

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **August 20, 2018 at 5:30 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Bill Harris, Commissioners Judy Alling, Caroline Fermin, Robert Semmler, and Jim Crower, and Libby Anderson, City of Beaufort planning and Linda Bridges, Town of Port Royal planning. Commissioner Tim Rentz 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.

MINUTES

Commissioner Crower made a motion, second by Commissioner Semmler, to approve the minutes of the May 23, 2018 MPC special work session, the June 4, 2018 MPC special work session, and the June 7, 2018 MPC special meeting. The motion to approve all of the minutes as submitted was approved unanimously.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

REZONING REQUEST – **Rezone a portion of a parcel of property located at 1529 Salem Road, identified as R122 029 000 0181 0000** – The existing zoning is T4-Neighborhood. The proposed zoning of the front (Salem Road) half of the lot is T5-Urban Corridor; the rear half of the lot will remain T4-Neighborhood (N).

Applicant: Vimal Desai

Ms. Anderson said this lot is 4 acres and is currently undeveloped. A strip shopping center is located to the north, and she pointed out other nearby uses and surrounding zoning. This is a mixed-use district that permits all types of residential development, she said. In general, retail uses are not allowed in T4-N. The proposed zoning is T5-UC for the front half of the lot; the remainder is proposed to remain T4-N.

Ms. Anderson described uses allowed in T5-UC, which is a more intense commercial zoning, and she said design review is required. T5-UC is consistent with the previous zoning of the property, she said. Nearby properties were recently rezoned to T5-UC; it was previously zoned Highway Commercial under the UDO.

Ms. Anderson believes the rezoning is consistent with the Comprehensive Plan and with the other surrounding land uses, including car dealerships. There is a tree buffer, but the majority of the lot is grass, she said. The parcel would likely be more marketable with the zoning change, she said.

Standard public notice was made, Ms. Anderson said, and staff recommends approval of the rezoning.

The trees could all be cut down, Commissioner Semmler said. Ms. Anderson said a project there would need to go through design review, and there would have to be a certified arborist's report. If there are landmark and/or specimen trees on the site to be taken out, and the certified arborist's report indicated they were in good or excellent condition, mitigation would be approved.

Commissioner Semmler said maximum lot coverage in T5-UC is 100%; minimum is 60%. Ms. Anderson said that means at least 60% of the lot has to have a building on it, and she said again that there would not be automatic approval to remove landmark or specimen trees.

Ms. Anderson showed the frontage build-out; for a 100' lot, "you have to have 60' of building," and "maximum lot coverage could be up to 100%," though there still needs to be parking, stormwater, etc. on the site and "you need to deal with the trees."

Commissioner Semmler asked if there is a requirement for a buffer between this lot and the adjoining subdivision in T4-N. Ms. Anderson said there is a setback requirement, but there is also "landscaping, and the screening in between adjoining uses on top of that."

Chairman Harris asked if "where the flood level changes" is "where we're talking about having" the division between the 2 zonings. Ms. Anderson explained that there is "an actual dimension" for the parcel seeking rezoning, which is 220' back from Salem Road.

Vimal Desai said where the zoning change is being requested, they plan to build a hotel; they are dividing the parcel in half for the rezoning request because there is a neighborhood behind the parcel, and they are sensitive to that.

Cynthia Cassidy asked if there is a problem with moving the hotel to the area that is "already zoned T5." There is empty space in the shopping plaza, she said, and she doesn't "want a hotel in front of [her] neighborhood." Chairman Harris said the owner of the parcel – not the city – is looking to rezone, and it's not a "part of a larger plan." The applicant owns the property, he said, and the idea is to develop the parcel this way, but the commission would be "conscientious about" its impact on the neighborhood.

Tom Miller works with the developer and said they have an interest in the trees, too, so their intention is not to clear-cut them; they intend to keep the trees, which is why they created the line dividing the parcel as they did.

