

A special meeting of the Beaufort City Council was held on December 17, 2002 at 5:30 p.m. in the Arsenal Meeting Room, 713 Craven Street. In attendance were Mayor Bill Rauch, Mayor Pro Tem Donnie Ann Beer, Councilmen Frank Glover, Gary B. Fordham, Billy Keyserling, and City Manager John F. McDonough. 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.

CALL TO ORDER

Mayor Rauch called the meeting to order at 5:35 p.m.

ORDINANCE REZONING AN 8.6 ACRE ISLAND FROM R-9 TO PUD

An Ordinance rezoning Ribaut Island, an 8.6 acre island located off Cottage Farm Drive identified as District 120, Tax Map 5, Parcel 187, from R-9 to PUD was presented to Council for second reading and adoption. Councilman Keyserling recused himself.

Ms. Libby Anderson, City Planner, outlined a series of changes that have been made to the PUD ordinance since first reading. Ms. Anderson stated that the development had been reduced to 25 units, there will be one community dock only, and building height will be measured at the peak of the roof. Regarding design, the revised ordinance states that there will be a maximum of two main building colors, excluding the color of the roof, and that muted nature-blending colors are preferred. In regard to the intersection of the PUD access road and Cottage Farm Drive, the revised ordinance requires that the intersection be designed by a licensed traffic engineer specializing in traffic engineering. The design will be reviewed and approved by City staff, and the developer will be responsible for design and construction costs. In addition, approval of a building permit for the project will be contingent upon the developer posting a performance guarantee for the intersection at 125% of the cost of the intersection improvements.

Additional items in the revised ordinance state that the City's R-9 standards will apply to items not addressed in the PUD ordinance, improvements to the causeway shall not decrease tidal flow to the marsh, a 40' buffer from the critical line is required, certain activities, such as construction, are prohibited within 35' of the critical line, trees shall be preserved during construction, and the property will revert back to R-9 if no building permit has been issued within five years of the date of the adoption of the PUD ordinance.

Councilman Glover asked about the feasibility of locating different utilities in the same trench, such as water and sewer. Ms. Anderson stated that multiple utilities would be included in the same trench when feasible, and according to the requirements of the law. She suggested that gas, cable, and telephone may be able to be located together, but acknowledged that the law required 10 feet between water and sewer.

Councilman Glover made a motion to add a sentence to the 6th bullet point in the ordinance which references the design of the intersection. He proposed adding a sentence that would provide the engineering firm the benefit of the agreement reached between the developers and the Cottage Farm homeowners regarding intersection design. He proposed that the provision read: the intersection would be designed by a licensed engineer specializing in traffic engineering "In accordance with the letter of agreement dated December 3, 2002 between the

owners of Ribaut Island and the owner of Lot 1 Cottage Farm with the enclosed conceptual realignment plan or plans.” Councilwoman Beer seconded the motion to add the sentence.

The Council discussed the exact wording of the language to be included to ensure the engineer gives consideration to the design concepts agreed upon by the developer and the Cottage Farms homeowners, but did not limit or bind the engineer to those exact designs.

Councilman Glover made a motion to modify the proposed language to read, “Giving full consideration to the letter of agreement dated December 3, 2002 between the owners of Ribaut Island and the owner of Lot 1 Cottage Farm with the enclosed conceptual realignment plan or plans.” Councilwoman Beer seconded the modified language.

Marshall Smith, representing the Cottage Farms Property Owners Association, stated he did not see a problem with binding the engineer to the proposed designs. He stated the concern that currently the developer is not bound to the agreement reached, and said the homeowners are seeking some assurance that the concept developed and agreed upon will be what they end up with. Beyond that, he stated that the Association is satisfied that they have made the best of the situation. Mayor Rauch noted that before anything is built at the intersection, it will come to City staff for review and approval.

Councilman Glover thanked the Cottage Farms Property Owners and the developers for their cooperation. Councilman Fordham stated that with the understanding that City staff will work with the developer on the traffic issue, he intends to vote for the motion. Council voted unanimously to approve the motion inserting the proposed sentence.

Mayor Rauch noted several typos on bullet #5 in the ordinance: line 2: “contract” should be “contrast,” line 1: “color” should be “colors,” line 5: “layer” should be “layered.”

Councilwoman Beer made a motion to approve the ordinance as amended, Councilman Glover gave second. Council unanimously approved the ordinance as amended on second reading.

UNIFIED DEVELOPMENT ORDINANCE WORKSHOP

Councilman Keyserling rejoined the meeting. Mayor Rauch explained that the purpose of the new ordinance was to streamline the development process and to permit traditional neighborhood design.

Ms. Anderson highlighted two changes in the ordinance that would provide City staff with more decision-making authority: one gives staff the authority to review minor projects (paint colors, change of windows, etc.) in the Historic District, an authority staff now has in the highway corridor areas; a second provides for an administrative adjustment, allowing staff to approve variances for up to 10% of any numerical standard (i.e. lot area, width, setback). These changes are meant to streamline the process and allow developers to go to staff with minor matters instead of the various review boards. Ms. Anderson noted that if the applicant disagrees with the staff decision, they can appeal it to the appropriate board.

Ms. Anderson went over some of the problems with the current ordinance: it is outdated,

inflexible, difficult to use, some sections are ambiguous, and there are omissions and inaccuracies.

