



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS – 2ND Floor
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070

CITY COUNCIL AGENDA
REGULAR MEETING
JANUARY 25, 2011

NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

I. CALL TO ORDER

Mayor Billy Keyserling

6:00 P.M.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Donnie Beer – Councilwoman

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

IV. PUBLIC COMMENT

Time Designated for Council to Receive Comment from the Public

V. PUBLIC HEARING

VI. MINUTES

Review of the Regular Meeting January 11, 2011 and Worksession January 18, 2011

IV. OLD BUSINESS

VII. NEW BUSINESS

- A. Amendment Revising Marsh Gardens Planned Unified Development (PUD) – 1st Reading
- B. Ordinance Rezoning a Parcel of Property Located at 1403 Greenlawn Drive, from Neighborhood Commercial to Marsh Gardens Planned Unite Development (PUD) – 1st Reading

IX. REPORTS

- City Manager's Report
- Mayor's Report
- Reports by Council Members

X. ADJOURN

A regular meeting of the Beaufort City Council was held on January 11, 2011 at 6:00 p.m. in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

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

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

Councilman Sutton made a motion, seconded by Councilman McFee, to add to the agenda items related to "Extreme Home Makeover." The motion passed unanimously.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Reverend Alexander McBride of First African Baptist Church, and the Pledge of Allegiance was led by the mayor.

PROCLAMATION OF JANUARY AS HUMAN TRAFFICKING AWARENESS MONTH

Councilwoman Beer, second by Councilman McFee, made a motion to approve the proclamation. The motion was approved unanimously.

PUBLIC COMMENT

William Youmans, a Beaufort resident, noted that there are teenagers downtown "until all hours of the morning," and he asked council to consider a curfew for people under 17.

Edie Rodgers commended the city for the Founders Night celebration. She also commended the city and The Greenery for the improvements made to Secession Park. She described the history of the park and her relationship with it.

She said that her city tax bill had a break-out for the first time, and she was both pleased and disturbed by that, because a quarter of her municipal tax is for debt service, which she finds excessive. She would like a status report on finding tenants for City Hall and the police building. She feels the city "overbuilt," which resulted in the debt service.

PUBLIC HEARING: ORDINANCE REVISING THE MARSH GARDEN PLANNED UNIT DEVELOPMENT (PUD)

Mayor Keyserling opened this public hearing. **Libby Anderson** said that 303 Associates had submitted an application to amend the Marsh Gardens PUD. She showed a map of the Boundary Street Redevelopment District. Marsh Gardens' PUD has separate zoning and development standards that apply to that property, but the standards are very similar to those in the Boundary Street code. They both have similar build-to lines. The Marsh Gardens PUD requires a minimum building footage of 75'; the Boundary Street ordinance doesn't have that exact requirement. There's a minimum building height of 35' in the PUD. The Boundary Street ordinance sets the minimum *stories* for lots on Boundary Street. Design review is required in both areas.

Ms. Anderson said staff sent a letter December 22 to 303 Associates regarding changes to be addressed:

1. After approval of the project, the lots in question would be rezoned to the Boundary Street Redevelopment Plan. The building they're requesting would be non-approvable because of its height and setback.
2. The building would need to be recessed 32' to accommodate a slip lane, according to 303 Associates. Ms. Anderson showed graphics of the Boundary Street Master Plan in which there is no slip lane proposed in this area of Boundary Street. Because of the presence of a historic cemetery, Ms. Anderson said, a slip lane could "go nowhere."
3. The proposed development of a "pocket park" at Greenlawn and Queen Street is located on property that is not in the Marsh Gardens PUD; it is part of the Boundary Street Redevelopment Plan.
4. A PUD is a developer-sponsored project, so a "hardship" is not applicable. This section is a justification of the changes, and therefore not applicable to tonight's discussion, Ms. Anderson said.
5. The site plan and building design is approved as attached with only the landscaping to be subject to design review and approval by City staff. They don't think it's legal to exempt a single lot within a PUD from design review, and even if it were permissible, staff would not support it.

Ms. Anderson said staff recommends denial of this application. The Planning Commission also voted unanimously to recommend that council deny the application because of its inconsistency with the Boundary Street Master Plan, the comprehensive plan, and so forth.

Councilman Fordham wondered if the city attorney had addressed this. He asked what can be done to compromise with the developer. Ms. Anderson suggested additional meetings with the applicant's architect and the city architect. Mayor Keyserling said there will be sit-downs in the workshop as well.

Councilman Sutton said he's not hearing clearly that this is a PUD which is separate from the Boundary Street Master Plan. Those regulations came after that PUD was designed, and he thinks that's an important point to remember. He's seen that property "go from a brown field to a city asset." He hopes this can be done. Looking at the PUD, it already doesn't look like the drawing Ms. Anderson presented. He asked if the buildings are "set" like the drawings in the PUD. Ms. Anderson said the PUD master plan has flexibility for the location sites of the buildings. The development standards have been adhered to.

