to be in stark disagreement with the correspondence we have received.” Ms. Bridges said this isn’t the first time the property has been brought to the Planning Commission. There have been no maritime forests found or particularly endangered species on the property. The point has been made, she said, that there is a jurisdictional wetland; a ditch comes through the property that ends in the marshes of Battery Creek and “depending on where the Corps delineates that, it probably will be a jurisdictional wetland at the top of Parris Island Gateway.” Also, there are one or two freshwater wetlands on the property, but these occur in many developable properties in Beaufort County, the Town of Port Royal and the City of Beaufort, Ms. Bridges said. Stormwater management goes hand-in-hand with wetlands issues and how well they can handle stormwater management and its impact on the wetlands. The stormwater regulations as they are adopted will be sensitive “to the fresh and jurisdictional wetlands that may be present on the property.”

Commissioner Crower said he thought Ms. Bridges had added apartments in the T4 that weren’t in the T3. Ms. Bridges said another building type is available in T4: the apartment building, not just the mansion apartment (which is limited to six units per building). It could look like a large single-family house. The apartment building expands the density to 12 units per building, which will not emulate a single-family dwelling.

The applicant not being present, Chairman DeVito opened it up to the public. **Carolyn Davis** said she was present to represent her neighbors in Shell Point who are opposed to development, annexation and rezoning. She said she had studied the codes, and in the past the recommendations for the property were that it should be R-17, with large lots and single-family dwellings. The T3 and T4 would allow much denser development than the land could support and the neighborhood absorb. Ms. Davis said the 11.92 acres serves as a “natural stormwater management basin.” Much of the Shell Point area and the Shell Point Plaza drain into this area, and then into Battery Creek, so “tampering with this property could cause serious water quality issues for Battery Creek” and flooding in the neighborhood. She mentioned the wetland on the property. Access from Highway 802 will present safety and quality of life issues for residents of Shell Point. Ms. Davis suggested that the property might “derive a T1 designation, ‘Natural Preserve.’” Single-family dwellings could be allowed on the perimeter of the property, which would largely be preserved as open space. She urged the commission to consider this zoning. She said they are in a Community Preservation area, so the “residents have a lot more input into what goes on” there.

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Chairman DeVito asked if the designation was unchanged by the fact that it's in the Shell Point Overlay District. Ms. Bridges said there's no longer an overlay district in the town code. She said she didn't know it was still a Community Preservation area.

Paul Hesse, Sr., Dogwood Street in Shell Point, said when the Town of Port Royal had hearings about this same property, he had appeared then, too. The geologic changes have occurred more quickly than the mapping on the flood insurance rate map, he said. Mr. Hesse was an emergency management director in coastal New Jersey. Communities can exist for a number of years with a known hazard, he said, until a disastrous natural event. "The Town of Port Royal seems to (want) to create a vulnerability with this project," Mr. Hesse feels. "A significant step is for annexation and rezoning *only* without developing," he said. It's been previously denied twice by the Planning Commission and in the Town of Port Royal hearings. Rezoning is a significant step toward development. In regard to stormwater drainage, Mr. Hesse said, there's a "gut" area to the north of the proposed site. Overdevelopment in 2010 in the Highway 170 corridor has left standing water where there were once trees, he said. Transportation and residential projects have maxed out the transitive surface and subterranean or substrate flow.

There are wetlands concerns, as is locked-in water with excessive flow above and below ground. There are 3 streamlets in the area, Mr. Hesse noted. Shell Point, in its original configuration, used that area as drain-off. And now, compacting it creates flood situations. Mr. Hesse said the water basin "would leave stranded waters" because there's nowhere for it to go. Overland flooding would be estimated to occur with a Category 2.8 hurricane going into the Okatie. That area of Shell Point has had 18 overland inundations in fewer than 100 years. He continued to list potentially damaging effects of storms and water on the property in the area. The Corps has to review the area; FEMA and the FIA (Flood Insurance Administration) as of June 2009 also have permitting processes that must be adhered to. He said the Town of Port Royal could be suspended from the National Flood Insurance Program if there were damages, "since the lack of oversight was so obvious." Mr. Hesse enumerated other concerns relating to flood insurance, increased premiums among them. He concluded that annexation of this area has been denied twice, and the reasons for that are "enhanced" for this third attempt.

