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A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **June 15, 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, Tim Rentz, and George Johnson, and City of Beaufort planner Libby Anderson. Robert Semmler was absent.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

CALL TO ORDER

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

REVIEW OF CITY OF BEAUFORT PROJECTS

City of Beaufort – Annexation and Rezoning

Annexation of property located at 4 Airport Circle, identified as R200 018 000 054E 0000. The existing zoning is S1 Industrial under the County's Community Development Code. The proposed zoning is Highway Commercial District.
Applicant: Beaufort Retail Investment, LLC

The property is on Lady's Island at the corner of Sea Island Parkway and Airport Circle, Ms. Anderson said. The property is about an acre and is currently undeveloped. It was formerly the Lady's Island solid waste convenience center. The property is contiguous to the city limits; the new Wal-Mart shopping center is already in the city limits. All services would be provided if it were annexed.

Its current zoning is S1 Industrial. Ms. Anderson described what this zoning allows. The proposed zoning is Highway Commercial. The Wal-Mart will be located in the Airport Junction PUD, which has a proposed list of permitted uses that include Highway Commercial, so it's consistent zoning. It's designated as within the growth sector, Ms. Anderson said, which is outside the more urbanized area of the city. The Civic Master Plan does not address this property. She described the surrounding uses. Public notification was made and no public comments were received, Ms. Anderson said. Staff recommends approval of the annexation and rezoning.

Commissioner Crower asked if this property would be developed as part of the PUD. Ms. Anderson said the infrastructure will be, but it has a separate zoning. There are no special PUD-related issues, "just straight zoning."

Commissioner Johnson asked if this would precipitate any different kind of development. Ms. Anderson said unless it's combined with the other property, there would be a limit to size, but they're similar in nature. The existing PUD is part of the

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development agreement; design review for the PUD is done at the staff, not board, level, so it won't go to the Design Review Board. But the property in this application that is currently under consideration *will* go through that process, she said.

Ms. Anderson said she'd included a diagram to give the board a "flavor" of the property under consideration by showing the PUD. Ms. Anderson showed the chart of permitted uses in the PUD. Commissioner Crower asked if the land designated as belonging to the Open Land Trust is an easement. Ms. Anderson said it's a separate parcel and "definitely owned by the Open Land Trust." Commissioner Crower said he wondered about "the green image." Ms. Anderson said it could be a separate driveway. She indicated what the Open Land Trust owns, which are two small parcels – each a depth of 60' – on either side of the protrusion. The parcel under consideration is "unusually shaped," Ms. Anderson said.

The pieces that belong to the Open Land Trust are not being annexed, Chairman DeVito confirmed. Ms. Anderson said they are not. Commissioner Crower asked if the Open Land Trust was notified of this hearing. Ms. Anderson consulted the list of owners who had been notified and did not see the Open Land Trust among them.

Larry Barthelemy, ADC Engineering, is the engineer of record on the project. He said the parcel for which they are requesting rezoning and annexation is "the large rectangle." "The little nub" was an access granted by the Open Land Trust years ago back to the old recycling station. The Open Land Trust owns the whole piece in front of the rectangle. They will not be using the access easement.

Ms. Anderson said the configuration doesn't come up on the GIS website. Even if it's an access easement, access may not be granted; it depends on the DOT. She said, "I didn't make up that shape." Chairman DeVito said Commissioner Crower's concern is his concern, too: that they haven't notified the adjacent property owners. Mr. Barthelemy said the easement is "null and void." Beaufort Retail Investment's parcel is "right at one acre."

Ms. Anderson showed the area from which property owners were queried, and it came back with a list of who was to be notified of the request. Notification is a courtesy, not a requirement of law, she added. Beaufort County shows up, but Ms. Anderson said she couldn't explain why the Open Land Trust didn't come out in the query. Chairman DeVito said Beaufort County is there because of the old airport.

Chairman DeVito asked if Ms. Anderson had a plat, and she said she didn't. Chairman DeVito asked the applicants to get it to Ms. Anderson, and they said they would. Chairman DeVito said having it or not having it wouldn't change what the Planning Commission is doing.

Commissioner Harris asked Ms. Anderson, “Without the nub, does that affect the zoning? ... Is it close enough to the highway to be Highway Commercial?” Ms. Anderson said it’s based on contiguous uses. Access to the parcel is going to be from Airport Circle, or, more likely, from the larger development.

