

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **January 8, 2018 at 5:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Commissioners Robert Semmler, Judy Alling, Tim Rentz, and Caroline Fermin, and Linda Bridges, Town of Port Royal planning and Libby Anderson, City of Beaufort planning. Chairman Joe DeVito and Commissioner Bill Harris were 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.

Commissioner Rentz called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

MINUTES

Commissioner Fermin made a motion, second by Commissioner Semmler, to accept the minutes of the November 13 and 20, 2017 MPC meetings. The motion to accept the minutes as submitted passed unanimously.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

ANNEXATION & ZONING REQUEST – Annex 1.44 acres at 309 Savannah Highway, further identified as District 100, Map 31, Parcel 58A – The requested zoning designation is T4-Neighborhood Center.

Applicant: AAA Entertainment Corp

Ms. Bridges said this property is currently the site of a shuttered commercial establishment. She showed the commissioners a location map, with the parcels surrounding the subject parcel.

The parcel is included in the Future Land Use map of the town's Comprehensive Plan and is within its future growth boundary, Ms. Bridges said. In regard to the town's delivery of services, the parcel is within the BJWSA service area, and the police and fire departments would serve it; curbside garbage and other pick-up would be provided if it is residential, but residential development is not the plan for this property, she said.

The parcel is currently zoned C4-Community Center Mixed-Use in the county, Ms. Bridges said; the proposal, if it is annexed, is to zone it T4-Neighborhood Center (NC). She discussed the zoning of surrounding parcels and showed a parcel zoned PUD (planned unit development) that would allow an apartment complex to be developed as General Commercial (GC) and Mixed Use-2. GC was an open, "intense commercial" designation, Ms. Bridges said; the mixed-use designation was more residential than commercial.

A proposal has been reviewed by the town's Design Review Board (DRB) to be

redeveloped as a 300-unit multi-family property near this parcel to the south, Ms. Bridges said. The DRB gave it final approval with details to be worked out by staff. This parcel is under contract with the owners of the mobile home park; they need it for the entrance to that new project, she said.

Ms. Bridges discussed the development codes in place in the Town of Port Royal and via agreement with the county (i.e., storm water standards). There are no environmental issues with this property, she said. Letters were sent to property owners within 400' of this property, and Ms. Bridges spoke to one member of the public who had questions about this project but no comments.

Commissioner Semmler asked Ms. Bridges about the zoning of the parcel with the trailer park. Ms. Bridges said it was annexed into the town in 2002 or 2003; this parcel is to give access to that property.

Commissioner Semmler asked if there are impact fees for this development; Ms. Bridges said the town collects the road impact fees for Northern Beaufort County. There will be 300 apartments with 1, 2, and 3 bedrooms.

Commissioner Semmler asked if the schools were prepared for the impact of this development. Ms. Bridges said the town's Comprehensive Plan was reviewed by the school district 4 to 5 years ago. The district might not yet know about these units, but they did know the urban densities the town was looking for, so the school district did anticipate this level of density. She said the parcel that would house the apartments is just now under contract, so the school district might not know about this plan yet.

Steve Andrews, the applicant, said he is representing the developer. The commissioners had no questions for the applicant, and there were no public comments.

Commissioner Alling made a motion to approve the annexation of 309 Savannah Highway; Commissioner Fermin seconded. The motion passed unanimously.

Commissioner Fermin made a motion to rezone the parcel to T4-NC. Commissioner Alling seconded the motion. The motion passed unanimously.

REZONING REQUEST – Rezone District 112, Map 31, a portion of Parcel 102 – This is an undeveloped parcel at 27 Shell Creek Drive. The current zoning is T3-Edge. The requested zoning is T4-Urban Center.

Ms. Bridges said this property is already in the Town of Port Royal. The applicant is **Steve Andrews**. The property currently has split zoning, she said: T4-Urban Center (UC) and T3-Edge. The parcel is undeveloped. Adjacent parcels under the same ownership are zoned T4-UC, and there is also a portion of PUD adjacent, Ms. Bridges said. She pointed out the Picket Fences subdivision to the north.

Ms. Bridges said the PUD part of the surrounding parcels was left from the original owners of Picket Fences. The T4-UC standards are on the 2 front parcels “and the remainder of what was [Parcel] 102” (i.e., other than the part of that parcel that is before the commissioners tonight).

