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A work session and meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **May 16, 2016 at 4:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito, Commissioners James Crower, Robert Semmler, Bill Harris, and Tim Rentz, Tony Criscitiello, Beaufort County planning director, and Lauren Kelly and Libby Anderson, City of Beaufort planners.

Commissioner George Johnston 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 work session to order at 4:30 p.m. and led the Pledge of Allegiance.

REVIEW OF DRAFT BEAUFORT CODE

Ms. Kelly provided a summary of the process to date. She answered **Terry Murray** that on the new summary sheets there was an additional “public comments for discussion” category.

ARTICLE 1: GENERAL PROVISIONS

Ms. Kelly said there were few changes from the current ordinance. The public comments they had received on this section have been addressed.

ARTICLE 2: MAP AND DISTRICTS

Ms. Kelly said this article “coalesces a number of sections of our current ordinance” and currently includes major and minor changes.

Public comments: Hermitage (“Depot Road south and then north of TCL”) area residents, and those in the West End neighborhood (“north of Depot Road to the water”) participated a great deal during the public comment process, Ms. Kelly said. Their main concern was incorporating the T3-N zoning district into their neighborhoods; this was proposed for about 40 lots that are currently zoned R-1 – the “second least intense zoning district” – and about a third of the parcels currently zoned R-2, she said.

The intent of the change is to permit smaller lots, which will encourage infill, Ms. Kelly said, something the city has been committed to for ten years. To promote infill, it’s necessary to permit different types of development near commercial areas and the downtown core.

There have been comments made about the height section, Ms. Kelly said. Historic Beaufort Foundation (HBF) is concerned about height limits per story in the Historic

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District. In this draft code, she said, height was not limited by a maximum foot number but “by changing from feet to stories,” which she said is common “with these types of codes” and “in historic areas.” The concern is that if every story were the maximum height (e.g., on Bay Street), the buildings could be very tall. Ms. Kelly said there are a number of safeguards against this, including “infill standards,” which say buildings need to be compatible with their surroundings, and the Historic District Review Board (HRB). The Technical Review Committee (TRC) eliminated the maximum height per story, she said.

Ms. Kelly said people in the development community have commented on the requirement to elevate 18” above grade – not slab on grade – for “basically any kind of residential.”

The purview of the HRB has been modified, Ms. Kelly said, and no longer includes single-family detached houses in the Northwest Quadrant (which she said is also known as the “conservation subdistrict of the Historic District”). This has been recommended in preservation plans since the 1970s, she said. The Northwest Quadrant is different than other areas in the Historic District, in that there are more vacant parcels, and this would encourage development by “making the process easier and more streamlined.” HBF and some residents are concerned about the results of staff review of these applicants and question how people in the area of a new single-family residential project will be notified if there is no public review process.

There is a section on overlay districts, and there were a lot of comments about the Arts Overlay District, which proposes preapproved plans for accessory dwelling units in the rear of existing houses or vacant lots, particularly in the Northwest Quadrant, Ms. Kelly said. This housing could be used by artists and artisans or be “affordably priced rental housing, she said. Northwest Quadrant residents and HBF are concerned about the preapproval of plans, the outdoor display of art being inappropriate for a residential area, and the “sale of art not made on the premises,” because while the majority of the art sold must be the resident’s work, they could sell “a friend’s art, too” and there have been comments that some of these houses could become “group stores.”

There had been a request for a “music overlay district” in downtown Beaufort, which would be a similar to the AICUZ, Ms. Kelly said. Downtown residents would sign a waiver indicating awareness of the hours that music is allowed downtown. Staff thought this was an interesting idea, she said, but it has not been incorporated yet; they wanted to obtain feedback for the commission and council about it.

The section on the Beaufort County Airport Overlay District from the UDO was not included in the draft code and will be added back in, Ms. Kelly said.

The Traditional Neighborhood Development (TND) “floating overlay” is “essentially a

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replacement for PUDs,” Ms. Kelly said. The county and Port Royal did “not bring PUDs forward” in their new development codes. It allows parcels of at least 15 acres to be “allocate(d) into different zoning districts, depending on the base district,” so some of a 40-acre parcel that is all zoned T3-N, could be up-zoned or down-zoned “to create a mixed use area with a neighborhood center,” she said. A provision states that “2% of land should be donated for civic use.” Developers are concerned that they will “have to give up portions of their land” without compensation in addition to having to pay impact fees, Ms. Kelly said. Developers have also questioned who will “take ownership of” and maintain the land that is donated for civic use. These provisions are fairly common because the overlay district allows more intensity than is normally permitted, Ms. Kelly said, and on larger tracts, especially “as you get toward 40 acres, which is where this is triggered,” population is added, so more services (e.g., fire and police stations) are needed. This is meant to provide an incentive to give space for those services by permitting more development.