Susan Draper said that Mr. Desai had met with the neighborhood and discussed 2 different proposals, "but he never talked about a hotel, so it's kind of misleading." Chairman Harris said he thought Ms. Draper was commenting about Wright's Point, and a different project is currently under discussion.

Commissioner Semmler said under T4-N, a hotel “could be 4 stories max,” while “T5-UC is 5 stories max.” He’s more concerned about the trees and about the hotel having “a big parking lot,” with outdoor lighting, which is also the case at the nearby Dodge dealership and possibly in the shopping center. Chairman Harris said this is a transitional area that goes from “a pretty high commercial density” to “marsh and water.”

Chairman Harris asked Ms. Anderson if the lot would be split when the zoning is split. She said no, but if the applicant decides to do a lot split, it would need to be a separate action. That is a separate process that is done administratively, she said.

Chairman Harris said there’s potential for the hotel to be in T5-UC, with parking and services on the back half of the parcel. Ms. Anderson said, “We’d have to look at that,” but it definitely could not happen if the lot were split.

Commissioner Semmler asked why the applicant is splitting the zoning on the parcel in the first place. He thinks the applicant wants T5 in order to get 5 stories on the hotel. Chairman Harris said the whole lot could be T5-UC, but keeping the back of the lot zoned T4-N is to “soften it” for the neighborhood. Mr. Desai said that is the purpose. Mr. Miller said the space that is needed in the front of the parcel for the hotel “is allocated up front.” The space in the back of the parcel is not needed for the hotel. “We were trying to be sensitive to the neighborhood,” he said, and to “keep the trees.” The hotel is not likely to be 5 stories, but there is a 5-story building across the street from it.

Chairman Harris asked Ms. Anderson what the buffer requirement is between the hotel and the neighborhood. She said she would look that up. If the T4-N is developed for single-family residential, Chairman Harris said, that would be the only reason to have a buffer between T5-UC and T4-N.

Chairman Harris said if the zoning is amended, the MPC must consider what could be on it if a hotel were not developed. Commissioner Crower said the commissioners are not designing what would go on the parcel.

Chairman Harris said as the project gets into the design phase, things like traffic would be considered.

Craig Freeman asked how the rezoning could be considered if it’s not known what would be on the parcel or if it were something other than a hotel. Chairman Harris said, “There is a whole process” for rezoning, and this is early in that process.

Ms. Anderson described the screening requirements between T5-UC and T3 zones.

Commissioner Alling said she feels it’s “admirable” for the developer to have considered the neighborhood. Mr. Desai said they have developed hotels in Charleston, Savannah,

and Beaufort, and they do consider the surrounding neighborhoods when developing them.

Chairman Harris asked the commissioners how they felt about including a condition to have a buffer between the T4-N and T3 zoning. Ms. Anderson said the commission could make a recommendation to that effect, but it wouldn't be binding. Mr. Miller said there is already a large tree buffer "between the back yards of the neighborhood and T4-N." They don't have a final tree survey yet, he said, but even "40' up in the air," the houses can't be seen from this property.

Commissioner Fermin made a motion to recommend rezoning the front half of the parcel at 1529 Salem Road from T4-N to T5-UC. Commissioner Semmler seconded the motion. The motion passed unanimously.

Commissioner Fermin made a motion to recommend that a buffer of 20' be maintained between the T4-N and T3 zoning. Commissioner Alling seconded the motion. The motion passed unanimously.