Barbara Stanley, 3011 Shell Point Road, has lived in the area since 1970. She showed photos she had taken in the area, particularly the "drops" into the properties. In 2009, this project was before the Planning Commission, and in 2010 it went before the Town of Port Royal, which is "the last time it was turned down." Ms. Stanley said they are hoping for the lowest density possible. In 2009, the soil was assessed to be "fine sandy loam," and therefore to have "low potential for development." BJWSA has said that more impervious surfaces and higher densities would affect water quality. There is still concern about traffic impact, as well, which she detailed, especially if there were

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additional traffic. Shifting it to mixed-use would quadruple the volume of traffic on surrounding roads, according to a study that Ms. Stanley cited.

Paul Keyserling, a Shell Point property owner, said lot lines can be redrawn, and it “could be developed piecemeal or as a whole,” so it could be sold off and still not meet the threshold for a traffic impact analysis, which is a real issue already for the neighborhood. It will add a significant amount of traffic, and he detailed the concerns that increase would raise.

Mr. Keyserling said he was on the Shell Point Neighborhood Association when this was discussed, and there was a desire to keep mixed uses along the highway. He asked the commission to consider keeping densities down when rezoning and to consider “issues of view (and) exposure.”

Chairman DeVito asked Ms. Bridges about “a different” T4, which Ms. Bridges said is in the adjacent zone, T4 NC Open, which is “the lowest T4 zone.” T3 Neighborhood is the highest T3 they have. T4 NC Open does allow the gas station build type; T4 NC does not. Ms. Bridges said T3 Suburban is the next lowest T3 zoning designation. Commissioner Semmler asked, if the property is annexed, if it will lose the Community Preservation Area designation, and Ms. Bridges said “yes.” Commissioner Harris asked if that’s why it has failed twice, and Ms. Bridges said, No, Community Preservation “equated to the Town of Port Royal because we have so many parcels that were interspersed in the same geographic area known as the Shell Point Community Preservation.” Until this code was adopted, the Shell Point Neighborhood Overlay mimicked the county’s Community Preservation. But with form-based code, the overlay went away for the town. Chairman DeVito said it had failed twice before because there was more intense zoning than what was originally on the property: there were “road cuts and things going on that we were not thrilled with.” This is different, Chairman DeVito said, because the zoning is not *much* more intense.

Commissioner Crower observed that since there was no vehicular access to Parris Island Gateway or Savannah Highway, he sees no reason for denser zoning. He sees the property as all one unit, “all lowland woods,” and he thinks it makes no sense to give it more than one zoning designation. He favors T3 or T3 Suburban zoning. Ms. Bridges said T3 Suburban takes out the mansion apartments and townhouses, carriage houses (accessory dwelling units), detached houses, duplexes and the landmark building. For uses, multi-family is taken away, as are all general office and service businesses, but it keeps small day cares, lodging, short-term rentals, and B&Bs. All retail, restaurants, education, recreation, and places of public assembly – accept small churches – are taken out.

Chairman DeVito pointed out that because this was a recommendation to council, the commission can annex or zone first, and they normally annex first. Commissioner

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Crower asked if a gateway corridor affected any of the property. Ms. Bridges said there's no corridor overlay in the area; Chairman DeVito said there's no access to Parris Island Gateway or the Savannah Highway.

Commissioner Crower made a motion to recommend the annexation under discussion into the Town of Port Royal. Mr. Harris seconded. The motion passed 4-2, Mr. Semmler and Mr. Johnston opposed.

Town of Port Royal – Zoning Request

Zone 11.92 acres at Shell Point Road and Savannah Highway. The property is 19 parcels and is further identified as District 100, Map 33A, Parcels 22, 26, 27, 53, 54, 55, 56, 61, 122, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172 and 4003 Hickory Street, a 0.04 acre parcel owned by the Town of Port Royal, described as District 100, Map 33A, Parcel 23. The requested zoning designation is T4 Neighborhood Center and T3 Neighborhood.

Commissioner Crower made a motion to zone all of the annexed property as T3 Suburban. Mr. Harris seconded. The motion passed 4-2, Mr. Semmler and Mr. Johnston opposed.

TOWN OF PORT ROYAL – COMPREHENSIVE PLAN UPDATE

Ms. Bridges said they had gotten through public hearing and first reading, then at second reading, Councilman **Joe Lee** had shared comments on the Executive Summary and asked to have changes incorporated. They took it to council in a work session setting, and council suggested it be brought back to the Planning Commission with changes. Ms. Bridges said the changes were "housekeeping . . . things that . . . reflect what council feels about things going forward, such as supporting groups (such as) the Santa Elena Foundation" financially.

Chairman DeVito asked if it could be on the next month's agenda for the 2 new commission members; both said they had already had time to read it. Commissioner Johnston said that **Bob Bender** has been a staunch defender of the environment in Beaufort County, and he asked that Mr. Bender's contribution be recognized.

