

A regular meeting of the Beaufort City Council was held on February 14, 2006 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelley, Jr., Acting City Manager Ross Jones. 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

The Mayor called the meeting to order at 6:00 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was opened with an invocation by Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

PUBLIC COMMENT

Jean Von Harten, 5 Sandy Ridge Road, asked to address the Salem Road rezoning in advance of the presentation as she had a previous appointment. Her objection to the requested zoning of Neighborhood Commercial for the Salem Road area is the increased density it will cause. Councilman O'Kelley advised Ms. Von Harten that Council just received a letter from the developer requesting to change the zoning to General Residential instead of Neighborhood Commercial.

PUBLIC HEARINGS

A public hearing was held to receive comment on the **Clarendon Farms Development Agreement**. The property is comprised of 21 parcels of property totaling approximately 4,151 Acres of land. The parcels included in the Development Agreement are as follows: District 100, Tax Map 14, Parcels 4, 5, 8B, 11A, 13 and 157; and District 100, Tax Map 15, Parcel 350; and District 100, Tax Map 20, Parcels 26, 27, 27A, 54, 105, 107, 107B, 109, 152, and 242; and District 700, Tax Map 44, Parcels 1, 2, and 3. The properties are proposed to be developed Planned Unit Development (PUD) permitted for 13,326 dwelling units and 300 acres of commercial use. A Notice of Public Hearing was duly published in The Beaufort Gazette on January 26, 2006.

Libby Anderson, City Planner, briefly addressed all four public hearings relating to the McLeod and Clarendon properties at one time.

Clarendon Farms Zoning: The PUD proposes the following mini zoning districts for the 4,151 acres: Village Commercial; Village Marina Residential District; Traditional Neighborhood District; Golf Course and Lake Residential; Residential; and a Community Riverfront/Boatyard District.

One hundred percent voluntary annexation petitions have been received on both properties, she said. At their February 6 meeting, the Planning Commission tabled the decision on the zoning request until the special workshop held last night. Another meeting is scheduled for March 1 and they hope to have a recommendation at their March 6 meeting.

McLeod Farms Zoning: Planned Unit Development is proposed for the 1024 acres with a Commercial District; a railroad district; a mixed use district, a residential district and a park district.

Solid waste services for both properties will be provided by the City once services can be funded through on-site property tax collection. Police services will be provided immediately upon annexation as will planning and development services. Both Development Agreements set out land to be dedicated for public use. Development fees over and above impact fees are set out in both Agreements also.

The financial impact was reviewed by the Assistant to the City Manager, Matt Horn, who explained how the revenue/cost projections were developed. The expenditures include providing police, fire, and codes. A chart of revenues was displayed similar to what was shown previously.

The Mayor read a list of questions and answers prepared from comments made in the newspaper, the previous public hearing, and in the community to clear up any misunderstandings. He mentioned the County passed a resolution at their Council meeting last night asking for a summit on development throughout the County. The City looks forward to attending, he said and suggested it be held on Thursday, March 9th at Burton Wells Park to discuss growth throughout the County.

Sonny Von Harten, Cat Island resident, presented petitions with over 700 signatures of concerned citizens who want Council to delay the annexation for 90 days. In his opinion, the City and the community would benefit if Council would work with the County staff, the MCAS, and outside consultants in evaluating the documents prepared by the landowners and the developers.

John Payne, Chairman of the Military Affairs Committee, said the Chamber of Commerce has not taken a formal position on the annexation but are meeting on the 24th and will discuss that subject then. The MAC has concerns regarding the Air Station and will ask the Chamber to address them. The Air Station provides over 5,000 military and civilian jobs and the impact of salaries, utilities, local procurement, construction, contributions, education, and training was \$2,045,928 last year. He said there is no industry that would locate in Beaufort that contributes that much money to the economy. He asked Council to be cautious so as to not lose that financial asset. There will be a new airplane in 2012 that will be noisier than the current F-18 but not as noisy as the Super Hornet. This plane will increase the noise level and extend the 65 decibel area, he added.

Claude McLeod stated he is sure the community will be interested in hearing about the new plane since it was not mentioned when they were soliciting support for Save The Bases.

Joannie Diamond, Hilton Head resident, said annexing these areas will do harm to the poor part of the community. She said the UDAG fund obtained to place sewer at Dataw Island in the 1980's was to have been used for the Northwest Quadrant. She referred to issues on Hilton Head. Councilmen Fordham and O'Kelley asked Ms. Diamond to speak to the annexation of the

McLeod or Clarendon Farms.

