

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902

Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, August 15, 2011 5:30 P.M.

City Hall Council Chambers, 1911 Boundary Street, Beaufort, SC

STATEMENT OF MEDIA NOTIFICATION: "In accordance with 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."

The commission may alter the order of items on the agenda to address those of most interest to the public in attendance first. Also, in an effort to ensure that all interested persons are given the opportunity to speak on every case, a two (2) minute time limit on public comment will be in effect. Individuals wishing to speak during the hearing will be asked to sign up in advance, and will be recognized by the Chairman during the public comment section of the hearing.

I. Call to Order

II. Pledge of Allegiance

III. Review of Projects for the Town of Port Royal:

A. Town of Port Royal – Annex and Rezone The Shell Point Plaza. District 100, Map 33A, Parcel 249, 249A, 251, 252, 253, 255, 256, 257, 258, 258A, and 266, approximately 4.5 acres located at 14 Savannah Highway. The proposed zoning is General Commercial (GC) with the Shell Point Neighborhood Overlay District.

B. Town of Port Royal – Update on Council Actions

IV. Review of Projects for the City of Beaufort:

A. City of Beaufort – UDO Amendment. Revising Article 3, "Development Review Procedures," to add a new Section 3.17, "Development Design Exceptions," and revising Section 9.4.E, "Nonconforming Lots of Record," to delete paragraph F pertaining to subdivisions.

B. City of Beaufort – UDO Amendment. Revising Section 9.2.E, "Nonconforming Structures," to permit additions on nonconforming structures.

C. City of Beaufort – Update on Council Actions.

City of Beaufort - Town of Port Royal
Joint Planning Commission
Rezoning Analysis PR-AX 02-11
Meeting Date: August 18, 2011

Applicant

Shell Point Plaza LLC

Site

Approximately 4.5 acres

The plat map reference for this property is: District 100, Map 33A, Parcels 249, 249A, 251, 252, 253, 255, 256, 257, 258, 258A, and 266. The parcels are located at 14 Savannah Highway and sites a retail and service plaza with its associated parking.

Present Zoning

The parcels are currently zoned Shell Point Neighborhood Community Preservation – Community Commercial under Beaufort County’s Zoning and Development Standards Ordinance (ZDSO).

The Annexation

Comprehensive Plan

The parcels are included on **The Future Land Use Map** in the Land Use Element of the Town’s Comprehensive Plan (Page 72). The parcels are within the Future Growth Boundary for the town. The property is in an Intended Growth Sector, Activity Center (G_3) (Page 70). Please see Exhibit A. These activity center locations can support substantial mixed use by virtue of their proximity to major roadways and existing or proposed development. Activity centers may be suitable for larger-scale regional commercial, such as major grocery stores or retailers, which would not be appropriate in the immediate context of residential neighborhoods.

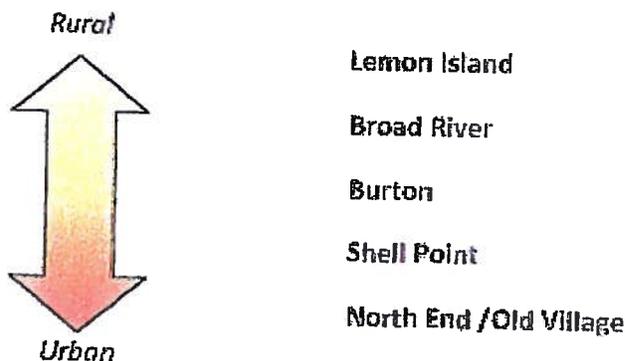
The parcel is in Shell Point.

The Comp Plan addresses Shell Point as follows:

The Shell Point area is comprised of older, well-maintained neighborhoods, but is not very pedestrian oriented. With two major highways in this area, there is the potential for more commercial and mixed use development. Pedestrian orientation and connectivity should be improved. While older neighborhoods and areas along the water may maintain larger lots, there are also opportunities for more mixed use, infill, and smaller lot development.

- *Promote village commercial along Savannah Highway.*
- *Increase pedestrian accessibility and connectivity.*
- *Parris Island Gateway should support mixed use and regional commercial in nodes.*
- *The area should maintain a strong residential, neighborhood feel with opportunities for walking and biking.*
- *Investigate traffic calming opportunities along Shell Point Road.*

The Comprehensive Plan Transect places Shell Point to the Urban end of the spectrum.



Public Service Issues

The parcels are located in an area served by the Beaufort Jasper Water and Sewer Authority. The Burton Volunteer Fire Department remains, the first deliverer of services for this area, with Port Royal as first backup. The Town holds an agreement with Burton Fire District, which allocates funds annually from the town to the Burton Volunteer Fire Dept. The Port Royal Police Department has adequate staff levels to deliver services to this area. The current corporate boundaries lie beyond this property (See Exhibit B – Port Royal Zoning Map).

Proposed Zoning and Land Use Compatibility

The proposed zoning is General Commercial *Chapter 22, Article IV, Section 22-68* with the Shell Point Neighborhood Overlay District *Chapter 15.5, Article IV*. The intent of General Commercial states:

It is the intent of this section that the GC zoning district be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other.

General Commercial allows a wide range of retail and service activities as well as residential development. The zoning designation will allow the mixed use, regional commercial, goals envisioned by the Comprehensive Plan.

The Shell Point Neighborhood Overlay District adds design standards to the properties within the district. Because this is a cross-jurisdictional code, with the county and the town participating, the standards of this district are currently the same as those in force on this property today.

