

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902
Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, February 18, 5:30 P.M.

Council Chambers, Beaufort City Hall, 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 Commission Meeting Minutes:
 - A. December 17, 2018 Meeting
- IV. Questions Relating to Military Operations
- V. Review of Projects for the City of Beaufort:
 - A. City of Beaufort – Zoning Ordinance Text Amendment. Amendment is to revise Section 9.12.1.B pertaining to administrative adjustment of numerical standard for redevelopment or infill. Applicant: City of Beaufort
 - B. City of Beaufort – Zoning Ordinance Text Amendment. Amendment is to revise Section 3.7.2.B.1.d pertaining to the number of menu or order boards allowed at drive-thru facilities. Applicant: City of Beaufort
 - C. Update of Council Actions
- VI. Review of Projects for the Town of Port Royal:
 - A. No Projects.
- VII. Review of Projects for Beaufort County:
 - A. No Projects.
- IX. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011 for additional information.

A meeting of the Beaufort-Port Royal **Metropolitan Planning Commission (MPC)** was held on **December 17, 2018 at 5:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Bill Harris, Commissioners Robert Semmler, Judy Alling, Caroline Fermin, Mike Tomy, and Jim Crower, and Rob Merchant, county planning and Linda Bridges, Town of Port Royal planning.

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.

MINUTES

Commissioner Crower made a motion, second by Commissioner Alling, to approve the minutes of the October 15, 2018 MPC meeting. The motion to approve the minutes as submitted was approved unanimously.

DISCUSSION: LADY'S ISLAND PLAN UPDATE

Commissioner Semmler said he's the president of the steering committee, which directed the initiation of the Lady's Island Plan 2018. There has been a lot of citizen input on the plan, he said, including from steering committee members **Paul Butere**, Commissioner Fermin, **Kate Schaefer**, **Carol Crutchfield**, **Chuck Newton** – Sea Island Coalition, **Merritt Patterson**, **Gordon Fritz**, Commissioner Alling, **Lauren Kelly** – City of Beaufort planning, and Chairman Harris. **Greg Dale** was the facilitator, Commissioner Semmler said.

Mr. Merchant said the plan is available at Ladysislandplan.files.wordpress.com.

Mr. Newton reviewed the context of the Lady's Island study. One of the first efforts was to address the issues caused by new development (e.g., the new Walmart, a new Taco Bell) on Lady's Island. There was a perceived lack of direction and transparency, Mr. Newton said. The steering committee emerged from that with the county and city initiatives.

Mr. Butere described the plan's process, which he said was "incredibly cooperative." The committee met more than 12 times over the course of a year, and had a great deal of citizen input. 400 people attended one of the first public meetings "to kick off this process" in February, he said. An online survey received 200 responses, and a second survey received 600 responses. The committee heard repeatedly about citizens' concerns about traffic and density, Mr. Butere said, and the county's citizens also voted for the penny sales tax, which will enable implementation of parts of the Lady's Island Plan.

Mr. Patterson said he is a developer, so he'd like to see reasonable growth, but he lives on Lady's Island and knows "how bad the traffic is." There have been a lot of plans since the 1990s that "apply to Lady's Island", he said, but this plan is the first that is *for* Lady's Island.

Mr. Patterson listed some concerns citizens expressed about growth on Lady's Island, the greatest of which is traffic, which is also his main concern. There is funding for infrastructure now, he said – though not for the necessary land/rights-of-way – and there is citizen involvement. The DOT will likely have control over the main thoroughfares, but the county will have more control of the secondary roads, Mr. Patterson said.

Ms. Schaefer said the planning effort was an opportunity to look at future growth projections and what Lady's Island is able to absorb. The consultant helped them look at base zoning, she said, which would allow 8,795 additional housing units. Different factors will determine how many units can be built on.

The steering committee focused on "infrastructure concurrency with development" for natural resources, Ms. Schaefer said. The Lady's Island Plan recommends looking at the most vulnerable areas of Lady's Island and moving growth away from them. Also, given the infrastructure, she said the committee considered how people could be moved most efficiently *and* how they could be kept on the island to work, play, shop, etc.

Ms. Schaefer said long-term cooperative planning is required in a way that crosses jurisdictional boundaries.

Recommendations

Mr. Merchant described the organization of the Lady's Island Plan, beginning with a vision statement, which he shared, saying it reflects the diversity of Lady's Island. He reviewed the goals and objectives of the plan, which include quality of place, connections, nature, and stewardship (the managing of future growth).