UPDATE OF CITY COUNCIL ACTIONS

Ms. Anderson said the Beaufort Code update and three rezonings were approved by city council.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

TEXT AMENDMENT – Amend the "Purpose" language in the Port Royal Code, Article 3, Division 3.2, Transect Zones, Section 3.2.30, T1 Natural Preserve Standards

Ms. Bridges said there is an inconsistency in the language here, so staff is requesting to amend the language in the Port Royal Code. They want to strike "single-family dwellings," which is inconsistent with the allowed uses. **Commissioner Semmler made a motion, second by Commissioner Fermin, to recommend the change. The motion passed unanimously.**

TEXT AMENDMENT – Amend the allowed "building height" language in the Port Royal Code, Article 3, Division 3.2, Transect Zones, Section 3.2.70 E

Ms. Bridges said this would apply to T4-NC and T4-Neighborhood Center Open (NCO). The recommendation is to change the allowed maximum building height in these zonings from 2.5 to 3 stories. She discussed the reason for the desired change. The Design Review Board (DRB) has pointed out that property owners and developers want predictability, Ms. Bridges said, and this would allow more of that.

Ms. Bridges showed on the Port Royal zoning map "how widespread" T4-Neighborhood is, including T4-NC and T4-NCO.

Commissioner Alling said she questions allowing this on “very small pieces of property” and asked Ms. Bridges if that had been considered. There are very small dwellings on these lots and in other areas, Commissioner Alling said, and “the difference might be huge.” It might not fit in some neighborhoods that have “tiny 1-story cottages” to have a 3-story building next to them. Commissioner Alling asked if it would be better to have “overlay districts” instead.

Ms. Bridges said this change is not calibrated to the size of property and the “context we’re putting it in.” The apartment building is the building type of “the largest mass allowed,” she said. More than the zoning designation is considered to determine what is to be developed on a parcel of property, and the height of a building is “rarely the be-all [and] end-all to the conversation that’s being had, particularly in the neighborhoods,” Ms. Bridges said.

Chairman Harris said the Port Royal Code has been set up to make it “easy to control things in a more urban setting right now” (e.g., Paris Avenue), but for some apartment projects – where there are not yet apartment buildings – “the code just doesn’t jibe with that.” Commissioner Alling said that’s her point, and apartments of this size don’t make sense in all areas of the town. She thinks this should be looked at more carefully to determine the locations that this change would affect. Ms. Bridges said when the Port Royal Code was vetted, no traffic impact analysis is required below 16th Street, for example; there might be language added to that effect. Commissioner Alling asked if “the map should be scrutinized more carefully.”

Commissioner Semmler asked Chairman Harris if an architect could more easily build 3 stories than 2.5; Chairman Harris said, “You can achieve the right look with or without the half-story.” Commissioner Semmler asked if the new assisted living facility across from the YMCA is 2 stories; Ms. Bridges said it is.

Commissioner Semmler asked what is driving this proposed change. Chairman Harris said he’s seen people with apartment projects who have come in for 4 or 5 DRB meetings to get their project in a form that the board would approve. This has happened a few times in a row, he said, and this change to the code would mean fewer meetings for the developer and would give them “more predictability,” which he said, “is huge for folks.”

Commissioner Alling asked if the MPC is “here to give the developers fewer meetings” and make it easier for them or “to protect our environment.” Chairman Harris said the system needs to be “clear” and “consistent,” and the market is asking for apartments. He said he like Commissioner Alling’s the idea of the code “show[ing] where to do this – only in the right places.” In discussing “massing of buildings and how that works out, and the metrics for that,” Chairman Harris said, “I think the trade-off seems very positive.”

Ms. Bridges said, “Up – not out – is more environmentally sensitive.” Commissioner Alling said she agrees, but allowing 3 stories on a small lot doesn’t make sense to her, so she thinks the different locations need to be looked at.

Ms. Bridges said this is how codes work: by the time other things are added in, the half-story is a “meager 6-feet,” and she feels there are enough other parameters in zoning and building codes that she wouldn’t have any fear about pushing the envelope to 3-stories from 2.5 stories.

Rikki Parker, Coastal Conservation League, said the group supports the amendment. It could be paired with tree preservation, so that grand, specimen, and landmark trees could be preserved as a trade-off with developers for the additional half-story, so Coastal Conservation League supports “this minimal height increase.”

