

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **May 20, 2019 at 5:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Bill Harris; Commissioners Robert Semmler, Judy Alling, Mike Tomy, and Jim Crower; Linda Bridges, Town of Port Royal planning, and Rob Merchant, Beaufort County planning. Commissioner Caroline Fermin 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.

Chairman Harris 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 Alling, to approve the minutes of the April 15, 2019 MPC meeting. Commissioner Semmler abstained from voting because he was not present at the meeting. Commissioner Crower said on page 2, in the third paragraph, “structed” should be “structured”; in the motion on page 2, “except” should be “accept.” **The motion to approve the minutes as amended was approved 4-0.**

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

REZONING REQUEST for District 110, Map 8, Parcels 665, 666, 667, and 365B – This is an undeveloped property at 2815 Smilax Ave. The current zoning is T3-Suburban (S); the requested zoning is T4-Neighborhood Center Open (NCO).

Applicant: 303 Associates, owners: Erin & Marsha Peets

Ms. Bridges said **Erin and Marsha Peets** are still listed as the owners, but 303 Associates is requesting the rezoning in anticipation of purchasing the property.

Ms. Bridges showed the property, which is comprised of several parcels, on a map, pointing out that it is adjacent to the Spanish Moss Trail. She showed the town’s zoning map and said the parcels are undeveloped and are currently zoned T3-S, for which she read the definition. She pointed out the zoning of adjacent parcels, including T4-NCO south of the property. North of the property is outside of the Town of Port Royal and in the City of Beaufort, Ms. Bridges said.

The proposed zoning is T4-NCO, Ms. Bridges said, and she read about this zoning. She showed the relevant portion of the Future Land Use map, where the property is shown to be in the Controlled Growth Sector (G-2), “Walkable Neighborhood.” T4-NCO is compatible in density with what is envisioned in the Controlled Growth Sector, she said. This is likely to be residential development, and T4-NCO is “not 100% copacetic with the idea of the walkable neighborhood,” Ms. Bridges said, as the allowed uses might be “a little more intense.”

The unique size and location of the property – further back in the neighborhood, not right on the arterial – would be a factor in what could be asked for or developed on this property, Ms. Bridges said. Property zoned T4-NCO is contiguous to this property.

Ms. Bridges noted that there are dynamics other than zoning that are relevant to developing property, e.g., design standards. 303 Associates desires to build townhouses on this property, she said. There are no environmental or service delivery issues.

Public notification of the request for rezoning was made, and Ms. Bridges said she has received some input from the public.

Ms. Bridges said staff “doesn’t recommend,” but in the staff report, she said, she pointed out that she feels the application “has every reason to move forward.”

Commissioner Alling asked what Ms. Bridges meant by the allowed uses in T4-NCO being “a little bit more intense.” Ms. Bridges pointed out the graphic of the “continuum” in the Future Land Use map, pointing out that T4-NCO “falls exactly on the money [of] the Controlled Growth Sector,” so this zoning “feels okay.” The current zoning doesn’t allow townhouses, she told Commissioner Alling. Commissioner Alling asked how tall the townhouses could be, and Ms. Bridges said they could be 2½ stories.

Ms. Bridges said “mansion apartment” building types would also be allowed with the zoning change.

“You can currently drive down the end of Smilax and get to this property,” Ms. Bridges said.

Commissioner Tomy said there seems to be no access unless there are easements, so any of the parcels could be “landlocked.” He asked if there is an easement. Ms. Bridges said, “We haven’t discovered it yet.” That one of the parcels is designated “365B” tells her it was probably subdivided 30 years ago. “How to get to the property has always been a question mark,” she said.

Ms. Bridges said this piece of property has never been developed, probably in part because of the access issue. Commissioner Tomy said the MPC is being asked to approve rezoning a property that has a part that has no access. Ms. Bridges said it’s valid to discuss *rezoning* in the absence of access, but not to discuss *development* without full access.

Dick Stewart, 303 Associates, said there are 4 separate lots here, with 4 separate accesses to Smilax Avenue. He pointed out which parcels 303 Associates owns. His intent is “to donate property on our side” for access if the application for rezoning is approved.