Mr. Merchant reviewed the major highlights of the plan, which include the following:

- Revising the major growth boundaries: This is an agreement with the county, the City of Beaufort, and the Town of Port Royal, Mr. Merchant said. Areas within the growth boundaries will likely be developed, and unincorporated county land outside the growth boundaries is anticipated to remain more rural; the county would not compete with the municipalities for development of the growth boundary land, he said.
- Land use policies to strengthen neighborhoods
- Transportation improvements: The steering committee recommends using the improvements that are in the corridor study done by Stantec, Mr. Merchant said. Good implementation of the Phase 1 recommendations would help improve the

island as a whole, he said, and neighborhoods with bike paths and sidewalks would improve quality of life for those who are affected by the improvements.

- Auto transportation would remain the main means of getting around on Lady's Island and on/off it, Mr. Merchant said, but the remainder of the island could be connected through multi-use paths, so people could bike or walk to schools and work.

Mr. Merchant said there is a perception about a lack of transparency, so they are making an effort to gain greater civic engagement. The county is going to develop a permitting process that is online, so anyone could see what the upcoming projects are. Also, they are looking at increasing the role of the Lady's Island Community Preservation Committee, he said.

Mr. Merchant said they see the Lady's Island Plan as "a beginning" and "a living document." Plan implementation steps are adoption of the plan by Beaufort County and City of Beaufort, and endorsement from the Town of Port Royal, Lady's Island Business Professionals Association (LIBPA), Sea Island Corridor Coalition, and Coastal Conservation League. They will develop an intergovernmental agreement to commit to implementing the plan and to establish implementation leadership, he said.

Billy O'Neal, a retired engineer, has lived on Lady's Island since 1981. He's excited about the plans for the island and thinks the Sams Point Road right-turn lane is a wonderful idea. His concern, though, is that the plan centers on bringing traffic off major thoroughfares and through Lady's Island subdivisions. As an engineer, he has designed subdivisions, so he said he knows the Lady's Island traffic plan "has it backwards," and he feels it "doesn't make a lot of sense." For example, Mr. O'Neal said, moving the light at Beaufort High School down the road would not do anything "for the traffic on Highway 21." He thinks traffic should be "coming the other way," not going down Sunset Boulevard. He reviewed the projected traffic and said he doesn't think the neighborhood wants the projected level of traffic coming down Sunset Boulevard.

Mr. O'Neal said he feels he has "thoughtful input" to offer, but he hasn't been able to find someone at the county to talk with him. Chairman Harris said he would help Mr. O'Neal by following up with him. Mr. O'Neal said he thinks the money could be "much better spent" than it is proposed to be.

Jean Sulc, St. Helena Island, secretary of the Beaufort Aviation Association (BAA), on whose behalf she is commenting, said the association has 50 members, and she asked that her statement be entered into the record. [*The document is attached at the end of these minutes. – steno.*]

Joe Pizzo, Joco Construction, feels the City of Beaufort is "the cause [of] all these problems that we have on Lady's Island" because of its desire to annex properties there into the city. At one time, LIBPA "and everybody else were trying to keep the City of

Beaufort in the City of Beaufort,” but “evidently it didn’t work.” People “chose to move into the city because of the density,” which the city “gave everybody,” he said, by allowing building “20-feet from the marsh if you’re in the city,” instead of requiring a 50-foot setback from the marsh like Beaufort County has, for example.

Mr. Pizzo feels that “what the city did prior to the last several months was extortion [of] a lot of the owners of property along Lady’s Island Parkway,” by the city making what it offers its residents appear superior to what the county offers. “The city has given us more density,” he said, “so they’re not the solution; they’re the problem.”

There is “more and more traffic,” and Mr. Pizzo feels “we’re overlooking . . . existing subdivisions” and “not allowing the infill” there or “promoting the sewer and the infrastructure that we need.” He is “a builder and developer,” but he said he doesn’t “choose to build on Lady’s Island because the traffic’s a bad problem,” and he prefers to build in Port Royal and “in the county,” but not in “the super-high density the city affords,” which he called “a coercion.”

Mr. Pizzo also feels that the city has “accrued a lot of debt,” which “bothers” him. More people live on Lady’s Island than in the City of Beaufort, he said, which is why he believes the city wants to annex Lady’s Island, because “they want a tax base,” but he doesn’t feel the city is “giving us” anything in return.