This is all under one ownership at this point, Ms. Bridges said. The proposal is to rezone the acreage T4-UC, making these 2.3 acres match this owner’s other property. Ms. Bridges read the intent of this zoning from the town’s zoning code.

Ms. Bridges said in the Comprehensive Plan, the Future Land Use map classifies this portion of the parcel as a restricted growth sector (G-1), low-impact area. This sector is of the second-lowest intensity (closer to rural than urban). In the event of development, the Town of Port Royal’s development codes would also affect this property (e.g., tree removal, stormwater management, etc.), she said, including on the PUD.

Both this and the applicant’s other property would be required to have a DOT traffic impact analysis, Ms. Bridges said. The acreage is adjacent to the marshes of Battery Creek. If the property is zoned T4-UC, the setback from the OCRM critical line would be 25’ for all development. Beaufort County stormwater regulations would not allow post-development run-off to exceed pre-development levels, she said, so if there were development, the stormwater run-off would have to be captured.

Ms. Bridges said the Town of Port Royal does not anticipate any issues with service delivery. The Comprehensive Plan anticipated an urban level of development for this area, she said.

Commissioner Alling said she thought she remembered a proposal for developing this property as a senior living facility. She asked about high-tension wires that cross the property and if that’s a concern. Ms. Bridges said it does affect the ability to develop this property. That proposed development was a couple years ago, she said, and they needed to rezone the front of the property to T4-UC from T4-NC. Those developers’ proposal worked with the PUD and T3-Edge, and the MPC recommended T4-UC, but the development didn’t happen. The owner has another proposal now, Ms. Bridges said, and he is asking to “round out the zoning” of the whole development as T4-UC.

Ms. Bridges said the proposed use is a multi-family development. Two parcels on the front edge would probably not be developed. The SCE&G easement “nearly bisects” the property, Ms. Bridges said, and other developers who have looked at this property have had to try to factor the wires in because “you cannot develop under them.”

Commissioner Semmler said there are different setbacks in the city, county and town, and he asked the buffer for T3-Edge. Ms. Bridges said if the application for T4-UC were successful, it would be 25’; the setback for T3-Edge is 50’.

Commissioner Semmler in the city, county, and town codes, adjacent developments are to have connections between them. There is no requirement to make that connection with this application, he said. Ms. Bridges said connection is not required. This is just a first step. The language “strongly encourages” connection, but it does not require it. The “fallback position,” she said, is often “to stub out (and) come close,” so there could be connection “whenever there’s opportunity in the future.”

Commissioner Semmler asked if a section of property between the storage facility and the marsh belongs to Picket Fences. Ms. Bridges said she thinks that Mr. Gray owns it, not the Picket Fences Homeowners Association. “The PUD runs with the land, not with ownership,” she said. The PUD would not disappear if this change were made, she said, unless council rezoned it, which they have not been asked to do. Commissioner Semmler said the PUD had restrictions on distance from the marsh, also. If the T3-Edge portion is rezoned to T4-UC, it “still would not mesh with that PUD’s development criteria,” he said. Ms. Bridges said she doesn’t “have the details of that PUD in front of” her, so she doesn’t “know how that 25’ stacks up to what is going to be on that PUD.”

Commissioner Semmler said the good thing about this property is that there are no trees on it, but he is “very concerned about how close” this parcel “is to the marsh.”

Mr. Gray said he has worked with Picket Fences since 1998, and he has looked at many possible ways to develop this property. To get the previously planned development permitted, they planned to incorporate the power line area by having parking under the lines.

The critical area has the 25’ setback, and around that is a freshwater wetland, which has a 30’ setback, so there is about a 50’ buffer “by default,” Mr. Gray said. The plan has been reviewed by the Army Corps of Engineers, he said.

Mr. Gray said there was going to be a connection to Picket Fences; the property’s 13.5 acres would be served through Picket Fences for water and sewer. At a minimum, there would be a road connection to allow access for the police and fire departments. If the communities don’t want to be connected, that would still be there for emergency services. It’s “a challenge to get connected,” he said, and there would need to be permitting obtained to get it. There is protection – “at least aesthetically” – that makes connection difficult. The buffers would have to be adhered to for at least the next 5 years, Mr. Gray said.

The density would trigger a traffic study, Mr. Gray said; there would be conditions placed on the property’s development by SCDOT, in addition to the Town of Port Royal.

Multi-family development has been looked at in the past, Mr. Gray said; “to achieve the density, you have to . . . pretty much max everything out.” They have been able to work

around the “few trees that are there,” he said, and when the assisted living facility was being looked at, a certified arborist identified the trees that would need to be saved, and a plan was developed to protect them. The run-off is taken underground into vaults, Mr. Gray said, and “recharged through the ground, so the marsh is going to be protected by the regulations” and by the “geometry of what it takes to make this developable.”

Mr. Gray said the development’s density would be “in the 240-[unit] range,” but a site plan hasn’t been developed for the current developer. Commercial uses have been looked at in the past, but it’s unknown now how much of the property would be commercial, how much would be for parking, etc.

Commissioner Fermin asked how they would address the stormwater run-off at a 240-unit complex with 100% of the run-off needing to be captured. Mr. Gray said the method would be to use as much pervious pavement as possible and to “go underground,” so the water is caught in underground vaults that would “perc the water into the ground.” This is not yet designed, he said, but it has been done in similar properties.

Commissioner Fermin clarified that a tree survey would have to be done. Mr. Gray said yes, it would definitely be done for this density, and he described some of the matters that the tree survey would cover.

Ms. Bridges said **Merritt Patterson**’s development’s first phase is 59 new homes, and she believes the second phase may be 50 more homes.

Ms. Bridges said the school district hasn’t vetted this specific plan, but the district knows about Mr. Patterson’s development.

Commissioner Alling said she thought a purpose of changing to T4-UC was to get the 25’ setback. Ms. Bridges said, “It is the use table,” because T3-Edge doesn’t allow multi-family development. Commissioner Semmler asked what would be gained if it is rezoned T4-UC where it is T3-Edge now. Ms. Bridges said, “There is no gain” in buffers and setbacks. “It’s even Steven,” because the national standards would keep development about 50’ away from the OCRM critical line. “The gain is on that use table in our zoning code,” she said, which would allow multi-family development with T4-UC zoning.

Commissioner Fermin said she understood that “the line of departure actually starts in the marsh,” and “that’s part of the aggregate 50’” setback. She asked if it was correct, then, that it would “equate to less than 25’” of setback. Ms. Bridges said the town’s zoning code says the setback must be 25’, “if the rezoning happens. But if it doesn’t, it’s 50’.” Commissioner Fermin asked where “the line of departure” starts, and Ms. Bridges said it’s at the OCRM critical line, “which is further up. It’s not the water’s edge.”

Commissioner Semmler said he understands what Ms. Bridges is saying, and he understands the change to T4-UC, but he wants “to protect the marsh,” which is why T3-Edge is there. “Taking half of that T3-Edge zoning that you have now” to make a parking lot under the power lines, while still maintaining “a strong buffer,” is not what is being proposed, he said. Taking out all of the T3-Edge zoning is “not a compromise,” Commissioner Semmler said. He feels Mr. Gray has “a great idea,” but the developer needs “to work on protecting the marsh.”

Commissioner Rentz said he lives near this parcel, and he fishes, shrimps, and crabs in the creek. He feels better knowing there would be “an underground system that doesn’t dump directly into the river.” Ms. Bridges said that regulation comes from the stormwater management standards. Commissioner Rentz said this is a system that’s contained on the property and can’t discharge directly into the water. Commissioner Semmler said, “Unless [the system] overflows because it’s full.”

Commissioner Alling said she is torn about this. If she could be assured that there would be no development into the 50’ setback – “even beyond 5 years” – she’d feel better. T3-Edge “was established for a purpose,” she said, and she worries about making careful zoning decisions, then “backing off” of them “when somebody comes forward” who wants to develop the property.

Commissioner Semmler made a motion to deny the rezoning request. Commissioner Fermin seconded.

Commissioner Rentz said, looking at the broader map, this is the only piece in this whole area of the marsh that has to adhere to the T3-Edge standard, and he feels “that penalizes this owner.” Commissioner Semmler said he disagrees; he feels “we are at this point” because such regulations have not been not enforced. He feels that what can be saved now should be, and that this is what the public has demanded. Town council could still approve this application, but he doesn’t feel that he can approve it.