Mr. Stewart said he can't say what the stormwater requirements will be because they don't know the density, but they want to see "a big, healthier stormwater pond" or store stormwater underground. There are 800' of frontage on Spanish Moss Trail, he said.

Mr. Stewart said his idea is to build workforce housing on this property, which requires making the housing affordable by various means. 303 Associates will bring sewer to the property, he said. There will be a green area for residents to be outside and trees buffering the neighborhood, Mr. Stewart said. 303 Associates would agree to "sign something" that says the property would never have commercial on it.

Mr. Stewart said he foresees the townhouses being 2 stories.

Commissioner Tomy asked if Mr. Stewart was saying there would be a landscape buffer between the townhouses and the trail; Mr. Stewart said it would be in the back, where the parking is, to buffer the adjacent neighborhood.

Mr. Stewart said the right-of-way is 100' all the way to Ribaut Road. Commissioner Tomy said he's concerned the Spanish Moss Trail would lose "the import of the natural environment by having hard architecture right up against it." He would like to see architecture or a buffer "that works with the Spanish Moss Trail, so it doesn't look like a wall with some windows on it." Mr. Stewart said they haven't explored design yet, but "we certainly would not do" what Commissioner Tomy suggested he didn't want to see. He doesn't want to commit to anything yet, because "there may be setbacks and stuff we haven't explored yet," for example, but he anticipates there might be "steps coming out" onto the trail, and "perhaps a landing, with some landscaped area to it."

Commissioner Tomy said if Mr. Stewart were "willing to stipulate" for the record that 303 Associates is the developer of all 4 properties and will only build 2-story townhomes there, he would be willing to support that.

Chairman Harris said the commission knows that there needs to be design and engineering done, and that is beyond the MPC's purview. The idea of a buffer between 303 Associates' use and the neighborhood is a good one, he feels, but there's no guarantee that Mr. Stewart would be held to any MPC's recommendation or even that he develops the property.

Commissioner Alling asked how many townhouses Mr. Stewart thinks "you can put in there." Mr. Stewart said he doesn't know. Surveying is being done; he wanted to ask the town what it would like to see there while this and other preliminary work is being done. 303 Associates is asking to do what they think "makes perfect sense for that property," he said, and they'd like to see the Spanish Moss Trail have "a lot more activity than it has today."

Commissioner Tomy said access would be more problematic if the parcels are separate properties.

Kristine Brady, 14 Ridenour Place, said she was “an original owner,” and she moved into the neighborhood because it was quiet and for the safety of their children, but the townhouse development would “eliminate that.” She feels it will make the Spanish Moss Trail worse, not better. Ms. Brady has lived at this location for 30 years and her home was never robbed until the Spanish Moss Trail came in; since then, “more and more of us have had our houses robbed,” she said, because the trail allows criminals to “scope out” properties along it to target.

Ms. Brady also thinks there will not be room for emergency vehicles to turn around if this property is developed, and trees that have been there for 30 years will be destroyed, as will the wildlife that lives there.

Aulton Kohn, 104 Ridenour Place, also feels that townhouses would “ruin” everything for which he bought his property.

Steve Weatherford, 6 Ridenour Place, asked about commercial activity with the rezoning. Ms. Bridges said there is a list of commercial activities that could be allowed. Mr. Weatherford feels this development would “take away a lot.”

Darryl Owens, 24 Ridenour Place, said his neighbors are concerned about the height of the units, which they believe will create “an invasion of their privacy,” and about additional traffic. He said he’s concerned about “the alignment of the” Spanish Moss Trail and “protecting that access,” so people are not walking in the road. He asked how the developer would “protect the foot traffic” and cyclists.

Commissioner Semmler said Mr. Owens is on the town council, and it’s inappropriate for him to speak before the MPC when this application has not yet come to council. Mr. Owens said he is not speaking for or against the application but about the concerns his neighbors have expressed.

Mr. Stewart said the markings on the trees do not mean they are all coming down.

Mr. Stewart said the timing of the Spanish Moss Trail crossing Ribaut Road is unknown, and what will happen with the port is, too. In regard to traffic at Ribaut Road and Edinburgh Avenue, 303 Associates donated a portion of property, which he indicated, and put in 3 turning lanes to get traffic into the port. The Smilax Avenue/Spanish Moss Trail connection, he said, would need to be a paved 2-lane road, with a way to get people off the Spanish Moss Trail and not into traffic. Mr. Stewart indicated what he has said he would be willing to pay for. 303 Associates has “a long history of providing multiple access points” for their projects, and they would do the same thing in the Ribaut Road area.