Please see Exhibit B.

Environmental Issues

There are no environmental issues to consider.

Public Notification

Letters were sent to property owners within 400 feet of the property being annexed and rezoned as well as leadership of the Shell Point Neighborhood Association.



BEAUFORT COUNTY GIS WEB SITE/DATA USE POLICY

The information contained on this web site is made available to the public as a service of the Beaufort County GIS Department. This data is intended for general reference purposes only. Although the Beaufort County GIS Department strives to maintain/obtain the most accurate data possible, some errors and inconsistencies may still exist within the maps and data contained on this site.

Therefore, Beaufort County makes this service, as well as all the data and information pertaining to this service, available to the public AS IS WITHOUT WARRANTY OF ANY KIND. It is the responsibility of the users of this data to contact the necessary public entity for verification of the information obtained from this site.

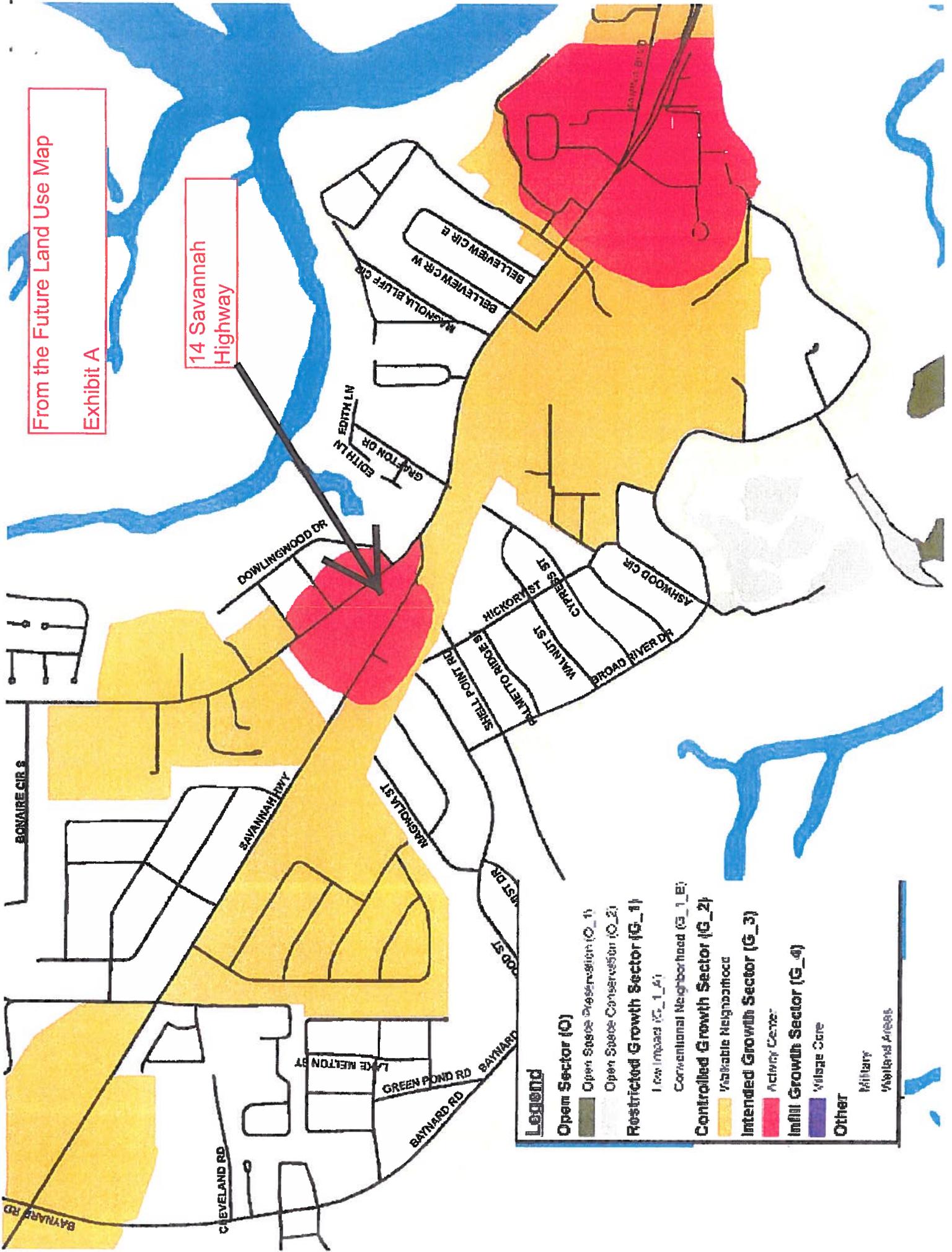
Legend	
County Outline	State Hwy
Address Points	US Hwy
Streets	Interstate
Canals	Water
Parish	
Traffic Cameras	
Sales Layer	