Mr. Pizzo said Lady’s Island residents voted against a state-funded, 5-lane road “all the way out to St. Helena” because “we did not want the population.” He asked the MPC to “make a good plan” and “find somebody who knows what they’re doing “to promote a plan” for Lady’s Island.

There was no further public comment.

Commissioner Semmler said the plan states that the runway would not be extended in order “to protect the marsh.” The airport could expand and add fuel tanks, etc., he said, but it should not extend the runway into the marsh, which is “the only way to extend it.”

Commissioner Alling asked why the airport would like to extend the runway. **James Atkins**, president of the BAA, said they want to retain the option to extend “down the road.” The airport doesn’t want to say that they are “never going to do that,” he said. Aviation experts should be the ones to give consideration about extension to county council and city council, the association feels.

Commissioner Semmler said the priorities in the plan for transportation improvements are not in sequence; how they are executed depends on the city and the county. “These are recommendations for consideration,” he said. Mr. Merchant said county staff is looking at the feasibility and priorities, now that the penny sales tax passed.

Commissioner Crower said it's unfortunate that they had "to come up with a list and costs" before something like the penny sales tax was passed, but in government, they have to say what the tax funds would go to before it's on the ballot, and then those priorities are "frozen" if the new tax passes, so if something else comes up, those tax funds can't be used for that. Commissioner Crower told Mr. Pizzo that these are the projects that are to be funded by the penny sales tax.

Mr. Patterson said there is still a long way to go on these projects; "we're just really getting started on this."

Chairman Harris asked Mr. Merchant if there was "hope of a vote" from the MPC on the Lady's Island Plan. Mr. Merchant said they are looking for a recommendation on the plan from the MPC, and then they would bring it to the Beaufort County Planning Commission in January.

Commissioner Alling asked about "opportunities to tweak some of this plan." Mr. Merchant said the "best opportunity for changes" to the plan should happen at the MPC level, and then they could present those changes to the Beaufort County Planning Commission, so they would be getting the same document from both entities.

Commissioner Alling said she'd suggest taking the advice of the BAA, because she personally doesn't know about aviation. Commissioner Semmler said he'd also like to hear from Coastal Conservation League about protecting the land around the marsh and the airport. He has heard that "there are other ways of making that a viable airport." Commissioner Semmler suggested that the MPC defer its recommendation for 30 days in order to hear from both organizations on this matter. Commissioner Semmler said he has talked to the airport manager and has "heard Col. Atkinson speak twice." There was also a business roundtable, but it was a presentation, and he and others were not able to speak.

Chairman Harris said he doesn't know that the Lady's Island Plan would cause "more growth"; he feels the plan "softens the impact of growth."

Commissioner Semmler said if the commissioners want to change the Lady's Island Plan, that "would change a whole heck of a lot."

Commissioner Tomy said the airport has submitted its concerns for the record. He agrees with taking that information and supporting those concerns with additional data, and then having a meeting with airport representatives about that before the MPC endorses that aspect of the plan.

Commissioner Tomy said he doesn't know if there's the same concern about traffic. He thinks it might be a good idea to have a meeting with people who are familiar with the

plan's recommendations about traffic, so the commissioners would have "a more substantial background" to help them make their recommendation.

Mr. Merchant said the Lady's Island Plan is going to the Beaufort County Planning Commission on January 7. After that meeting, if the MPC recommends the plan at tonight's meeting, it would go forward to the councils, so a delay by the MPC would delay those steps, which is fine, he said, but it's "a larger train" than "just one government." When the plan is presented to local governments, it would be done as a resolution, he said. Also, there would be a public process as part of the design phase of each of the plan's projects, so citizens could comment and ask questions then, Mr. Merchant said. The projects were approved in the referendum, "but right now they're just lines on the map," he said.

Chairman Harris said he thinks "folks would enjoy" that opportunity for public input because it offers "additional transparency," but that doesn't solve the airport issues. He said he likes the idea of having workshops, especially on the airport, though he understands the time sensitivity.

Commissioner Semmler said it's important to remember that this plan was developed over the course of a year with "a lot of public input." Protecting natural resources is key to that. He suggested that the MPC could move this plan forward with the consideration that city and county councils "can change what they want in the plan," so the MPC and the county's planning commission could have "a joint work session," and that would "keep this thing moving" and not let the plan get "mired down in bureaucracy."

