

#

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **May 18, 2015 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners James Crower, Bill Harris, Robert Semmler, Tim Rentz, and George Johnson, 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

Vice Chairman Crower called the meeting to order at 5:00 p.m. and led the Pledge of Allegiance.

The stenographer was not present to record the first half hour of the meeting, owing to having missed notice of its earlier-than-usual time.

MINUTES

Commissioner Rentz made a motion, second by Commissioner Johnson, to approve the minutes of February 16, 2015. The motion passed unanimously.

REVIEW OF IMPLEMENTATION PRIORITIES FOR THE 2009 COMP PLAN

Commissioner Johnson complimented Ms. Anderson on her section on sea level rise. He said he'd emailed her "text from the comp plan and said they're "both on the same wavelength." The "hotspots" are the same as those the committee has identified. Presentations were given to the Town of Port Royal and Beaufort County councils in the last week on this subject. The committee's next step is to look further at mitigating hazardous points. He asked if the county's hazard mitigation plan includes town issues within it. Ms. Anderson said it's a multi-jurisdictional plan and includes the county as well as the various jurisdictions. It needs to be updated every five years, and she believes "probably we're getting close." Commissioner Johnson said the committee is undertaking the hazard mitigation task, so efforts should be coordinated. He asked if addressing hazardous areas in town for storm surge and sea level rise would be a priority for Ms. Anderson. She said it would be appropriate to address those issues through the hazard mitigation plan.

She said she expects the new flood maps will be released in the late fall. This has "direct, current impact on the development process." It will be interesting to see if the flood zone is expanded or contracted, and if the flood elevation is going up or down. Ms. Anderson said she needs to check on when the hazard mitigation plan needs to be updated. If the flood zones change, it will factor into the model. There will be an opportunity to do that in the next 18 months, she feels they should add it.

#

Commissioner Crower asked about the composition of the form-based code group. Ms. Anderson explained that she's hoping for seven members: two city representatives from the Metropolitan Planning Commission, and one each from the Zoning Board of Appeals, Historic District Review Board, Design Review Board, council and the Redevelopment Commission. The code will come back to the Metropolitan Planning Commission, "but at least the two city members will have been there through the whole process."

Chairman DeVito asked how this should be handled procedurally. There had been conversation about the tree canopy. Before moving sea level rise, he said, it would be interesting to see what the hazard mitigation plan timeframe is; it would help them to know whether to do it now or after the hazard mitigation plan is done. He said he needs to be filled in on the Southside Park issue, and asked the commission's pleasure on next steps.

Commissioner Rentz asked if the city needs action within a specific time. Chairman DeVito said, "They need an action from us to kind of close the book on the Comprehensive Plan being reviewed." This will show that the commission has agreed on the top priority list, which then takes them to the full rewrite in five years. Commissioner Semmler asked if it's doing Ms. Anderson "a disservice if we don't ask to table this for at least a month and come back with possibly other recommendations for this." He said he feels "it's a great list," and he only found two things to comment on or ask about. He added that he thinks the committee that Commissioner Johnson had mentioned is a good idea.

Chairman DeVito said if the mitigation committee is forming in 6 months, which boosts it to the top of the list: "to say that the city participate actively in that mitigation rewrite." On the other hand, it might not show up for another 24 months: maybe "it's not as important," but it's "on our radar." Commissioner Semmler said the Metropolitan Planning Commission might not find anything to add to Ms. Anderson's list, but he doesn't know because he hasn't given it 100% yet.

Chairman DeVito said there could be a motion to take it away for review, and then they can finalize the list at next month's meeting. Commissioner Crower said the only reason he can think of to postpone action is that this has been an informal discussion, and it had not been recorded, so what they had discussed "should be treated as a workshop," and the commissioners can take it away and come back with a final list to prioritize at the next meeting.

Commissioner Rentz asked about setting goals for the development code process. Ms. Anderson said she "could take a shot at it" and could "use this as a guideline for setting goals" for the code. Commissioner Rentz said setting goals could be an action item. Ms. Anderson said she'd like council to set them, and then they're given to the committee,

#

so that they know what to do, and so they don't waste time doing things that council doesn't want.

REVIEW OF TOWN OF PORT ROYAL

Town of Port Royal – Annexation

Annex 30 acres at or near 551 Robert Smalls Parkway and 153 Castle Rock Road. The property is 4 parcels and is further identified as District 100, Map 28, Parcels 188 and 120 and District 100, Map 31, Parcels 13 and 3.

The applicants are Kenneth Middleton, Gloria Lynch, heirs of Susie Middleton, heirs of Victoria and Joseph Middleton, Abraham Middleton, and heirs of Sadie Middleton.

The applicants' agent is Kevin Dukes of Harvey and Battey.