Merritt Patterson suggested that the new ordinance may have actually added steps to the process instead of streamlining it. He stated that the development procedures are difficult and lengthy with several steps of review and permitting. He stated that his last three projects had taken 12-14 months to pass all review and permitting stages. He recommended that developers go to “the toughest committee”, the Development Review Team, first (with representatives from all the main agencies, DOT, BJWSA, City staff) and not submit anything to anyone else (Planning Commission) until they pass that review so that all changes are made up front. He felt that the many layers of review, each coming back with different recommendations for changes, slowed the process down, and that this ordinance did not make any real changes to that.

Councilman Fordham asked Mr. Patterson what the problem was that caused his projects to take a year or more to get approved. Mr. Patterson responded that it was a multiplicity of layers of bureaucracy and jurisdiction, involving a series of linear steps that prevent you from moving to step 2 until you pass step 1. He added that each step takes time and requires different submittals. Councilman Fordham asked what the City can do to shorten the process. Mr. Patterson suggested allowing concurrency, where the approval process can move forward at many levels at the same time and several agencies can review their portion of the project at the same time.

Dick Stewart expressed the problem developers face of a constant shifting of the standards, where after each level of review, they receive a letter that outlines concerns with the project. However, after the next meeting, different concerns may be listed. He stated that the City may consider speeding up the process by taking over the responsibility for some things, such as the traffic engineering or water and sewer approval. The Mayor noted that replacing other regulatory agencies means taking on liability and generally speaking, this Council has not wanted to take on the job of other governments. Mr. Stewart stated that often developers just want the clear certainty that they can proceed, and that certainty is often missing.

Ms. Anderson noted that the issues being discussed were more of policy and procedure issues that can be considered and changed, but that these are not items that appear in the UDO. The City Manager stated that he has already determined that reviewing the development procedure to see where significant improvements can be made is a top priority for the City staff for next year. Councilman Fordham stated it seemed the Council should adopt the proposed UDO, and then address these issues and concerns about policy and procedure. His goal is for developers to say that the City is a great place to work. Councilwoman Beer suggested that builders and developers could get together with the staff to develop a procedural checklist to make the process easier, shorter, and more user-friendly. Mr. Stewart suggested that a dialogue between the City and some of the outside agencies, such as OCROM, DOT, and BJWSA, would help get them to the table and move the process along. The Mayor suggested inviting these parties to the Development Review Team meetings to involve them in the process and to enable problems and issues to be dealt with in one meeting. The City Manager agreed and said the feedback the staff has received shows the need for more concurrency and inter-agency cooperation to speed the process up. He stated that 12-18 months to get a project from conception to approval is unacceptable.

Debra Johnson raised a concern with a provision in the UDO allowing buildings downtown to be 50' high, an allowance rejected by Council earlier this year. Ms. Anderson stated that the current requirement enforces a 30' height limit at the street line, but then allows an increase to 50' according to the sky plane exposure – a measurement that is not defined and one that staff cannot measure. The staff is currently unable to describe to developers where their building is allowed to be 50'. She also pointed out that there are currently buildings downtown with heights above 50'. She said that if Council wished to add the language limiting the height back into the ordinance, that would be fine as long as some definition was given so that staff knew where a 50' height is allowable.

Jeff Mansel, from the Historic Beaufort Foundation, stated that HBF had been quite vocal in their opposition to raising the height limit when it came before Council previously, and stated his preference that the requirement stay at 30' and that work be done to define the language in the requirement.

Ms. Johnson again asked the Council to consider the building height provision included in the UDO, specifically because they had previously rejected it. Councilwoman Beer agreed that Council had voted to not change the height limit, but stated she felt the language did need to be fixed and further defined for staff. Councilman Keyserling suggested that HBF develop a plan for a solution, keeping the requirement as it is, but defining the measurement procedure. Councilmen Keyserling and Fordham both suggested using January 31 as a “drop-dead” date for these changes.

Councilwoman Beer suggested that members of the development community who have concerns get together with City staff and address those concerns one by one, and then come back to Council with an update on what issues were covered and any changes that have been made.

Councilman Keyserling raised several issues for consideration, such as his belief that the Board of Architectural Review is the appropriate body to conduct design review of both sides of Boundary Street (from Bellamy Curve to Bladen Street), rather than splitting the responsibilities between the BOAR and the Corridor Development Board. He also suggested considering alternatives to the large deposits required on landscaping bonds to get assurances that the landscaping will be taken care of. He questioned the minimum lot size for PUDs, and Ms. Anderson informed him that the minimum acreage for infill development had been eliminated. Councilman Keyserling inquired about the additional costs involved with the new archeological survey requirement and when a survey would be required. His concern was the additional cost to the developer if a survey was required for reasons other than a genuine belief that archeological resources may be on the site. Ms. Anderson offered that if Council wanted, staff could specify exactly how they would get the information that would trigger a survey: from either the County Preservation Planner's map, or from the State Archives and History. Councilman Keyserling also noted that there were several instances in the UDO where the word “shall” was used incorrectly, and said he could provide those locations to staff. Finally, a discussion took place over the right of Board and Commission members to abstain from voting and whether an abstention should be counted as a vote in favor of the motion.

Councilman Glover raised the issue of the new requirements for signs, and Ms. Anderson went over a number of different examples of what the changes were for various locations and situations. Councilman Glover seemed concerned that the requirements may not be fair and equitable to all property owners, and asked Ms. Anderson if she would provide him a copy of her overhead so that he could continue to review this provision.

Councilwoman Beer encouraged anyone with questions or concerns to meet with City staff and then bring the results of those meetings back to Council in another workshop to take place before the second Council meeting in January.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:00 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN FRANK GLOVER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN BILLY KEYSERLING

ATTEST:

BEVERLY W. GAY, CITY CLERK