Commissioner Fermin said there would be similar problems as are seen in Okatie and Bluffton, particularly with traffic and run-off. Commissioner Semmler said if elected officials want the taxes that come with infill, they could allow this. **The motion to deny passed 3-1, Commissioner Rentz opposed.**

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

RETAIL FRONTAGE OVERLAY – Applying the Retail Frontage Overlay to the 1300, 1400, and 1500 blocks of King Street

Applicant: Esther Harnett

Ms. Anderson said **Esther Harnett** has applied for the Retail Frontage Overlay for the old jail property. This overlay is a new tool in the Beaufort Development Code, and this is its

first use. It allows certain uses – primarily retail and restaurants – to be developed in buildings with direct frontage onto a street with the overlay.

Ms. Anderson said in the Historic District, Carteret, Charles, and Bladen Streets have a Retail Frontage Overlay, as do Craven Street between Carteret and Charles Streets, and Boundary Street between Carteret and Church Streets.

This applicant's request is specifically for this property, which has frontage on King, Prince, and Monson Streets, Ms. Anderson said. The property has been vacant for many years. The HDRB has given permission for the building to be demolished, but Ms. Anderson said that is not the applicant's intention; Ms. Harnett wants to redevelop the property and believes the Retail Frontage Overlay would provide additional redevelopment opportunities.

Staff recommends that if the Retail Frontage Overlay is approved, it should apply to King Street between Harrington and King Streets (3 blocks), which would connect the King Street overlay to the Retail Frontage Overlay on Bladen Street, and would include the county and school district properties in the 1500 block of King Street; these buildings are also ripe for redevelopment and would connect back to the retail overlay on Bladen Street, Ms. Anderson said. If these 3 blocks had the Retail Frontage Overlay, it would affect a number of parcels, which Ms. Anderson enumerated.

All of the lots in this area are currently zoned T4-N (Neighborhood), Ms. Anderson said, and retail and restaurants are not allowed, but they would be for those buildings that have frontage directly onto King Street if it were T4-N with a Retail Frontage Overlay. A parking structure would also be allowed, she said.

King Street, in this area of the Historic District, is designated by the Beaufort Code as a Neighborhood Street-1, which does not require on-street parking, Ms. Anderson said. Staff recommends that the street section in this area of King Street be changed to an "Avenue" street section, which would require on-street parking and sidewalks on both sides of the street to support "those . . . upzoned uses," she said.

Staff feels the Retail Frontage Overlay is consistent with the Comprehensive Plan, Ms. Anderson said. The Civic Master Plan shows an image of the current block and what is suggested for its possible redevelopment. It specifically considers a restaurant, a boutique hotel, and residential uses for the old jail property, she said.

Ms. Anderson described the uses of surrounding properties. The south side is vacant, and the north side has offices and a short-term rental. The Retail Frontage Overlay would allow additional commercial activity and would connect to the Bladen Street retail overlay, she said. It could stimulate additional development in the area, which is needed, and could make this area more marketable if more uses were allowed, Ms. Anderson said.

Standard public notice was made, Ms. Anderson said; the public hearing will be held before city council. A property owner on Duke Street had commented that he supports the application, she said.

Staff recommends that the Retail Frontage Overlay be applied to the 1300, 1400, and 1500 blocks of King Street, Ms. Anderson said, with any streetscape improvements required as a result of the overlay to be made at the developer's expense. Staff also recommends that the street section in this area be changed to an Avenue section to provide for sidewalks and on-street parking where possible.

Commissioner Semmler asked about possible development in this area if the Retail Frontage Overlay were extended beyond the old jail property. Ms. Anderson said it "only addresses development that has direct frontage onto King" Street.

Commissioner Fermin made a motion to recommend approval of the Retail Frontage Overlay for the 3 blocks of King Street between Harrington and Bladen Streets, and of designating the street section as Avenue. Commissioner Semmler seconded the motion. The motion passed unanimously.

UPDATE OF CITY COUNCIL ACTIONS

Ms. Anderson said council denied the proposed annexation and rezoning on Roseida Road.

The MPC voted against the proposed Traditional Neighborhood overlay at Whitehall, Ms. Anderson said, and the development will be coming back to the MPC as a "standard subdivision application," not as a rezoning or a Traditional Neighborhood overlay. The developer is redesigning, and the city has not yet received an application, she said.

There being no further business to come before the commission, **Commissioner Fermin made a motion to adjourn**, and Commissioner Rentz adjourned the MPC meeting at 6:57 p.m.