

A work session of the Beaufort City Council was held October 21, 2014 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling and Council members Donnie Beer, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

George O'Kelley 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.

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:00 p.m.

### **NOISE ORDINANCE WAIVER**

Mr. Dadson said this waiver was for October 29 for tree pruning downtown; they need to start early business begins and cars arrive, which is before 8:00 or 8:30, so they would like the ordinance waived so the pruning may begin at 7 a.m.

Councilman McFee said he had noticed power wash or grease pump trap cleaners at 6 a.m. on Bay Street, and he would like to find out who is doing that. He speculated that because of the location, it was probably Plums or Luther's, and he'd like staff to ask them to come at 8 a.m. or after.

Councilman Sutton said maintenance must be done, and they would have to get a noise waiver for the sound of the backing beep, if nothing else. Mayor Keyserling said the city needs to notify everyone on Bay Street and for a block back about the pruning, and they could use Main Street Beaufort to help with that. Mr. Dadson said he would.

### **BOUNDARY STREET REDEVELOPMENT DISTRICT ORDINANCE REVISIONS**

Mayor Keyserling said council had learned from **Dick Stewart** that there were elements to the code that might dissuade development. The ordinance went to the Planning Commission, which had a workshop, then had recommended/passed it the previous night. Mayor Keyserling said Mr. Stewart had made council cognizant of issues for developers.

**Lauren Kelly** said that planning has been working on revisions for a few months. She gave a timeline of how they got to where they are today: the Metropolitan Planning Commission, a focus group, a public hearing, then a workshop with the Metropolitan Planning Commission. She said she would present what has changed since what council saw at the public hearing the previous month. All the items are in that were discussed, with some modifications. They have added a piece about non-conforming structures, but "it's mainly tweaks and clarifications."

1. Staff proposes to change the appeals body to the Design Review Board.

2. DOT ownership and how it related to the frontage standards – They added language to give staff more flexibility to make the code more useable for those who front on those rights-of-way.
3. Proposal to eliminate the two-story building height requirement in the majority of the district except in the two-story overlay zone at Boundary Street and Ribaut Road and Boundary Street and Robert Smalls Parkway – At those intersections, they want a two-story *form*. The options are a two-story building, a mezzanine, or “a two-story mass” that is actually one-story but very tall. Buildings can evolve over time as the market changes. The main concern is with the mass, and “what happens inside is secondary.”
4. The frontage goals – A 100’ lot with a 60% frontage requirement would contain a 60’ building at a minimum. It’s 40% in the less urban areas. Staff had added clarification that larger parcels don’t need to be built out all at once. Staff will evaluate “a very conceptual plan” first that shows where buildings are so that they can ensure that goals will be met.
5. Glazing requirements – These have not changed since council’s public hearing, Ms. Kelly said.
6. Maximum parking requirements have been added to make them consistent in the Boundary Street District with other districts’ maximum parking requirements. For a large infill project with an excess of parking, it is not required to take the excess parking up.
7. Nonconforming structures – For existing buildings, the threshold for modification before compliance with the Boundary Street code is at 50% now, Ms. Kelly said. Now it has its own section, so it is easier to find, and they added a paragraph so that it’s clear that if it’s a repair, e.g., in the fire-damaged Wendy’s, even at 75% of the cost, if it’s “the very same building,” they don’t have to come into compliance. But if they add an addition or make major *changes*, they have to come into compliance.

Mayor Keyserling commented that in regard to the appeals process, the Design Review Board members had expressed envy for the Historic District Review Board having guidelines, which the Design Review Board didn't have, but now there's a guidebook, so he thinks that is a good thing, though they will need some training.

**Jon Verity** said that when this code is finally approved, there should be a training session for the people who work on Boundary Street. Mayor Keyserling agreed. That should be added to the pre-development meetings, Mr. Verity said.

Mayor Keyserling asked, in regard to the frontage goal, what they do to prohibit the remaining frontage from becoming a parking lot. He asked if there's threshold for how far the parking should be set back so that one day a building could be built there. Mr. Stewart said he understands the intent of the frontage. Taylor Motors has no parking in front. He believes that during the next two years, they should give that business owner incentive to build a building near the street. The city shouldn't require him to move his business back. Mr. Stewart said that as they get pedestrian traffic on Boundary Street, if the Taylor Motors owner builds that first

building/office space with rental space next to it, he will then want to build another one.

Mr. Stewart asked what a “large parcel” is. Ms. Kelly said they could clarify, but basically, if someone had a plan that wasn’t 60%, but they had a plan for a future building, that could qualify. Mr. Stewart asked if they could just eliminate the word “large.” Mayor Keyserling said he’d hate to see a 40’ building with a 60’ parking lot. **Libby Anderson** said this is for parcels that will go to multiple buildings, so the term “large” is fine, and if the applicant comes in and intends to build more than one building, they’re fine. Mr. Stewart said the party would provide a plan for the proposed buildings and a conceptual plan for buildings that will come later. Ms. Kelly said she thought they would keep parking as-is, so Taylor Motors can build a small building there; he wouldn't have to eliminate parking, but he couldn't add more. Ms. Anderson said some medium-sized parcels could have more than one building. A developer could build a restaurant, a mixed-use building, and a retail store, as opposed to someone just building a Wendy's.

Councilman Sutton said he wanted to cover the bullet points of the areas that were problems before. Ms. Kelly said in regard to the two-story buildings, they have eliminated that requirement for most; at the special intersections, it's one story required at a 14' minimum. Mayor Keyserling asked if going to 16' would add exponentially to cost. Mr. Stewart said he hadn't priced that, but he didn't think so. In his PUD, it is 24' because they think “that’s the urban profile.” Councilman Sutton asked if there were restrictions on height. Ms. Anderson said there are: 5 stories or 60' is the maximum building height.