Mr. Merchant asked if the recommendation would "be conditioned on addressing the runway issue."

Commissioner Fermin made a motion to recommend that the Lady's Island Plan move forward, with the consideration that traffic and airport work sessions are held with various stakeholders "to flesh those items out as this moves forward with the county and the city."

Commissioner Semmler said he thinks the recommendations in the Stantec transportation study are "tied to that one-cent sales tax," and county council has to vote on "any changes that happen [to] that."

Mr. Merchant said the projects in the plan "will need to be designed," and "many changes" will occur "between the concept and the design," so "public participation in that process" will help to address many of the concerns of residents. He suggested that this "could be a condition of adoption of the resolution."

There was general discussion about the wording of the motion and the forwarding of the plan. **Commissioner Crower seconded the motion. The motion passed 5-1, Commissioner Semmler opposed.**

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

ANNEXATION & REZONING REQUEST – Annex & rezone 0.92 acres at 6023

Dowlingwood Drive – The property is further identified as District 100, Map 31 A, Parcel 276. The requested zoning designation is T3-Edge.

Applicant: Zofia Prather

Ms. Bridges said a single-family residence is on this property. She showed a map of the properties surrounding the subject parcel. The parcel is within the town's future growth boundary, she said.

The parcel is served by BJWSA, Ms. Bridges said. She showed the Town of Port Royal zoning map, and the zoning of surrounding parcels, some of which are in unincorporated Beaufort County. The Port Royal Police Department is able to serve this property if it is annexed, she said, as is the Beaufort-Port Royal Fire Department. The town would also provide curbside trash and other pick-up, including recycling. If annexed, Ms. Bridges said the parcel would be isolated from other town parcels, but the property is contiguous to the town by line-of-sight across the water.

The Future Land Use map shows this property is in a restricted growth sector, Ms. Bridges said, and she read the description of "low-growth sectors." The parcel is T3-Edge in the county zoning, and the proposed zoning is T3-Edge, and she read the definition of "the Edge Zone."

Ms. Bridges said the stormwater management agreement between the Town of Port Royal and Beaufort County would provide the stormwater standards for this parcel. The eastern boundary of the property is provided by Battery Creek, she said. In addition to the DHEC/OCRM critical line, T3-Edge requires a 50' setback and "riparian buffer" from the critical line for all development, Ms. Bridges said.

Notification letters were sent to property owners within 500 feet of the parcel to be rezoned, Ms. Bridges said, and she believes some members of the public are present tonight to comment on the request.

Commissioner Semmler asked if the MPC hadn't "done this 3 or 4 months ago with a piece of property that was further west." Ms. Bridges said the MPC did have an annexation and rezoning request for 2 parcels to the east of the subject property in Belleview Bluff. The MPC recommended approval of that request, she said, but the application has not gone to town council yet. To the west of the subject property, the MPC recommended against a rezoning request that town council approved, Ms. Bridges said; if this request is approved, the annexation and rezoning would be of an isolated

parcel in that neighborhood.

Zofia Prather, the applicant, said Ms. Bridges' presentation was "very accurate." Ms. Prather has been a realtor and real estate broker in Beaufort for more 30 years and has owned an income-property in Town of Port Royal for many years. She likes "the way Port Royal treats its natural resources," she said, which is one of the reasons why she wants to annex into the Town of Port Royal.

This property is in the Dowlingwood subdivision, Ms. Prather said, and it has been in her family since 1982. There are no longer protective covenants there, and the neighborhood has not been interested in annexation, she said.

Ms. Prather said the residence was built in 1976 and after 2 hurricanes, it needs restoration. She said she personally likes the services that annexation would provide, which the county doesn't provide. She believes other neighbors in the subdivision "definitely support my request," and she is "confident" that those neighbors might seek annexation as well.

Beaufort County restricts docks, Ms. Prather said, and she cited the amount of property taxes she has paid, for which she said she receives "no benefits," as she would if her property were in Port Royal.

Ralph Heinzer, 996 Katherine Court, said that Ms. Bridges had said this property could be annexed because "it's line-of-sight," but he doesn't think that is so. He asked, if it's annexed, "how is that going to affect the rest of us in the neighborhood?" The house has been vacant for 7 years, he said, so he doesn't know why Ms. Prather wants town services.