Commissioner Harris asked about changes made in response to the Hermitage and West End residents’ comments about “types,” which he said seems to be as much of an issue for them as infill is. Ms. Kelly said that T3-S is “the lowest zoning district, with the largest lots,” and the use is “only single-family detached houses.” T3-N is the next zoning district up, and per Article 3, a maximum of two 2- and 3-unit buildings per block are permitted on corners there, with alley access. 40 parcels in that neighborhood and 20 in the Pigeon Point area were designated for this zoning change to T3-N, she said. Most of the Hermitage area is T3-S. She indicated this on an overhead map. Ms. Anderson noted that this is the conversion of the current R-1 district.

Ms. Kelly said on the waterfront lots, the only change in the conversion of R-1 to T3-S is a reduction of the side setback from 50’ to 10’. On the interior lots, there is also a reduction of the minimum lot width to 75’ from 100’, and the front setback is reduced from 30’ to 20’, but it is not a build-to line, so it can be flexible.

Commissioner Harris said, “There has been some adjustment made,” in response to residents’ concerns about changes in their neighborhood, so he wanted to know if the residents feel like those adjustments are “enough, or are you saying you want to just have it” remain unchanged. **Terry Murray** said Commissioner Harris’ statement was “simplistic.”

Chairman DeVito said three stories are allowed, with a maximum of 15’ per story, and he asked if there was a limit for unoccupied space, such as an attic. Ms. Kelly said there was a drawing that addresses this and explained the provisions related to storage. She explained what the TRC had recommended be changed (i.e., maximum and minimum heights based on the floor/story).

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Commissioner Harris, who had served on the TRC, gave the example of someone wanting “to do a building that doesn’t have a full second floor.” This could “appear different on the outside than what it is inside,” so this provision was meant to address that. Also, it was simpler for people to understand. Chairman DeVito asked where 15’ came from; Ms. Kelly said some of the height standards came from the Boundary Street and Bladen Street Redevelopment Codes. There had been comments about needing a maximum height, so they had used those codes’ numbers.

Commissioner Crower asked the process for reading the comments and how modifications were made. Chairman DeVito said, like any other document, the commission would send it to council with a recommendation. Commissioner Crower asked if staff would “rework this.” Ms. Kelly said, “Once we get to a recommended document, with . . . conditions or suggestions,” staff would “go back and incorporate as many of them as we feel we should.” Chairman DeVito said if the MPC puts a recommendation in a motion, “it goes to council,” but if there are things in the code with which the MPC doesn’t agree with staff, that will be noted in its motion. Ms. Kelly said they are documenting all comments and carrying them forward. Council will get a list of “outstanding issues.”

Chairman DeVito asked where the “build elevation – 18” above” ended up. Ms. Kelly said on March 7 at a public meeting, **Merritt Patterson** and other builders had expressed interest in discussing some matters with staff in a different forum, but they haven’t had that meeting yet, so they don’t have more detailed comments on it.

Chairman DeVito asked Commissioner Rentz about the TRC’s discussion about this. Commissioner Rentz replied that he had spoken with Ms. Anderson “a number of times” about 18”, which can create “an affordability issue,” because raising a building to that height can cost \$8–\$10 a square foot. Where there are drainage or flooding problems, he said, he “could see making this a requirement,” but not as a “blanket requirement” throughout the city.

Commissioner Harris said he had agreed with the elevation, “thinking mostly about downtown properties,” not as much “about other places further out.” He thinks the elevation is more aesthetically appealing, but added “that doesn’t count for much.” He personally would want his house elevated, though he understands there are costs and matters of accessibility, but “all those things are solvable” (e.g., finding cost savings elsewhere to allow for the cost of elevation). He thinks that it is “a must” in the downtown area, and he is flexible about the requirement elsewhere.

Chairman DeVito said that with slab homes vs. those on the ground, “you spend the money now or spend the money later” on repairs. Commissioner Harris said structures with ventilated crawl spaces “need to be 18” off the ground anyway.”

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Commissioner Harris asked if this could be a standard “in certain zones and not others.” Ms. Kelly said that’s a possibility. She explained the origins of this provision. Houses that “cost less” might not be “more affordable in the long run,” because of flooding, greater termite risk, etc. Also, planners are “trying to get away from” the idea that “affordability is stigmatized by a certain aesthetic.”

Mr. Patterson said he questioned what the elevations provision is meant to achieve: “Is it an aesthetic thing?” He agreed that there is “an affordability issue.” He discussed the additional associated costs (e.g., stairs to get into the elevated house, etc.) If flooding is a concern, Mr. Patterson said, there could be the current “prescriptive” language – to raise it “above curb or street level” – but in planned areas, where a certified site engineer has done site work, there could also be language that states that this is the case, “and that addresses your flooding issue.” He said they have diverged from the language of the Civic Master Plan.

Ms. Murray said, “I suspect that this is a design aesthetic masquerading as flood issues.” She feels that “so much of” the code is “prescriptive about how buildings will appear: ‘There must be a front porch, there must be this, there must be that’ . . . When you add all of this together, we’re going to be a city of cottages.”

Ms. Murray said she lives in the Hermitage Road area in a mid-century house that “rises straight from the ground,” and she “couldn't rebuild that house under this code.” For the majority of her Hermitage neighbors and “almost all of Hundred Pines,” she said, “our design aesthetic” is preservation of their “mid-century modern houses.” Building new houses with “all the other prescriptive things” in the new code would create “a jagged tooth look.”