Councilman Sutton said the 3 buildings that have been built so far have been done cooperatively. Ms. Anderson agreed, adding that they'd received the approval of the Design Review Board (DRB). She said certain things like the build-to line can't be approved. Councilman Sutton asked if the buildings on the Boundary Street Master Plan are in fixed locations. Ms. Anderson said there's flexibility within the design standards. Councilman Sutton asked if they were "drawn to scale," and Ms. Anderson said she doesn't know. Councilman Sutton said they're being shown "as if they're scaled and inflexible." Ms. Anderson said there are other drawings for the PUD, but what she showed is a regulating plan.

Councilman Sutton said Ms. Anderson had referred to the slip lane as "not desired," but he doesn't feel that slip lanes were considered undesirable in the planning meetings for the Boundary Street Master Plan. He feels they are desirable for connectivity. He thinks the slip lane is important to connect parking lots and to create pedestrian-friendliness. Ms. Anderson said a sidewalk exists on Boundary Street on the north side along the cemetery, it meets ADA standards, and there's no proposal to lessen it. She commended the developer's connectivity in the development up to this point.

Dick Stewart said “the city took 303 Associates’ money in April,” and he “was not aware (the plan) was not appropriate.” The December 22 letter arrived just before he left town for the holidays. He was surprised to see that this proposal was rejected. He said 303 Associates is “happy to do what the city wants”; they’ll take the park out of the plans and make it a vacant lot.

Mr. Stewart said the Boundary Street Master Plan as presented by Ms. Anderson is not the Boundary Street Master Plan but just one drawing. What council determined “for those of us that were there” is what should be adhered to. He detailed how much the project would produce in taxes, the number of jobs it would produce, and the ways he feels it meets various city objectives regarding commercial development. He said the plan called for one or more national tenants to anchor Boundary Street. Darden is “the most successful restaurant company in the US and wants to invest \$4.6 million.” He said 303 Associates has been cooperating for a decade and is “not trying to slip anything through.”

He said the city wants to coordinate planning to avoid sprawl. They think restaurants and the jobs that come with them should be built *within* the city. He presented a graphic that showed the steps by which the PUD was to be developed. In anticipation of a parking deck being built, they are developing in stages so that they can “get it right.” He said the streets are put where they are to make it an urban-style block and to address “future realities” as it’s developed. He said an easement that belongs to the Beaufort Housing Authority has caused several entities, including himself, to be sued, and “an out-of-town developer can take care of that.” He went on to discuss future building and how this development would solve potential issues.

Mr. Stewart showed a graphic of the proposed slip lane and said the city architect had told him that the city wanted a slip lane, so “these drawings are exactly what they asked for.” Now he is being told that the city doesn’t want a slip lane. The city architect hand-drew a picture of the slip road that they wanted, and Mr. Stewart showed that sketch as well. He said the requested setback would be suitable to allow the slip lane to be built in the future. 303 Associates has promised it would move traffic without disturbing the cemetery.

Mr. Stewart showed a graphic of the envisioned slip road in the Boundary Street Master Plan. He said they are trying to give the city what it wants. A building will not have to be condemned to put it in place if they build it as Darden wants to. He showed a graphic of the cemetery plan and asked if an expanded sidewalk would dead-end at the cemetery as the plan shows. 303 Associates doesn’t think the cemetery should be moved.

In regard to parks, the city’s plan shows a lot with a park. No one has approached 303 Associates to say that they don’t want a park. The plan city council approved 10 years ago was that “Boundary Street would become like Bay Street or King Street in Charleston.” The road wasn’t built that would have made this possible. He said the PUD was predicated on Boundary Street being like Bay or King, but it can’t be done now. Boundary Street traffic has gotten worse, Mr. Stewart feels, and walking on the sidewalk is “scary.” The restaurants in the development “don’t have people sitting outside because it’s too loud and scary.” The city has said it is poised to spend money to make Boundary Street pedestrian-friendly and like Bay or King Streets, but Mr. Stewart doubts that this is true. He doesn’t believe there are developers who are going to do this, or that the city will have the money.

For this project, they requested design review be waived, Mr. Stewart said. They’re concerned by the city’s committee minutes which he said indicate that the “review process is used to delay and deny

projects that the staff doesn't like." The board review should support the city's agenda and review boards remove the city council from the equation. He went on to say that 303 Associates' only recourse would be to sue if they're unsatisfied. He wants city council to "have the facts and make the decision."