Mr. Heinzer told Commissioner Semmler that he and his neighbors have to pay for garbage pick-up; they have services from the "Beaufort County Police Department" and the Burton Fire Department. He said there is no longer county recycling pick-up.

Kevin Bell, 6027 Dowlingwood Drive, bought his house in February 2014, and he said no one has lived in the house on the subject property in that time. He said it has been "derelict," and while more recently it's been "somewhat presentable," the house is "clearly abandoned." An application was put in for a permit for a dock that extended beyond regulations for docks, Mr. Bell said, and it was denied. Mr. Bell thinks Ms. Prather's request is "a way to get around the denial of the dock permit."

Paul Sexton lives about 3 houses away from the subject property. Neighbors have cut the grass there, he said, and he had called Ms. Prather to tell her that "the top of the house was gone"; Ms. Prather said they were putting a new roof on it. Mr. Sexton said a county policeman lives in the neighborhood, and he might have responded to an alarm going off on Ms. Prather's property. There are animals living on the property, Mr. Sexton

said. He believes Ms. Prather wants to be annexed into Port Royal so she could have “a 300’ deep-water dock” because she wants to sell the property. “None of us” in the surrounding neighborhood want to be annexed into Port Royal, Mr. Sexton said.

Mr. Sexton believes that if Ms. Prather were to get the dock, she would “bulldoze the house” that is there.

Carol Doray, Dowlingwood Drive, said Port Royal “has tried numerous times to annex us in,” but “no one in the neighborhood wanted it.” She has lived there since the 1980s and has “not received anything about protective covenants.” The neighborhood has “all that we need close by” in terms of services, she said. If this annexation and rezoning goes through, Ms. Doray said, she’s concerned about the precedent for properties in the neighborhood that want long docks and others who might seek annexation for other reasons. She thinks a long dock would be “an eyesore” and “a detriment to the environment” and the natural resources in the area, not just to the neighbors on Dowlingwood Drive.

Ms. Prather said the protective covenants ran out in the 1990s, and that is a matter of public record.

Joe Greenwell, 6029 Dowlingwood Drive, said he is also opposed to this application.

Ms. Bridges told Commissioner Semmler that the town doesn’t regulate docks “beyond the requirements of OCRM.” If a permit is obtained from OCRM, then the dock can be built in the Town of Port Royal, but it’s her understanding that this is not the case in the county.

Commissioner Tomy said it’s been his experience that if a neighborhood wants to annex, 80% of the neighborhood would have to ask for the annexation for it to proceed. This is “very definitely spot annexation,” which he believes is “problematic,” as is “spot zoning.” This isn’t a question of whether Ms. Prather should have a dock but “whether it should be spot-annexed or not,” he said.

Commissioner Semmler made a motion to recommend denial of the annexation request. Commissioner Alling seconded. The motion passed unanimously.

Commissioner Semmler made a motion to recommend denial of the rezoning request. Commissioner Alling seconded. The motion passed unanimously.

REVIEW OF PROJECTS FOR BEAUFORT COUNTY

BEAUFORT COUNTY ZONING MAP AMENDMENT – Amend the zoning of 1.51 acres at 5, 7 & 9 Katy Circle on Lady’s Island from T3-Neighborhood to T4-Hamlet Center Open. The properties are further identified as R200 015 000 302A 0000, R200 015 000 0308 0000, R200 015 000 0734 0000, and R200 015 000 0310 0000.

Applicant: Thomas Kolen

Mr. Merchant said the Beaufort County Planning Department received this request, and he indicated where it is: north of the old Publix site. There was a welding shop located at this spot, and the applicant would like more opportunity to redevelop the area. It's residential in nature now, Mr. Merchant said; south of Robin Drive, there are more light industrial, and office uses. There are some commercial uses along the old Sams Point Road, he said.

This request went to the Lady's Island Community Preservation Committee, Mr. Merchant said. The main concern with the application is that it comes as the Lady's Island plan is being adopted, he said, and this zoning "could result in an increase in density." T3-N district is primarily residential, with single-family and some multi-family. The zoning change could allow "higher density residential development," as well as retail and some light industrial uses, Mr. Merchant said.

The Community Preservation Committee recommended denial of the request with a vote of 3 to 2, Mr. Merchant said. Staff uses the Community Preservation Committee to help form its opinion, he said, so staff is recommending denial of the application.