From the Future Land Use Map

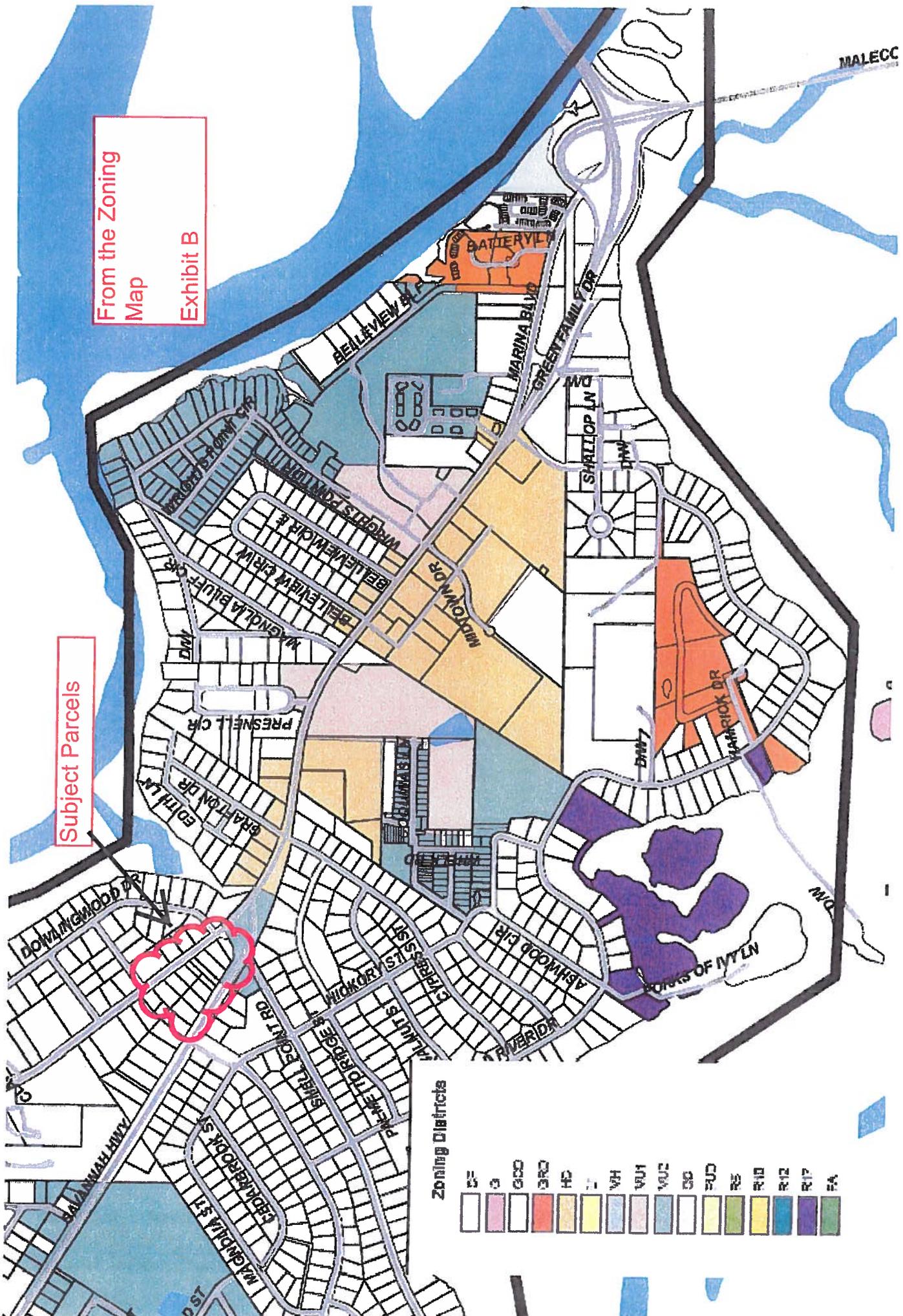
Exhibit A

14 Savannah Highway



From the Zoning Map
Exhibit B

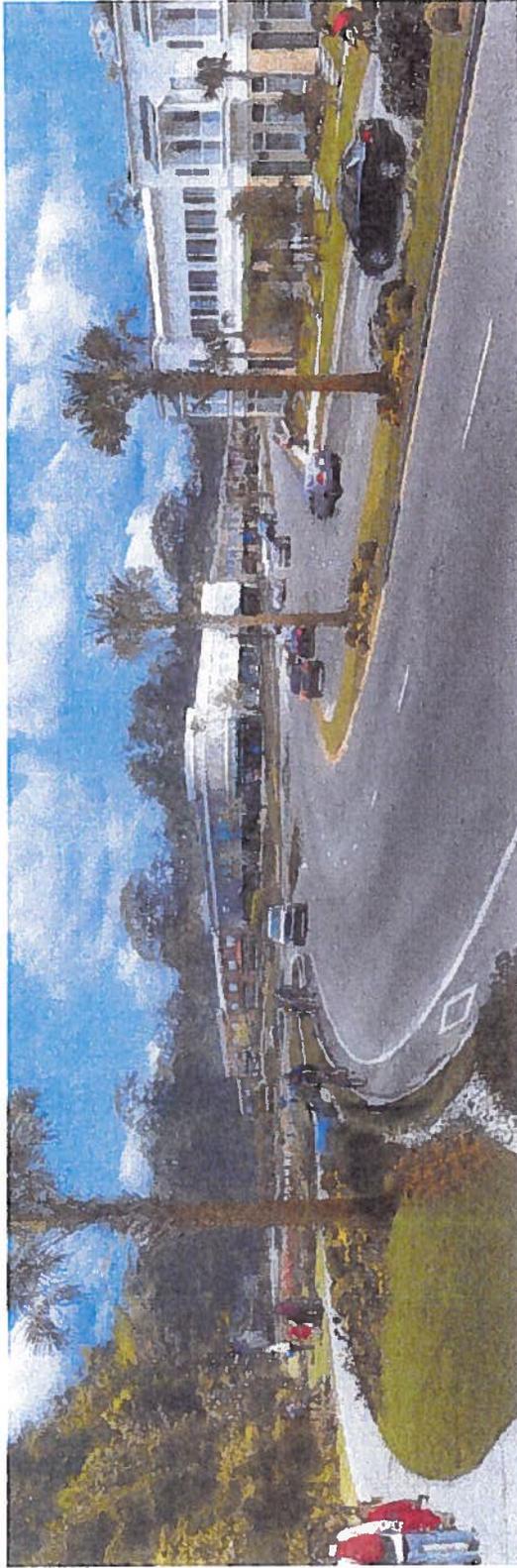
Subject Parcels



Zoning Districts

- SE
- S
- OSD
- ORD
- HD
- U
- VH
- VU1
- VU2
- CC
- PUD
- RS
- R10
- R12
- R17
- FA

Shell Point (Potential)