Commissioner Harris made a motion to adopt this document as presented to the Planning Commission. Commissioner Semmler seconded. The motion passed unanimously.

TOWN COUNCIL UPDATE

Ms. Bridges said council adopted some text changes to the Port Royal code, which she enumerated, but didn't amend the number of gas pumps at a gas station, so that remains at 6. Town of Port Royal council zoned and annexed the 5.2 acres at Castle Rock Road. The zoning designation was T4 Neighborhood Center Open. Council denied the requested text amendment for Rose Island PUD on first reading.

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REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Subdivision Review

Review of preliminary plat for City Walk, a new 47-lot subdivision located off Huguenin Drive in the West End Neighborhood

Applicant: East-West Communities

Ms. Anderson said in January, the Metropolitan Planning Commission had reviewed City Walk's conceptual plans. Two additional lots have been added and now there are 49. The Planning Commission may waive or vary certain requirements for subdivisions, and this applicant has requested a number of waivers, which the Planning Commission approved conceptually. Water Street is the primary street going through the development. A new U-shaped street is proposed, to be named City Walk Way and "a dead end little street" is to be named Creek's End Lane. There are areas of open space in the development. In regard to a future access easement, she showed a connection to a city greenway system.

Ms. Anderson said there are "2 types of streets": Water Street and City Walk Way. There are alleys and on-street parking. Residential streets have a 40' right-of-way, and on-street parking on one side of the street. The subdivision plat has dimensions on it now.

In regard to the waivers requested, the updates are in the commission's packet. There has been a staff position taken on each of them, and staff has made recommendations. Staff recommends approval of the preliminary subdivision plat with the following conditions:

1. The internal and perimeter setbacks will be shown.
2. The plat is to be resubmitted to staff with the tree survey on it; the two should be overlaid.
3. One waiver requested is elimination of the sidewalk on Huguenin Street; Ms. Anderson said the applicant had mentioned a topography change and tree preservation. Staff would like to be given the final decision-making authority on that issue, she said. There are clusters of trees, but an on-site inspection is necessary. The applicant can mark the trees they think would need to come out for sidewalk construction, and the certified arborist will evaluate those. Certain types of trees may be acceptable to remove, so that would factor into the decision about the sidewalk.
4. In regard to 4' sidewalks and not 5', which is the ordinance, staff would not recommend a blanket waiver of the requirement, but would consider it appropriate to save trees. This goes back to "turning on the tree survey layer . . . with the plat," Ms. Anderson said, so staff could more easily make those decisions.
5. In regard to street trees, the applicant would like to not plant trees on the north side of Water Street along the water; staff supports that request, but if there are

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large trees to be removed, mitigation is required, up to 1/3 of the caliper inches removed. Ms. Anderson said staff would like to reserve the right to do that.

6. In regard to the access easement, to the adjoining property from the Battery Creek open space, staff would like to execute an agreement between the developer and the city before the final plat's approved. A draft needs to be shown to the city attorney and the city manager, but it's in the works.

City Walk representative, Dan Keefer, said that all of the conditions they have asked for are in order to save trees. Commissioner Rentz asked Mr. Keefer if any of the staff recommendations "give you a hard time, as far as trees or anything else?" Mr. Keefer said no, they have worked closely with staff, and they "are in agreement."

There was no public comment. Commissioner Semmler said they had talked about the sidewalk on Huguenin. There's no sidewalk there now, and they had agreed to connect the alley to Tidal Street, and there's a sidewalk on Water Street. He asked if it was worth discussing a sidewalk on one side of the street on the alley. Chairman DeVito said it sounded to him like staff was going to try to find a way to get the sidewalk on Huguenin Street, but the back alley might be an option. Commissioner Semmler said it would bookend it. Chairman DeVito said that an alley was "a pretty good walking path to begin with." Mr. Keefer said the alleys are gravel.

Commissioner Semmler said they had discussed at the previous meeting that those who live on Oaklawn will have a road in front of them and a road in the back when this development goes in. Chairman DeVito said it looked like City Walk addressed this by moving the road over and adding a greenspace buffer. Commissioner Semmler said he'd looked at it, and "there are a lot of nice trees back there." Ms. Anderson said the applicant could explain what they had done. Commissioner Semmler said what they did doesn't solve the problem.

Chairman DeVito asked if Ms. Anderson had sent out letters of notification again. Ms. Anderson said she had sent them to the same contacts as she usually does. At the January neighborhood association meeting, there were representatives from the development in attendance, and they gave a brief presentation. She had invited her West End contact list, including the main contact person, and sent her the staff report as well.

