



# Metropolitan Planning Commission

## Meeting Minutes – April 20, 2020

### **I. CALL TO ORDER** **5:03 PM**

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A meeting of the Metropolitan Planning Commission was held via Zoom on February 19, 2020.

### **II. ATTENDEES**

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Attendees included Michael Tomy (Chairman), James Crower (Vice-Chair), Judy Alling, Bill Bardenwerper, Caroline Fermin, Jason Hinchler, city staff, David Prichard and Heather Spade, and Town of Port Royal staff, Linda Bridges.

### **III. REVIEW OF MINUTES** **5:07 PM**

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A motion was made to approve the meeting minutes of February 19, 2020 by James Crower and seconded by Bill Bardenwerper. The motion passed unanimously.

### **IV. NEW BUSINESS** **5:00 PM**

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Town of Port Royal Agenda Items:

- A. Town of Port Royal - Text Amendment. An amendment to Article 4, Specific to Use of The Port Royal Code. The amendment would change the use, Lodging: Short Term from Permitted (P) to Conditional (C) in Transects T3 Edge, T3 Sub-Urban, T3 Neighborhood, T4 Neighborhood Center, T4 Neighborhood Center-Open, T4 Urban Center, T5 Main Street.
  - Town of Port Royal - Amendment. The amendment will also amend 4.1.40 Principle Use Definitions for 7. Lodging: Short Term Rental.
  - The amendment will add G. Short Term Rental to Division 4.2 Conditional Use Regulations, Section 4.2.20 Offices of Services.

Ms. Bridges said these amendments are submitted to you on behalf of the Town's Short Term Rental Task Force that was appointed by Council several months ago to look some issues after much public comment and desire for a task force. The task force brought forth a few stipulations and our Town attorney has written an ordinance and amendment to the Port Royal Code. Ms. Bridges said to summarize, all STRs will be a conditional use where now it is a permitted use. It becomes a conditional use in all the T3, T4 and T5 Transects; this hasn't changed. It redefines or refines what a definition of a Short Term Rental is and establishes the conditions that are going to be attached to question whether a STR can be established, how it's established, and how it will be permitted. Ms. Bridges referred to her staff report and said she included the "track changes" into the document so as you read if this is text crossed through means we are taking that out and something is provided instead; if we are adding to the document it is in red. Ms. Bridges went over the proposed changes.

Mrs. Bridges said she now has the Facebook Comments and read them:

**Sing Papas** said, “I don’t want to change any zoning to my property in Port Royal”.

**Angela Gilstrap** asked do Port Royal residents who own STRs know about this meeting being held on this page. She said, “I don’t see any people I know that own STRs in this thread”.

**Chuck Gardner** what about a two day rental, it’s that allowed?

**Tina Kelly** “one dwelling per lot”, yet it says, “duplexes are included”. Mrs. Bridges said there is some clarification. (1) A duplex can be owned by two separate people. If the ownership is split as the duplexes is split, there would be one structure per lot. The Assessor will list them as two separate properties. (2) If they each had an accessory dwelling unit than of the four potential applicable spaces only two of them would be able to be STRs. Mr. Tomy suggested instead of saying “lot” say “address” if that works because any accessory dwelling building used as a STR has to have a separate address.

**Mike Sackman** asked where 8% saturation came from. He stated, “you can’t have a birthday at a house”. Mrs. Bridges said the 8% came from the taskforce who spent many hours arriving at a number. The 8% was a comprise on many parts. Mr. Tomy said as a reference, the City has 6%.

**Phil Alling** said, “hotels have to provide at least one off-street parking per room and asked why shouldn’t STR operators have to do the same”. Mr. Hinchler feels the Town has addressed this well by requiring a parking plan. Commissioners agreed.

**Tina Kelly** strongly objects to the monitor fire alarm systems because it is an added expense for homeowners on top of accommodation fees, property insurance, flood insurance, utilities, WIFI, cable, water, etc. Property owners do not need to have a monitored fire alarm system. Mr. Hinchler said he agrees; I understand why it’s in place, but as far as it being mandated, I agree. Ms. Alling said, safety is paramount. Mr. Tomy feels it needs to be in there. As a STR rental from a safety standpoint, I agree with Ms. Alling. The fire alarm system from ADT is through WIFI so the expense their talking about is monthly expense for the system, but it’s not that expensive for the equipment and installation. Mr. Hinchler understands from the safety standpoint, but if you have someone who is renting out a room in their house, it’s a little overreach to mandate them to be put it in to retrofit a house if they are living in the structure.