Karen VanDeuser, Battery Shores, asked how the city would “notify all of the homeowners in Beaufort that they need to change their insurance policies” if the code is adopted. She said her insurer had told her that “the level of code change that is accommodated in your premium is 10%. Beyond that, individuals will have to go in and change their insurance policies to increase it up to 50% to accommodate some of this code.” Ms. VanDeuser clarified that she’d been told that if there were “50% damage on a home, people could not rebuild with the insurance that they have.”

Ms. Kelly responded to some of the comments, saying there is no requirement for front porches, especially in T3 zoning; there are “possible frontage types” listed for that zone. Also, she said, they have tried to make it clear in the nonconformity section that if a non-conforming single-family residence is damaged by a calamity (e.g. natural disasters like a hurricane), “you can rebuild it as-is,” but “if you remove your house of your own volition . . . you have to rebuild it according to the code.”

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Mr. Patterson said Carolina Lakes, a 150-lot subdivision in Port Royal, had the elevation requirement waived.

Maxine Lutz said HBF is concerned that there are no height limitations. They're "happy the (HRB) will review any project in the Historic District, and review the heights, but it doesn't the Historic District from excesses of height." With three 15' stories allowed "over a 13' flood elevation . . . you have a pretty tall building" that could "appear out of context in the Historic District," Ms. Lutz said. She said a building without its roof could be 58' tall – current zoning allows 50' – and with 15' mezzanines, which are "not addressed in the new code," the building could be 75' tall. In the Historic District now, the 2 tallest buildings are only 60', she said, and Regions Bank – which is considered tall – is just 54'. Loosening height limits ignores a Preservation Manual's directive, and HBF feels "there will be unintended consequences" in the Historic District, Ms. Lutz feels. She showed a photo of a building that she said represents "an unintended consequence of removing this part of the Historic District from HDRB review."

Ms. Kelly said the Historic District has supplemental guidelines that will still apply under the new code. If the Preservation Manual says something, that supersedes the code. She feels this is a moot point; if "creativity was being stifled" by adding maximum floor heights back into the code, they could do a variance. Ms. Kelly said she doesn't believe a 75' tall building could ever be approved.

Ms. Murray said Ms. Anderson and Ms. Kelly were very good about recording the public's comments in the meetings, and that is "a real improvement." She, like Ms. Lutz, praised Ms. Kelly's skills, but said that Ms. Kelly could leave her position at any point; if projects are removed from the HRB's purview, they're in the hands of the administrator, who might not have Ms. Kelly's skills and training.

"During the Civic Master Plan debate," Ms. Murray said her neighborhood was "very, very active," and "negotiated in good faith" with planners and **Jon Verity**, "because the Redevelopment Commission was in charge then," so they were surprised to see "things we thought we had negotiated away come back with the code" (e.g., cottage courts). Ms. Murray said cottage courts were "supposed to have been done away with as an inappropriate type of development for a very established R-1 neighborhood." When there were objections, she said, Ms. Anderson and Ms. Kelly changed the code to allow cottage courts "by special exception," but "we maintain this should be gone completely," including in the West End. Ms. Murray said her neighborhood is too small, so she requests that cottage courts be removed from "very established neighborhoods."

Ms. Kelly said that "to preserve neighborhoods, they have to be sustainable." Chairman DeVito asked Ms. Kelly to speak about the change in the HRB's purview. Ms. Kelly said the board would not review single-family detached houses in the conservation district of the Historic District, the Northwest Quadrant. Staff would also have purview over

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demolitions of non-contributing structures and additions and modifications to non-contributing structures. She said there is also an option for staff to take any of these types of projects to the HRB.

Ms. Lutz said not having these projects reviewed by the HRB violates what the city has said about transparency, because if they go to staff, there's no requirement that the public be notified, so they may be unable to comment about the structures; there is also no requirement that the surrounding neighborhood be notified of projects. Public review "avoids unintended consequences," Ms. Lutz said, and the community "deserves to know what's going on in their neighborhood." The people in the Northwest Quadrant should have the same benefit of public announcements about Historic District projects that are made to residents of The Point and the Old Commons, she said.

Chairman DeVito said the Northwest Quadrant "would be treated the same as Pigeon Point" is. Ms. Lutz said yes, but the Northwest Quadrant is in the Historic District; Pigeon Point is not. Ms. Kelly said there's been one new construction project in the Northwest Quadrant brought to the HRB per year over the last 11 years, with the exception of Midtown. The city is trying to encourage new construction on vacant lots by making the process easier. Ms. Lutz said the Arts Overlay District is "a new incentive," so more new construction should be expected in the Northwest Quadrant.

Chairman DeVito ended the workshop and called the regular Metropolitan Planning Commission meeting to order at 5:30 p.m.