Ms. Anderson said most of the property is not in the flood zone, so most of the properties will not need to be elevated. Commissioner Semmler said 1, 2, and 3 are at least 10' lower than Water Street, and that "is part of the drainage." Ms. Anderson said they would have to do a drainage plan as a new development, but they aren't yet that far in the process. Chairman DeVito said the preliminary master plan has the topographic lines on it, and "13 runs right through Water Street." Ms. Anderson said the development "is in good shape" in terms of flooding. She indicated the flood zone and

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said the majority of the properties are outside of it. She explained that base flood elevation is 13'; anything in the flood zone would have to be elevated above that, including all utilities (HVAC, etc.)

Commissioner Crower asked Ms. Anderson about staff having final approval on the sidewalk on Huguenin Street; does that mean staff will decide *if* City Walk will have a sidewalk there, or will they decide where it goes? Ms. Anderson said staff would make a recommendation on the sidewalk on Huguenin based on an on-site investigation. This sidewalk won't extend to another one, but someday they might connect it to North Street. Chairman DeVito said they might not do one because of the specimen trees. Ms. Anderson said a retaining wall may be required, and staff needs to know where the pavement edges for the sidewalk would be on Huguenin, because DOT "would have to put in curb and gutter if the sidewalk's too close" which they don't want to get involved in. The ordinance says, "*Shall* install a sidewalk," so there needs to be a good reason *not* to do it, but more work needs to be done. If the Planning Commission says there is no sidewalk needed, the matter is concluded, but staff would like to work on it some more.

Ms. Anderson and Chairman DeVito replied to Commissioner Semmler's question about whether the Planning Commission would see this project again by telling him that it would not, unless there was a major change. **Commissioner Rentz made a motion to recommend approval of the subdivision as redrawn with the staff recommendations. Commissioner Johnson seconded. The motion passed 4-1, Commissioner Semmler opposed and Commissioner Harris recused.**

City of Beaufort – Street Name

Naming two new streets in the proposed City Walk subdivision, "City Walk Way" and "Creek's End Lane"

Applicant: East-West Communities

Commissioner Rentz made a recommendation to approve the street names, second by Commissioner Crower. The motion passed 5-0, Commissioner Harris recused.

City of Beaufort – Annexation and Rezoning

Annexation and rezoning of property located at 810 Roseida Road, identified as R100 025 000 012C 0000. The existing zoning is S1 Industrial. The proposed zoning is Highway Commercial District.

Applicant: Gregory Parker

Ms. Anderson showed this property and the surrounding area, which is in the vicinity of the MCAS. It's contiguous to the existing city limits, and the larger piece is already in the city. Services would be provided by the city. Ms. Anderson reviewed the permitted uses in S1 county zoning. The proposal is to combine the parcels and develop a Parker's gas station. Current zoning permits gas stations. Highway Commercial District is the proposed zoning, she said; it is intense and permits a variety of auto uses. Most of the

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parcels around this one are zoned the same way. It is regulated under the AICUZ as Noise Zone 2A, but there are no use restrictions in that zone, Ms. Anderson said.

Ms. Anderson said the Civic Master Plan has made no specific redevelopment plan for this area. There is a gas station on the north side of Roseida; this property is undeveloped, and there is a large amount of concrete on the site. There are a mix of uses on Trask Parkway and a lot of undeveloped land. No public comment was made following public notice being made, Ms. Anderson said. **Commissioner Crower made a motion to recommend annexation. Commissioner Semmler seconded. The motion passed unanimously.**

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

City of Beaufort – Rezoning

Rezoning property located at 2402 Allison Road, identified as R120 005 000 0265 0000. The existing zoning is R-2 Medium Density Single-Family Residential District. The proposed zoning is Office Commercial District.

Applicant: Albert Smith

Ms. Anderson said the property owner, **Albert Smith**, submitted this rezoning request. A single-family dwelling is currently on the lot. It's zoned R-2 Residential District. Proposed zoning is Office Commercial – all types of residential and all types of offices are permitted. She showed the surrounding uses, including a lot of Medical zoning and some Office Commercial one lot away.

Ms. Anderson said when 2410 Allison Road submitted an application to rezone in 2010, staff felt Office Commercial should be considered for Allison Road, but they felt that mid-block zoning was not appropriate. So they asked that two parcels be rezoned. It got complicated, she said, among the neighbors, so the city dropped it, though 2410 Allison Road went forward on its own.