Regarding K-Mart, Mr. Stewart said there is a long-term lease on the parking area of that building. He can't do anything about that. Someone approached 303 Associates about taking over some of that parking lease. They were told it had to be 400' closer to Boundary Street, and it would need to look like a building of 2.5 stories. They asked to drop out the building and put in grass and were told they could put in "a park that looked like the picture." He then said, "It's obvious that some people want to build a picture, and that's their choice."

Mr. Stewart said the multi-story buildings are "urban," and that design experts in other states agree that that's what should be built in Beaufort. He went on to enumerate 303 Associates' arguments for the development they propose and said that if the city council agrees with them, then they should not vote to deny. They "should pursue the good instead of the perfect." 303 Associates supports the concept of the Boundary Street Plan. They don't support taking church property. "The out of town experts are demanding that the city build the picture," he said. 303 Associates is making these changes without requiring any city money. He thinks that "staff is enthusiastic but city council needs to govern."

Don Starkey, Otter Circle, asked Mr. Stewart why 303 Associates and Darden want to avoid the DRB and the city architect. Mr. Stewart said "the city's plan says the formula has to be changed to invite people to move into the Boundary Street development area." Also, he said, the staff has used the design review process "to delay, deny, and intimidate people who want to develop, according to the minutes," and he doesn't think volunteer boards "are operating in good faith."

Reed Armstrong, Coastal Conservation League, said that in 2001, the PUD was very forward-looking in its vision and laid out principles for Boundary Street to prevent strip development and maintain an urban character. This proposed amendment is a major change for a set-back, single-use building with a large parking lot, which is what they are trying to replace. What is proposed is what would be seen in a suburban shopping mall. The Boundary Street Master Plan is meant to put an end to this sort of development.

Mr. Stewart said he supports city staff. He has a problem with putting in new buildings and expensive plans that are now being questioned. Everything so far in the Boundary Street area is "by-exception," he feels. He asked council how they will resolve every builder's issue; builders don't want to come to the DRB or the city architect. If everything is done by-exception, he said, it will take up too much time. He thinks the construction of the building has to fit in with the neighborhood, and "this is an end-run around the DRB and the city architect." He wondered if this would happen on Bladen Street in its redevelopment and said there should be a solution "so it doesn't get out of hand."

Glen McCaskey said he is associated with 303 Associates and lives in Hilton Head. He said there is "common sense" North of the Broad that he feels is not in Hilton Head Island and Bluffton, and those other communities are "paying a terrible price for that." The "hired planners" there have been given authority that exceeds what is right, and there are many problems as a result. Opportunities have been limited on Hilton Head Island, and the commercial properties were forced off the island to Bluffton. He sees some of that process "going on here." He encouraged council to apply common sense to this issue. The Darden project would bring in 90 jobs, \$500,000 in tax revenue, and \$4.5 million in construction.

303 Associates wants to build the business between Moe's and Outback "on a dangerous road," and council should "hold on to common sense," he said.

Steve Olsen said he works in Beaufort but lives elsewhere; Mayor Keyserling invited him to move to Beaufort to live. "Vision, intention, and priorities as well as jobs" need to be talked about, Mr. Olsen said. There needs to be flexibility and cooperation. They need to "try to get some traction and move forward."

Jenny Rone, West Royal Oaks Drive, asked Mr. Stewart how much difference there is between the requested set-back and that in the PUD, and Mr. Stewart said 17'. There being no further public comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 500 WILMINGTON STREET, FROM GENERAL RESIDENTIAL DISTRICT TO OFFICE COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson showed a graphic of the area of the rezoning request. It's in the Bluff neighborhood of the historic district. The parcel contains a single family dwelling with a detached garage. It was built in 1991 and is not historic. She showed the General Residential zoning throughout the neighborhood. She described the uses which are permitted in this zoning. South of the property is zoned General Residential, and north of it is zoned Office Commercial. The proposed zoning for the property in question is Office Commercial, which Ms. Anderson said is a bit of a misnomer. She described the permitted uses.

The comp plan shows the historic district and the lot in question. It is designated G2 and the G2 sector contains denser, mixed-use development. She described the various appropriate uses in a G2 sector, which is a "wide variety."

The existing land uses in the area are, on the south / North Street residential, mostly single-family and a B&B. On the north / King Street side, there are commercial uses, DHEC, the old jail, and attorneys' offices. She showed pictures of the buildings adjacent to the applicant's.

For the proposed zoning to be converted to a non-residential use (an office), on-site parking would need to be provided. It's a 2500 square foot building and would require 8 spaces. There's a driveway suitable for residential, but it's not suitable for commercial development. There's no formal off-street parking.

Public notification has been made. The public comments have been added to council's packet as well as a petition submitted at the Planning Commission meeting. The staff recommends that the city building team, the Lawrence Group, which will begin its planning in this area, should look at the matter and council should table this request for six months while that takes place. The Planning Commission recommended denial of the application.

