

MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS
May 21, 2013, 5:30 P.M.
City Hall Council Chambers – 1911 Boundary Street
Beaufort, South Carolina

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.”

Members Present

Brad Hill, Chairman
Don Starkey, Vice-Chairman
Rod Mattingly
Eric Powell
Tim Wood

Staff Present

Libby Anderson, Planning Director
Julie A. Bachety, Recorder

FREEDOM OF INFORMATION ACT COMPLIANCE Public Notification of the Zoning Board of Appeals meeting has been published in compliance with the *Freedom of Information Act* requirements.

Chairman Hill led the Pledge of Allegiance and called the meeting to order at 5:37 p.m. He read the Freedom of Information Act.

MINUTES

Mr. Powell made a motion, seconded by Mr. Wood, to accept the minutes of the April 22, 2013 meeting as submitted. The motion passed unanimously.

REVIEW OF PROJECTS

1499 Salem Road, identified as District 122, Tax Map 29, Parcel 172

Variance for Limit on Impervious Surface

Applicant: Publix Supermarkets, Inc. (ZB13-07)

The applicant is requesting a variance of Section 6.6.C.5 of the Unified Development Ordinance (UDO) to permit the site to have 67.4% impervious surface.

Ms. Anderson said the property is located at 2 Inlet Road on Lady’s Island and is zoned General Commercial. The property is currently undeveloped. A Publix Supermarket is proposed for the site. The project was given final approval by the Design Review Board (DRB) in December of

2012. According to the applicant's calculations, the total site area is 320,404 square feet. The applicant has proposed a total of 215,796 square feet of impervious surface (building, paving, and sidewalk), which is 67.4% impervious surface. An additional 7,533 square feet of impervious surface (2.4%) is requested over what is permitted. Ms. Anderson noted that maintaining pervious surfaces does not mean the loss of parking or drive isles. There are currently products on the market such as pervious asphalt and pervious concrete that provide the solid surface the developer may desire, but that also provide stormwater infiltration required by the ordinance. The drawbacks to these products are cost and maintenance.

The public hearing notice referencing this application appeared in the May 6 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on May 7. The property was posted on May 7. To date, staff has received no public comments on this application.

Ms. Anderson went over the six required findings that the Board must approve in order to grant the applicant's variance request. Staff recommends that the application be denied, as all findings necessary to approve the variance do not appear to be met.

Mr. Starkey asked why the DRB passed this. Ms. Anderson said an email was circulated. This was not addressed by the DRB because sometimes it's assumed that staff will handle these issues. Mr. Hill asked who provided the numbers. Ms. Andersons said the Engineer.

Dave Mattson of Paradise Ventures was present. He said they tried buying the storage warehouse property from Mr. Gray; he said we could lease it, but halfway through the DRB process, he changed his mind. It's not a monetary issue but when Mr. Gray changed his mind, that's what caused us to be where we are today regarding the impervious surface. He spoke about the issues of the "slip" road. He said the pervious surface is chunky, and car tires will get stuck in it and it will crack and cause trip hazards. It's not a maintenance issue but more of a lawsuit issue. He said everything else such as the building, landscaping, etc., has been addressed with DRB.

Mr. Wood asked if all the shaded areas on the drawings were Publix's responsibility. Mr. Mattson said yes. The parking lot area behind Steamers is existing. He showed the portion for Publix's calculations on his set of plans. Some of the county's parcels are on these plans, but they are not included in Publix's calculations because they are "county" parcels. Mr. Hill asked if Ms. Anderson concurs with the city vs. the county calculations. She said Lauren Kelly felt this is the case. Mr. Mattson said he used CAD and the calculations are right on. Mr. Hill asked if the area he mentioned early that is 9 x 10 counted. Mr. Mattson said no he didn't. Mr. Starkey referred to the pervious surface material at Southside Park for trails and paths and is ADA approved. Mr. Mattson said he is not aware of this product. Mr. Hill said the slip road is what the city wants but not Publix's. It seems there would be very little foot traffic and an opportunity for more square footage. Ms. Anderson referred to information that talks about the strength and duration and textures of pervious concrete.

There was no public comment.

Mr. Starkey asked if there are any other areas the applicant can recommend that are impervious. Mr. Hill looked at the plan and referred to behind the Sherman Williams building and the access all around this building. Mr. Wood asked if this part of their calculations? Mr. Hill said according to their plan it is. Mr. Hill talked about the egress and ingress toward the gas station was this included? Mr. Mattson said no it's county. Mr. Hill said there are many planting islands and maybe took out the skinny island with the Magnolia tree to save it and gain some more pervious space. Do we want to encourage the applicant to look at expanding the planting isles? He wondered why the engineer didn't suggest this. The pharmacy drive-thru might be an area to gain more pervious surface. Mr. Starkey agreed with Mr. Hill and said there has to be places we can save. Mr. Hill referred to the county and their requirements for "rain gardens" and asked if this is a provision for the city? Ms. Anderson said no. Mr. Mattson referred to the Publix's in Florida and said they have the pervious surface and it does crack and have been sued at some locations in Florida. Mr. Wood sees so much impervious everywhere for example the top half of the parking lot. Mr. Mattson felt he was not asking for a lot percentage wise. Mr. Mattson said Publix just doesn't want anymore lawsuits.

Mr. Hill said we have to meet the findings and he referred to #1. He also referred to the applicant's application, #1 where it says, "The site is much smaller than a typical site of this scale". Mr. Mattson said I understand we are squeezing a lot on this property. Mr. Hill referred to the 3rd finding and feels this is caused by the applicant and not the site. Mr. Starkey said he feels this does not meet our requirements and this should have been known about before now. Mr. Wood doesn't understand why it's a hardship for the applicant. Mr. Wood said regarding Florida there has to be a solution. Mr. Starkey asked if the applicant is trying to replace a space that was already 90% pervious. Mr. Hill said we could table your request to give you a chance to address these issues.

Mr. Hill said he understands he has to keep Publix's happy but the City needs to be happy as well. Mr. Mattson said he appreciates the chance to come back with some more information from Publix. I can also look at the pharmacy drive-thru area. Mr. Hill said maybe the pathways don't have to be full concrete. Mr. Mattson said he wants to avoid this area because he feels a lot of people will be walking on them. Mr. Hill encouraged him not to be afraid to lose a few spaces.

Mr. Starkey made a motion that all of the findings are not met and we recommend that the variance request be denied. After further discussion, Mr. Starkey revised to state that the Board is tabling the findings so that the applicant can come back to the Board to present the recommendations showing that he can get within the requirements that there is room for that to occur. He also recommended that the applicant find other types of pavements. Mr. Wood seconded the motion. The motion passed unanimously.

DISCUSSION: UPDATE ON FORM-BASED CODE COMMITTEE

Mr. Starkey briefly spoke about the Form-Based Code Committee process. Ms. Anderson also spoke about the process and why it so slow.

Ms. Anderson said there will be a meeting next month.

ADJOURNMENT

There being no further business to come before the Board, Chairman Hill adjourned the meeting at 6:45 p.m.