If there's a change in occupancy, and it changes to an office, design standards will get involved. If it's a tear down and new construction over 3000', it will go to the Design Review Board, but if it's just a few changes, it will be approved on the staff level. If it abuts residential uses, as this one does, a privacy fence will need to be installed at a minimum of 7'. If it's a complete teardown, the Design Review Board could require a 20' setback from any residential property as an adjacent use buffer.

In regard to the Comprehensive Plan, Ms. Anderson said it's Urban Neighborhood G-2, which is denser mixed use development. Additionally, there's a development node where more intense uses can/should be located. In regard to existing land uses in the area, she said, there is a parking lot for Beaufort Memorial, a mix of residential and

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Highway Commercial, a mobile home park adjoining, and a day care center, as well as the medical buildings. Ms. Anderson said the lot is suitable for residential and is relatively high in traffic and may get too high for ideal single-family living.

In regard to infrastructure, water and sewer is available, and a streetscape project, including pedestrian and bike connections, is underway to the Spanish Moss Trail. City plans for a sidewalk place it on the north side of the street. Ms. Anderson said no public comment was received on this application.

In regard to the staff recommendation, the Comprehensive Plan encourages this intensity of uses in this area, Ms. Anderson said, and there are already non-residential uses there. Office Commercial zoning is already established on the south side, so staff recommends approval.

Gerald Brown, 2408 Allison Rd, said he was not aware that the 2010 rezoning did not take place. He said he was concerned about why this individual was doing this when Mr. Brown thought it had already been done. Mr. Brown explained the issues his property experiences with water, etc., and he said, in regard to the streetscape, he has had no response from the city about when the things that the residents had been told would be done actually would be done.

Commissioner Semmler said he thinks the sidewalk and bike path on the north side of Allison Road is a great idea, but because the whole area has become a medical area, there are a lot of pedestrians, and he thinks there should be sidewalks on both the north and south sides of Allison Road as far as the Spanish Moss Trail. Ms. Anderson said when they applied for the grant, that was the original plan, but DOT wanted it all on the north, so there was less encroachment. They are reworking the plan now. The south side will be set up for sidewalks in the future, and the ditch will be piped. There will be street lights, etc. as well. When the opportunity arises, such as a property converting, they need to start assembling sidewalks there. **Commissioner Semmler made a motion to rezone the property from R-2 Medium Density Single-Family Residential to Office Commercial District. Commissioner Johnston seconded. The motion passed unanimously.**

City of Beaufort – Subdivision Review

Conceptual review of a new 76-lot subdivision located on Lady's Island at the corner of Sea Island Parkway and Meridian Road to be named Whitehall Park.

Ms. Anderson said Whitehall Park LLC is proposing the development of a subdivision on Lady's Island on the property formerly known as Whitehall Plantation. She showed the site location and the 19-acre property. There is frontage on the Beaufort River and on 3 streets (Harborview Circle, Meridian, and Sea Island Parkway). The plan is to develop a park on the river with about 2500' of waterfront access. The applicant has requested a

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conceptual review with several variations of subdivision standards, similar to what City Walk did. Then, ultimately, the Planning Commission would make a decision on the plans. There will be several more street names, Ms. Anderson said.

She showed the conceptual master plan. The waivers requested:

1. **Vehicular circulation:** Currently, there is only one vehicle access point, and that's at the existing curb cut on Sea Island Parkway. There's a future connection proposed onto Harborview Circle, but Ms. Anderson said it's not clear how that would be executed. Per the Comprehensive Plan and Civic Master Plan, connectivity "is very important for many, many reasons," Ms. Anderson said, and specific requirements for it are in the UDO. The fire chief said a minimum of 2 separate, approved fire exits is required for a single-family development over 30 lots, so there must be *at least one more*. Staff recommends exploration of access to both Harborview Circle and Meridian Road. They're concerned that the only other access is on Harborview Circle. Traffic to the island could strain the Harborview neighborhood; two connections would be ideal. A traffic impact analysis will be required for the project.

When the Whitehall property was rezoned in 2012 to Neighborhood Commercial District, at least 2 city council members stated that they wouldn't support a street connection to Harborview Circle. While council is not usually involved in subdivision review, the applicant may be asking for some city support or assistance with infrastructure, so council may be involved in this subdivision; therefore, council's input on access is important. Staff recommends connections to Harborview Circle and Meridian Road, but everyone involved will need to know, if council were to say "No" for some reason. Ms. Anderson said the planning commission should defer any sort of decision on this issue until they get a traffic impact analysis and input from council.