Rose Mary Cousins, the applicant, said she purchased the home in 2006 as a home when she retired. She spoke about the vacant lot behind her house; the lot is partially residential and partially commercial. The properties surrounding hers are, for the most part, residential. She hopes to do short-term rentals. She "would attract prosperous renters."

She asked to address the allegation at the Planning Commission meeting the previous evening that her house is "a disaster." She had long-term tenants for 3 years. They cleaned the yard, and she has done so

since. She has had the house power-washed. There's a ceiling fan on the porch that she is getting repaired, and she's unclear why its presence or use is "affecting anyone." She addressed other issues which were raised at the Planning Commission meeting about her property and the measures she has taken to keep the property up. She has a fence to keep her neighbors private from her guests. She has left on lights for safety. There have been no reports of vandalism, parties, etc. of which her short-term rental guests were accused during the time that she was renting it short-term. She has also taken measures in this regard.

Ms. Cousins has a business license and pays taxes. She doesn't want to turn the property over to a management company but is talking to "several local professionals" which would allow her to retain control. She feels that having her house occupied is more advantageous than having it unoccupied. She cares for her home in order to get renters to come back. If there's no additional income for maintenance and upkeep, her house would become dilapidated as others in the city are. She accepts staff's recommendation but asked that council consider her request.

Chuck Dalvini, 1311 North Street said he lives "basically adjacent to the property." He coordinated the response to the zoning request. He opposes it because:

1. The neighborhood is small and historic at 4 blocks long and a block and a half wide with 25-26 residentially zoned homes. He read a letter he had read at the Planning Commission meeting the previous night. He said there is concern in the neighborhood about opening up the entire block to other commercial ventures.
2. There are parking concerns which he said he already iterated at the Planning Commission meeting.

The owners of the residential properties affected "are nearly universal in objecting to this request," he said. He said there is no compelling reason to rezone this property to Office Commercial at this time. He doesn't agree that this request should be tabled, at staff's suggestion. He would still strongly object to a rezoning request based on a first draft of the Lawrence Group plan, whatever their conclusion. There being no further public comment, Mayor Keyserling closed this hearing.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTIONS 5.1 AND 5.3 D OF THE UDO TO ALLOW ENTERTAINMENT USES SUCH AS COMMUNITY CLUBHOUSES IN RESIDENTIAL ZONING DISTRICTS

Mayor Keyserling opened this public hearing. Ms. Anderson said it came to the staff's attention that these uses aren't currently permitted under the UDO in single-family and General Residential districts. To have a community pool, clubhouse, etc., the neighborhoods should not need to have been developed under a PUD. Staff feels it should be a permitted conditional use and propose that these activities be permitted in R-1, -2, -3, and -4 districts. She explained how this would be accomplished, and showed the conditions under which they would be permitted. She said the Planning Commission had been scheduled to hear this but had tabled it due to the lateness of the hour.

Councilman McFee asked if a neighborhood association could hire a management company to run services for them, and Ms. Anderson said yes, but the responsibility would ultimately be the property owners' associations. Councilman McFee said the intent is for the homeowners' use, and Ms. Anderson said they could make it a public asset, but they would probably fund it for their residents' use only. There being no public comment, Mayor Keyserling ended the public hearing.

MINUTES

The minutes of the regular council meeting on December 14, 2010 were presented to council for review. Councilman McFee noted that on page 12 of the minutes, under the reports of council members, the mayor was referred to not as Mayor Keyserling but as "BK." On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as amended.

The minutes of the work session on January 4, 2011 were presented to council for review. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as written.

UDO AMENDMENT ADDING A NEW SECTION 4.6 "MIXED USE DISTRICTS" AND A NEW SECTION 6.10 "BLADEN STREET REDEVELOPMENT DISTRICT"

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the amendment on second reading. Ms. Anderson said there were two changes made as a result of the workshop discussion: the appeal body has been changed to the DRB, and on page 28, in the "Roof Pitches" section, the specific language as to pitch has been deleted. Staff felt that they needed to develop a range for every property, and if they left something out, there are infinite options, and the code allows a lot of flexibility. The site plans show illustrations, but they don't need to be followed. They are for illustrative or inspirational purposes, so there are no alternative site plans for any particular property.

Mayor Keyserling thanked **Steve Tully** for his work. Mr. Tully asked to include an illustration of a plan that he would like to build ASAP. He went on to cite several minor changes, including a typo, stormwater drainage, and best management practices that needed to be made and hadn't been made yet to this draft of the plan. These are only technical details, he said, that he wants covered before he starts work.

Geddes Dowling, 1405 Bay Street, said his property is not included, which surprised him. Mr. Tully said they have been working on dual zoning because he's an individual developer. He restated that his suggested changes are only typos, and "he didn't want it to go through without making them tonight." He doesn't want work delayed "because of little technical things."