Alton Aimar, Riverview Drive, said this annexation will be detrimental because of the encroachment on the military establishment and the rush to adopt the Development Agreements that are still in draft form. He asked that these requests be tabled until the final PUD and Development Agreements can be submitted by the applicants and all entities involved can review completed documents. The Mayor noted that the documents on the City's web site and in the Library are up to date and available for review to the public. Additionally, the Chairman of the Planning Commission telephoned him to advise him that their recommendation would not be ready in thirty days. The Mayor replied second reading would not be held until their recommendation is received.

Tara McGrath, Director of the Beaufort Office for the Coastal Conservation League, said they still have concerns with the Development Agreement regarding interconnectivity of roads, habitat preservation, bike and walking trails, and density. She encouraged Council to carefully review the Planning Commission's recommendation.

Jim Outlaw, Gray's Hill, agreed with the comments made by Mr. Aimar and Ms. McGrath. He suggested the summit be held in the gym of Burton Wells Park or the Battery Creek auditorium.

Wendy Zara, Sheldon resident, provided additional petitions with approximately 100 signatures to those presented by Mr. Von Harten. She agreed with the Mayor regarding developing ordinances in all jurisdictions of the County to provide workforce housing. With that in mind, she said she was surprised there was no provision in the Development Agreements for workforce housing. Another economic development issue relates to the environment, she said. The SAMP requires greater vegetative buffers and these documents provide skimpy buffers in some places. The documents are on the City's web but the changes are not noted which is very frustrating. She said the County has offered to have the cost analysis for the 5,000 acres prepared as part of the Northern Beaufort Regional Plan and present projections before the documents are signed.

Gerald Dawson, County Council representative for District 6, said his district includes Seabrook Farms and Clarendon Plantation. He asked Council to consider holding the summit at the Whale Branch Middle School because it would be close to those areas in question and allow the citizens of both areas to attend without traveling a long distance.

Claude McLeod stated he heard Whale Branch mentioned as a Creek and that it was two feet deep at low tide. According to a NOAA chart, the depth of the Whale Branch River is from 12 to 20 ft deep at low tide from the Broad River and Coosaw River side. Therefore, it is not considered a creek.

The hearing was closed at 7:15 p.m.

A public hearing was held to receive comment on the **McLeod Farms Development Agreement**. The property is comprised of 8 parcels of property totaling approximately 1,024 acres of land on Port Royal Island, SC. The parcels in the proposed Development Agreement are as follows: District 100, Tax Map 12, Parcel 10 and District 100, Tax Map 15, Parcels 46, 47,

48, 48A, 49, 52, and 53. The properties are proposed to be Developed Planned Unit Development (PUD) permitted for 3,090 dwelling units and 66 acres of commercial use. A Notice of Public Hearing was duly advertised in The Beaufort Gazette on January 26, 2006

The hearing was closed at 7:16 p.m.

A public hearing was held to receive comment on the proposed **zoning of 21 parcels of property** totaling approximately 4,151 acres of land PUD Planned Unit Development District. The parcels, located in the area known as Clarendon Farms are identified as follows: District 100, Tax Map 14, Parcels 4, 5, 8B, 11 A, 13 and 157; and District 100, Tax Map 15, Parcel 350; and District 100, Tax Map 20, Parcels 26, 27, 27A, 54, 105, 107, 107B, 109, 152, and 242; and District 700, Tax Map 44, Parcels 1, 2, and 3. The existing zoning of the parcels under the county's zoning is Rural District (14 Parcels), Rural Residential District (4 Parcels), or Resource Conservation District (3 Parcels). A Notice of Public Hearing was duly published in The Beaufort Gazette on January 27, 2006.

There being no comments, the hearing was closed at 7:17 p.m.

A public hearing was held to receive comment on the proposed zoning of **8 parcels** of property totaling approximately 1,024 acres of land on Port Royal Island, S.C. PUD Planned Unit Development District. The parcels located in the area known as **McLeod Farm** are as follows: District 100, Tax Map 12, Parcel 10 and District 100, Tax Map 15, Parcels 46, 47, 48, 48A, 49, 52, and 53. Seven of the parcels are zoned Rural District and one parcel is zoned Rural District, Conservation Preservation District, and Commercial Suburban District. A Notice of Public Hearing was duly published in The Beaufort Gazette on January 27, 2006.