2. **Pedestrian circulation:** There are 2 street sections, one wide and one narrow; the applicant would like sidewalks on both sides of the 54' street, and only on one side of the 40' wide street, Ms. Anderson said.
3. **Tree planting and spacing:** The applicant is requesting a waiver to reduce the number of street tree plantings in favor of preserving as many of the existing trees as possible, Ms. Anderson said. Staff supports this request if the trees to be saved are healthy and are located in the street right-of-way, in a protected open space, or on private property in a tree easement. Additional street trees can be planted between the preserved trees.
4. **Lot sizes and setbacks:** No action is needed; the applicant has said they are going to request a form-based code.
5. **Lot layout:** A dead-end street is proposed. It creates a block less than 300'. The ordinance opposes this unless the planning commission specifically approves it. It also creates a double-frontage lot situation, so some homes will have frontage

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on Sea Island Parkway and a new proposed street. The applicant may be able to address that through their design standards, so judgment will be reserved.

Staff recommends that the planning commission defer a final decision on all of these items until they have a traffic impact study, council provides input on street network and design, a conceptual plat is prepared and overlaid with a tree survey to determine impact, and the draft form-based code is developed.

Commissioner Semmler said he doesn't understand why the planning commission has to defer its decision as Ms. Anderson had recommended. They know there will be a lot of cars because there are a lot of homes, so the traffic study "will tell us, 'Yes, the roads are going to get crowded.'" Commissioner Semmler continued that he also doesn't "understand why we have to defer because of that." In regard to the city council's input on street design, Commissioner Semmler said, "The city council aren't architects," so he doesn't understand why they should be involved in that aspect of this development. In regard to the conceptual plat overlaid by the tree survey, he said the commission had just finished a project where they voted on a conceptual plat before the tree survey was done, so again, he doesn't understand the need to defer a decision on that in this case. And the draft form-based code for the development could take a year; there is a form-based code draft, but "the city chose not to vote on that to accept it. The county has one, and the town (of Port Royal) has one." So, Commissioner Semmler said, he thinks the commission could move forward on a conceptual plan, rather than deferring.

Commissioner Semmler recalled when there were once some homes in this area that have since all been torn down, but there was access through there from Harborview Circle, and he believes the city bought that land for an easement. Ms. Anderson said that still exists. The county is maintaining it, but no one is claiming ownership. Before any change is made to the street, such as closing it or improving it, the county would need to approve it.

Commissioner Rentz asked if a traffic impact statement would address whether an access point would be too close to Highway 21 to be safe. Ms. Anderson said yes. A previous development plan for Whitehall had 3 access points: on Highway 21, Meridian, and Harborview Circle. Local DOT said they were ready to approve the access point on Meridian. So she feels Meridian access could be approved, if that's the consensus with the developer and the planning commission after the traffic impact analysis is completed. That development was more intense than this one and would have had much greater traffic volume; this development could be done under a residential zoning classification, so Ms. Anderson feels DOT would approve this "sort of scaled down version."

Commissioner Johnston said that there's a reason why these properties were left until the "tail end of development," given the amount of water that surrounds them. He

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asked if it is within Ms. Anderson's purview to make an advisory statement about this property in terms of a 1 – 2' sea level rise and/or storm surge. Ms. Anderson said they could look at that or could ask the applicants to. The open space proposed at the water's edge is an advantage because the housing won't go right up to it, and the lots are deep. Ms. Anderson said she hadn't looked at the flood implications of this development, but the applicant is present, and their designer may have.

Josh Tiller a landscape architect, introduced **Steve Tully**. **Jeff Ackerman** is the civil engineer, and he was also present. Mr. Tiller showed a map of the pedestrian shed to illustrate the distances to the city's Waterfront Park and a green boundary that represented a potential loop trail that he said Whitehall could be a part of. Mr. Tiller said the concept is to create an asset to the existing community that would also enhance the businesses in close proximity to it. He showed the existing plat. Mr. Tully said in regard to the ownership of the existing roadbed, the county maintains it and collects the stormwater drainage that goes under it.

Mr. Tiller said roads that run perpendicular to the waterways in Beaufort terminate at the waterway to preserve the view shed, and they have done that in their plans for the Whitehall development as well. The applicants will "donate a 3.5 acre waterfront park" that overlooks the City of Beaufort, which will be accessible to the public. They will also enhance and improve an existing dock to give greater direct water access. At the end of the old roadbed, they will build a boardwalk that connects to the bridge and provides access to and from downtown Beaufort.