Chairman Harris asked Mr. Merchant if apartments would be allowed and if so, how many units. Mr. Merchant said the zoning would allow "up to 12 units" and 2.5 stories. There is no restriction on zoning, massing, etc. It's very difficult to determine the maximum density on the site without sample plans.

Commissioner Crower asked Mr. Merchant about the recommendation from the Community Preservation Committee and if it is "official." Mr. Merchant said the county uses the Lady's Island Community Preservation Committee as "a sounding board" because it's "more informal." Any zoning change for Lady's Island is brought to that committee, and any recommendation from that committee is used in staff's recommendation, he said. The Beaufort County Planning Commission can then use staff's recommendation or not.

Commissioner Crower said this is part of the Lady's Island Village, which would tend to be denser. Mr. Merchant said the districts in that area are "more dense than in other parts of the island." However, there are "different districts that apply to the different characters of those areas," he said.

Julie Rankin said she was representing the property owner, **Tom Kolen**. The zoning has changed through the years, she said, and Mr. Kolen has been here cleaning up the property and trying to encourage the other neighbors to do so, too. It is not a very desirable street, she said. Mr. Kolen's goal is to bring in "other buyers," and he might put up a live-work space, for example. He is not looking for big changes on the property,

Ms. Rankin said, and “nothing industrial.” The goal is to change the zoning to “bring in better diversity” and “better opportunity with the land,” she said.

Ms. Rankin concluded that what is allowed on this property “needs [to be] changed,” and Mr. Kolen is asking “for what he had back” in terms of zoning. The property is contiguous to the zoning he is seeking, she said.

Mr. Pizzo said this property is “perfect for higher density” because “the school is there.” He has a property at 21 Rocking Drive, and everything in this area is “in bad shape,” with single mobile homes with septic tanks on 15 of the lots, which he said is “already high-density.” Mr. Kolen wants to have a home office on his property, Mr. Pizzo said.

Commissioner Semmler said for 12 months, “we’ve been working to find out what the citizens of Lady’s Island wanted for the future of Lady’s Island. And we’ve presented that in a plan.” Transportation and protecting the environment were the top two issues, he said, and if this type of rezoning is approved, “you’re going from . . . 3 family dwelling units possible . . . up to 24” possible dwelling units “with the apartments that are possible on that property.” Mr. Merchant said it’s hard to make such a comparison “without doing a site plan analysis,” but the rezoning would “definitely” allow a higher density.

Commissioner Semmler said they could “support a property owner’s needs,” but the Lady’s Island Plan says, “We need to manage growth better,” of which he gave a few examples. He feels they need to not be haphazard about managing growth on Lady’s Island, “and that should be a major consideration right now.”

Mr. Pizzo said the school, the grocery store, etc. “are already there,” and “those kids can walk to school,” so he feels like this is a good place for this change.

Chairman Harris said the Lady’s Island Plan is to “manage growth, not limit it.” If this area can take multi-family housing because it’s close to schools, groceries, and other stores, he feels like this would be the place to do it. He asked about the votes to deny the application on the Community Preservation Committee. Commissioner Semmler said those votes were “supporting the plan” by prioritizing the management of growth by not increasing the number of dwelling units by more than 20.

Commissioner Alling asked Mr. Merchant to compare the allowed densities in T3-Neighborhood and T4-HCO. Mr. Merchant said when the current zoning “supports a higher density residential than what is there on Katy Circle.” He offered several examples of what is allowed there now. “The area probably doubled in density, just following the existing zoning,” he said; redevelopment could be done with the current zoning, but it sounds like the applicant is interested in “mixing some commercial in” with residential, and those things are “currently not permitted in this district.” T4-HCO allows a lot of different retail, service, and light industrial uses, Mr. Merchant said, as

well as “much more intense residential development.” Mansion apartments have a maximum of 6 units per building, he said; in T4-HCO, “apartment houses with up to 12 units per building” are allowed, so he told Commissioner Alling that this zoning is “pretty much one step up.”

Commissioner Crower said he’s “curious about the parking situation” because he hasn’t seen the parcels. He didn’t receive an answer.