Hearing no comments, the public hearing was closed at 7:18 p.m.

A public hearing was held to receive comment on the proposed revision to Chapter 7, "Land Use," of "**The City's Comprehensive Plan** Update 2004." A Notice of Public Hearing was advertised in The Beaufort Gazette on January 15, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended denial.

Libby Anderson, City Planner, explained that Council adopted the Comprehensive Plan in July, 2004. The land use element of that Plan sets out future land use designations for areas within the City limits and very limited areas outside the City limits. Future land use planning for most of the unincorporated area in or around the City of Beaufort was deferred pending the preparation and adoption of a joint regional plan for northern Beaufort County. The need for a plan for the northern part of the county had been discussed for many years and funding for that plan was provided in part by the City in the FY04 budget. It was anticipated that the planning process would last approximately one year. As a result, the Comprehensive Plan update contained a recommendation that annexations that included an upzoning should be deferred pending adoption of this joint regional plan. Once the plan does begin, a twelve month planning process is anticipated. Due to the delays in the Northern Regional Planning Process the wording pertaining to deferring annexations in our current Comp Plan update is proposed to be deleted.

The hearing was closed at 7:20 p.m.

A public hearing was held to receive comment on the proposed rezoning of a **13.45-acre portion** of a parcel of property **located on SC 170, SC 280, and Old Jericho Road** on Port Royal Island, S.C. identified as District 122, Tax Map 29, Parcel 110A, from General Commercial District to Highway Commercial District. A Notice of Public Hearing was duly published in The Beaufort Gazette on January 27, 2006. The Joint Municipal Planning Commission recommended denial as does staff.

Libby Anderson, City Planner, noted that the site has frontage on three streets and contains approximately 13 ½ acres. General Commercial is the current zoning permitting a wide variety of commercial and office uses and multi-family uses. She listed what is permitted stating it is similar to a traditional downtown zoning district. The proposed zoning is Highway Commercial and basically permits everything in General Commercial plus an array of automobile oriented uses. Ms. Anderson answered questions posed by Mr. Glover regarding drive through restaurants.

Steve Andrews, of Andrews Engineering representing their client Stafford Properties, said the developer is considering a mix of retail and restaurants on the site. The current property owner has encumbered it with a 50 ft. perimeter buffer so restaurants or open bay doors would be protected from view. He asked Council to approve the rezoning request.

The hearing was closed at 7:33 p.m.

A public hearing was held to receive comment on the proposed rezoning of 2 parcels of property totaling approximately 24 acres of land on Port Royal Island, S.C., identified as District 100, Tax Map 29, Parcels 105 and 105C, to “General Residential District. Zoning 2 parcels of property totaling approximately 97 acres of land on Port Royal Island, S.C. identified as District 100, Tax Map 29, Parcels 105A and 105B, to Neighborhood Commercial District (area **west of Salem Road**) and General Residential District (area **east of Salem Road**). The current zoning of the property is Suburban District. A Notice of Public Hearing was duly published in The Beaufort Gazette on January 27, 2006. The City of Beaufort—Town of Port Royal Joint Municipal Planning Commission recommended denial. The Mayor read a letter submitted by the applicant, Andrews Engineering Company, stating after the comments made at the February 6, 2006 Planning Commission meeting, they are requesting the zoning be changed from NC to General Residential for the 24 acres west of Salem Road and for the 97 acres east of Salem Road from GR to R-4.

Libby Anderson, City Planner, stated the 4 parcels were originally a Pine Plantation with a home on the Battery Creek side of the property. With requested zoning changes outlined in the letter read by the Mayor, Ms. Anderson gave a comparison of the County’s zoning of Suburban for the east side of Salem Road to the proposed zoning of R-4 in the City. The western side of Salem Road is now proposed to be zoned General Residential which is the zoning of the adjoining properties. She added that the recommendation by the Planning Commission was made before the applicant changed their request.

Fletcher _____, Battery Point, expressed concern with the Commercial zoning along Salem Road because the road is narrow and highly populated. Drivers use Salem Road as a by pass. Young families with children live there and this zoning would make it dangerous for the residents.

Chip Dardy, Battery Point resident, is also concerned with the narrow road and suggested the developer pay to widen Salem Road.

Cathy McKinley said she appreciates the applicant being willing to change the zoning.

Joe Martin, Salem Point, asked how many homes could be built on 97 acres with 4,000 sq. ft. lots.