City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: Beaufort---Port Royal Metropolitan Planning Commission

FROM: Libby Anderson, Planning Director

DATE: August 8, 2011

SUBJECT: UDO Amendment Regarding Design Exceptions

Planning staff, in conjunction with the Office of Civic Investment, is proposing an amendment to the Unified Development Ordinance (UDO) that would establish a new process for allowing exceptions to certain development standards in the ordinance such as setback, height, lot area, and lot width. Currently, adjustments of development standards can be achieved by an "Administrative Adjustment," or through a variance. The Administrative Adjustment process allows up to a 10% adjustment in development standards set out in Article 6. The Administrative Adjustment request is reviewed by staff. Any waiver greater than 10% must be handled by the Zoning Board of Appeals through a variance process. State law establishes the "findings" the Zoning Board must make to approve a variance. As noted in the attachment, a fairly high bar has been set for approval of variances. The "unreasonable restriction on use of property" finding in particular is difficult to achieve in the case of requests involving subdivision and siting of accessory structures.

Office of Civic Investment staff have proposed a process to permit up to exceptions to 35% of the standards set out in the ordinance through a "Development Design Exception" process. The review process would be similar to variance procedures, although the criteria for granting the exception would be different (more design-related), and the review authority would be either the Historic District Review Board for property in the Historic District, or the Design Review Board for property outside the Historic District. A new Section 3.17 is proposed to be added to Article 6, "Development Review Procedures," with the existing sections renumbered as appropriate. Section 9.4, "Nonconforming Lots of Record," is also proposed to be revised to delete paragraph F (attached) pertaining to subdivision.

The new Section 3.17 is proposed to read as follows:

Section 3.17 DEVELOPMENT DESIGN EXCEPTIONS

A. Purpose

Development Design Review Exceptions shall be used to modify certain dimensional standards or design requirements set forth in this UDO for sites or development proposals that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide for the relaxation of certain standards so as to permit a compatible development pattern to occur using an innovative approach or technique. This process is intended to provide for the minimum relief necessary to create a more innovative and more context-sensitive development consistent with the City's goals and plans. This tool is not intended to circumvent the map amendment (rezoning) where that tool would provide a similar modification of standards.

B. Applicability

The Historic District Review Board or the Design Review Board, as appropriate, shall have the authority to authorize variance of up to 35 percent from any numerical standard set forth in Article 6 of this UDO except for building height. This procedure shall apply to development projects that are no greater than two acres in size.

C. Application

A development design exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

D. Approval Process

1. Staff Review and Report

The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Design Review Board or Historic District Review Board as appropriate, and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Review Board

- a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the appropriate review board shall hold a public hearing on the Development Design Exception application.

- b. After review of the application and the public hearing, the review board shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
- c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.

E. Development Design Exception Review Criteria

The Design Review Board or Historic District Review Board as appropriate, may approve an application for a Development Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

(a) *Compatibility.* The proposed exception is appropriate for its location and compatible with the character of surrounding lands and the development permitted in the zoning district(s) of surrounding lands, and will not reduce property values of surrounding lands.

(b) *Design does not have substantial adverse impact.* The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception does not impose significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, vibration, and does not create a nuisance.

(c) *Consistency with Adopted Plans.* The proposed development is in general conformity with the City's Comprehensive Plan and other plans officially adopted by the City.

F. Conditions

The review board may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

G. Appeal

Any party aggrieved by the review board's decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

4. Marine Corps Air Station Notification

The Board shall not act upon a request for a variance from this section affecting lands within the Air Installation Compatible Use Zone District until they have received an advisory opinion from the Marine Corps Air Station Beaufort. If an advisory opinion is not received within 30 days of notification, the Board may proceed to act on the request without the opinion.

5. Variances

The Board shall not act upon a variance from Section 6.8 affecting land within the Airport Overlay District until they have received an advisory opinion from the Beaufort County Aviation Advisory Board. If an advisory opinion is not received within 30 days of notification, the Board may proceed to act on the request without the opinion.

D. Criteria for Approval of Variances

1. Required Findings

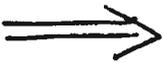
A variance may be granted by the Zoning Board of Appeals if the Board concludes that the strict enforcement of any design and performance standard set forth in this ordinance would result in unnecessary hardship to the applicant and that by granting the variance, the spirit of this UDO will be observed, public welfare and safety will not be diminished and substantial justice done. A variance may be granted in an individual case of unnecessary hardship only when the Board makes and explains in writing all of the following findings:

- a. **Extraordinary Conditions.** There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage;
- b. **Other Property.** These conditions do not generally apply to other property in the vicinity;
- c. **Conditions.** The conditions are not the result of the applicant's own actions;
- d. **Comprehensive Plan.** Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO;
- e. **Utilization.** Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- f. **Substantial detriment.** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

2. Limitations

The Board may not grant a variance the effect of which would be any of the following:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and where no nonconforming lots are created. A nonconforming lot may be included in a lot recombination if the resultant lot becomes closer to conformity.
 2. The division of land into parcels of five acres or more where no new street is involved;
 3. A transfer of title to land not involving the division of land into parcels; and
 4. Subdivision of land into parcels less than 5,000 square feet exclusively for the provision of local utilities such as pump stations; and
 5. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.
2. Revise Section 9.4, "Nonconforming Lots of Record," by deleting subsection E and relettering the existing subsections as appropriate.
 3. Revise Section 9.4.E, "Nonconforming Lots of Record," by deleting the current subsection F and replacing it with a new subsection F to read as follows:



F. Any lot or parcel of land resulting from any division shall comply with the district minimum lot area and width standards.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

SHIRLEY D. HUGHES, ACTING CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

City of Beaufort Department of Planning and Development Services

MEMORANDUM

TO: Beaufort--Port Royal Metropolitan Planning Commission

FROM: Libby Anderson, Planning Director

DATE: August 8, 2011

SUBJECT: UDO Amendment Regarding Nonconforming Structures

Section 9.2.E of the Unified Development Ordinance (UDO) (attached), outlines the conditions under which an addition can be added to an existing structure which does not meet current setback requirements. As noted, additions are not allowed to project beyond the line of the original building. As shown in the diagram, "fill-in" additions are permitted, but linear additions are not. In a historic city such as Beaufort, where many lots were developed before zoning was adopted, it is reasonable to assume there are a fair number of nonconforming structures. We get inquiries regarding additions, particularly in the Historic District. If the structure is nonconforming, the addition must either be "offset" to meet the side yard requirement, resulting in a challenging interior floor plan, or a variance must be granted. Staff is proposing to allow linear additions as long as the addition projects no further into the setback than the existing structure.

Section 9.2. E is proposed to be revised with ~~strikeout text~~ indicating words to be deleted.

A. Extensions

A nonconforming building shall not be enlarged, intensified, or extended in such a way except in conformity with this UDO except as follows:

- 1.** In cases where the primary building on a lot is nonconforming solely as a result of a setback encroachment, additions to the structure can be allowed, provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already had been encroached upon, the addition can be allowed, provided that it projects no further into the setback than the existing structure. ~~and in no way extends past the line of the existing structure.~~ This section does not apply to a nonresidential use which adjoins a residential use on the side of the lot having the setback nonconformity.

attachments

B. Repairs, Alterations and Maintenance

Any nonconforming building or structure that is renovated, repaired, altered, or otherwise improved by more than 75 percent of its reasonable replacement value at the time of renovation, repair, or alteration shall be brought into conformance with landscaping, buffering, sign, lighting, access, and parking requirements. Architectural design changes required to bring the site into conformity with the requirements of this UDO shall be in proportion to the alterations proposed by the applicant. The provisions of this section shall not apply to any single-family dwelling used for residential purposes.

C. Restoration of Damaged Structures

1. Any nonconforming building or structure, including signs, damaged more than 50 percent of their reasonable replacement value at the time of damage by fire, flood, explosions, wind, earthquake, war, riot or other act, shall not be restored or reconstructed and used except in conformity with the requirements of this UDO and all rights as a nonconforming use are terminated. The provisions of this subsection shall not apply to any single-family dwelling residence used for residential purposes.
2. For purposes of this section, the percentage of damage for buildings shall be calculated by dividing the estimated cost of restoring the building as nearly as possible to its condition prior to the occurrence, by the appraised value of the building (excluding the value of the land) immediately prior to the occurrence.
3. The percentage of damage for other structures shall be calculated by dividing the estimated cost of restoring the structure (or sign) by its reasonable replacement cost.

D. Reconstruction

A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure except as follows:

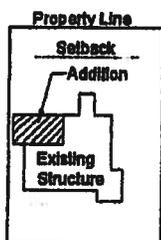
1. A nonconforming structure listed in the "Beaufort County Above Ground Historic Resources Survey Beaufort County, South Carolina" may be allowed to be rebuilt within the original (pre-demolition) footprint.



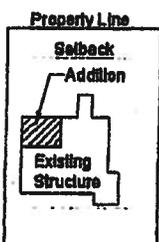
E. Extensions

A nonconforming building shall not be enlarged, intensified, or extended in such a way except in conformity with this UDO except as follows:

1. In cases where the primary building on a lot is nonconforming solely as a result of a setback encroachment, additions to the structure can be allowed, provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already had been encroached upon, the addition can be allowed, provided that it projects no further into the setback than the existing structure, and in no way extends past the line of the existing structure. This section does not apply to a nonresidential use which adjoins a residential use on the side of the lot having the setback nonconformity. (See Diagram).



Not Permitted



Permitted

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: Beaufort–Port Royal Metropolitan Planning Commission

FROM: Libby Anderson, City of Beaufort Planning Director

DATE: August 8, 2011

SUBJECT: Status Report on City Council Actions

PUD Revisions. Public hearings on the four Trask Planned Unit Developments (PUDs) were held at the July 26 City Council Meeting. 2nd reading of the ordinances revising these PUDs was held that same evening.

Please contact me with any questions on this information.

Thank you.

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on July 18, 2011 at 5:30 p.m. in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman, Joe DeVito, and Commissioners Alan Dechovitz, James Crower, James Hicks, and Robert Semmler, City of Beaufort Planning Director, Libby Anderson and Town of Port Royal Planner, Linda Bridges. Commissioner Greg Huddy 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

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

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Text Amendment Revising Chapter 22 - Zoning, to allow chicken hens as an accessory to dwellings.