Commissioner Tomy said he’s looking at this rezoning based on the provided information. A lot of improvements could be made in this area, which needs it, but the MPC is being “asked to consider 3 parcels that have a direct impact on all the rest of the residential community,” he said. If that community were to ask to be rezoned, too, it “might make more sense,” but Commissioner Tomy doesn’t feel he could vote to approve the rezoning of Mr. Kolen’s property because of the impact on the rest of the neighborhood.

Ms. Rankin said Mr. Kolen doesn’t want to put apartments on his property, and she suggested putting a deed restriction on the property so that there could not be apartments there. Mr. Kolen only “wants the zoning he had before,” she said. He wants to clean up the property and use it to “give opportunities.” There is a house on one of Mr. Kolen’s lots, and his other 2 lots are vacant, Ms. Rankin said. While she understands what the commissioners have said about spot-zoning, other homes in the area have home offices, which is what Mr. Kolen wants.

Mr. Pizzo said he doesn’t think there could be a better zoning for this area than the requested zoning.

Commissioner Tomy made a motion, second by Commissioner Semmler, to recommend denial of the rezoning request. The motion was tied, with Commissioner Tomy, Commissioner Semmler, and Commissioner Fermin voting to approve the motion, and Commissioner Crower, Chairman Harris, and Commissioner Alling voting to deny the motion.

There being no further business to come before the commission, **Commissioner Alling made a motion to adjourn**, and the MPC meeting ended at 7:54 p.m.

STAFF REPORT

CITY OF BEAUFORT
BEAUFORT CODE TEXT AMENDMENTS – ADMINISTRATIVE ADJUSTMENT
MPC MEETING DATE: FEBRUARY 18, 2019
PUBLIC HEARING DATE: FEBRUARY 26, 2019

Applicant

City of Beaufort.

Background

Paul Trask in creating redevelopment plans for the Beaufort Plaza wants to use 28 ft. light poles in the parking area and 15 ft. poles in pedestrian areas. The zoning district is T5-UC and only allows 15 ft. poles. Existing parking lot poles in other areas of Beaufort Plaza exceed 28 ft. Mr. Trask feels that staff should have some leeway to allow deviations from the code for redevelopments and infill, when such deviations are reasonable given the existing development pattern and are not detrimental to the development goals of the City.

Mr. Trask did not want to seek relief through the ZBOA, given that the requirement for receiving a judgement for relief (variance) is the existence of a unique hardship related to the land and its configuration, and the further requirement that no reasonable use of the land is possible without such relief (variance); Mr. Trask felt that technically, those requirements did not exist in his case.

The City recognizes:

- That redevelopments/infill sometimes present unique challenges for meeting the standards of a new development code.
- That it is not in the interest of the public to disincentivize re-investment in previously developed property, especially property that is vacant or underutilized.
- That the development code, however, should not be up for constant negotiation;
- That the enforcement of the development code must be fair and consistent.
- That the exercise of administrative adjustment must be principled, based on established goals of the City, and, therefore, not arbitrary nor capricious; so, furthermore
- Any discretionary relief through administrative adjustment must be bounded by the code, must serve the public good, and must be in accordance with the City’s comprehensive plan and Civic Master Plan; and
- That there must be oversight of any such administrative adjustment.

The current development code, The Beaufort Code, was ostensibly designed to implement the vision of the Civic Master Plan. And, the Civic Master Plan recognizes that redevelopment areas would transition to the ultimate, outlined goal, but that there could be an interim period where there would exist an amalgam of development patterns, old and new. Reference Civic Master Plan, “Conceptual Strip Mall Retrofit Example”, page 160.

Multiple alternatives other than administrative adjustment were presented and discussed at the January 8, 2019 city council work session. The prevailing sentiment was to amend the code to allow staff some limited flexibility in administering numerical standards for redevelopment and infill projects. It was understood about the need to be cautious about giving a single authority the power of regulatory relief. However, it is better that such an outlet for common sense be codified and restrained, rather than exercised outside of and in contradiction to the code.

Consistency with Comprehensive Plan and Civic Master Plan

It is staff's opinion that the proposed amendment is consistent with the comprehensive plan and the Civic Master Plan.

Public Notification

The public hearing notice referencing this application appeared in the February 11, 2019 edition of *The Beaufort Gazette*. Staff has received no public comments on this rezoning as of the date of this report.