There are 76 units on the property, which is less than the allowable by-right density, Mr. Tiller said. They have 5.24 acres of open space, which adds up to 24.15% open space. There are 2,500 linear feet of Waterfront Park, which doesn't include the boardwalk.

In regard to the lots fronting Highway 21, Mr. Tiller said they had spoken with **Lauren Kelly**, and "it had been mentioned that they "could codify these lots." The Sea Island Parkway side of the properties could be "a detached unit that could be commercial, a business . . . with direct . . . pedestrian access," and then "the interior of the site would be a . . . livable building unit." Mr. Tiller went on to say that "there's plenty of off-street access." He discussed the rights-of-way sizes and the 40' cross streets with parking on one side "and a swale on the other side for stormwater." There will be 20' alley easements on the backs of the interior lots. The waterfront lots will be deep, and the garage doors will not be visible from the street.

Mr. Tiller described the 5' tree park areas that will be for existing or newly planted trees, 8' parking spaces created with pervious materials, and the dimensions of streets and rights-of-way, which will adjust to save existing trees, he said. They have already superimposed the existing tree survey, and they have made efforts to accommodate the larger (18 caliper inches) and medium (10-18") trees, including the largest tree on the

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property, which Mr. Tiller pointed out. There will be trails and sidewalks throughout the development.

Mr. Tully said the Harborview Road is paved, and he assumed the use of “the single entrance off 21 and the existing Harborview Road” when they contracted the property. When he’d spoken with them, the neighborhood homeowners association at Harborview had serious concerns about connectivity, and two city council members had “agreed in part to close that road previously when the property was rezoned commercial.” Mr. Tully has since spoken to the neighbors about the property being rezoned residential, and they “have no interest in a road, even if it was a park.” So “out of courtesy to the neighbors and a test,” the developers “closed that road.” Though he noted that a traffic impact study is “expensive,” Mr. Tully said, “We’re willing to pay for it.”

Other subdivisions have single access points, Mr. Tully said, and “this one will suffice a single access; it will pass a traffic study.” The Lady’s Island fire department may require a second entrance, so Mr. Tully said they might put a fire berm on Harborview Road. “We do not want an access point onto” Meridian Road “under any circumstances. . . . It is not designed connectivity,” Mr. Tully said. “It doesn’t do anything. It serves no function.”

“The third encroachment,” which Mr. Tully said Ms. Anderson had called “a dead end,” is “unacceptable . . . I would not be excited about doing that.” However, he suggested he could “game the system” and change the look of it into that of an alley so that it wouldn’t look like a dead end.

Mr. Tully discussed a homeowner he’s visited repeatedly whom he has informed of the neighbors’ desire to close the circle, which he said did not concern her, but he told her that “the city wants me to put a road behind her house,” which would mean that she’d have roads on three sides of her house – “It’s going to be a pavement island” – “so there’s like double checkmarks why I shouldn’t do that, but I understand the city’s argument” and the neighbors’, Mr. Tully said. He is hopeful the planning commission will tell the city that “the road is there, and it’s not the city’s. . . .” He said Harborview Road could be very small and “not as attractive for people to come in and out of, but it would be used.”

Mr. Tully said in regard to the matter of the lots that have frontage on Sea Island Parkway and the development, in his experience in this area, the market would determine what’s done. He’s had “a number of calls” about condos or flats above a workspace. He said he’s tried to work with the city because its master plan for Whitehall “is more of a commercial, mixed-use project.” Mr. Tully said he and his partner want to work within the city’s mixed-use goals, but their goals are “to actually sell it.” The

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mixed-use lots he developed on Bladen Street “are still sitting there . . . and they’ll be available for awhile.”

Mr. Tully showed the city’s mixed-use, commercial plan for Whitehall from “a number of years ago” in which he said the property’s owners had no input, but he was present when “(city staff) were doing” the plan, and “they were just drawing away,” with “no public input or owner input,” the latter because, Mr. Tully said, the owners “have never been to Beaufort.” He showed the MPC his plan, which is similar but with a focus on residential instead of commercial, and then he speculated that the city’s desired emphasis on commercial development over residential is because it “wants 6% tax instead of 4% tax.”

“We believe the properties that address Sea Island Parkway,” Mr. Tully continued, should do so “for the future.” They believe they can “codify” a house that faces the Whitehall development, and behind it has a garage that is “backed up to (Highway) 21,” and that garage “may have an adaptable façade for commercial.” The City of Beaufort plans to put sidewalks on Highway 21 at some point in the more distant future to calm the traffic, but other than that, Mr. Tully said, the Whitehall property can only accommodate as much commercial use as a coffee shop, for example, or maybe an office above a garage.