Linda Bridges said code currently doesn't permit poultry to be raised in the Town of Port Royal. Organic movements and sustainability have led to consideration of an allowance for poultry to be raised with certain conditions such as controlling the number and sex of birds allowed, keeping down on the noise, and provisions "to prevent a person's passion from becoming a nuisance to a neighbor."

Ms. Bridges said no one has requested this yet, but it has been discussed for the past 2-3 years with people asking if they could raise chickens on their residential properties. It will apply in all zoning districts.

Commissioner Dechovitz asked Ms. Bridges if she had attended a recent meeting about agriculture; Ms. Bridges said she had not, though she had been told about it and heard that this topic was discussed. Commissioner Dechovitz said most who were there were "laughing," and "a planning director left in disgust," so his attitude toward it is "not very supportive."

Chairman DeVito asked where this practice is currently allowed. Ms. Bridges said it's allowed in the county and in the city but the chickens are "not allowed to run at-large." Commissioner Hicks said he finds it to be "encouraging though humorous" that chickens are being regulated. It was a right at one time, and he commended Ms. Bridges for bringing it up now. There are already chickens in some neighborhoods, Ms. Bridges said, and there have been for several hundred years.

Commissioner Dechovitz said a city or town is a "brand," and Beaufort and Port Royal are "trying to be walking communities." Port Royal has seen its city core collapse, and farm animals are not a positive move toward reestablishing the brand and encouraging people to invest in the city. Commissioner Semmler said he thinks it's great.

Commissioner Hicks, second by Commissioner Semmler, made a motion to forward the amendment to city council with a recommendation for approval. The motion passed 4-1, with Commissioner Dechovitz opposed.

PRESENTATION ON BEAUFORT COUNTY HAZARD MITIGATION PLAN 2009 UPDATE

Ginnie Kozak, Planning Director of Lowcountry Council of Government, reviewed the highlights of the Federal Mitigation Mandate. In October 2002, President Clinton signed the Disaster Mitigation Act. Beaufort County and its municipalities haven't been active in applying for funding for storm shelters in public buildings, etc. Communities have to update the plan every five years to maintain their eligibility. Lowcountry Council of Government was selected to update the plan, and Ms. Kozak reviewed the steps it underwent for approval, which it obtained in December 2010. They reviewed and updated socio-economic data, added new hazard incidents such as new tropical storms, fires, and droughts since 2002, and developed new probabilities for the likelihood of hazardous incidents in the next five years. The county is in a seismic zone, and there are concerns about tropical storms, etc.

Lowcountry Council of Government reviewed recommended actions from the 2004 plan to determine implementation status. There is an increased emphasis on transportation. There are a few new initiatives and many continuations from the previous plan. The new initiatives don't establish goals or objectives for the planning period, nor do they commit or authorize county budget expenditures. They do notify relevant departments to possibly include these in their future budgets and to seek alternative forms of funding. All planning commissions are reviewing this, Ms. Kozak said. The county's planning commission recommended that the plan be adopted as a stand-alone document on July 7, 2011.

TOWN OF PORT ROYAL – UPDATE THE COMPREHENSIVE PLAN. ADOPT THE BEAUFORT HAZARD MITIGATION PLAN, 2009 UPDATE AS APPENDIX A OF THE TOWN OF PORT ROYAL COMPREHENSIVE PLAN

Ms. Bridges said she'd provided a memo to the planning commission; the first plan was adopted as an appendix to the comprehensive plan. They have come to recommend that it be part of the comprehensive plans, and it must be adopted in some fashion by both municipalities. Port Royal kept it as part of its comprehensive plan. It will be Appendix A of the current comprehensive plan. Ms. Bridges said **Libby Anderson** discovered that in the city comprehensive plan, this plan can be modified and revised by Port Royal and Beaufort; every time a new plan is adopted, therefore, Beaufort doesn't have to go back to the planning commission, only to council. Ms. Bridges suggested they might want to consider the same thing for Port Royal. Commissioner Crower clarified that this is why Beaufort isn't participating in the planning commission's decision at this time. Ms. Anderson will take it to city council.

Commissioner Dechovitz asked if they were to say that they're "okay with the process" or to "decide if the plan itself is complete and sufficient." Chairman DeVito said he thinks the

planning commission is saying both. Ms. Bridges said it would be okay to move forward as the city is because "the formulation of the plan is a public process itself."

Commissioner Dechovitz asked about the residual port in Port Royal that belongs to the state and "almost certainly has some hazardous materials in it" that, if they were hit by a storm, would enter the water system and potentially the city's water supply. Ms. Bridges said he's right; no hazardous material at the port is included in the plan. The decision was made not to address homeland security in the mitigation plan. They thought about these things in this whole issue, but they didn't consider hazardous material that might be there.

Ms. Kozak said that to do so, they would have to reopen the plan and go through the FEMA process, which would take another year. Ms. Bridges said there is only one small area of concern to EPA at the port, where there is some diesel fuel in the dirt. The seafood processing plant or shrimp boats in a storm, Commissioner Dechovitz added, could end up on the street and could dump diesel fuel everywhere, which is a hazard. Thirdly, Commissioner Dechovitz said, the base recently closed fishing because the causeways were found to have PCB's in the soil they were built out of. This could also potentially end up on the shores of Port Royal and involve lengthy clean up. The federal government doesn't seem to be involved, he said.