ORDINANCE

AMENDING SECTION 9.12.1.B OF THE BEAUFORT CODE TO CHANGE THE ADJUSTMENT OF NUMERICAL STANDARD APPLICABILITY

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-30; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the *Beaufort Code* is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, the State of South Carolina has authorized the governing authority of a municipality to provide in the zoning ordinance for the continuance, restoration, reconstruction, extension, or substitution of nonconformities [*Code of Laws of South Carolina*, Section 6-29-730]; and

WHEREAS, the amendment of the zoning ordinance is for the specific purpose of allowing limited regulatory relief from strict application of numerical standards in the cases of infill development, redevelopments, and the like, where such enforcement would introduce an incongruous development pattern; and

WHEREAS, any application or regulatory relief as outlined in the amendment is to acknowledge reasonable expectations when transitioning from previous numerical standards to newly established standards; and

WHEREAS, any application of regulatory relief as outlined in the amendment must not hinder the City’s goals for development as outlined in the City’s comprehensive plan and *Civic Master Plan*; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding changes to the administrative adjustment ordinance on <month-day-year>, with notice of the hearing published in *The Beaufort Gazette* on <month-day-year>;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Beaufort Code* be amended by revising Section 9.12.1.B, “Adjustment of Numerical Standard,” by deleting the current paragraph B and replacing it with a new paragraph B to read as follows:

B. Adjustment of Numerical Standard:

1. The Administrator shall have the authority to **allow, for new developments**, modification

of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) and Article 4 (Building Design and Infill Standards) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section 9.14.

2. Specific to Infill Development and to Redevelopment: The Administrator shall have the authority to allow modification of any numerical standard, where:

- a. a consistent development pattern is established, and
- b. the strict enforcement of the numerical standards would result in an incongruous development, and
- c. the modification of the numerical standard represents a reasonable transition from previous standards toward the new; and
- d. the modification of the numerical standard is consistent with the goals of the City's comprehensive plan and with the precepts of the Civic Master Plan; and
- e. both the Community & Economic Development Director and the City Manager have signed the authorization.

2. Specific to Landscaping and Tree Conservation: The following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Section 9.12.2.E:

- a. In unusual cases, where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.
- b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.
- c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement. This ordinance shall become effective immediately upon adoption.

This Ordinance shall become effective upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
WILLIAM B. HARVEY, III, CITY ATTORNEY

CITY OF BEAUFORT
BEAUFORT CODE TEXT AMENDMENTS – MENU BOARDS
MPC MEETING DATE: FEBRUARY 18, 2019
PUBLIC HEARING DATE: FEBRUARY 26, 2019

Applicant

City of Beaufort.

Background

There is a trend for certain business types to have more than one drive-thru lane. Currently, the zoning code only allows one outside menu or order board per business. It seems reasonable to assume the language was written at a time when only one drive-thru lane was the convention, and, therefore, it also seems reasonable to amend the language to allow one outside menu or order board for each drive-thru lane.

Consistency with Comprehensive Plan and Civic Master Plan

It is staff's opinion that the proposed amendment is consistent with the comprehensive plan and the Civic Master Plan.

Public Notification

The public hearing notice referencing this application appeared in the February 11, 2019 edition of *The Beaufort Gazette*. Staff has received no public comments on this rezoning as of the date of this report.

O R D I N A N C E

AMENDING SECTION 3.7.2.B.1.d OF THE BEAUFORT CODE TO ALLOW A OUTSIDE MENU OR ORDER BOARD FOR EACH DRIVE-THRU LANE

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-30; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the *Beaufort Code* is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, there is a trend of more than one drive-thru lane for certain types of businesses; and

WHEREAS, the Beaufort Code does allow more than one drive-thru lane; and

WHEREAS, the Beaufort Code currently only allows “one outside menu or order board; and

WHEREAS, the amendment of the zoning ordinance is for the specific purpose of allowing a outside menu or order board for each drive-thru lane; and

WHEREAS, the amendment is consistent with the City’s comprehensive plan and *Civic Master Plan*; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding changes to the administrative adjustment ordinance on February 26, 2019, with notice of the hearing published in *The Beaufort Gazette* on February 11, 2019;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Beaufort Code* be amended by revising Section 3.7.2.B.1.d, “Menu Board,” by deleting the current sub-paragraph d and replacing it with a new sub-paragraph d to read as follows:

- d. Menu Boards:** One outside menu or order board is permitted for each drive-thru lane, with a maximum of 24 square feet in size per board, and with a maximum height of 8 feet above grade.

This Ordinance shall become effective upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY