

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **June 16, 2014** at 5:30 p.m. in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners James Crower, Alice Howard, Jennifer Bihl, Robert Semmler and Bill Harris, City Planner Libby Anderson, and Town 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 Bihl, to approve the minutes of May 19, 2014.** Commissioner Crower said that on the second page, in the last paragraph, the word “unapproved” should be “unimproved.” **The motion to approve the minutes as corrected passed 5-0. Commissioner Semmler abstained from voting because he was not present at the meeting.**

### **REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL**

**Linda Bridges** said she had received a letter from the applicants for the project on the agenda, stating that they have some details yet to work out in this matter, including obtaining needed signatures, so she asked that the applications for annexation and rezoning be removed from the agenda for now.

### **REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT**

#### **CITY OF BEAUFORT – REZONING**

Rezoning four lots in the 700 block of Carteret Street. The lots are located at 701, 705, 706, 708, and 710 Carteret Street. The property is identified as District 121, Tax Map 4, Parcels 539, 543, 548, and 549. The existing zoning is Office Commercial District

The proposed zoning is Neighborhood Commercial District.

*Applicant: City of Beaufort*

Ms. Anderson said this is a rezoning proposal brought by the City of Beaufort after a proposal presented last month. One parcel has 2 buildings on it. 701, 710 Carteret Street – There are 2 offices in one building; 705 is the applicant from last month. It is a vacant two-story building used for offices, and they would like to rezone the property. 706 and 708 Carteret Street are one-story; a vacant two -story building; a one-story building used for an office.

Ms. Anderson showed the zoning in the surrounding areas. The current zoning is Office Commercial – it doesn’t allow retail, restaurants, banks, etc., but it does allow all office and

residential. They would like it rezoning to Neighborhood Commercial, which is mixed use and permits all retail except vehicle service uses, and all residential and office. 2500 square feet is the limit on the size of new development, but that's not proposed.

Ms. Anderson said they have not included the 2 lots on the north end of the 700 block which is a parking lot owned by USCB. The current use is fine as parking but not colleges. St. Peter's Catholic Church was contacted and prefers not to participate, though they are allowed in Office Commercial and Neighborhood Commercial.

The rezoning is consistent with the Comprehensive Plan. She reviewed the accepted uses in the Comprehensive Plan. They looked at the earliest Form-Based Code map and this block is designated as T-4 Urban Neighborhood. The proposed zoning is consistent with what's being contemplated under the future code. Letters of notice were sent, the public hearing notice ran in the *Beaufort Gazette*, and they have received no comments on the rezoning proposal.

Commissioner Semmler asked if the Historic District Review Board had commented. Ms. Anderson said no because no exterior changes have been proposed. The residents have been advised that if they propose to make exterior changes they will have to go to the Historic District Review Board or staff. 705 Carteret Street is the only building proposing any work, Ms. Anderson said.

Ms. Anderson said the City of Beaufort is the applicant. There was no public comment.

Commissioner Harris asked, if an applicant comes in the next block down and wants to rezone, if the city would go back to St. Peter's and ask again. Ms. Anderson said they aren't supportive of mid-block zoning, so if it were a reasonable request, maybe, "but it would be a challenge." They might work with USCB. Commissioner Harris asked if there is a reason colleges aren't permitted in Neighborhood Commercial. Chairman DeVito said a lot of the properties in the area do belong to USCB. Ms. Anderson said it's a reasonable question; on one side of the block there are developable properties, so they would have to see.

Commissioner Crower asked if there were implications for on- and off-street parking with the change in zoning. Ms. Anderson said both offices and retail have the same parking requirements, so it makes no difference to change the zoning. **Commissioner Harris made a motion to approve the rezoning as proposed. Commissioner Semmler seconded the motion. The motion passed unanimously.**

#### **CITY OF BEAUFORT – UDO AMENDMENT**

Revising Section 7.3, "Landscaping and Tree Conservation," and Section 11.2 "Defined Terms," to change the definition of "Grand Tree" and related changes pertaining to implementation of a Reforestation Fee

*Applicant: City of Beaufort*

Ms. Anderson said this is coming from the PTAC, which was formerly the Tree Board. PTAC has recommended changes to 2 ordinances to help protect the tree canopy and to also provide funds for new street tree planting. The UDO requires several revisions (5). The first change from PTAC pertains to the definition of grand trees. They are currently defined as an overstory tree of 24" DBH or greater, an understory tree of 12" DBH or more, and a palmetto with a clear trunk height of 2' or more.

If you have grand trees on site, code requires specific approval for the removal of grand trees, but so does any tree over 8" DBH. The second provision gives staff authority to require replacement of the trees taken out and a formula for how to calculate remediation.

PTAC doesn't believe the current definition of grand tree reflects the diversity of the native species. Ms. Anderson showed the trees that are proposed to be considered grand trees: any DBH 4" caliper or greater Magnolia, Dogwood, Redbud, or American Holly; any Live Oak or Southern Red Cedar with a DBH of 12" caliper or greater; and any Sabal Palmetto with a clear trunk height of at least 8'.