Commissioner Johnson said he’s not comfortable taking action on a property “that is so closely connected.” The rationale can be a little different on each property that comes before them in regard to notification, he said, and suggested that the Open Land Trust “be brought into the picture before we take any action.”

Chairman DeVito said a transfer station was “behind (Open Land Trust’s parcel) before,” so he feels this would be not be objectionable to the Open Land Trust. He said he’d forgotten that the notification process is city policy, not a requirement of law.

Commissioner Harris said they could make a motion, with conditions in regard to the true boundaries and staff contacting the Open Land Trust, and if the organization objects, the applicant will come before the commission again. He asked the owner’s representative if they would be okay with that. Mr. Barthelemy said he would prefer not to table it; he’d like it to move forward to a public hearing and council.

Kevin Rogers said the developer had bought the property from the county about a year ago. They knew that this process would be going on during the development of the larger (PUD) project, and they know the PUD project will look good and be “something everyone will be proud of.” This project will, too, he said. They didn’t have to buy the corner piece, Mr. Rogers said, which the county had had a dumpster on. There’s “a concrete wall and a bunch of garbage” there, which they didn’t want to have at their entrance, in front of a nice-looking development.

Mr. Rogers said, “Leaving this (decision) up to the Open Land Trust” concerns him. Directly across the street from the nub is the remaining acreage in the Airport Junction PUD: “about 30 acres, similarly entitled to 80-100,000 square feet of commercial property” whose design process would be staff’s to approve. Mr. Rogers said he understands that they will have to go through the normal process of design review on this property under consideration, and “it has to pass muster on its own, like every other property in town.” They intended to “clean that corner up” by buying it, and he stated again that they “don’t want to leave this project in the hands of the Open Land Trust,” so Mr. Rogers asked the commission not to table the matter, “if there’s a way to support it,” because he doesn’t know those at the Open Land Trust or what they might say about the project, so he’d prefer that.

Chairman DeVito said commissioners are concerned that the Open Land Trust could bring something up after their vote, which could lead to a three-month delay for the

applicants. He told them that he knows the Open Land Trust and thinks they "will not have an issue with this."

Commissioner Johnson said they also "don't know the size or limits of the parcel," and "the GIS is obviously wrong," so "it bothers (him) to approve it." He said he wished that someone had brought the official plat of the property. Ms. Anderson offered to look in her files for something that would meet their needs. Chairman DeVito called for a 5-minute break.

Chairman DeVito called the meeting to order again. Mr. Barthelemy showed the commission the 30' access easement and the boundary of the .97-acre parcel in question on the plan that Ms. Anderson had brought. Chairman DeVito asked the name of the parcel being annexed, and Mr. Barthelemy said "054E." Chairman DeVito asked that Ms. Anderson put this drawing into the record and said Outparcel 3, which is what they had been discussing, was being annexed. Chairman DeVito said staff needs to notify the Open Land Trust. Commissioner Johnson told the applicants that the Open Land Trust is "well-respected," and there would be "no unreasonable proclamations on this issue." Chairman DeVito said he agreed.

Commissioner Johnson moved that the annexation be approved when the Open Land Trust is notified and if they have no objections. Commissioner Harris seconded. The motion passed unanimously.

Commissioner Johnson moved that the zoning be Highway Commercial District. Commissioner Harris seconded. The motion passed unanimously.

GOALS OF THE BEAUFORT CODE PROCESS

Ms. Anderson said the goals of the Beaufort Code should be established in order to focus the decisions made about the code, and to be helpful when difficult decisions need to be made. She reviewed the goals with the commissioners:

- Try to achieve a code that is easy to read, understand, and use
- Try to ensure that the new code streamlines the development review process
- Try to make the outcome of that process predictable
- Preserve historic, natural and cultural assets and promote appropriate development
- Encourage change per the Civic Master Plan
- Promote appropriate infill
- Promote economic development
- Support the infrastructure investments of the city with appropriate coding, e.g., investments in streetscapes
- Allow opportunities for diverse housing types in neighborhoods ripe for change – Beaufort currently has single-family and multi-family housing, but nothing in between, Ms. Anderson said.