Commissioner Crower made a motion, second by Commissioner Rentz, to approve the minutes of April 18, 2016. Commissioner Rentz said **Skeet Burris'** last name was misspelled as "Burrows" on p. 4. **The motion to approve the minutes as amended passed unanimously.**

PROJECTS FOR BEAUFORT COUNTY

Lady's Island Map Amendment / Rezoning Request for R200 010 000 0022 0000 (known as Greenheath Planned Unit Development (PUD), 98.35 acres off Brickyard Point Road and Fiddler Drive)

The owner is Greenheath, LLC, and the agent is David Tedder.

Tony Criscitiello, Beaufort County planning director, said Greenheath is a 98.35-acre parcel located off of Brickyard Point Road and Fiddler Drive. It's currently zoned PUD, and the applicant is proposing to rezone it to Lady's Island Community Preservation (LICP). This would reduce density from 3.18 dwelling units per acre to 2 dwelling units per acre. LICP is primarily a residential district.

Mr. Criscitiello said county staff recommends approval because this application is consistent with the Comprehensive Plan and is not in conflict with the community

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development code. The property is surrounded by single-family residential and is adjacent to an elementary school, he said. It requires approximately the same amount of open space as it does as a PUD. The impact on needed public facilities will be reduced because of the reduced number of dwelling units.

Chairman DeVito said in item 3 in the report, Mr. Criscitiello had said it does not “address a demonstrated community need,” but Chairman DeVito feels it does. Mr. Criscitiello said, “It’s a matter of interpretation of what that means,” and he explained his interpretation, which was more literal as to need.

Commissioner Harris asked if the new zoning allows other types besides single-family residential, and Mr. Criscitiello said it is “segregated into different zones” that are more office- or commercial-oriented, but it’s primarily residential.

Commissioner Crower asked if it would be one parcel when it was rezoned, and any subdivisions or roads shown in the PUD documents would be null and void. Mr. Criscitiello said yes, it’s just one parcel; the master plan for the PUD “goes away entirely.” No roads are designated at this time. Once the MPC and the Planning Commission recommend zoning, staff would make such determinations, he said. Commissioner Crower asked if the same were true of commercial; Mr. Criscitiello said home occupations “and things of that nature” would be allowed, but it’s being zoned “primarily residential . . . Other districts that are in the CP plan are in other locations that are primarily commercial.” Commissioner Crower asked if the community preservation district has sub-districts; Mr. Criscitiello said yes, “in other locations,” and pointed it out on the map.

Christopher Inglese, an attorney in **David Tedder’s** office, said, “We concur with staff’s report.” He said the applicant had wanted the zoning that was best for this development. **Commissioner Semmler made a motion, seconded by Commissioner Crower, to recommend approval of the map amendment / rezoning request. The motion passed unanimously.**

Commissioner Semmler made a motion, second by Commissioner Harris, to end the regular Metropolitan Planning Commission meeting and resume the work session on the draft Beaufort Code. The motion passed unanimously.

REVIEW OF DRAFT CODE

Mr. Patterson said, in regard to Section 1.3.2.C, “traditionally all the farm guys have asked that agriculture . . . not be defined as development,” and “implementation of a landscape plan is not development.” Ms. Kelly said they had received a comment about this, and “state law permits it,” so they “didn’t reinforce things that are already permitted by state law.” Mr. Patterson said they could add language to the code could to the effect that “state law shall apply” about these matters. Ms. Kelly said the draft

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code says that when there are conflicting provisions with a statute or local ordinance, the “stricter code” – like state law – would apply. Mr. Patterson said it would be helpful to make a statement as he had suggested “as a means of calming fears in the agricultural community.” Ms. Anderson said, “It wasn’t listed before” in the UDO, but they could do so.

Ms. Lutz said converting portions of the Northwest Quadrant from GC to T4 Historic Neighborhood, which is what the Old Commons and The Point would be, is “a really good thing in the code,” and she hopes they will move that forward to protect the neighborhood from “high-density development.” This also “assures harmonious zoning” throughout the Historic District, so “we’d like that to stay in,” Ms. Lutz said.

Ms. Kelly asked if the MPC would make its recommendations at the end of the review of the draft code. Chairman DeVito said that’s his preference, and there was no other response from commissioners.

Commissioner Semmler said that Ms. Kelly had said that “the 2% section” was modified from “shall” to “should,” so he asked if there were “any requirements anymore.” Ms. Kelly said “‘should’ . . . means try your best to achieve it, and you have to have a good reason to not do it.” Commissioner Semmler asked what a good reason would be. Ms. Kelly gave an example involving a fire station in a civic space.

Mr. Patterson said 2.5.1.C.2, which concerns corner parking, is a “rule (that) says you can’t have parking between the building and the street.” He said this does not fit a “practical building pattern” and named buildings, such as drugstores and “any strip mall that’s ever been built,” where the parking *is* between the building and the street. Mr. Patterson said while he agrees with this idea in theory, “from a practical matter, and all these existing buildings, it doesn’t happen that way, and it might be one of these unintended consequences.” For example, there’s parking on the front corner of the CVS on Boundary Street, Mr. Patterson said, “and that’s not allowed. And nowhere in all of the vision stuff the community talked about” was this type of parking said to be “really a bothersome thing.” He said, “It is a new urbanism theme to have parking in the back. I just wonder if there’s a disconnect here.”