Commissioner Howard suggested that they should add the species names to the ordinance, so there's no mistake about which plant are included. She also said that there are other kinds of hollies, like Savannah Holly, and she doesn't know if that or yaupon holly, would count as grand trees. Ms. Anderson said only American holly. Commissioner Howard said pecan trees aren't native, but she understands why they're there. She was confused as to whether these particular trees were on the list because they're native. She asked if a developer would have to pay a reforestation fee or replant if what they took out was an undesirable tree. Ms. Anderson said any hardwood over 24", like a Pecan, or a Sycamore, is important because they are old and large, even if they're not indigenous. They are "grand" currently because of their age.

Ms. Anderson said that PTAC also recommends that remediation be *required*. It's currently optional and is only allowed on-site. PTAC recommends that it *must* occur, and that it be allowed through payment of a "reforestation fee," which is what Beaufort County does. If you can't plant on-site because there's no room, you can pay into a Reforestation/Tree Fund, which they are recommending to council be used for tree-related purposes: first for tree planting on public property, then for tree maintenance, and then for removal of hazard trees, the last of which the city's been doing well, Ms. Anderson said, but has not done well at planting on public property.

Implementation of the Reforestation Fund would be a change to the ordinance, and Ms. Anderson showed the new wording and an example. Replanting the same species as what was taken out is desirable, but other species would be considered; so it would be most desirable to

replace a Live Oak with a Live Oak if possible, but the administrator has the authority to dictate other trees. If trees can't be saved, the developer has to replant at 1" per 1". If they can't or won't do that, staff will consider payment of \$70 per caliper inch in lieu of replanting. The system comes from the county, Ms. Anderson said, though their definition of a grand tree is different. The landscaping at the Broad River Bridge and in the medians in Town of Port Royal and Shell Point comes from this fund, so it has been beneficial.

Ms. Anderson showed the Family Dollar example that council had seen in regard to the caliper inches of the grand trees that were removed; a Live Oak at 12" is shown as a grand tree as proposed. It also showed the inches of trees retained that apply as mitigation. Two laurel oaks, for example, count as mitigation for a total of 225" to be subtracted from 500". Staff asks for an arborist's report, and Family Dollar provided that, which would have indicated that a number of the grand trees on the site were at risk for failure, so they wouldn't be counted as "to be saved," even if Family Dollar didn't plan to remove them. So then that number is also subtracted from the amount that needed to be mitigated. There was plant-back of 24" and that's subtracted. The final number of inches to be mitigated is 43", and multiplied by \$70, they would have had to pay \$3000 to the Reforestation Fund had this system been in place at the time.

Commissioner Howard said, for example, if one of the trees left on the site were a 22" Live Oak, does the city go back and inspect the tree? And if it dies, would the developer have to pay further mitigation fees? She also wondered, of the trees that are saved, if the arborist would do a follow-up report. Ms. Anderson said she didn't know and would check on it. A tree might die a few years after construction as a result of construction. Commissioner Howard said contractors don't take proper care of the trees that they are required to replant, and then they are required to replant again. Ms. Anderson said they probably would have to either pay the fee or replant. She said the ordinance says the new plantings need to be healthy for 2 years, but she needs to look at what Commissioner Howard asked about in regard to the "saved" grand trees.

PTAC recommends changing the caliper inches, Ms. Anderson said, from those in the current ordinance, as well as adding the mitigation requirements. Another proposed provision is staff's: a certified arborist's inspection is suggested but not yet in the code. If the developer goes with mitigation, it's in the business's interest to get the report. Staff would like a certified arborist involved whenever there are grand trees removed and saved. If things aren't developed properly, the trees will die as Commissioner Howard mentioned, Ms. Anderson said, so an arborist would require the business to follow specific directions like fertilization, root pruning, and changes to the site plan for things like pervious surfaces near the base of the tree.

Chairman DeVito asked, if the arborist says a tree isn't healthy if it then wouldn't count as mitigation, and Ms. Anderson said yes, that's true. An arborist's report costs a couple hundred bucks, but could save the business several thousand, probably.

The last change is to give the administrator the authority to require mitigation for tree removal on existing developed properties – single-family residential or commercial – where the property owner proposes to remove a grand tree that is not dead or dying, or if it's the last tree remaining on the lot. 2.5" would be the minimum size required for replanting.

Commissioner Crower said he has trouble with leaving trees in place as mitigation for trees that are being cut down. He doesn't understand why the property owners get credit for the trees being left when they're cutting trees down. Ms. Anderson said theoretically, the development could have resulted in all of the trees being removed. Ms. Anderson said, "You are saving a tree and you get credit for that." It's nice to generate revenue to plant trees, she said, but removing the ones that are irreplaceable counts as credit. Chairman DeVito said in construction, it's cheaper to cut it down than save it, but if they get a credit, there's incentive not to. Commissioner Harris said there might be a site with 40 of one type of grand tree and sites with 4, so if you're taking out 4, and there are still 36 others, you might take them all out unless you get credit for the ones you retain. Ms. Anderson said the fee or need for replacement goes up as the trees-to-be-cut-down goes up.