**Mr. Patel** asked, have you given any thought to Megan’s Law? Commissioners are not sure how it applies to this.

**Phil Alling** said the taskforce intent was to transfer a license from one location to another for the same owner. Mrs. Bridges said this was discussed earlier and this is what the ordinance says and that was the intent of the taskforce had. Mr. Bardenwerper even though we said it’s problematic. Mr. Tomy said the City would be giving up control over STRs if it allowed it.

**Tresa Agosta Klock** As new owners file within 60 days they would have to comply with all requirements. Mrs. Bridges said this was covered earlier in our discussion.

**Bernadette Clayton** said “I’m glad this is finally coming on the agenda; it certainly took long enough. I do understand some of the STR owners do try to operate in a way that is not disruptive, however not all have the best interest of the Town or the neighborhoods. Thus, the needs for these changes to be made. Mrs. Bridges said Ms. Clayton goes through point by point, so she read pages 4-24 thru 4-26.

Ms. Bridges said there are no more public comments via Facebook.

**Motion:** Mr. Hinchler made a motion to move forward with the text amendments incorporating the comments that Linda has captured throughout this session. Ms. Fermin seconded the motion.

Further Discussion:

Ms. Alling said the taskforce met and came up with this proposal several months ago for many legitimate reasons and now which has come to the table. The taskforce was provided with information from other municipalities which helped them to craft his document. So much has happened within municipalities around the world that those should be re-addressed; re-reviewed once again for several reasons. There have been a lot of problems with STRs, some have been solved, which would be important for us to know what those solutions were to incorporate it into this before it gets started. And some problems it has been determined that they are not solvable which is just as important to know. I suggest that the first municipality to review would be Beaufort because it's right here. She's heard they've had problems and are concerned about the 6% and we have 8%. The Town needs to find out more information and perhaps edit this proposal. I would not suggest that task force do not convene because they did their job and did it well. There needs to be a smaller group to do edits and bring it back to us. Mr. Crower agreed with Ms. Alling. Mr. Tomy asked if Ms. Alling was offering an amendment to the motion. Yes, said Ms. Alling.

**Amended Motion:** Ms. Alling made an amended motion suggesting that a committee study municipalities, their problems and their solutions. Restudy the percentage and to start with the City of Beaufort and to edit these proposals and make the necessary suggested changes. Mr. Crower seconded. Mr. Tomy said this amendment nullifies the motion. The other way that you can do an amendment is to ask since there's been time past as you said in the writing of this and the actual submission that the Town take a look at the information contained in here and readdress necessary areas to update it. This would allow the motion to go through approval with that as an amendment. Ms. Alling said there are so many possible problems that could occur and doesn't feel she can approve it. **Mr. Hinchler withdrew his motion.** Mr. Hinchler wanted to clarify what Ms. Alling was suggesting. She wants to send back the document to staff with the items we discussed today as well as look at other municipalities in close proximity and try to incorporate the changes they made over the last several months. Ms. Alling said this sounds good but not to limit it to those in close proximity. But to get a good overview of stumbling blocks that there have been.

Ms. Tomy asked if the second on the first motion is removed? Ms. Fermin said, yes.

**Motion:** Ms. Alling made a motion that the short term rental document be further researched, revised, edited, and brought back to the MPC for further review including to pass on to the Town the comments and questions that have been made. Mr. Crower seconded the motion. The motion passed unanimously.

- B. Town of Port Royal - Text Amendment. An amendment to Article 6, Nonconformities, of The Port Royal Code. An amendment to Section 6.4.10 C to allow minor modifications to a sign face attachment. Applicant: Adams Outdoor

**Motion:** Mr. Bardenwerper made a motion, seconded by Ms. Fermin, to approve the suggested change along with the hurricane resistant frame.

Ms. Bridges said there is one public comment asking, "What is the definition of minor". Ms. Bridges said this was covered when it was discussed about hurricane frames.

- C. Update of Council Actions

Ms. Bridges there were two issues on the agenda last month and one was rezoning for Habitat and it received 1<sup>st</sup> reading. Month of April that will come forward with a public hearing and second reading. Other question on the April Agenda was about allowing campgrounds in the Town of Port Royal, council postponed and there was a discussion and feedback to the applicant and the applicant is working on answering those question for council and the Planning Commission due to the stipulation that they bring it back to you with more information and data.

## **V. ADJOURN**

## **TIME**

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Ms. Fermin made a motion to adjourn, seconded by Ms. Alling. The motion passed unanimously.

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