Ms. Kelly said the language might be too vague. They will look at it again. In T5, they do want buildings up to the street, with no parking in front of them. In the RMX district, it’s not as much of an issue, so that should be clarified, she said. Mr. Patterson said he is unclear about where the requirement applies. Ms. Kelly said that needs to be clearer, and she will look at rewording.

ARTICLE 3: LAND USE PROVISIONS

Ms. Kelly said this this article converts Article 5 of the current UDO.

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Public comments: In the Depot area, which currently has Industrial zoning, the new code “creates a sub-district of . . . T4 Neighborhood,” Ms. Kelly said, known as T4 Neighborhood Artisan. It combines T4 Neighborhood uses with industrial uses, so nothing that is there currently is non-conforming, but it “also allows other types of buildings that go more toward a neighborhood use, rather than an industrial use,” she said. Some residential uses are allowed there, as is lodging. “The surrounding neighbors, particularly from the Hermitage Road area, are very opposed to those types of residential uses within that industrial area,” Ms. Kelly said.

The other public comment was that the “Arts Overlay District” was incorporated into this new code by way of the home occupation standard,” Ms. Kelly said, and there were similar concerns about the sales of merchandise and incorporating that type of retail use into a residential neighborhood.

Chairman DeVito asked what “the issue (was) with not being able to address the lodging.” Ms. Kelly said, “We feel it should be kept” in the code. “A big part” of the Technical Review Committee’s vision for the code was that “we should have an aspirational zoning for this area,” she said. This means that they see the code being written “to accommodate what exists today, but to also allow it to change, because conditions in that area have changed significantly” since the opening of the Spanish Moss Trail, Ms. Kelly said. It is a more public space now. Other types of uses should be allowed, she said, though it’s not known “whether or not the market will allow them to be feasible.”

Commissioner Rentz asked if artists in the Arts Overlay District need to live in the buildings where they sell their art. Ms. Kelly said that’s the idea; you can’t occupy a residence there, then have your friends sell their art out of your residence. Ms. Anderson said individuals operating home occupations live in the structures where they work.

Ms. VanDeuser asked if those who “sell things out of (their) home pay 6% taxes because (they)’re commercial.” Ms. Kelly said it “would depend on what the primary structure was.” If an owner-occupied residence rented its accessory dwelling to an artist, the accessory dwelling would be a 4% property. There was a discussion of business licenses and taxes in the city and the county.

Commissioner Crower said his understanding was that the home occupation has to be a minor part of the building’s use, which should mainly be as a dwelling, so he thinks no one would need to pay an additional tax for a building’s minor use. Ms. Anderson said artisans would be most likely to work out of an accessory dwelling unit – i.e., use it also as a workshop or studio – so the county “must have methods of assessing these kinds of situations.”

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Commissioner Semmler asked if he could live in T4-NA zoning and tattoo people or strip for them if he described that work as a form of art. Ms. Kelly said they had discussed the need to be very specific in the code “about types of art” that would be acceptable. Interpreting the ordinance, those uses would not be permitted, she said. The language alludes to the need for the art to be “handcrafted” and “a product.”

Ms. Anderson said, in reference to stripping as an art form, “sexually oriented businesses are all covered in the code.” They could modify the definition to clarify that it refers to the creation and sales of “visual,” not “performing,” art.

Ms. Murray said she had “heard a lot of concern” in her neighborhood about small-scale, multi-family residences on corner lots in T3. The north sides of Hermitage and Ribaut Road were at one point “going to be zoned that way,” she said, but that’s no longer the case. However, these types of residences are allowed in the West End area. People who live “on Meritta Avenue and other areas” are “concerned about 2- or 3-units on corners in their neighborhood,” Ms. Murray said.

Ms. Kelly showed on the zoning map where these residences are permitted in the draft code. They are trying to integrate other types of housing there, she said, when that can be done appropriately. In March, a lot of public comments were made opposing the integration of different types of dwelling units (other than single-family detached housing), Ms. Kelly said, so they had removed a provision for rowhouses, and specified that multi-family residences had to be on corners or accessed by an alley, and limited the number of such residences to two per block. The intent had not been to permit 2- and 3-unit houses on *every* block, she said, but the city feels strongly about offering this opportunity as a permissible standard.

Ms. Murray said she believes “the essential conflict here” is that “the city’s main goal is to subdivide and increase density.” She thinks there are appropriate areas for that, such as the downtown core, in new areas that have not been developed yet, “or in very transitional areas,” but “well-established neighborhoods” are not appropriate. Her neighbors don’t want two 3-unit multi-family buildings per block in their neighborhood, she said.

Ms. Murray said there had been a public comment recorded about “a fear of people coming in” to neighborhoods; on her street, there is “great diversity,” she said, including rentals and owner-occupied homes, \$200,000 houses and one that sold for \$1.2 million, and people who have “alternative lifestyles.” The neighborhood “already (has) diversity,” Ms. Murray said, and “that should be protected and celebrated.” She feels “these efforts by the city” to incorporate multi-family housing “will create transition,” which they don’t want.