Ms. Kozak said there are other areas in Beaufort County with shrimp boats and marinas; this probably should be included, and FEMA should be incorporating it. Commissioner Dechovitz said if a storm happens and these things occur, no one is going to be concerned about whose area of work this should have been. Ms. Kozak said these were good points for next time they do it. Ms. Bridges agreed. Commissioner Dechovitz said if they go back through the process, and the city is looking at it, MCAS would probably have the same kinds of issues as the port and Parris Island.

Commissioner Semmler said for the record that he thinks these concerns need not to be over-dramatized. The facts need to be established, he said. The commanding general is personally liable for the pond Commissioner Dechovitz referenced, for example. Commissioner Dechovitz said it's not necessarily an issue, just something he's read about, and if they're looking at issues in the future, these should be considered. The public has a right to be reassured. Commissioner Semmler said the recommendation is part of the Port Royal comprehensive plan; he asked if they did not want it as a stand-alone document. Ms. Bridges said "more folks know and look to the comprehensive plan to cover *all* the plans."

Commissioner Hicks said a 261-page appendix is extremely large. He recommended centralized grant submissions, and he went on to recommend an office of primary responsibility to monitor and see that this plan is implemented. There was no public comment.

Chairman DeVito said the office Commissioner Hicks referred to seemed like an important idea and said a note about this should be included in the actual document when it's updated.

Commissioner Hicks said they recommended that William Winn's office for the county would be a natural fit, and that's what the county council decided at the county-level. Chairman DeVito said various councils would have to make the decision about who primarily administers each municipality's plan.

Commissioner Dechovitz, second by Commissioner Hicks, made a motion to accept the Hazardous Mitigation Plan as an appendix to Port Royal's comprehensive plan and to send a recommendation to city council, town council and county council to create an Office of Primary Responsibility to see to the execution of the plan. The motion passed unanimously.

TOWN OF PORT ROYAL – UPDATE ON COUNCIL ACTIONS

Ms. Bridges said that in the matter of Kent's Court Mobile Home Park, the Port Royal council had first reading on city council's recommendation for it to be General Commercial, and there have been ongoing discussions. Council wanted another 30 days to look at the issue, so it was tabled for 30 days. They also raised the option of a split-zoning, Ms. Bridges said. The zoning is on hold in that case, therefore.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Revising the Airport Junction Planned Unit Development to reduce density, revise the master plan, and revise design and development standards. The property is identified as R123, Tax Map 18, Parcels 54, 54D, and 215.

Ms. Anderson introduced **Danny Crowe**, the attorney involved in the case. Mr. Crowe said the planning commission had before it the proposed settlement of the 2.5 year lawsuit and a 3.5 year controversy between the City of Beaufort and the owners of the Airport Junction PUD in regard to a proposed Big Box store. He reviewed the case and the judgment against the city which gave the property owner the discretion to have a Big Box store within the PUD. With the case on appeal to the state court of appeals, the City of Beaufort renewed its efforts to resolve the matter through mediation. They have a consolidated development agreement now, and Mr. Crowe said it addresses in particular some of the issues with the Airport Junction PUD. He said Ms. Anderson would review the details of the four PUDs. He was requesting the planning commission's approval of the PUD revisions.

Ms. Anderson said three of the PUDs would be reduced in density, and the master plan and development standards in all four would be revised slightly. She reviewed the changes to each of the PUDs. The major changes to the Airport Junction PUD include a reduction in density and building size and a change in the orientation of buildings over a certain size. Ms. Anderson said the stormwater standards are in the PUD and in the city code and need to be updated, hopefully through the form-based code process. When this occurs, the PUDs will have any city-wide stormwater standards applied to them, which better positions the city, as the current locked-in standards are from the 1970s. Ms. Anderson showed a visual of the master plan for the Airport Junction PUD, its setbacks, and its green buffers.

She went on to show the Cane Island Retreat PUD and the major revisions agreed to. There is a reduction in density for this PUD as well for commercial space and dwelling units. Residential lot width is slightly revised, and the open space is a little reduced as well. The stormwater drainage is to be improved to keep up with city changes in stormwater standards in the future.

Ms. Anderson showed a visual of the Hanover Park PUD. There is no change in density proposed here, but the development standards have been revised.

The final PUD proposed for revision is the Upper Cane Island PUD, composed of two parcels now. There's a density reduction proposed for this development. She said there's a significant reduction of commercial square footage and 100 fewer dwelling units.

Commissioner Crower asked about the Upper Cane Island increase in height for residential units' building height. He also said while density has gone down, the buffers and setbacks have been reduced, which bothers him because of the properties on the water. He presumed that was part of the compromise. Ms. Anderson said that developers go with PUDs because the standards are different. Ms. Anderson said the proposed building height will be 50', and she believes it was 35', for residential and commercial.

Commissioner Hicks said he knew **Dan Ahern** had recommended certain language be used; he has concerns about the terminology used in regard to stormwater, i.e., "will comply as far as practical." He asked who determines "what's practical." He said when they did the Northern Regional Plan, they came up with the term: "a project with regional impact that has an impact on multiple counties." These PUD changes reach a status that is a project growth area; this doesn't just affect the city, but also the unincorporated areas of Lady's Island.

Commissioner Hicks asked if the stormwater people and the traffic engineers shouldn't review this before it comes to the Metro Planning Commission. He said they should determine when a project reaches this level, and they should get a traffic analysis, stormwater, etc. This is not a PUD, Commissioner Hicks feels; this is a PUD *as a result of a legal agreement*. The planning commission can't recommend that city council change anything in it because they're not changing a PUD.