Dean Fleming, 101 Ridenour Place, said all of the stormwater “comes past my house” to drain into the drain there, and he’s concerned that with development, the amount of stormwater would “get deeper.” He and his neighbors who have spoken at this meeting “have lived here for years,” he said.

William Brady, 14 Ridenour Place, said his backyard is “right up against where they want to put in these townhomes.” He asked about traffic coming across a small portion of the Spanish Moss Trail. From his backyard to the trail “is not very deep,” and he said Mr. Stewart has said “they have to have an 800’ buffer.” Hurricanes and a property owner have taken out a lot of trees, Mr. Brady said, and he doesn’t believe 303 Associates will replace those remaining trees when they are taken out.

Wanda Weatherford, 6 Ridenour Place, asked what barrier Mr. Stewart would “put behind our home.”

There was no further public comment.

Commissioner Semmler said when the Spanish Moss Trail was first envisioned, he asked at the MPC and the Beaufort County Planning Commission that there be a discussion of some type of zoning on the trail. He feels it hasn’t been “controlled correctly.” The commission can’t discuss future development, but they know the Spanish Moss Trail is there, he said, and that there’s a plan to connect the Spanish Moss Trail to the port.

Commissioner Semmler said it’s “all wooded” where this property is. Those who live there have been protected by the woods because no one has built there, but “it’s going to get developed.” He has heard about the robberies along the Spanish Moss Trail, and stopping that will require “more police protection.” Commissioner Semmler feels having a row of townhouses along the trail would offer the existing residents more protection than they have now.

Commissioner Semmler feels “we’ve got to go forward,” and the trail “is inviting new development.” He wishes the planning departments had “come up with some kind of Spanish Moss Trail zoning” or an overlay district.

Chairman Harris said he “mostly” agrees with what’s been said, but “the part that’s the wrestle is the people part,” as in the residents and their concerns. He said there could be 2-story single-family houses on this property; he’s not sure that would have less impact than townhouses.

Commissioner Tomy said he’s “all for protecting people as much as you can,” but after many years on planning commissions, he knows development “will happen and has to happen.” He said if he could make a motion on this it might move to that zoning but only allow 2-story townhouses and not commercial development, while also limiting the

timeframe. He is not sure he can do that on this board. Chairman Harris said the MPC makes a recommendation to Port Royal Town Council, and they could make that recommendation with these conditions. Commissioner Semmler said he wouldn't put conditions on a motion, but they could "add our concerns," and the town council could make the conditions.

Chairman Harris said if this develops as townhouses, they would be near the trail. He asked if there are "any rules for buffer between single-family and townhouses." Ms. Bridges said the guarantee for single-family residences on the east would be the buffer, and that's where the buffer requirements would be. The west side would be "the amenities side," she said.

Commissioner Crower said he thinks the commission sees "this is moving toward development, and I think it needs to be developed." He could go along with Commissioner Tomy on a "reservation for concerns that we have that we can pass on to the town council," which he feels is "really the place to discuss details" of "relations with the neighbors." Commissioner Crower said the MPC's recommendation goes to the Port Royal Town Council, which will hold public hearings that the public can attend to voice their concerns, "and they are the ones that will make the decision."

Commissioner Semmler made a motion to recommend approval of the zoning request, with the attachment of the MPC's concerns.

Commissioner Tomy said he would like the rezoning to be limited to 3 years, with the property restricted to development according to the concerns the MPC expresses. Commissioner Semmler said the motion on the floor is for approval of the rezoning "with concerns," but that doesn't include limiting the length of the rezoning. Commissioner Tomy said the "concerns that have to be addressed" would be limiting the development to 2-story townhouses on the property, and consolidating the 4 parcels into one parcel. Commissioner Semmler said he believes the 2½-story limit is in the town's development code, with the ½-story being an attic. As for consolidation, he said, by right, the owner/developer can "do what he wants" as far as laying out the property, working out the design with Port Royal's design review team.