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Ms. Kelly replied that a property owner in the West End had requested case studies on some lots there that are transitioning to T3-Neighborhood zoning. She showed these on the overhead and said that staff does not feel that increasing density incrementally would have “a significant negative impact on the neighborhood” or would “fundamentally change its structure,” but, she acknowledged, some of the residents do.

Ms. Murray asked Ms. Kelly to discuss the type of lodging that would be permitted in the T4-NA district. Ms. Kelly said what is permitted in T4-N is permitted in T4-NA: A B&B, “an inn (of) up to 24-units . . . permitted by special exception,” and short-term rentals as a conditional use. Ms. Murray said a hotel in that area would not be a problem, but the “ancillaries that come with a hotel” would be.

Chairman DeVito asked if there had been discussion about reducing the size of the lodging allowed; he feels this neighborhood is an “off the main drag” place to put a hotel, and one with 24 rooms “is a big place.” He asked how many units City Loft has. Ms. Anderson said it might have 25–30 units; an inn has 24 or fewer units. Chairman DeVito asked Ms. Kelly and Ms. Anderson to think about this and bring back a recommendation.

Mr. Patterson said in 2.4 and 3.2, “there’s no T4-NS or -NA . . . or T3-S.” He asked how “one know(s) for sure what it is.” Ms. Kelly said item F explains how T4-NA is incorporated into the table. She explained that “it’s all the same, with the exception of any conditions . . . mostly in the industrial section.”

ARTICLE 4: BUILDING DESIGN & INFILL STANDARDS

Public comments: Ms. Kelly said there were objections in the Hermitage Road/West End area to have 2- and 3-unit buildings within the T3-N district. They had “limited the number of these multi-family residences to two per block,” but on shorter blocks, it was suggested that they be limited to one. That change hadn’t been made, she said, but they “wanted to let you know that was a comment.”

The code “introduces building types that are similar to what the county and Port Royal did,” in their new codes, “but (it’s) a . . . pared down version,” Ms. Kelly said. They addressed building standards for all types *but* single-family detached housing “because we don’t feel that needs a lot of work,” she said. For example, liner buildings are required on large footprint buildings like a parking structure; there has been continuing public comment that this will be “prohibitive or cost-prohibitive,” particularly in the Historic District, where the sidewalks are smaller.

Ms. Kelly said there had been “varied comments on materials.” Some suggested the code should be more restrictive, “especially in T3,” she said, while others that commented that they “don’t want any kind of restrictions on material in any district.” Comments were made about chimney materials, which are traditionally not made of

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flammable material, Ms. Kelly said. The planners feel this is an issue bordering on “something that’s authentic” and something of lower “aesthetic quality.” There were also comments made about prohibiting vinyl siding and plastic shutters.

Commissioner Semmler asked if by the comment on the handout Ms. Kelly had meant that a private home couldn't have a glass front door. Ms. Kelly said she thinks that means an entire door made of glass, with a metal frame, like on a commercial building.

Referring to her earlier comment about insurance, Ms. VanDeuser said, “This is where it becomes 75% (*inaudible – was not at mic – steno.*) . . . 50% is based on market value and tax value” of one’s home. She described the materials used in the homes in her “eclectic neighborhood.” When chimneys are added to houses made of hardie plank, Ms. VanDeuser feels the neighborhood’s new houses “will look completely different than most” of the other, older houses. This will be a nuisance, and visually a nuisance.” She said, “We'd sort of like to be left alone on some of these items.”

Mr. Patterson believes “the neighborhoods” and commercial properties in the city do not need “an architectural control process” like the Historic District does. The community never said in the Civic Master Plan that it wanted architectural review for the whole city. “Now the rules have changed,” he feels, “so the city decides what materials can and can’t be used.” He stated various objections to the administrator approving the use of certain materials, which he thinks is “a step away from what the community said (it) wanted when we did the Civic Master Plan.”

Mr. Patterson said the roots of the code are in new urbanism, and the standards are “new urban type designs” that have been “dropped . . . on the whole community,” not just in new development. “We had the use code,” he said, “and then the form-based code . . . was going to be an option,” but both are together, which is “a hybrid code” that is being “applied . . . to all places.” Mr. Patterson said, “It’s a systemic complaint (that) a lot of these communities are talking about.” He doesn’t believe people outside of new urban developments like Habersham would agree with the code’s “architectural controls.” Mr. Patterson cited a state law in North Carolina, which says that municipalities can’t “have architectural control of what is built in the community, unless the citizens agree to take that constraint off.”

Mr. Patterson said he’s designed half of the buildings in Beaufort Industrial Village, which he owns, and **Cooter Ramsey** has told him that the buildings Mr. Patterson has built there are “ugly.” While that’s Mr. Ramsey’s opinion, Mr. Patterson said, the code is the law, which means “you won’t be able to build anything except ‘this’,” (i.e., what the code’s standards allow), and the City of Beaufort will “determine what all the buildings will look like.” All of the code’s design standards “will make a very beautiful scene,” he said, but he only supports following them “on a voluntary basis,” because he feels “it’s arbitrary to throw (design standards) on the whole community.”