Richard Harbison lives in Wright’s Point, where he said 275 apartments are proposed, and “we’re just going to give them 90 more.” He opposes this “huge increase” in density. He hopes the MPC will give careful consideration to such proposals, and he feels “the public really needs to hear about this.”

Andre De Bruin also lives in Wright’s Point; he thinks this change would be “hugely disruptive.” He feels the additional half-story “would be hugely impactful for our area.”

Commissioner Crower said the MPC is “not the last voice on this,” but he has a problem with this kind of change to make “it easier on developers.” He is more concerned with the people presently living in town and how the town looks than he is with “how many meetings a developer has to go to.”

Chairman Harris said the MPC could recommend approval or denial, or it could table the matter to look into where this would be allowed and not allowed. Ms. Bridges if the commission would like to continue to look at the issue, staff could have a workshop with some or all of the commissioners “to see what could move this forward.”

Commissioner Semmler said there are certain places this would not fit, so he doesn’t favor arbitrarily approving this. Commissioner Crower said an overlay idea is good, but they “are supposed to be moving toward this transect idea, and now we’re breaking up transects into smaller chunks” and “getting back to traditional zoning,” not necessarily based on usage but on “building massing,” with “all the big buildings together and all the little buildings together.”

Commissioner Alling made a motion to recommend denial of the change to 3-stories and to suggest looking at this again with more consideration of the location of the changes. Commissioner Fermin seconded the motion.

Commissioner Crower said he doesn't like the idea of denying the request because he thinks it will delay "the timeline." Ms. Bridges said an applicant could request that a recommendation be made within 30 days.

The motion passed 4-1, Chairman Harris opposed.

TEXT AMENDMENT – Amend the "Apartment House" language concerning the number of units and the building size and massing in the Port Royal Code, Article 5, Division 5.1, Traditional Building Types, Section 5.1.120

Ms. Bridges said 6 minimum, 12 maximum is the current number of allowed units, and staff suggests the maximum be 24 units. Staff is also suggesting a change in the "massing language," she said, to go along with the maximum unit increase. The current maximum width and depth would remain the same in the main body of the apartment, she said, but in the secondary wing, the maximum width would go from 48' to 60' if there is "a break in the floor and roof plans," and more than one secondary wing would be allowed.

Chairman Harris asked, in the projects approved recently by the DRB, what the units-per-building number is. Ms. Bridges said, "Definitely . . . 24 [units] has been approved," and she thinks 36 units per building has been approved, too, "in an isolated case or two." All were approved with "a very robust discussion of building mass and articulation of changes in the building mass," and breaking the mass up, so there are technically 36 units, but it would read as "2 buildings of 12 and 24 units," she said.

Commissioner Alling said she thought "greater mass was something we wanted to stay away from" because it would necessitate taking down more trees and vegetation; she thought they "were looking to make smaller structures." Chairman Harris said, "It's for improved massing." Both of these items are geared toward "more articulation with more broken-up massing," he said. The extra half-floor is a trade-off for that.

Ms. Bridges said it's "not satisfying the desire of the code" to just double the number of units; the main body of the structure has to change from the secondary wing, so there would be articulation between them. This would be "more prescriptive on how that articulation happens," she said.

It's more onerous to change the floor and roof plan, Ms. Bridges said, and it will run throughout the building. There would be more units – so the mass is increased – but the language is added to make it "an interesting change in mass," she said. Commissioner Alling said this would, in turn, take out more trees and vegetation because the mass is greater.

Chairman Harris said the limiter on these projects is parking. He asked Ms. Bridges to show a picture of Habersham apartments as an example of developing a building with 3

floors, not 2.5, with articulated massing. He added that “after a certain number of projects come through” with variances approved by the DRB, “the code learns,” so these amendments are an attempt to match the code “with what we’re seeing.”