Kevin Cuppia said Ms. Anderson just said that they need to leave flexibility in the plan, and he feels "this is what Mr. Stewart is running into." He expressed his hope that Mr. Tully "won't run into similar difficulties," and he warned Mr. Tully "to be careful." **The motion passed unanimously.**

ORDINANCE REZONING 9 PARCELS OF PROPERTY LOCATED IN THE BLADEN STREET AREA TO BLADEN STREET REDEVELOPMENT DISTRICT

Councilman Fordham, second by Councilwoman Beer, made a motion to adopt the ordinance on second reading. Mr. Dadson said the first reading was on 14 parcels, and the suggested reading is on 9 of those parcels. Property owners in the area have been met with. Two owners have signed agreements to cooperate with the city. They anticipate coming back with all of the other parcels on Bladen following additional meetings. They are in the process of getting appraisals. The motion passed unanimously.

BUDGET AMENDMENT FOR FIRE AND PUBLIC WORKS VEHICLES

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the budget amendment on second reading. Ms. Hughes said the money is being moved around in the budget and less is being spent than initially planned. Councilman Sutton confirmed the type of vehicles to be purchased. Mayor Keyserling said the budget is amended throughout the year. The motion passed unanimously.

AMENDING TITLE 8, CHAPTER 2, OF THE PARKING ORDINANCE PERTAINING TO PARKING TIME LIMITATIONS AND RATES WITHIN THE CITY

Councilwoman Beer, second by Councilman Sutton, made a motion to adopt the amendment on second reading. Councilman Sutton reviewed what is under consideration. The intent of the change is to structure a rate that is variable around the city's parking zones to allow for separation and incentive to park further off of Bay Street; therefore, it will be less expensive to park further away from Bay. Bay and the Marina would remain at their current rates of \$1 an hour. Others would be \$.75 and \$.50 an hour. He reviewed the various meetings that led to this amendment to the ordinance and called this "a great step in the direction we're starting to head."

The time alterations were also suggested by these same processes, Councilman Sutton said. He showed a graphic of where the time limits would be altered to 0-4 hours. A time limit of 3 hours on Bay Street is a significant change, Councilman Sutton said, that would let the public use the spaces for the length of time merchants believe would best serve their needs.

He said this is all that is affected by this vote. The parking committee had met that day, and he assured the public that there will be future votes on kiosks on Bay Street. At next Tuesday's meeting, they will ask for a special meeting to consider the requests of the merchant surveys and Park Beaufort. Councilman Fordham thanked Donna Starkey for her suggestions about future technology.

Councilman McFee said he appreciates the organizations that participated in this. Councilman Sutton said they'll need to make an amendment in the ordinance because the mapping didn't indicate extended time for the Bay Street Extension and the small lot behind Saltus in which employees park.

Ms. Rodgers noted that the 30-minute meters in front of the Chamber were not included. **Randall Burch** thanked council for its work on this. **Robert Bowden** said he was an initiator of the petition, and he expressed appreciation for council's time and that they are "definitely listening." He looks forward to eliminating the kiosks on Bay and restoring the meters.

Donna Starkey commented that the increase in the hours on Bay Street will really help the merchants there. She said council has been "showing flexibility that is making a difference."

Mayor Keyserling asked, if they pass the amendment, if it will be in place in a few days. Mr. Dadson suggested adding to the amended ordinance that it becomes effective January 14, 2011 as well as that there is no limit on time for parking in the Saltus lot, the Marina lot, the Bay Street Extension and Craven Street.

The motion passed unanimously as amended.

RESOLUTION SUPPORTING THE 2011-2012 LEGISLATIVE AGENDA

Councilwoman Beer, second by Councilman McFee, made a motion to adopt the resolution. The motion passed unanimously.

REQUEST FROM BEAUFORT COUNTY MINISTERIAL ALLIANCE TO CONDUCT ANNUAL MARTIN LUTHER KING, JR. PARADE JANUARY 17, 2010

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the request. The motion passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilman Sutton nominated Councilman McFee as a member of city council to serve on the Redevelopment Commission, second by Councilwoman Beer. Councilman McFee would fill Bob Pinkerton's seat on the Redevelopment Commission. The motion passed unanimously, with Councilman McFee abstaining because of the nomination.

Councilman Sutton nominated Mary Ann Norton, representing Main Street Beaufort, to serve on the Historic District Review Board, second by Councilman McFee. The motion passed unanimously.