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- Discourage drivable suburban development and encourage walkable urban places, especially in community development

Ms. Anderson said the goals *aren't* to

- Eliminate the Historic District Review Board.
- Minimize the number of non-conforming uses and buildings
- Keep things the same – The goal is to facilitate appropriate change, Ms. Anderson said.

Chairman DeVito asked about opportunities for diverse housing types and why Ms. Anderson had specified that they should be in neighborhoods "ripe for change," rather than in all neighborhoods. Ms. Anderson replied that in some neighborhoods, they want to preserve what's there and not encourage development. But others, such as Higgonsonville, for example, the Civic Master Plan had identified as "ripe for change" for a variety of reasons.

Ms. Anderson asked the commissioners if they feel that they are on the right track with naming goals: Did "anything feel unsettling or not right?" Chairman DeVito said he feels having the goals up front will be important. He asked **Reed Armstrong** if he agreed. Mr. Armstrong suggested that Ms. Anderson consider adding two more goals: (1) To follow the transect concept and (2) to be consistent with the neighboring form-based codes. Mr. Armstrong said they might also consider giving special attention to the issues at the MCAS. Chairman DeVito said that would fit in with the economic development goal.

Ms. Anderson explained the composition of the technical review committee for the form-based code. They don't need committee members to do "visioning" because that has already been done, she said. Commissioner Crower asked if they anticipate hiring a consultant. Ms. Anderson said when she was at a recent conference, she ran into a consultant who had done the City of Beaufort's UDO, and he is doing form-based code now. Consultants "can be useful," Ms. Anderson said, so they may ask that individual for a quote. "Our existing code is beloved," she said, and this consultant is familiar with it, so he could help "shepherd us through the sticky points." She doesn't have any money in her budget for a consultant, however; if they do hire one, it will be for a brief time. Commissioner Crower said there's a lot of detail to the code, and "it may need to be calibrated from one transect to the next." It's tedious and time-consuming work, he added, and "takes a careful eye to watch it."

Commissioner Johnson asked Ms. Anderson if she wants to approach the subject of handling parking at all in these goals, "since development always presents the problem of 'Where are these cars going to go?'" Ms. Anderson said parking is handled differently in different transect areas. It's more formalized in the transect-based codes than it is now. They want to encourage infill, which will bring more people, and to do that, they need "more things for people to walk and bike to." People will live closer to where they

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will shop and eat. There is demand for it here, and Ms. Anderson gave the Midtown development as an example: demand for these kinds of neighborhoods "is why it sold out immediately." It may seem idealistic, she said, but the city planners are trying to encourage this.

Chairman DeVito said he knows the plan is for the two city representatives from the Metropolitan Planning Commission to be on the committee, but, he asked, does the Planning Commission chair have to chair this committee? Ms. Anderson said that is what she would like, but . . . Chairman DeVito said they would see as they get closer to this fall's formation of the committee.

Review of Comprehensive Plan

Chairman DeVito said this had been emailed to the commissioners. Ms. Anderson said they had looked at this at the prior month's Metropolitan Planning Commission meeting. The Hazard Mitigation Plan is part of the Comprehensive Plan. It was done in 2009 and was approved by FEMA in 2011. They have to redo it every five years. LCOG has secured a grant to update the Hazard Mitigation Plan. They did the 2009 one and have a grant to do this Hazard Mitigation Plan. There will be a committee for this starting soon, Ms. Anderson said, and "the issue of sea level rise could be inserted into" this plan because "there is a lot more awareness of that threat" than there was in 2009. There's also talk about schools, including private schools, in the Comprehensive Plan, and tree planning has been brought up. Ms. Anderson said she has created a work plan for the Planning Commission and staff for the next 18 months:

- Update form-based code
- Implement the Boundary Street Master Plan
- Replace the current redevelopment incentive plan
- Target sites for redevelopment
- Plan and improve Southside Park
- Update the Hazard Mitigation Plan
- Continue to work with schools, including private and charter schools – Bridges Prep is on Boundary Street, and they are looking to build an addition and to purchase land across the street for a high school. Staff has been working with them on this, Ms. Anderson said, including on planning for traffic and parking.
- Plant street trees – Though this seems like a small goal, Ms. Anderson said, she would like it because they have been good about taking our hazard trees, so "they're coming down, but no new ones are" being planted. PTAC, Planning, and Public Works will work on this.