Commissioner Alling said she doesn't believe the development could be restricted to townhouses, since "the zoning change allows many different things." The commission "could express our concerns," she said, "but that's really all we can do."

Ms. Bridges said the tools Commissioner Tomy is accustomed to using on planning commissions in other communities "are not available to us in this situation," but she "has carried concerns every time" the MPC has them to town council.

Chairman Harris said the big push is for sensitivity to the neighbors, so they could recommend that the buildings should be no more than 2 stories and that there would

be no other uses besides townhouses. Commissioner Tomy said there is also a concern that this property should be developed as a single parcel, rather than as 4 separate parcels.

Mr. Stewart said he'd be happy to put a 20-year deed restriction on this property. Ms. Bridges told Commissioner Semmler she could "take this forward," including the MPC's recommendation that the development would be 2-story townhouses, and that the lots would be combined.

Commissioner Crowder seconded the motion. The motion passed unanimously.

REVIEW OF PROJECTS FOR BEAUFORT COUNTY

PROPOSED PORT ROYAL ISLAND ZONING MAP AMENDMENT/REZONING REQUEST for 6 acres at 19 Covenant Drive (R100 024 000 078C 0000) – The current zoning is S1-Industrial; the requested zoning is T2-Rural.

Owner/applicant: Edward Dean Williams

Rob Merchant said this property is in Burton, "just west of the Air Station." There has been a recent subdivision of a 6-acre parcel, and the owner would like to build a house there, where his business is, but S1-Industrial will not allow a private residence.

This property was originally zoned Light Industrial, Mr. Merchant said; a portion of it has an 8,000 square foot metal frame building on it. In 2006, a church bought the property, so the owner requested it be zoned Rural with Transitional Overlay, since churches are not permitted in Light Industrial zoning, he said. In 2017, the church had closed up, and the new owner changed the zoning to S1-Industrial to locate a cabinet shop in the building, Mr. Merchant said. The current owner has subdivided the property and would like the western half to be downzoned to T2-Rural, so he can build a single-family residence on it.

Mr. Merchant said new houses "really aren't compatible" with the current zoning, and there would be no adverse effects to downzoning it. Staff supports this change, he said, because it's necessary for the owner to build the house.

Commissioner Semmler said this marks the third time this property has been before the MPC. The road there is abandoned, he said, and the property is in the AICUZ. Mr. Merchant said yes, "in the least impactful noise zone."

Commissioner Semmler said this is a good area for light industrial, and Mr. Williams can "walk out [his] back door and be at work."

Mr. Williams said he purchased this property in 2017 after "searching high and low" for a property that is "conducive to cabinet-making." He described upgrades he's made to the property for his business and said he "came to fall in love with the area." He's

granted an unlimited easement to BJWSA on the road, and he described upgrades he has made to water and sewer service.

There was no public comment. **Commissioner Alling made a motion to recommend approval of the rezoning of this property. Commissioner Crower seconded. The motion passed unanimously.** Commissioner Semmler said on June 3, this would go to the Beaufort County Planning Commission.

Commissioner Semmler said a vote was taken at the March 18 MPC meeting, and he had been “adamant” that commissioners “didn’t need to have a second vote,” but he was wrong. He checked with the county attorney, who told him that “the way the vote came out the first time, we didn’t have any recommendation that could go forward to” a council. “You have to have a second vote in order for the Metropolitan Planning Commission to have a voice,” he said. “A second vote is required in order for a recommendation to go forward,” so Commissioner Tomy “was absolutely right,” Commissioner Semmler said, and he was wrong, but from now on, they can do it correctly.

Commissioner Semmler said he was not present at the April 15 MPC meeting, but he saw in the minutes that the commissioners had voted on an annexation and rezoning request in one motion, and he suggested such votes should be done in 2 motions – one for each request – because of potential issues for councils when they get the MPC’s recommendations. Commissioner Tomy described why the commissioners “pushed it on through” in the application that Commissioner Semmler was referring to. Commissioner Semmler said, in his opinion, the matter “came out correctly,” but he feels “we should do two votes.”

There being no further business to come before the commission, **Commissioner Crower made a motion to adjourn**, and the meeting ended at 6:53 p.m.