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Ms. Kelly said it's important to note that "these are not blanket standards that are applied everywhere," and section 4.6.3 says that they are standards *for transect zones* and do not apply in industrial areas like Mr. Patterson's business park.

Also, Ms. Kelly said, staff has listened to a lot of the public's comments and modified those things that are at the administrator's discretion to be specific to the Historic District. She suggested that Mr. Patterson might have an older, unrevised version of the code, since he is discussing things that have already been changed in more recent drafts in response to public comments, including his own.

In response to a question from Mr. Patterson about architectural control in industrial parks, Ms. Kelly said that section 4.6.4 gives standards for industrial parks, but they are unchanged from those in the current ordinance.

Ms. Kelly said additional architectural standards have been added into the new ordinance. They came from the Opticos code, which both Port Royal and the county had used in their development codes and had adapted to their needs. The city is trying to encourage infill, she said, and there's an expectation of a minimum standard of what those buildings should look like. They have relaxed some of the standards, Ms. Kelly said, by changing "shalls" to "shoulds," etc. during the technical review process.

Ms. Anderson said in other cities, there is "uncertainty" about what infill will look like, and residents are concerned that it won't be consistent with or add value to their neighborhood, so these standards for infill projects were added for the residents' protection. If the neighborhoods don't want these standards, Ms. Anderson said, staff can change or remove them, but they were added to the code "as a trade-off to add value."

Ms. Kelly explained "the way PUDs work" in the new code. They had met with a number of PUD representatives to inform them that they could "apply the underlying zoning" – which is what Battery Point is doing – yet maintain the PUD. If PUDs want to apply the underlying zoning, they can, or they can keep the PUD; if they want to eliminate the PUD at any time, they can, and they will not have to be rezoned. In a neighborhood like Battery Shores, which is not a PUD, but which has covenants, the covenants apply, Ms. Kelly said, "as long as they're stricter than the city's."

If you have vinyl siding on your house and something happens to it, Chairman DeVito said, you could rebuild using vinyl siding. Ms. Kelly said that Ms. VanDeuser had expressed concern about the materials that could be used for an addition. The materials used in the original house can be maintained in an addition, Ms. Kelly said, as long as the addition doesn't exceed 50% of the value of the house.

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Chairman DeVito asked if there's something in the code that would allow a house to have vinyl siding if the houses on either side of the it had it. Ms. Kelly said there are standards like that for setbacks, but for his example, one would have to obtain a variance. Chairman DeVito told Ms. Kelly, "I get where you're going with the chimneys."

Mr. Patterson said part of the purpose of the Civic Master Plan "was to encourage all sorts of business development" because it "pays for public services." He said he has "a big problem with that." When the City of Beaufort bought the commerce park to encourage economic development, Mr. Patterson said, he "predicted you wouldn't have any lot sales in three years," because he "didn't think I would have any lot sales" in Beaufort Industrial Village. The city "put special zoning in the commerce park," which he believes should be applied to "any other property that's zoned Light Industrial," like Beaufort Industrial Village.

Mr. Patterson listed what he termed "a bunch of rules" that were allowed in the commerce park, (e.g., "you can clear-cut all the trees you want, you can pave to the edge of the road . . . put up chain-link fence . . . you don't have to do stormwater," etc.), which the city had said would "make it easy (for businesses) to build there" and would make the park "competitive with Charleston, Savannah" and other cities. Mr. Patterson said his response was, and is, that "other industrial properties (should be) competitive as well." His desire for "a level playing field . . . was discussed," he said, and he was told that when the new code came out, "that would be the appropriate time to balance the books," so that "private guys like me" would have "similar rules" in their Light Industrial zoning to those the city has in the commerce park. Mr. Patterson asked for "that (to) come to fruition at this time." He said he knows of five instances that indicate "there is not an equal treatment on the prospective buyers" who've looked at the commerce park. He asked "the MPC to give me equal status with the city on the zoning, to level the playing field." He and Ms. Kelly discussed this.

Chairman DeVito asked about the 2- and 3-unit buildings on smaller blocks. 400' blocks are the standard in Beaufort. He suggested they could consider that "the core number, and anything smaller than that" could be "considered a small block," and should have only one 2- or 3-unit building. He asked Ms. Kelly to think about that idea and bring it back to the commission.

Chairman DeVito asked the status of corrugated metal. Ms. Kelly said it's currently in the draft code as "permitted at the discretion of the administrator." The person who made the comment about it was "advocating for stronger restrictions on materials," Ms. Kelly told Chairman DeVito, including exterior paint colors.

ARTICLE 5: LANDSCAPING, PARKING & LIGHTING

Ms. Kelly said a few public comments on Article 5 "are pertinent and . . . still pending"; those changes haven't been made yet. One comment was that "we have build-to lines,"

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she said, but also have plant requirements in our buffer areas, and “those were in conflict.” Ms. Kelly said the answer is that there are not, in general, front buffer requirements where there are build-to lines, but anyone who found areas where there was a conflict should let staff know, so they could make changes; they haven’t made any yet, she said, because they have not received a response.