These applicants all owners of the parcel, and Ms. Bridges said **Kevin Dukes** "is ushering this through the system." Ms. Bridges said there are two departures from the staff report: Parcel 3 / 153 Castle Rock Road has had a subdivision last week that resulted in a new parcel. She showed the commissioners the difference in how it looked before and after the subdivision. "A third-of its former self" is what they are asking to have annexed, Ms. Bridges said. Chairman DeVito clarified that the owners are only asking to annex "Parcel A," and Ms. Bridges said yes.

The parcel will now be #1047, and the one residence will not be a part of this, Ms. Bridges said; it will be 100% undeveloped. No one will be living on the property that has petitioned to annex. To summarize, she said, it is approximately 28 acres, not 30.32. The plat reference is District 100, Map 28, Parcels 118 and 120 and District 100, Map 31, Parcels 1047 and 3. The single-family residence at 153 Castle Rock Road is now taken out. All of the parcels are vacant and have no addresses.

The parcels are included in the Future Land Use map, Ms. Bridges said. In regard to the delivery of services, she showed the other parcels in the surrounding area, "so the delivery of services should be efficient" from the Town of Port Royal, as it's in the vicinity of its regular residential service delivery. She showed the town's future growth boundaries, including this parcel under consideration, which will be the outer boundary in that quadrant for the town to grow. Over that negotiating boundary, Ms. Bridges said, someone who wanted to annex would come to the City of Beaufort, not to the Town of Port Royal.

Town of Port Royal – Zoning

Zone 30 acres at or near 551 Robert Smalls Parkway and 153 Castle Rock Road. The property is 4 parcels and is further identified as District 100, Map 28, Parcels 188 and 120 and District 100, Map 31, Parcels 13 and 3. The requested zoning designation is T-4 Neighborhood Center.

The applicants are Kenneth Middleton, Gloria Lynch, heirs of Susie Middleton, heirs of Victoria and Joseph Middleton, Abraham Middleton, and heirs of Sadie Middleton.

The applicants' agent is Kevin Dukes of Harvey and Battey.

#

In regard to zoning, Ms. Bridges said the commissioners had been given current zoning. The property is in Beaufort County and has been zoned by it. The zoning designation is C-3 Neighborhood Mixed Use. She read the description of C-3 from the county's development code, so the commissioners could get a feel for what the county allows in that zone: high-quality moderate density, walkability, limited area for commercial spaces, etc.

The second change, Ms. Bridges said, was that when the staff report was written, the request was for T-4 Neighborhood Center, then late last week, the applicants amended the request to T-3 Neighborhood for *all* parcels. There are a couple of mitigating factors: the county has properties zoned C-3, which "means something," Ms. Bridges said, "throughout all the development codes." Whenever "3" is used, "no matter . . . the letters that come before it, we're on the same ground, and this was going somewhere else." She said the reason "why it might be OK to go somewhere else," was because the town "already has T-4 zoning out there . . . in the vicinity." Ms. Bridges said she'd tried in her staff report "to give credence to the concept that we could go" to the requested T-4 "because the Comprehensive Plan tells us we can do that." She demonstrated this with the Future Land Use map spectrum. "Density doesn't change much," she said. Townhouses are allowed in T-4, but not in T-3. Bigger apartments, general offices, and services are allowed in both; retail is not allowed in T-3. With T-3 zoning, "we would expect to see something that looks very much like (the) Shadow Moss" subdivision, Ms. Bridges said. She's "not worried about changing the flavor in going to the T-3. It's almost 30 acres; it's not a spot zone." She said they "might be starting a new trend" in regard to "the right-sizing of the product out there."

Ms. Bridges said she knows this is a lot of changed information to bring to the commission. No environmental issues were identified, she said. It's not in the flood plain on current maps, and property owners within 400' were sent letters.

Chairman DeVito said some of the parcels are going "to create a donut hole when we're done." Ms. Bridges agreed. He asked her if the parcel owners who will be in a donut hole had been contacted, so they would know that they "are completely surrounded" and to see if "they wanted to participate." Ms. Bridges said it's probably legal, but it is not council's direction for staff to "ever reach out" and do that. Chairman DeVito confirmed that they would have received notice about this petition, however, so they may know from that that they will be completely surrounded.

Chairman DeVito said in regard to the T-3, he "kind of like(s) it . . . The same flavor is already there" in the surrounding area, and it's "starting to softening up from the Highway Commercial." Ms. Bridges said she could elaborate on some unincorporated, undeveloped, subdivided lots that look like Shadow Moss and other similar lots.

#

Commissioner Rentz asked about the new parcel, 1047: since it is T-3, “and the one next to its T-4, that’s not spot zoning for just that one parcel?” It’s not been annexed, Chairman DeVito said. “One of the things we’ve got to do is rezone it,” Commissioner Rentz said. Chairman DeVito asked if Commissioner Rentz was thinking that the part of the parcel that lies against the existing T-4 should also be T-4. Mr. Dukes said he would cover this when he made his presentation.

Commissioner Harris asked, “Are we holding ourselves to saying (that) these three bigger parcels and one smaller parcel are all the same zoning?” Ms. Bridges said they don’t have to hold themselves to that, but that is the applicant’s request. He asked how the applicant feels about the T-3 versus the T-4 Open. She said Mr. Dukes could talk to them about that.