The hearing was closed at 7:53 p.m.

MINUTES: REGULAR MEETING

The minutes of the regular meeting of January 24, 2006 were reviewed by Council and it was noted that on page 7, Ms. Crews name was inadvertently misspelled. On the first page in the heading, the meeting was a regular meeting not a special meeting.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the regular City Council meeting of January 24, 2006 as amended.

ORDINANCE REVISING SECTION 5.3.B.1 ‘SPECIFIC USE STANDARDS’

The ordinance revising Section 5.3.B.1 “Specific Use Standards, Accessory Dwelling Units,” to change several of the conditions required for approval of accessory dwelling units was presented to Council for second reading and adoption.

On motion by Councilman Glover, second my Councilwoman Beer, Council moved to adopt the ordinance on second reading. (Copy of ordinance at end of the January 31, 2006 minutes)

ORDINANCE REVISING THE COMPREHENSIVE PLAN

The ordinance revising the Land Use element of the Comprehensive Plan was presented to Council for second reading and adoption.

Councilman Glover moved to adopt the ordinance on second reading. Councilwoman Beer gave second. The motion passed unanimously. (Copy of ordinance at end of the January 17, 2006 minutes)

REQUEST TO CLOSE STREET FOR SPRING TOUR OF HOMES

A request by St. Helena’s Episcopal Church to close five streets for their Spring Tour of Homes on March 30 through April 1, 2006 was presented to Council.

On motion by Councilwoman Beer, second by Councilman Glover, Council approved the request subject to approval by the SCDOT and traffic control by the Police Department.

ORDINANCE ANNEXING 4 PARCELS / 121 ACRES

An ordinance annexing 4 parcels totaling approximately 121 acres identified as District 100, Tax

Map 29, Parcels 105, 105A, 105B, and 105C and also known as the Bostick property was presented for first reading.

Councilman Glover moved to approve the ordinance on first reading. Councilwoman Beer seconded the motion.

Councilman O'Kelley asked Mr. Andrews if the homes would be Charleston style houses and if the lot sizes will differ. Mr. Andrews agreed to both questions.

Council unanimously approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE ZONING 4 PARCELS

An ordinance zoning 2 parcels of property totaling approximately 22 acres of land of the 121 acres on Port Royal Island identified as District 100, Tax Map 29, Parcels 105 and 105C (area west of Salem Road) to GR. Zoning 2 parcels of property totaling approximately 99 acres of land identified as District 100, Tax Map 29, Parcels 105A and 105B (area east of Salem Road) from GC to R-4 was presented for first reading.

At the request of the applicant through a letter submitted for the public hearing, the zoning request is now for General Residential for the area west of Salem Road and R-4 for the area east of Salem Road.

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously approved the ordinance with the revised zoning. (Copy of ordinance at end of these minutes)

ORDINANCE REZONING A 13.45 ACRE PORTION OF A PARCEL ON 170 AND OLD JERICHO ROAD

An ordinance rezoning a 13.45 acre portion of a parcel of property located on SC 170, SC 280, and Old Jericho Road identified as District 122, Tax Map 29, Parcel 110A, from GC to HC was presented for first reading.

Councilman Glover made a motion, seconded by Councilman O'Kelley, to approve the ordinance on first reading.

Mark Tiller, Stafford Properties representative, said they have a contract to purchase the 13 1/2 acres and are working with Mr. Andrews on the design. Their primary use is to be retail and they were surprised to learn commercial zoning did not allow drive through restaurants. That is their reason for the rezoning request. Appearing before the Design Review Board, their development is considered highway oriented and the Comp Plan envisioned a town development. The traffic count is high and will draw the uses they have in mind.

Councilwoman Beer asked rather than HC zoning could GC be amended to allow drive through businesses as an exception in certain areas. Ms. Anderson replied staff considered amending the GC district to allow restaurants with a drive through as a special exception through the ZBOA. The concern is that there is a lot of general commercial in the Historic District which is not an area they

want to allow drive through restaurants or on Boundary Street across from the Historic District; however, it could be specified that those areas would not be included.

