

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **June 17, 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, Caroline Fermin, and Jim Crower; Ken Meola, City of Beaufort codes enforcement, and David Prichard, City of Beaufort planning director.

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 Fermin, to approve the minutes of the May 20, 2019 MPC meeting. The motion to approve the minutes as submitted was approved unanimously.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

**MAJOR SUBDIVISION APPLICATION – 226 & 242 ROBERT SMALLS PARKWAY –
Subdividing and developing 6 acres as a commercial subdivision, including new streets**
Applicant: Rett Bullard, PE

Ken Meola said the property is dual zoned as T5-UC (Urban Corridor)/RMX (Regional Mixed-Use), which allows flexibility in the properties' development.

This project was conceptually approved as a *minor* subdivision on November 7, 2018, Mr. Meola said. Because of the addition of a street from Robert Smalls Parkway to the subdivision, it is designated as a *major* subdivision, which requires approval by the MPC.

Staff review finds the submitted sketch plan is consistent with the Beaufort Code, Mr. Meola said. Water and sewer will extend from existing mains located along Robert Smalls Parkway, he said; permits from BJWSA will be required. Access from Robert Smalls Parkway is proposed to comply with current SCDOT standards, and permits from SCDOT will be required.

Mr. Meola said DHEC had approved the "Stormwater Pollution Prevention Plan" on March 19, 2019.

If the MPC finds this application to be compliant, Mr. Meola said, "the applicant will submit a site plan" for review "for compliance with the sketch plan" that the MPC reviewed, including any conditions the MPC required.

Commissioner Tomy asked the distance from the proposed roadway to Old Jericho

Road. Mr. Meola said this is not the property “right at the corner of Jericho and Robert Smalls” Parkway; it’s “the next set of properties, down past the liquor store, as you’re heading toward Boundary Street.”

Commissioner Tomy said it “looks like a flagged lot,” but he asked if it’s “a secondary street access.” Mr. Meola said the flagged portion is on Jericho Road, and there have been discussions about also “granting access from that road onto the property,” but the developer could speak to that. Commissioner Tomy said, “Based on the code, they can’t be developed [as] anything other than a right-of-way,” and Mr. Meola said staff’s review of the code doesn’t necessarily require the applicant to have an access point on Jericho Road, though they “would encourage that,” but access from Robert Smalls Parkway “to those lots that are adjacent to it” is what’s being proposed. Commissioner Tomy said yes, but he was asking about developing it as anything “other than an access road,” which couldn’t be done there, “according to our code.” Mr. Meola said that’s correct; the “flagged portion would be access-only.” There’s not adequate “space to do anything other than that,” he said.

Commissioner Tomy said the front setback is 50’, according to the code. Mr. Meola said they looked at the lot size and configuration to make sure the applicant complied with the code. In RMX zoning, the minimum lot width is 60’, minimum lot size is 6,000 square feet, and “the front setback would be a 10’ minimum for the principal building placement on Robert Smalls” Parkway, and a 60’ maximum, he said. In T5-UC zoning, he said the front setbacks are approximately 15’ maximum.

Mr. Meola said this property is not being rezoned; it’s before the commission for approval of it as a major subdivision because of the addition of the road to the property.

Chairman Harris asked if the street section is part of the approval the applicant is seeking, or if that is looked at by “someone more technical.” Mr. Meola said that would be looked at it technically once the subdivision is approved.

Commissioner Tomy said he has concern about the building setback on Highway 170; “that is very close to a major highway.” Mr. Meola said there are also BJWSA easements that need to be considered, so those would be looked at. There will be appropriate buffers, he said, and those reviews would happen if the subdivision were approved.

Rett Bullard, Carolina Engineering Consultants, said he is the engineer of record. The sewer main “runs along the front of the property,” and they will give BJWSA “a 15’ easement off that sewer main, so it will set the building back a little further than 10’,” he said. They are looking into options with “the road tie-in at the top” (e.g., building a road all the way around the development), Mr. Bullard said. They “decided to end those roads where you see them” in the sketch, so “future tie-ins” are “readily available to the neighboring lots,” and it “can easily tie in at the top as needed,” he said.

Commissioner Alling said she felt the information that's been provided "is quite extensive."

Chairman Harris said the design of the street is what he is curious about, but that comes later.

Commissioner Semmler said he wants to know where the road coming off Highway 170 is going. He asked why there's no connection "somewhere else." Mr. Bullard said that road would be tied in with future development in the area. Building a road around the development would "pretty much bury the project," he said. They are trying to develop the frontage and get it started, and they will tie the roads in as they can. Commissioner Alling asked if it is an access road, and Mr. Bullard said they "would call it an access drive." It meets city codes for the sidewalks, he said, and they have a DOT encroachment permit for the project.

Commissioner Semmler said Navy Federal Credit Union and the new auto mall are across Robert Smalls Parkway from this property. He asked if it would be "balanced" or "right up against the road." He has "some concerns about a road" there "ending nowhere" in the subdivision. Mr. Bullard clarified that it is a commercial subdivision, and Chairman Harris said no residential development is going in there; putting in the road before parcels are in is meant to make it more attractive to tenants. Mr. Bullard said the "main thing that drove our layout" was the city's desire to have "buildings up on the road and parking behind them."

A 10' setback is like the one at Outback on Boundary Street, and a 50' setback is more like KFC or Taco Bell have on Robert Smalls Parkway, Chairman Harris said.

Mr. Bullard said they don't know yet what will be built on the subdivision's parcels. His client has the southwest parcel lined up for a car wash, but other than that, they will have to come before the DRB to get the other parcels approved.

The existing pond in the center of the property has a pipe to lagoon B, Mr. Bullard said, so they are trying to use the space the best way they can and keep it visually attractive.

Commissioner Tomy said this zoning allows for a number of possible uses, and one is a recreational vehicle park, so he asked if the developer is contemplating that. Mr. Bullard said he doesn't know of the developer contemplating that, and he thinks it "would be a shame" if it happened, but he isn't able to say that it never would.

Commissioner Fermin made a motion to recommend approval of the proposal to subdivide the 6-acre tract as a commercial subdivision. Commissioner Alling seconded. The motion passed 4-1, Commissioner Semmler opposed.

UPDATE OF COUNCIL ACTIONS

Mr. Prichard said city planning staff has contracted with Lowcountry Council of Governments for help on some elements of the Comprehensive Plan update, and it's moving forward. Also, someone came to city council with an amendment to the sign ordinance for non-conforming signs, he said, so staff is in the process of crafting language about that, so the MPC should see that sometime this summer.

DISCUSSION: FIRE IMPACT FEE PROCESS

Chairman Harris said there were questions about the MPC's role in the fire impact fee process. Mr. Prichard got the state statute from Fire Chief **Reece Bertholf** and discussed the relevant section, which members of the commission said they had: State statute #6-1-950, "Procedure for adoption of ordinance imposing impact fees."

Chief Bertholf introduced Deputy Chief of Administration **John Robinson** and Deputy Chief of Operations **Tim Ogden**, whom he said would be working with him on this.

Chief Bertholf said the state laid out the processes for conducting business with clear guidelines for developing a fire impact fee. There are many reasons to have impact fees, he said. The MPC has probably not been through this process, he said, because most impact fees in force today were handled in 1999 by the county Planning Commission. The municipalities and the fire districts each have to have their own impact fees, he said.

Chief Bertholf said when the fire impact fee came to the Beaufort and Town of Port Royal planning commissions in 2009, it was approved, but the city and town councils did not approve it, and no one recalls why.

Chief Bertholf said they need to review the development impact fee law, which the commissioners have. The city and town are not undertaking a broader impact fee study, just for fire. They need to re-address the 7-month old timeframe, he said; "the processes are outdated."

Commissioner Semmler asked if the resolution is still applicable, and Chief Bertholf said that's not up to him. Commissioner Semmler said city and town councils gave the MPC a 45-day deadline to conduct a study and make a recommendation, and that was 7 months ago. Commissioner Fermin read that part of the resolution. Chief Bertholf said he would do as directed and would go back and ask the councils if that's what they're directing.

Chairman Harris said this "seems a little sketchy." Commissioner Semmler said the commissioners could proceed with what they have to do, but he thinks the councils should show the MPC the respect of having the resolution "be current and correct."

Commissioner Crower said both resolutions say this was to begin the process for the

adoption of an ordinance, and he presumes the fire chief has been working on this for a while, so the process has begun, though it might not have been started within 45 days of the resolution passing. Commissioner Crower said he reads the resolution as saying that there are 45 days to “begin the process for adoption of the ordinance.” Commissioner Semmler said that’s “semantics.” Commissioner Crower suggested that future resolutions shouldn’t have a deadline on them.

Commissioner Fermin said that by July 15, the MPC is to review the Capital Improvement Plan, the Fire Impact Study, and a draft ordinance. Chief Bertholf said yes, they will have that for the commissioners, and they’d like to have a work session to discuss these materials. He described reasons for previous delays and said they are now well-prepared to have the work session by July 15.

Commissioner Fermin said she’s a volunteer on the MPC, but she works full-time, so that timeline is difficult, “especially in the summer when people have other plans.” Commissioner Alling said she’s not available on July 15.

Commissioner Fermin said the MPC “bent over backwards to accommodate the city” on the Beaufort Code review, and she “missed hours and hours of work.” Chairman Harris said he doesn’t know that Chief Bertholf can help with these issues. Commissioner Fermin said she wanted to present the problems to establish “a baseline of understanding.”

Chief Bertholf said everyone has the same issues, and they took this path to understand the issue together, but they could prepare the material so the commissioners could review it on their own. He understands their situation, which is similar to what “we went through ourselves in December.”

Commissioner Semmler said they might not be able to get together for two hours every day, but they could comment via technology online. They could provide comments, and that might facilitate what they want to do. Chairman Harris said that’s better for him: to see a draft and have a framework to work with that everyone can review.

Chairman Harris said **Lauren Kelly** used to use software to find a time that worked for a group. Mr. Prichard said staff might have to buy that software, but they’ll make it work.

Commissioner Semmler said the county’s Planning Commission has a work session for a half-hour before the regular session that the public is invited to, and that might work for this MPC meeting. Commissioners could review the material before the work session and have a dialogue and ask questions about it online, then meet for a half-hour before the regular meeting. Chairman Harris suggested they might need an hour.

Commissioner Tomy said he agrees with that and thinks it’s a good process to ensure “more open communication.”

Mr. Prichard said they could meet in the planning conference room. There was discussion about the possibility that there might not be a quorum because Commissioner Crower, Commissioner Semmler, and Commissioner Alling wouldn't be in town for that meeting.

Mr. Prichard said he'd put out an ad that there would be a work session at 4:30 p.m. before the scheduled MPC meeting on July 15, and it would be open to the public.

Commissioner Fermin said she thinks there should be a separate work session that the commissioners could all attend. There was a discussion about whether there would be an MPC meeting at all because of the lack of a quorum. Chairman Harris clarified that staff would cancel the regular MPC meeting. He said that the sooner Chief Bertholf can share what he has, the better. There was then a discussion about when to have a special meeting before the August 19 meeting to discuss fire impact fees.

The special work session will be July 29 at 4:30 p.m. in the planning conference room.

There being no further business to come before the commission, **Commissioner Fermin made a motion to adjourn**, and the meeting ended at 6:25 p.m.