Commissioner Semmler asked if there wasn’t a Neighborhood Center designation at the intersection of Castle Rock Road and Robert Smalls Parkway. The donut hole doesn’t bother him, he said, but there has to be an easement so that a parcel isn’t landlocked. Ms. Bridges said in regard to the landlocked properties, she recalled that when they had annexed other properties in the area, she had driven down Anderson Lane, and she thinks that lane is probably the easement.

Mr. Dukes said that he and others at Harvey and Battey represent all but one of the owners of the property in the area. They have been working on this property for 10 years because there are 10+ heirs. About a year ago, the title was quieted, and that’s when they started the annexation process, because part of a partition cause of action, Mr. Dukes said, was “to partition it by sale and to sell it pursuant to several contracts of sale, which had been entered into by various heirs at various times, but all to the same individual buyer.” Those contracts are contingent on the annexation of the property into the town.

In regard to the spot-zoning question, the current purchasers wanted an acre strip to be their entrance, Mr. Dukes said, so the decision as to T-3 or T-4 zoning won’t make a big impact on the purchasers. He indicated that a parcel the purchasers already own “with the lake.” So the 28 acres are “an extension to that to allow the property to have one subdivision.” A lot of what the purchasers have now was bought from his clients; titles to some of the parcels have been solidified at different times, Mr. Dukes said, and if it’s annexed, he pointed out what his clients would sell to the individuals who own other property.

Chairman DeVito recommended that “the small strip” should be T-4, as originally requested, to avoid the spot zoning that would occur if it were T-3. Mr. Dukes said they went to T-3 primarily because he doesn’t know what the buyer intends to do, but he’s “trying to avoid us annexing something and getting it zoned and them having to do it over.” He’s trying to accommodate the owner, and his understanding is that this would be “better handled” this way “for the type of subdivision that they are planning” which

#

he believes will be similar to Shadow Moss. There's no commercial aspect planned, so there's no real need for the high-density town center aspect to it, he said.

Commissioner Johnson said he understands zoning continuity but asked what the motivation is for the annexation. Mr. Dukes said, "That is what the buyer's requested." Commissioner Semmler said it's within the growth boundaries of Port Royal. Ms. Bridges said she generally hears from applicants that "when you get to the town, you get an urban process," which is different than in unincorporated Beaufort County "in terms of conciseness of vision." Beaufort County has many visions, like rural and suburban, for example, but "very little urban vision."

Chairman DeVito said, "If any property within the growth boundary" came "to the county for a development permit, the county would send them first to the municipality. The municipality would have to deny the annexation, deny the permit, and then they would have to go back to the county. Then the county would entertain it." This is to avoid "the development of a county neighborhood." Chairman DeVito went on to say that this "is part of what brought this group together," finalizing having county and municipality representatives to "look at . . . the big picture."

Commissioner Rentz made a motion to recommend annexation for the listed parcels but changing Parcel 13 to Parcel 1047. Commissioner Semmler seconded. The motion passed unanimously.

Commissioner Rentz made a motion to recommend T-4 Neighborhood Center zoning for Parcel 1047 and T-3 Neighborhood for the remainder of the properties. Commissioner Semmler seconded. Commissioner Harris asked, since they're looking for more intense development, if it wouldn't be better to have it be T-4 Neighborhood Center Open. Ms. Bridges said he was right, and they're in an activity center, but in terms of incorporating the strip into the holding to the south of it, it might be more efficient to give them the same zoning, which is T-4 Neighborhood Center. **The motion passed unanimously.**

TOWN OF PORT ROYAL COUNCIL UPDATE

Ms. Bridges said council had adopted the text amendment that allows nine gas pumps at a station, except on Ribaut Road, where the limit is still six.

An annexation and zoning request came from the Planning Commission about three months ago, Ms. Bridges said, for 11-plus acres in Shell Point; it remains tabled by council after it passed first reading.

Council has rezoned the southern portion of a 30–40 acre vacant parcel on Ribaut Road and Richmond Avenue. They had discovered split zoning under the same ownership and under the same parcel, so the applicant asked that it be all one zone, and it's now all Neighborhood Center Open.

#

Commissioner Semmler congratulated Ms. Bridges on Port Royal being the first municipality to pass the JLUS.

OTHER BUSINESS

Chairman DeVito said the Spanish Moss Trail has been successful with DOT, the grant was awarded, and construction will start in the next day or so.

The county was awarded a new urbanism award, Commissioner Harris said, and Ms. Bridges said the Town of Port Royal was included in the citation.

Chairman DeVito said that Friday there would a Northern Regional Plan Implementation Committee meeting. He and Commissioner Semmler will attend, and they will discuss where they want to take that committee.

There being no further business to come before the commission, **Commissioner Semmler made a motion to adjourn**, and the meeting was adjourned at 6:20 p.m.