Mr. Dadson said the term limits for members of the Redevelopment Commission can be extended once. Councilman Sutton, second by Councilman McFee, made a motion to appoint Mike McNally, Martin Goodman, and Ed Barnhart to a second term on the Redevelopment Commission. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. Dadson said the city had received a request for a waiver of the noise ordinance for "Extreme Home Makeover" because they'll be working around the clock. Mayor Keyserling said the neighborhood has been canvassed, they support this waiver, and accommodations will be made for those who can't tolerate the noise. Mr. Dadson said "Extreme Home Makeover" had also asked for a waiver on the noise ordinance to allow music at the Arsenal for their wrap party on January 19. Councilwoman Beer made a motion, second by Councilman Fordham, to waive the noise ordinance for both requests. The motion passed unanimously.

Mr. Dadson said "Extreme Home Makeover" has requested that Craven Street be closed from 5-11 p.m. on January 19 for the wrap party. The request will then be sent to DOT if it's approved by council. Councilman Sutton asked if buggies are affected and whether they've been contacted. Ms. Anderson said they had not been, that she knows of, but she will contact the Tour Coordinator. Councilman Sutton said he doesn't know if Craven has ever been closed. There was some discussion about this. Ms. Anderson said the police have been notified. Mayor Keyserling congratulated staff for working with the "Extreme Home Makeover" crew. The family chosen wouldn't have been selected if word had leaked that it was this family. Mr. Dadson said that staff has committed a lot of time to this effort already. Councilwoman Beer, second by Councilman Fordham, made a motion to approve the street closure. The motion passed unanimously.

MAYOR'S REPORT

Mayor Keyserling thanked the many people involved in the Founders Night celebration. He noted that Councilman McFee "will have another production" for the city's Tricentennial on January 17 at 4:30 in Waterfront Park.

REPORTS BY COUNCIL MEMBERS

Councilwoman Beer said she and Mayor Keyserling would be in the Martin Luther King, Jr. Day parade. Councilman McFee said he'd try to be there, and Councilman Sutton said he would, too.

Councilman Sutton asked about the archeological digs and city ordinances. He has seen people digging at the Bluff and has "chased them off." He has called the police because he's sure artifacts can't be dug up on public property. Mayor Keyserling said the Greenery, Public Works, and Open Land Trust should

be monitoring this. Councilman Sutton said there may need to be more vigilance on that. Erosion is increasing, and there's been increased activity of this type. Councilwoman Beer said it might be considered vandalism of public property.

Mayor Keyserling said they didn't vote on the second set of the parking committee's recommendations. They'll put it at the beginning of the workshop on January 18, 2011 as a formal meeting to discuss the kiosks.

Councilman McFee thanked those who had complimented the Founders Night and described the events to take place on January 17. Southern Graces is making the birthday cake. Mayor Keyserling said people are invited to bring birthday cards with wishes for the city in the next 100 years. They'll be compiled, and then put on the website and on Facebook.

ADJOURNMENT

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Fordham. The motion was approved unanimously, and the meeting was adjourned at 8:38 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

A special meeting of the Beaufort City Council was held on January 18, 2011 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Council members Donnie Ann Beer, Mike Sutton, Mike McFee, Gary Fordham, Mayor Keyserling and City Manager Scott Dadson.

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.

CONSIDERATION OF MOTION REGARDING PARKING MANAGEMENT RECOMMENDATIONS

Councilman Sutton, second by Councilwoman Beer, made a motion to accept the recommendations made by Lanier Parking in draft form.

The recommendations include:

- The six pay stations on Bay Street will be removed and replaced with those meters already in inventory for a budget of \$4000 or less.
- The kiosks will be changed from pay-by-space to pay-and-display.
- The kiosks in the surface lot areas will be labeled with standard green "P" signs.
- There will be no warning notices given.
- Additional yellow drop boxes will be installed for paying parking violation fees.

The parking committee will further consider marketing ideas, specifically validation and token programs and PARK Mobile to allow payment by credit cards and bills via cell phone.

Tony Royal asked about the tickets from the kiosks fading in the sun when they're placed on the dash. He also was concerned about asking all parkers to go back to their vehicles to place the receipt on the dash. Councilman Sutton said people will be closer to the kiosks/their vehicles in the flat lots than they were on Bay Street. This eliminates all the concerns about numbered spaces that were experienced on Bay Street. There will be more kiosks per space at these lots as well.

Brent Phillips, Beaufort Parking, said they use the highest quality thermal paper possible and it's used in Florida. **Don Starkey** said they should be certain before they commit. He asked at what temperature they start to change. **Robert Bowden** said the paper was flimsy when the system went in, but it's thicker now; he said he doesn't know if that affects its thermal qualities. Mr. Phillips said it is better.

Mayor Keyserling said he assumed that handicapped parking will remain the same. Mr. Phillips said it would be. Mayor Keyserling said they had discussed the Scott Street lot at a previous council meeting, and he wanted to know if it was included in that previous meeting's motion. Mr. Dadson said it was.