Commissioner Howard said she'd like to see a revision with some changes. Commissioner Semmler asked how they came up with \$70. Ms. Anderson said the cost of planting a 2.5" overstory tree. Commissioner Semmler feels it should be greater. He feels there's been "too much clear-cutting, and people say, 'Oops,' and are charged just a little bit." He thinks the fund shouldn't be used to plant elsewhere. Chairman DeVito said construction cuts down trees, and they have to mitigate, but he talked about a site that was so forested, there was nowhere to plant the mitigation trees, and there was no other option but to pay into a fund, so they planted trees *under* "giant" remaining trees, and the new plantings "are not healthy."

Commissioner Semmler said he thinks "of the trees butchered because of power lines, and then they planted palmettos," which are supposedly "dwarves." Commissioner Semmler doesn't like "the dollar value" of trees in this plan, or "the lack of control," and feels that they should be harder on the developers. Publix is in the city, and Commissioner Semmler asked what they did in regard to mitigation or fees. Ms. Anderson said, "They tried to save trees." Commissioner Semmler said "there are 3" trees left there. Ms. Anderson said Publix has a landscaping plan, "but there's no room to plant." They are not mitigating inch for inch, but would have had to if the city had had this plan in place.

Commissioner Semmler said he agrees with Chairman DeVito, and the current Publix has too many trees, but "this one is a disgrace," and he's "not sure this handles the problem." Chairman DeVito asked if the amount could be recalculated every year. Ms. Anderson said there's a separate fee that is set by ordinance, and that had crossed her mind; that way, it could be adjusted to current market value. They "could have a somewhat set fee in the fee ordinance," and not in the UDO.

Commissioner Semmler said they might add to the plan that if a building is on a thoroughfare, it should have a green buffer, because “there’s nothing there,” like green space or a buffer in Beaufort, unlike in Bluffton and Hilton Head Island. Ms. Anderson said that’s part of the Lady’s Island Village Center district of the city’s and county’s code. Publix requires a build-to line, and there are 3-4 other tenant spaces to come, so the ordinance says no buffer. The marine store on Sea Island Parkway is an example: “it’s a more urban look,” she said. Commissioner Harris said those more urban areas don’t have a buffer. It slows cars down. Ms. Anderson said on Robert Smalls Parkway, there’s a 20’ buffer, but it depends on where you are in the community.

**Commissioner Howard made a motion to have the ordinance resubmitted after discussion of revisions.** Commissioner Semmler said PTAC did a lot of work, “so it’s not fair for Ms. Anderson to be the middleman,” and maybe PTAC could meet with the Metropolitan Planning Commission, “so they know what the Planning Commission is talking about.” Ms. Anderson said the arborist could attend, as could **Liza Hill**. The people on the committee are volunteers, and they worked very hard on this ordinance for a couple of years and have been before council twice on this issue. Council hasn’t committed to anything yet but said to move the concept to Metropolitan Planning Commission with their general support. **Commissioner Crower seconded the motion. The motion passed unanimously.**

Chairman DeVito told Ms. Anderson to make sure PTAC knows that the MPC likes where PTAC is going, but this is “outside the norm, and there are things to discuss.”

#### **CITY OF BEAUFORT – NEW STREET NAME**

Naming a new street to be developed as part of the Ashley Pointe multifamily project. The new street will intersect Greenlawn Drive. The proposed street names are Albergotti Drive and Carolina Wren Drive.

*Applicant: Cline Design Associates*

This is part of a new development called Ashley Pointe, Ms. Anderson said, a multi-family project with 56-units in 5 buildings. It is part of the Boundary Street Master Plan, and the developer has submitted 12 choices for a street name; they are down to 2 that can be approved. They prefer Carolina Wren Drive, and 911 has approved that. **Commissioner Semmler made a motion to accept the name; Commissioner Howard seconded. The motion passed unanimously.**

#### **CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS**

Ms. Anderson said at the last MPC meeting, they discussed a special district for the freeze of assessments on taxes for historic home rehabilitation. The second reading was held at the last meeting of council, and the freeze is not in effect yet, but it has been approved. The overall amendment to city code is on hold.

The rezoning (for the block that was discussed at the beginning of the meeting) has been transitioned into rezoning of the 700 block of Carteret, and a public hearing on that will be held at next week's council meeting.

Commissioner Semmler said the Northern Regional Implementation Committee has taken on oversight for the Joint Land Use Committee. Commissioner Howard said the survey is on the Chamber of Commerce web site and will be until the July 21.

Chairman DeVito said the next section of the trail from Burton Hill to Roseida Road is walkable, and there's parking at Roseida Road.

**There being no further business to come before the commission, Commissioner Howard made a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 6:27 p.m.**