Commissioner Hicks said Lady's Island owes a thank you to Ms. Anderson, the City of Beaufort and the ZBOA for standing up when they wanted someone to stand up and saying "No" to Wal-Mart when it wasn't appropriate. They lost in court and now it's on appeal. There were two choices, then, Commissioner Hicks said. In doing a settlement, they included everything the property owner owned into the modification, not just the parcel in question. It modifies things that had nothing to do with the original matter, which he thinks is "a horrible precedent." He also stated that the Lady's Island airport PUD is "better and cleaner now." In the development agreement, unused development rights can be transferred to Hanover Park, he believes.

Commissioner Hicks said he recommends approval for those areas where “it can be seen what they’ll become,” but he has concerns with Hanover Park. He feels “it’s dangerous for a portion of the city to be locked in that way.” Ms. Anderson said on the issue of the transfer, she doesn’t think that’s allowed anymore. She pointed out a part of the development agreement and said she interprets it as saying that residential units can’t be transferred out to Hanover Park because the PUDs’ density is locked in.

Commissioner Dechovitz said he didn’t see the concerning language on stormwater Commissioner Hicks had referenced. Commissioner Hicks said he meant he wanted the stormwater reviewed. The language he was concerned with was not in the development agreement but was Mr. Ahern’s concern. A change to the development agreement is “nightmarish,” he said. Commissioner Dechovitz said he was encouraged by the wording of the documents, and although there were changes to setbacks, etc., that is part of negotiation and there’s a substantial agreement to abide by best practices available at the time of the development work, and to protect the environment in a manner consistent with best practices.

David Tedder said the language referred to is “will comply to the best extent practical.” The language came from the Greenheath county agreement of November 2010 “to create standards when one size doesn’t fit all.” The only change was that the word “county” was changed to “city.”

There was no public comment.

Commissioner Crower commented “on the scale of this.” If it were new, he said, he might have the same concerns, but in three of the four, the density is now lower than originally proposed. Chairman DeVito said they would need to make four separate motions for each of the PUDs.

Commissioner Dechovitz made a motion, second by Commissioner Crower, to approve the Airport Junction PUD. The motion passed unanimously.

City of Beaufort – Revising the Cane Island Retreat Planned Unit Development to reduce density and revise the master plan. The property is identified as R123, Tax Map 20, Parcels 1 and 19, and R123, Tax Map 21, Parcels 1 and 4.

Commissioner Crower made a motion, second by Commissioner Dechovitz, that the Cane Island Retreat PUD be approved. The motion passed unanimously.

City of Beaufort – Revising the Upper Cane Island Planned Unit Development to reduce density and revise the master plan. The property is identified as R123, Tax Map 18, Parcels 76 and 320.

Commissioner Dechovitz made a motion, second by Commissioner Crower, to approve the Upper Cane Island PUD. The motion passed unanimously.

City of Beaufort – Revising the Hanover Park Planned Unit Development to change design and development standards. The property is identified as R123, Tax Map 29, Parcels 103, 104D, 215, 475, and 476.

Commissioner Crower made a motion, second by Commissioner Dechovitz, to approve the Hanover Park PUD. The motion passed unanimously.

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson said council had had second reading on the rezoning of the property owned by the Housing Authority and second reading on the Stokes Honda property.

Ms. Anderson said that 14 properties in the Bladen Street redevelopment area were recommended for rezoning, and they're being rezoned in phases; 2 recently were rezoned. There is just one still outstanding.

She said that the following night, city council would consider an idea to combine the two design review boards: DRB and HDRB. There are vacancies on both boards now. This would be a good time to do it in terms of the need to fill positions on the boards; also, because of the economy, the work for the boards has dropped off. Form-based code will also reduce the work that comes to the boards. If city council decides to study this more, it would come through to the commission as a text amendment.

DISCUSSION

Commissioner Hicks said the Northern Regional Plan meeting will be Friday and asked the planning commission members if the joint planners should look at projects, identifying projects of impact on the total growth area. This one discussed earlier may have been an anomaly, but when they discuss industrial parks, etc. that will affect a growth area, they should be reviewed at least by stormwater and traffic. Commissioner Semmler said he thinks by combining sometimes non-contiguous properties "Pandora's box has been opened," and they'll "be seeing a lot more of this."

Commissioner Dechovitz said the Office of Civic Investment says that form-based code will reduce the PUDs in the future which will allow less flexibility to negotiate standards different than the city's standards. He understands Commissioner Semmler's concern, but hopes that "the planners' vision will arrest this somewhat." If it were done again, he thinks Commissioner Hicks's comments are appropriate and had they known them ahead of time, the city might have had a better outcome. Chairman DeVito said if there are comments on projects similar to those which Commissioner Hicks shared from Mr. Ahern, they should be brought to the commission for their consideration.

REVIEW OF COMMISSION MEETING MINUTES OF MAY 16, 2011

Commissioner Crower pointed out that the commission was referred to in the minutes with the acronym JMPC (Joint Municipal Planning Commission) when it is now called the MPC (Metro

Planning Commission). **Commissioner Hicks made a motion to approve the minutes as amended. Commissioner Semmler seconded the motion. The motion passed unanimously.**

There being no further business to come before the commission, **Commissioner Dechovitz made a motion to adjourn, second by Commissioner Crower. The motion passed unanimously,** and the meeting was adjourned at 7:04 p.m.