At the request of Councilman Glover, Mr. Tiller explained the layout of the development plan. He mentioned one of the concerns of the staff was the connectivity between the parcels. He is working on providing pedestrian access to make a coordinated development. Ms. Anderson stated if the zoning remains as General Commercial, the owner could ask for a request that the GC district be amended to allow restaurants with a drive through as a special exception. She said she asked the City Attorney's opinion and he is not sure certain exceptions can be made for specific areas since the decision has to be uniform. Mr. Harvey, the City Attorney, said a PUD could lock in the use where rezoning does not. Mr. Tiller and Mr. Andrews were asked if they would want to zone the development PUD. Their reply was they had not considered a PUD. Ms. Anderson posed the alternative of a new zoning district that would include everything listed in the GC and some of the uses in the HC district but prohibit the uses not wanted at the entrance way into the City perhaps mini storage, warehouses, light industrial uses, etc. mentioning this could arise again with the amount of Highway Commercial areas on Highway 170. The City Attorney noted that in order to achieve that option, the entire process would have to be repeated. Ms. Anderson added that if this is the desire, possibly a text amendment could go before the Planning Board in March. Mr. Tiller stated an alternative was presented to the Planning Commission and they were not perceptive. Since there are certain constraints in their purchase agreement, they would be impacted by a lengthy process. Ms. Anderson pointed out that since the information regarding a blend of both districts has not been prepared in ordinance form, it would have to wait until March for the Planning Board's recommendation and two readings of the ordinance.

Further discussion regarding a PUD continued. Ms. Anderson added that staff would prefer to avoid a small PUD because it is a unique zoning district and more time consuming for staff besides limiting the developer's flexibility.

Council voted unanimously against the motion to zone the 13.45 acres Highway Commercial. The motion failed 5 to 0. (Copy of ordinance at end of these minutes)

Staff was instructed to develop the special zoning category as discussed and follow through with the process.

ORDINANCE REVISING SECTION 5.4.A/UDO DOCKS PRIOR TO HOUSE

An ordinance revising Section 5.4.A of the UDO to allow docks to be built prior to construction of the primary structure was presented for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Glover gave second. The motion passed unanimously. (Copy of ordinance at end of these minutes)

MOTION TO ADD AN ITEM

Councilman Fordham moved to add an item to the agenda pertaining to the extension of time for the annexations held earlier in the meeting. Councilman Glover gave second.

Mr. Fordham said because 30, 60, and 90 days were mentioned in which to extend the time of the

annexation request to obtain the Planning Commission's recommendation, meet with the County and the Marine Corps Air Station, etc. he would like to discuss it further. The Mayor agreed time should be provided for all comments to be heard but it will be difficult to set a period of time. He would prefer to meet with the various entities and then once everyone has commented, bring it back before Council. Councilman Fordham disagreed. He felt it would be best to set a date and then extend the time if needed. Councilman Glover said he doesn't like leaving it open ended.

Council voted unanimously to add an off agenda item.

Councilman Fordham moved to delay the second reading of the Clarendon and McCleod Farms annexation for 90 days. Councilman O'Kelley seconded the motion.

The Mayor suggested waiting until the County provides the report. The Acting City Manager pointed out that the contract with the consultant has not yet been signed. After further discussion, Council agreed April 11, 2006 would be 8 weeks from this meeting and April 25th would be 90 days.

Councilwoman Beer moved to amend the motion to set the date of April 25th for second reading. Councilman Glover gave second. The motion passed unanimously.

REPORTS BY COUNCIL

O'KELLEY: Councilman O'Kelley inquired about a request from the Gullah Festival to use the Park for Memorial Day weekend. The Assistant to the City Manager, Matt Horn replied they have been notified that the Park will not be ready. That request for street closures will be on the February 28th agenda.

BEER: Councilwoman Beer reported the Pigeon Point Neighborhood Association will be selling bricks for Pigeon Point Park and proceeds will pay for landscaping, benches and other items. Forms are available for the engraving. Lights have been placed in the Park too.

GLOVER: Councilman Glover brought to staff's attention the need to trim tree limbs on the corner of Ribaut Road and Mossy Oaks Road. The limbs become heavy when it rains and the trucks are rubbing them. His concern is that a limb may be ripped off. He also suggested an inventory of the other trees be examined.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to move into executive session to discuss appointments to the Municipal Election Commission, the Historic District Review Board, a personnel matter, and a land acquisition.

OPEN SESSION

Historic Review Board

Upon returning to Open Session, Councilman O'Kelley moved to appoint Greg Huddy to serve on the Historic Review Board. Councilman Glover gave second. The motion passed unanimously.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:45 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN FRANK GLOVER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN GEORGE H. O'KELLEY, JR.

ATTEST:

BEVERLY W. GAY, CITY CLERK