Commissioner Semmler said this change would increase density and traffic congestion, and “we need more schools.” He asked whether developers are “willing to allow some of those [apartments] to be considered affordable housing.” Ms. Bridges said, “We don’t have a density bonus for affordable” housing. She said there are other parameters on development besides the code; parking is a limiter, as Chairman Harris had said, as are open space requirements, tree preservation, and stormwater regulations. These land uses are all part of “a development when it comes through in its final form,” she said. Ms. Bridges pointed out that “we’re not just about going from 12 to 24” units with this proposed change, and “that’s it.”

Chairman Harris said a site is limited in the number of apartments that could be put on it; “there are many other limiters besides the allowed number of units in a building.” This proposed change is not just giving developers more units, he said; it allows more units, then it makes “them articulate that mass better.”

Commissioner Crower said additional massing, if it’s articulated, means the building could be adjusted to “fit around some trees” because the building doesn’t “have to be a rectangle.”

Commissioner Alling asked if the MPC was being “too influenced by developers’ interests.” Chairman Harris said there need to be clear expectations. In Port Royal, someone sees what’s in the code, and it “doesn’t necessarily match up to what’s being approved,” he said; the code *should* reflect what is being approved “over and over again.”

Commissioner Semmler said he thinks “that’s backwards,” but no matter what the MPC recommends, the town council could vote for what it wants, which is “a larger tax base” and “more homes.” However, that is “making things more crowded,” he said, which “the public can be very vocal” about, so he suggested, “Let’s slow down a little bit.” Under this proposed change or the previous one, Commissioner Semmler said, “You still increase density.”

Chairman Harris asked Commissioner Semmler what in either of these proposed changes “moves your density number up,” creating more traffic etc. “It’s the same number of overall units,” he said, under this amendment. With 24 units instead of 12, Commissioner Semmler said, “more people” would “live in that small area.”

Ms. Bridges said in her experience, “there is a number that works” in apartment development (e.g., 48 units), and “something in the market . . . drives those break points to the numbers.” She said, “This is another parameter that has an impact on what we

see” from developers, just as, from her perspective, limits on traffic impact, carrying capacity “on our roads,” parking, and stormwater, do.

Louis Bruce said this might work in some places in Port Royal but not in others. If one of these apartments were built below 16th Street, he feels it would ruin the neighborhood because “one of those” would “change the whole complexion of the village.”

Walt Irvine said increasing the number of allowable units “still increases the number of people.” He said the Port Royal Code was supposed “to set up standards,” but “the first set of apartments that they talked about bringing in, with the 2.5-story limit, the drawing showed 3-story and 4-story buildings.” Whether apartments’ size is increased by “going up or going out,” it “still increases the number of people,” he said.

Commissioner Semmler made a motion, second by Commissioner Fermin, to recommend denial of this amendment. The motion passed 4-1, Chairman Harris opposed.

TEXT AMENDMENT – Amend the “Resource Protection” language in the Port Royal Code, Article 5, Division 5.10 to add enhanced river buffer standards

Ms. Bridges said staff and the Coastal Conservation League are submitting this. The amendment would add language to “explain the purposes of a river buffer and setback” and to regulate the river buffer, and would “increase the depth of the setback from the critical line,” she said.

Ms. Bridges discussed the changes and additions to this language in the Port Royal Code (e.g., what a river buffer is and is intended to do). There is a graphic that is new to the code, she said, which shows the difference between a river buffer and the building setback from the OCRM critical setback line.

Commissioner Semmler asked how these standards are enforced. Ms. Bridges said generally, it’s easy to enforce them with a new development. The project would be “taken through this loop” to determine if it meets “these stipulations,” she said, and then it would be built to these standards. The intention is to show how important these standards are “to maintain these places.”