Mr. Tully said he’d used a form-based code to develop Midtown Square and considers it “a wonderful document,” but he’s also on the city’s form-based code committee, and “it hasn’t met in 18 months.” The waterfront they are planning is public, and “we are looking for civic investment from the city because that’s a 3.5 acre waterfront park.” He discussed the need to develop the waterfront and to have civic investment, also comparing Whitehall’s greenspace to that of City Walk. He’d like to see the Harborview access and would like it to be “a very public waterfront park.” Pedestrian and bike access to keep them off of Highway 21 is “a very important aspect of this development,” Mr. Tully said.

Commissioner Rentz said he thinks they “have done a fantastic job on a beautiful piece of property” and discussed efforts to develop Cherokee Farms, so he understands the need “almost to give the property away” in order to be able to develop multi-family or mixed-use. Commissioner Semmler said he thinks the progress made is “fantastic.” Commissioner Harris commended the plan for being “modest,” not an effort to fill Whitehall with commercial; he also appreciated that the lot sizes “aren’t super-small.” Commissioner Harris agreed that the challenges are the frontages on the Sea Island Parkway and connectivity. Mr. Tully said, as developers, he and his partner have had issues before, and they will work them out.

Commissioner Johnston asked about whether they were prepared for people parking in Whitehall during ‘special events’ in Waterfront Park, and Chairman DeVito said, “That’s

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what they're looking for." Mr. Tully agreed and said if everything about the development works out the way he wants it to, it will be "form-based code development, publically owned streets, (and a) publically owned park." Sixty people are on the list of those who want to own homes in Whitehall, Mr. Tully said, and they are almost all from around Beaufort.

Chairman DeVito said this is a conceptual review. The Harborview Circle issue "will need a lot of work," he feels. Mr. Tully said he's "been trying to sell it" to the neighbors. Chairman DeVito said they have a sour taste in their mouths because of previous development plans, and the city or even the Metropolitan Planning Commission may have to step in and help. Chairman DeVito likes the double frontage idea, but he feels the developers should have plans in case it doesn't work out to do that. The important issues that the planning commission will be asking questions about when this project comes back before it seem to be agreed upon, Chairman DeVito feels; on scale, roads, and open space, conceptually, he said, everyone seems to be on board with what they are seeing. He personally has always wanted to see less commercial development on this property.

There was a general discussion of the Harborview and Meridian connections. Commissioner Semmler asked if turning Meridian Road into a traffic circle had been considered, and a general conversation ensued about that. Mr. Tully said a traffic circle "would be way over our budget." Chairman DeVito agreed that the speed limit needs to be lowered.

Commissioner Semmler made a motion to accept this as a conceptual plan. Chairman DeVito added that the commission would like to keep pursuing the recommendation to keep the Harborview entrance open or to develop an alternate plan. [REDACTED] seconded the motion. The motion passed unanimously.

CITY COUNCIL UPDATE

Ms. Anderson said a revised ordinance requiring new construction to be elevated 18" above grade was approved on second reading at the January 13 council meeting. The amendment pertaining to short-term rentals received a public hearing December 23 and a workshop with the Zoning Board of Appeals on February 13; it will probably go to council for further action.

Upon questioning from the chairman, Ms. Anderson went into detail as to the "scaling back" of the elevation requirement, saying that it would only apply in situations where the adjoining property line was higher. If any side of your property is lower than any property that is adjoining yours, then you have to elevate. Commissioner Rentz asked if council had specified what qualified as a difference in elevation. Ms. Anderson said, "No, (they didn't): if it's 12', its 12', so if you're at 11.5', you have to elevate." Commissioner Rentz, who said he has 30 years of experience with this, was incredulous. The Town of

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Port Royal's minimum is 18", Ms. Bridges clarified; Ms. Anderson said the county's is 18", and staff had proposed 18" for the City of Beaufort. She explained to Chairman DeVito that they would look at the grading plan and the finished floor elevation. If your finished floor is 13', and your neighbor's is 14', you will have to elevate 18". Ms. Anderson added that slab on grade is allowable if both of your neighbors' properties are lower than yours.

SPANISH MOSS TRAIL

Chairman DeVito offered an update, saying it has started to move through the county, having gone through the first committee that day; a contract has been awarded, and it needs to go to council next Monday night. This is from Depot "to where we ended on Burton Hill Road." If it all goes through, Chairman DeVito said, it should start in the next 2-3 months.

There being no further business to come before the commission, **Commissioner Semmler made a motion to adjourn**, and the meeting was adjourned at 8:32 p.m.

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