Councilman Sutton asked about glazing minimums and if that was settled. Ms. Kelly said they had clarified that the amount of glass required is based on whether it's a commercial or residential structure. 40% is the minimum for commercial buildings, and residential is in a 15-75% range. The confusion was about a “shopfront” frontage type, which is not a *requirement* for any shop; anyone doing the shopfront building type has to meet those glazing requirements. “It’s about how (the building) interacts with the street,” Ms. Kelly said; it’s not required if you have a shop. Ms. Kelly said if you don’t do a shopfront, you don’t have to do 75% glass. The goal is “authenticity”: if you’re going to do a shopfront, do a shopfront, and if you’re not, do something else: awning, balcony, etc.

Ms. Anderson said the Design Review Board is only for appeals. Mr. Stewart said his company is building a shopfront and will do it at 50% glass, so it won’t be a shopfront by the district’s standards, but it will look like one. He said the amount of glass depends on whether it’s top to bottom; the 42-46% minimum suits his company’s needs.

Mr. Verity said this has been a very productive process. He appreciates Ms. Kelly and Ms. Anderson’s approach to it. They are encouraging development along Boundary Street from the private sector. Everyone wants to make Boundary Street “special.”

Mr. Verity said the written word can't be perfect because of interpretation. When there is not complete agreement, there's an option for discussion. The staff needs flexibility to move this forward, he feels, and there's the expectation that they will help the public find the best solution that fits the plan. He feels the Redevelopment Commission can be helpful with the developer or to facilitate discussions with the Planning Department. Mayor Keyserling said "a buddy system" with a member of the Redevelopment Commission working with a developer would be great. Mr. Verity said Mr. Stewart is hosting a meeting at 303 Associates' office, and "things may come up that we haven't thought of yet and we'll need to react to that."

Councilman Sutton said 6-42 talks about a 30-day period after the design has been (dis)approved by the city architect. He asked how that would happen – the sequence of events that triggers the 30-day window. Ms. Anderson said for other appeals through other boards, it's a 30-day process. It would have to be in writing, e.g., the glazing doesn't meet the standard, but the developer says it does, and then they bring an appeal to the Design Review Board within 30 days. Councilman Sutton said he's worried about "the fragmentation of a long process." Ms. Anderson said if discussions with staff and the applicant don't work out, then the trigger date is when that happens – when there's "a staff report with a difference of opinion." There will be a document that is filled out that triggers the appeal process. Councilman Sutton said it sounds like it occurs with a letter being generated and put on file. Ms. Anderson said the 30-day window is written in all their board letters, and they will make sure it's down for Boundary Street as well.

Ms. Anderson said working with staff in the time leading up to the initial application sometimes takes months from beginning to end. Ms. Kelly said during the discussions, if there was one item on which staff and a developer disagreed, they could opt to go to the Design Review Board for clarification on that item. Ms. Anderson said even if there's not disagreement, but something that needs to be worked out, staff has come forward with revisions to the code, so that's an option.

Mr. Stewart said that to submit a package for a formal review, they have to do surveying, which is expensive, and it (what is surveyed) will undergo changes in the next 18 months. If someone is "working through the process" and "can't resolve it until they have spent \$10-\$40,000," Mr. Stewart feels they would want to go to the Design Review Board if they could "before they spent all that money." He said Ms. Kelly was "delightful to work with" as the city architect, but "if people have to do all that before they can go to the Design Review Board," he believes they would "just shut down." He feels the city should want to provide assurance to developers that they "can problem-solve before they spend all that money."

Ms. Kelly said there is a conceptual plan and a final plan; they can look at the conceptual plans, but they don't want to get in a cycle where they approve a conceptual plan, then surveying is done, and the conceptual plan needs to be redone. Ms. Kelly and Councilman Sutton distinguished between conceptual and preliminary plans. Councilman Sutton said that a conceptual plan doesn't involve engineering

and surveying, though a preliminary plan does. A conceptual plan “just is ‘Here’s what I want to do, and here’s what it might look like.’” Mr. Stewart said a conceptual appearance approval before other site work might be helpful. If they moved the Wendy’s to where Huddle House is, they would do site work that cost \$40,000, and then there would be construction on Boundary Street, and the site would change. Mr. Dadson said the engineers “would match up with the plans.” There is a set of approved, engineered plans for Boundary Street. Mr. Stewart said during that period, they “would just want to build to that” – the edge of the road, easement lines, etc. Mr. Stewart said developers and builders would communicate that now is the time to act, instead of waiting until construction begins.

Mayor Keyserling said a question was raised about the timing of this. He thinks that at the next five meetings – first reading by council and Mr. Stewart’s four meetings – people who don’t know there’s a Boundary Street code might have concerns and want to talk about it. He feels council should do first reading, and if there are concerns, they should do another workshop before second reading. He thinks there won’t be that many people with “substantive concerns” about the code, or there will be those “who have bigger issues with Boundary Street, more so than with the code.” Mr. Dadson said this “also puts it into a pending ordinance position, which is good.”

Mr. Dadson said staff is “sending out information that starts the process” and “keeping the door of communication open.” Mr. Stewart shared the message for their meetings, which is “to come in now.” **Lolita Huckaby** asked when the bids are going out. Mr. Dadson said it’s a rebid – the constructability review was good – and they are finishing up that process, and hopefully they will be going out in the next month, and then be opened in December.

#### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilwoman Beer made a motion, second by Councilman McFee, to enter into Executive Session for the purpose of discussion of the settlement of legal claims. The motion passed unanimously.**

**Councilwoman Beer made a motion, second by Councilman Sutton, to come out of Executive Session and resume the council work session. The motion passed unanimously.**

The work session was adjourned at 6:30 p.m.