Commissioner Semmler said property to the west of the former Dockside restaurant was clear-cut, and he asked if there is “a fine set up for that.” The rules are great, he said, “but if we can’t enforce them . . .” Ms. Bridges said there is “a different set of standards” for different properties, including the one Commissioner Semmler asked about, which is a PUD. “Clear-cutting” has a “different definition in the development world, and that’s not it,” she said. What was done on that property is allowed; it’s known as “underbrushing” or “bush-hogging,” Ms. Bridges said, which “for the town” is

taking out plants that are “less than 6”, 8” in diameter” where there isn’t a river buffer requirement.

Commissioner Alling asked how the river buffer is measured. Ms. Bridges said it’s from the critical line, “not from the water.”

Commissioner Alling asked how a critical line is determined. Ms. Bridges said the OCRM has technicians who understand vegetation and where it grows, and they delineate the critical line. Any plat or survey “against a critical line of any sort” has a critical line marked on it, she said.

Mr. Freeman said having development further from the water, given climate change, “wouldn't be a terrible thing, either.”

Wendy Zara said she supports this amendment. The Town of Port Royal had no vegetative standards, but this is an update to promote “naturally vegetative buffers.” She thinks this is an important addition to the ordinance.

Jennifer Sharp, Town of Port Royal, is the environment team leader for Beaufort Indivisible. She is in favor of the river buffers, but there are none in T4 and T5 zones. All the responsibility is the homeowners’, not the developers’. She thinks the work should go farther.

Tree removal in Port Royal hasn’t been good, Ms. Sharp said. People may mean well, but developers take down trees and then “pay a small fine,” but no mitigation is done when this happens. Stormwater work is being done throughout the county, she said, and it’s important to maintain vegetation and trees to stave off erosion and protect against storm surge. The tree ordinance, Ms. Sharp said, and protecting the trees and the river buffer should be considered “under this one protection standard.”

Ms. Parker said the county and the City of Beaufort recently revised their tree and river buffer ordinances and updated them. There are no river buffers in the T4 and T5 zones, as Ms. Sharp said, but in the more urban zones, such as Waterfront Park and on the Whitehall property, “that may be more appropriate” to have a setback to protect water quality, even if the land is disturbed, Ms. Parker said. This amendment will bring Port Royal more in line with the City of Beaufort and the county and will prevent developers from targeting the jurisdictions with less stringent environmental standards, she said.

Ms. Parker said she supports changes to the tree ordinance, and she agrees that the fine for clear-cutting is low. However, she stressed that her purpose at tonight’s meeting is to speak in favor of the river buffers.

Ms. Bridges said more urban places “perhaps get by” without the river buffers.

Commissioner Alling made a motion to recommend approval of the changes to “Resource Protection.” Commissioner Fermin seconded.

Commissioner Crower said he disagrees “with the lack of a river buffer in T4 and T5.” He thinks there should be “some sort of protection at the water line and above the water line.” He read note #3 under the OCRB critical line setback table, which says that all buildings “except single-family and two-family buildings and all waterfront off-street parking areas shall contain a pedestrian pathway or sidewalk running parallel to, and immediately adjacent to, the water’s edge.” He said this seems opposed to having a river buffer or setback and asked why a path at the water’s edge is required. Ms. Bridges said, “The original language recognized that so much of our water’s edge has been . . . taken away from the public.” This amendment recognizes that this is very important, she said. The water’s edge has been divvied up, she said. The trail should break to the water’s edge, Ms. Bridges said, and that should happen as often as is feasible. Staff has discussed that whenever it can go to the water’s edge, they expect developers to do that. Chairman Harris clarified that the path is meant to be “adjacent to the water’s edge,” not necessarily *on* it.