Mayor Keyserling thanked Councilman McFee, Councilman Sutton, Main Street Beaufort, and Lanier Parking for "coming together to work out these issues." Councilman McFee said this is an ongoing process and there will be commitment to further improvement. **The motion passed unanimously.**

Lanelle Fabian asked to be notified of the date when the meters are going back in so she can notify merchants and help make the process smoother. Mr. Bowden asked if there was a time frame, and Mr. Dadson said 5 days.

Councilman Sutton, second by Councilwoman Beer, made a motion to adjourn the special meeting. **The motion passed unanimously.**

A work session of the Beaufort City Council was held on January 18, 2011 at 5:14 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Council members Donnie Ann Beer, Mike Sutton, Mike McFee, Gary Fordham, Mayor Keyserling and City Manager Scott Dadson.

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.

Mayor Keyserling called the work session to order at 5:14 pm.

DISCUSSION REGARDING ORDINANCE REVISING MARSH GARDENS PUD

Mayor Keyserling said the effort is to make the Boundary Street Master Plan and the Marsh Gardens PUD “as consistent as possible.” **Craig Lewis** said they have had a couple of meetings with the 303 Associates team. The proposed Red Lobster/Olive Garden building is unique, and there’s a unique site configuration. He said “They understand the proposal at hand.” Initially, the disputed area termed a potential slip lane will be “a parking lot circulation driveway,” not a slip lane, but city staff will work with the designers on the final construction drawings “to ensure that the public realm marries up to the Boundary Street design.” Mr. Lewis said it’s anticipated that it will be a two-way driveway eventually converted to a one-way. He said “it’s no one’s preference, but there will be on-street parking.” Mr. Lewis said there will be no difference initially; the key is to design the area between the front doors and Boundary Street. They are comfortable that this can be in the plan.

Mr. Lewis said the second issue is the location of the building on the lot. Given the arrangement of the building and its internal configuration, sliding it up against the green/plaza “defeats a lot of our purposes.” There’s been a long desire to have that space be a functioning public space, and Mr. Lewis feels that can happen in the future. If the building is there, it’s “not an active façade,” so they don’t recommend that as an ultimate solution. There are also expectations about how people circulate around the building. They recommend that where there is parking in the development today, “a building could be ‘infilled’ in the future.” That could also give them a third storefront in that area.

The architecture of the building has also been at issue, Mr. Lewis said. A design that is circulating is different than what was presented, and the façade can be tweaked. **Todd Taylor**, the Darden Group, said the Palm Coast building, which is a model for the building under discussion, has two towers. Darden will entertain the idea of going back to two similar towers

with a 4-sided roof, as opposed to gabled, for the Marsh Gardens property. The height of the building and the parapets would be raised from those seen in the first building design shown.

Mr. Lewis said that Boundary Street “will not be a continuous series of storefronts because of what is there today.” This particular site is not a “center”; it’s a transition area. The fact that it’s a high, single-story building “doesn’t take away from what’s there.” The Lawrence Group feels 303 Associates have adequately prepared the site to address the key concerns for preparing for the Boundary Street Plan as it phases into this location in the future. He feels it’s a good compromise between redevelopment today and redevelopment in the future, and it accommodates infill. He encouraged city council to “move the project forward and get it done.” Mr. Dadson asked how that’s done.

Mr. Lewis said his understanding is that it’s a PUD. **Mary Lohr**, 303 Associates, said there have been many changes to the PUD in the last 10 years, and she and Josh Martin would meet to review it. They will create a different lot type, and the text amendment will be changed, which she illustrated with several diagrams. Ms. Lohr said the text amendment will be brought up to date. Mr. Dadson said that will clean up the language for a clean text amendment: “The applicant can begin their process knowing that staff supports it.” **Dick Stewart** said a filing will be made to the Design Review Board (DRB) for review. He said he’d spoken with the DRB chair who told him there may be an expedited process for approval the DRB can use for the Marsh Gardens PUD.

Councilman Fordham told everyone involved to remember that the city got burned on “a similar project” last year and “everything needs to be pretty much set in stone, so we won’t get burned again.” Mr. Dadson said he is encouraged by the movement forward. Mr. Stewart told Councilman Fordham that 303 Associates has been working with the city on this PUD for 10 years, there have been no major problems, and he expects there will not be in the future. There’s no date on this PUD, unlike development agreements, Mr. Stewart said, in response to a question from Councilman Sutton.

Mr. Lewis said part of what’s needed is “parsing out which rules apply so the key legal things are worked out.” Councilwoman Beer said she’s excited the process is working. Mayor Keyserling asked about raising the parapet. He said he assumes it will be high enough so that the next building will work. He said he prefers to do on-street parking in the slip lane. Mr. Stewart said that’s the plan long-term, but it’s been taken out “because boards didn’t favor it.” Mayor Keyserling said he’d encourage it to give “a more urban look.”