Chairman DeVito said this is definitely comprehensive and doable. At least half of the things on this list could be completed in the next 18 months, he said, "and then you could create a new list." Chairman DeVito said they should have a motion.
Commissioner Crower made a motion to accept the memo from Libby Anderson of

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June 12, 2015 as an update to the Comprehensive Plan. Commissioner Tim Rentz seconded. The motion passed unanimously.

Chairman DeVito provided an update on the Spanish Moss Trail. He described a walk that is scheduled with the Friends of the Spanish Moss Trail and the PATH Foundation to consider extending the trail, and to discuss how it would be paid for. The Friends of the Spanish Moss Trail have a good funding source if it were to happen, he said, and then described projects to raise funds, including sales of naming rights to benches and trailheads.

There is a new buyer for the port, Chairman DeVito said, according to the local newspaper. “All that’s really stopping us is an agreement from the Ports Authority to get on that property,” he said. The old buyer fell through before they were able “to get all the signatures.”

Commissioner Johnson said all the material he has looked at on form-based code “deals with metropolitan or somewhat metropolitan areas.” He asked how the form-based code favors its type of development over that of a strip mall, for example. Is there a form-based scenario for a strip mall? Ms. Anderson said they are trying to leave that type of development behind. The county’s code is of a much larger scale, and the county “may have left some of their previous districts.” Their plan is, if a place can’t be developed in the foreseeable future (50 years) to make it a walkable environment, they will leave it. They will develop place types that they feel could be “little villages or hamlets,” but other areas can’t be done under a form-based code.

In Beaufort, Ms. Anderson said, they may just leave Robert Smalls Parkway “and send all the fast food out there.” Beaufort Plaza is one of the strip malls to be redeveloped per the Civic Master Plan. Ms. Anderson said the Wal-Mart development is “frozen” for the next few years because of the development agreement. After that goes away, the developers don’t have to change anything if they don’t want to. They can’t be rezoned involuntarily.

Commissioner Harris asked what happens to existing strip malls. People are looking at a “suburban retrofit.” The idea is, when there is demand for it, to start filling in the parking lots. Ms. Anderson said the new Publix is designated to be a Village Center when developed; that’s why they were asked to build the little stores on the side with parallel parking, she said. Eventually, when the demand is there, that line of shops could be parallel to Lady’s Island Drive and have a slip lane/frontage road and buildings around the perimeter.

Commissioner Harris said, in regard to strip malls, on Boundary Street, there are businesses that are about 15-20’ from the street: “You park behind and walk through or in.” Ms. Anderson said that in Jean Ribaut Square, the Outback was built close to the

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street, and “you can see a couple more outlots to be developed.” Hopefully, she said, new businesses would be on the street, and the old ones would be behind them. Ms. Anderson said, “Things are evolving.” Chairman DeVito said changing thought per the form-based code takes some time. He said it was a slow process to realize that it’s “form over function.” He’s seen pictures online of the new Wal-Mart development, and said, “They’re trying for a form-based grocery store.” There are different, more urban versions of development types that they can do.

Commissioner Harris asked why they are allowing this new Wal-Mart. He wondered if they could say, “Unless there’s a reason not to, does this area grow? Does it morph into a weird shape?” He’s concerned with it becoming “all red.” “Is there a way to hold people to what the plan is?” he asked. Ms. Anderson said not only is that development a PUD, but there was also the original plan for a Wal-Mart, and the city said they didn't think the PUD showed it being allowed as it was planned. The city wanted “smaller buildings, not a big footprint building,” so it said no to the Wal-Mart. The Zoning Board of Appeals supported staff, and then it was mediated, and mediation decided on the side of the applicant. The city could have continued to fight the Wal-Mart, Ms. Anderson said, but they were advised against doing so, so it was forced to accept it. Chairman DeVito said if it weren’t for the city, the Wal-Mart would have been built 10 years ago. This one is an improvement over the one the city would have had.

Chairman DeVito said, “There are questions now” about whether this development is in “the right spot,” if it should move, etc., and “that kind of thing will come out in the code discussions.” Ms. Anderson said “the natural barriers of island geography” are “helpful.”

Mr. Armstrong said the county had “made a deliberate effort to discourage PUDs” in its code.

There being no further business to come before the commission, **Commissioner Johnson made a motion to adjourn. The motion passed unanimously**, and the meeting was adjourned at 6:40 p.m.