Commissioner Fermin said she thinks “it should be more than 35’.” Chairman Harris asked, if he owns waterfront property, and this amendment is approved, what the process is for his developing his waterfront dream house. Ms. Bridges said single-family homes must be set back 35’. There is a process to get a waiver, which she read, and the administrator can grant it. Commissioner Alling said this doesn’t allow someone’s property rights to be taken away. **The motion passed unanimously.**

REZONING REQUEST – Rezone R112 034 000 000 0251, also known as 45 Belleview Bluff, from T3-Edge to T4-Neighborhood Center

Applicant: Bennett McNeal

Ms. Bridges said this 1.03 acre parcel is undeveloped, and there are adjacent parcels under the same ownership that are zoned T4-NC. She showed the parcel and surrounding parcels on a map. The proposed zoning is intended to integrate appropriate small residential housing types into a neighborhood appropriate for walking and bicycling, according to the Port Royal Code, she said.

Ms. Bridges reviewed the surrounding zoning in the Future Land Use map in the Comprehensive Plan. In this map, this area is in the “restricted growth sector/low-impact sector,” she said.

The acreage is adjacent to the marshes of Battery Creek, Ms. Bridges said. If it’s zoned T4-NC, the required setback for all development would be a 25’ from the OCRM critical line. The joint stormwater regulations would require that post-development run-off doesn’t exceed pre-development levels. “This is virgin land,” she said, “so the stormwater standards are robust.”

All services could be delivered, and all public notification was made, Ms. Bridges said.

Staff doesn't generally make a recommendation, Ms. Bridges told Commissioner Semmler. She thinks the application is "well-reasoned." There are many factors to making "a good project," including "contributing structures (and) contributing uses."

Commissioner Alling said the setback would change from 60' to 30'. Ms. Bridges said if it remains T3, the setback and river buffer would be 50'. If the zoning is changed to T4-NC, the setback goes from 50' to 25' and the river buffer goes from 50' to "none," she said.

Commissioner Crower asked what the zoning is on adjacent lots along the marsh; Ms. Bridges said properties to the north are T3-Edge. Properties to the south are not in the Town of Port Royal; they are in the county.

Joe Mackey, One Stone Realty, said most of this tract is zoned T4-NC or NCO. This property is the exception; it's one acre and is T3-Edge. The idea is to have more uniform zoning for the applicant's 31.5-acre tract, he said.

One exception to the compatibility is the property to the north of this parcel (2 Wright's Point Circle), Mr. Mackey said, which is undeveloped and is separated from the subject property by a wooded buffer, marsh, and protected wetlands. A second exception is 49 Belleview Bluff, which is to the southeast of the subject property. It's not in the Town of Port Royal's boundaries, and this could be a buffer between the subject property and 53 Belleview Bluff, he said.

The developed phases of the Wright's Point subdivision are single-family homes to the north and northeast of the subject parcel, Mr. Mackey said; except for 2 Wright's Point Circle, none of the single-family homes in the Wright's Point subdivision are directly adjacent to the subject parcel. Those single-family homes that are closest to it are zoned T4-NC and are buffered and separated from the subject parcel by land that is currently also zoned T4-NC, he said. "Thus, the subject parcel is surrounded by either the waters of Battery Creek, natural buffers that separate it from lower-density uses, or properties that are already zoned identical[ly] to the requested rezoning," Mr. Mackey said.

Mr. Mackey said while "site-specific rezoning is not applicable in the Town of Port Royal," he feels it is "prudent to outline" how the subject property "fits into our overall development plan for the larger 20-acre tract and explain the constraints . . . that make the requested map change necessary."

The overall development plan is for a 20-acre residential community with 214 multi-family dwellings, Mr. Mackey said, not 275, as Mr. Harbison had said in an earlier comment. "The community will consist of 18 residential buildings designed in compliance with the T4-NC standards," he said.

The community's clubhouse is called for in the plan to be built on the subject parcel, Mr. Mackey said. He described what the clubhouse would look like; the setback from Battery Creek would be greater than the required setback from the OCRM critical line. It would be more than 100' back from the OCRM line, he said.