A comment was made about section 5.4.1.B.2 that in the criteria for reviewing applications for tree removal, “whether or not the tree constrains ‘reasonable development’ on the site” is “arbitrary,” Ms. Kelly said. However, a “better term” was not given, and staff feels “reasonable development” works. She explained why but said staff is open to suggestions.

Commissioner Semmler said there might need to be a TRC-like committee for trees “because right now, anybody can do anything they want.” He suggested that the city might provide incentives for development “to do something else,” rather than penalizing developers after-the-fact. He feels they need to address the term “reasonable development” because “a lawyer could tear that up so fast.” Ms. Anderson said the planners are open to that, but “right or wrong, it’s the terminology that’s used in the existing code. It hasn’t been a problem to date.”

Chairman DeVito asked what Port Royal and the county had done in regard to trees in their revised development codes. Commissioner Semmler said Beaufort County’s planning commission was given the task of rewriting the county tree ordinance and is doing “a matrix . . . to see what all the differences are” in various tree ordinances. Ms. Kelly said that the city’s mechanism for doing that is PTAC; **Liza Hill** had created such a matrix, and that’s where this ordinance had come from.

Ms. Kelly said, “We now have 3 standards of trees” based on their caliper inches: regular, specimen, and landmark trees. The priorities for preservation are based on how big a tree is and where it’s located.

Under 5.4.2, “infrastructure exceptions,” Commissioner Semmler asked why there is a 12-month wait *after* the new code is adopted and suggested it be shortened considerably. Ms. Anderson said that comes from the current code. Some utilities already have agreements with the city; if those agreements are already working, “we’re not going to ask them to start over again,” she said. She agreed that they need to look at that language again.

Commissioner Semmler said he doesn't understand #5 under “Exceptions.” Ms. Kelly said it means if the utility companies breach the rules they have agreed to, they are no longer exempted from the tree removal provisions in the ordinance, which they’re given to do work they’re contracted to do in the city.

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Commissioner Semmler said he feels there's an "enforcement issue" about tree cutting/removal: "Who's watching for this *before* it happens?" he asked. If developers take out trees on the weekend, he said, the county and municipalities aren't working, and it's too late by Monday. There could be a phone number for citizens who see violations to call, Commissioner Semmler suggested, and then maybe "enforcement guys can get involved." He thinks this needs to be reviewed, and that could be done collaboratively. Ms. Anderson said there are a number of items in this section that were brought over from the current code, so they will look again at those sections where they need to. When trees are removed, Ms. Anderson said, "we hear about it."

Chairman DeVito said he thinks that #5 originally meant that when a developer takes out trees, they have to plant back; if a utility has an agreement with the city, they don't have to replant unless they break the agreement. It pertains to taking out trees to put in utilities, he said, and utilities have been doing that, but they are not required to plant back or put money into the tree fund. Ms. Kelly said if utilities break the agreement, then they have to adhere to the current code. Chairman DeVito said he thinks that "needs to be reworded to make sense."

Mr. Inglese complimented staff, the public, and the Metropolitan Planning Commission and said he's "super-impressed" with the process for developing the code; "this is how it's supposed to be done . . . and the product that comes from the process will be so much better."

Mr. Patterson said there are a lot of concerns in the building and development communities about the trees. It's not that they "want to take out a lot of trees," he said. It's "about command and control, and how are you going to implement this thing, and what (are) the unseen consequences" of the tree ordinance. He feels a "tree isn't public property," and that he owns those trees that he planted on those properties – commercial and residential – on which he pays taxes, including those on properties in his business park. There, Mr. Patterson said, if he can't fit buildings on lots without taking out trees, even 24" live oaks, he feels he "should be allowed to cut (any) tree (to) develop a project," without having to "pay \$15-20,000 just because (there happened to be) a 20" live oak there." Mr. Patterson stated again that he is "concerned about unintended consequences." A tree ordinance in any city is "not the same as a rural plan," he said. Duplicating the county's tree ordinance "is not right," he feels, because Beaufort's ordinance "should be a city-centric, urban tree plan."

In a tree protection zone, Mr. Patterson continued, "there has to be a buffer" that remains unplanted, and a fence is required; he objects to this buffer and the fencing specifications. On Boundary Street, he said, there have been many live oaks taken out to install utilities. He discussed a tree that remains, but which he said has been treated in a way that is "the antithesis of what you should do with a tree," and which has "a plastic

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open fence around it.” Mr. Patterson said he “would like some latitude (and) . . . some reasonable adjustments on this” tree ordinance.

Ms. Kelly said tailoring the tree requirements based on transect zones is “exactly the intent,” and the city is “in full agreement on that” with Mr. Patterson. Where Mr. Patterson “think(s) that’s in conflict,” she said, it would be helpful for him to give specific comments to staff. “That was the intent,” Ms. Kelly said, “so if we’re not doing it, we’d like to know how.” She said staff has been asking for such comments since March 7, and as a result of comments, they had added a provision for those who couldn’t address the tree protection zone, for example.

Ms. Anderson said council updates for the commission were included in the commissioners’ packets.

There being no further business to come before the commission, the meeting was adjourned at 7:05 p.m.

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