This is the best location for the clubhouse, Mr. Mackey said, and more residents would have access to the water's edge. Although a meeting facility less than 5,000 square feet is a use permitted in T3-Edge, the use is limited to a public, nonprofit purpose, not private use, which is the "limiting factor." The clubhouse would be for the community's private use, so the zoning needs to be changed, he said.

The neighboring stakeholders have been contacted, Mr. Mackey said. He met with approximately 20 adjacent property owners and would be addressing with them the landscape/hardscape and how the development of the clubhouse would affect them.

In regard to concerns about increased traffic, Mr. Mackey said the number of new dwellings proposed in the development would mean a traffic impact analysis prepared by a qualified third party would be required by the SCDOT regulations, and its recommendations would be addressed. Although homes on Belleview Bluff are outside the Town of Port Royal, he said, discussions with homeowners there have begun, and their concerns would be addressed.

Mr. Mackey said he and the applicant "are amenable to a deed restriction or some other legal mechanism" that would run with the land "and would restrict the development of the subject property to a use consistent with the proposed clubhouse in the site plan or other uses currently allowed within T3-Edge."

Mr. Freeman said he just bought his property recently, and he and neighbors are petitioning for annexation into the Town of Port Royal.

Mr. Freeman showed a photo on his phone of the property under discussion. He's not against development, he said, but "that is zoned T3-Edge for a reason." He's not just concerned about the clubhouse; he asked how a decision could be made to change the zoning when there are so many unknowns (e.g., What are the hours of operation for the clubhouse? Who would it be rented out to? Would there be weddings and parties there? etc.), "especially if the current project doesn't go through." Mr. Freeman said if the zoning is changed without limitations or deed restrictions, he has concerns about traffic, lights, etc.

Mr. Freeman said he thinks this zoning change now is "way too early" because "anything could be done to that property within T4." No one from Belleview Bluff was invited to the meeting last Thursday that Mr. Mackey had referred to, he added. Mr. Freeman closed on the property 6 weeks ago, so when Mr. Mackey said he had reached out to

everyone, he did not receive an invitation to that meeting, and there were no others in attendance from Belleview Bluff.

Mr. De Bruin, 4 Wright's Point Circle, said he maintains about 75% of 2 Wright's Point Circle to keep it tidy. There is not a vegetation buffer there, he said. He was not at the developer's meeting; he was told that a 100' dock is proposed, as well as the clubhouse. The owner of the lot next to his has a dock permit in hand.

The homes are very large on the water's edge, Mr. De Bruin said. He does not object to the development, but to change the zoning of this parcel would make him and his neighbors "quite unhappy."

Commissioner Semmler said he has "walked this property many times" and had gone there again that afternoon. "You'd have to bring in a lot of truckloads of dirt to fill in where that tidal creek is," he said, and he was "sorry Coastal Conservation League" wasn't at the meeting "to say something" about that. "I can't believe that we would allow that," Commissioner Semmler said. Ms. Bridges said Commissioner Semmler was right about that; "it's the responsibility of OCRM, and . . . there is a delineated critical line in there. There was some mitigation from the developer who built" some homes that she pointed out on a map. She described how wetlands mitigation is done and suggested that this might be "where some of that language of 'Oh, I'm going to fill it in'" came from." Ms. Bridges said the slough is protected, and "there is a critical line that has been delineated, and it is recognized."

Commissioner Semmler said this parcel was made T3-Edge for a reason. Commissioner Alling said there is "very little T3-Edge left," and she feels it should be preserved.

Commissioner Crower said tidal flooding and storm surge is going "to get worse," so he thinks it's "a bad idea to build on the water."

Commissioner Semmler said there is a lot of pavement in the design, which he knows the applicant doesn't have to follow. He asked if there would be sewer or septic. Ms. Bridges said sewer is available there.

Commissioner Semmler made a motion to recommend denial. Commissioner Alling seconded. The motion passed unanimously.

There being no further business to come before the commission, **Chairman Harris made a motion to adjourn**, and the MPC meeting ended at 8:10 p.m.