Jon Verity, chairman of the Redevelopment Commission, said it’s encouraging that the Darden Group wants to come. He thinks “Beaufort is lucky to have them and their job creation.” He said he’s “thankful to everyone for making this come together.” People will come from all over the country to see how the prototype is developing, Mr. Verity said. Mayor Keyserling thanked Mr. Verity for his participation.

Reed Armstrong, Coastal Conservation League, asked if what is worked out here will come back to the Planning Commission. Mayor Keyserling asked if it had to come back to them, and then said it is not required to do so. Mr. Dadson said if it's a text amendment, Mr. Martin and Ms. Lohr "will work out procedurally how it goes along," and "they will work those issues out." Mr. Lewis said they'll work out those issues in parallel. Mr. Stewart asked Mr. Armstrong why he had asked. Mr. Armstrong replied that the Planning Commission recommended denial for what was already submitted. Mr. Stewart said he didn't believe the Planning Commission had looked at the proposal.

Mr. Armstrong asked if the Planning Commission's recommendation of denial will stand. Mayor Keyserling said "they would have to look at their own ordinance." The build team could explain to the Planning Commission why they are going a different way than the Planning Commission's recommendation. Mr. Dadson said they'll be informed that this matter "has been hammered out."

Mr. Armstrong asked if "the autocentric site layout with a huge parking lot around the building was worked out." Mr. Lewis said the key is that there will be no restrictions on the redevelopment of those lots for the future building paths. "They wouldn't expect that to be the case," he said.

Don Starkey said he's pleased there has been a compromise made, but he'd like to clarify that there are some planning people involved at the end. The architect and the DRB should work with the developer, he feels.

There being no further business, Councilman Sutton made a motion, second by Councilwoman Beer, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:42 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

ORDINANCE

AMENDING THE MARSH GARDENS PLANNED UNIT DEVELOPMENT TO ESTABLISH A NEW LOT TYPE AND ADD A NEW STREET SECTION

WHEREAS, the Marsh Gardens Planned Unit Development was adopted in January 2001; and

WHEREAS, the Boundary Street Master Plan was adopted in August 2006; and

WHEREAS, the Boundary Street Master Plan establishes a "slip lane" as a means of providing connectivity and developing a walkable commercial street section paralleling Boundary Street; and

WHEREAS, design standards and economic conditions have changed since the Planned Unit Development was adopted; and

WHEREAS, 303 Associates has submitted an application to amend the Marsh Gardens Planned Unit Development; and

WHEREAS, 303 Associates desires to create a new lot type that would facilitate current development while providing opportunities for development a slip lane and appropriate infill development in the future; and

WHEREAS, this amendment has been presented to the Beaufort--Port Royal Metropolitan Planning Commission; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this ordinance amendment on January 11, 2011, with notice of the hearing published in *The Beaufort Gazette* on December 20, 2010;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that the Marsh Gardens Planned Unit Development be amended with the attached documents.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by:

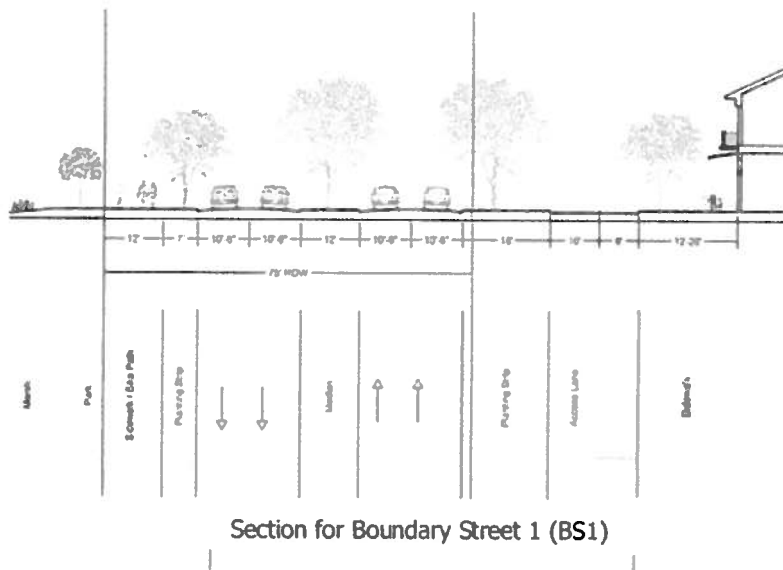
WILLIAM B. HARVEY, III, CITY ATTORNEY

MARSH GARDENS PUD AMENDMENT

This minor amendment to the Marsh Gardens PUD is intended to reflect some changes in the local conditions and support the Boundary Street Redevelopment Plan as approved by the City of Beaufort and provide for phasing development to meet market demands as encouraged by the City's 2009 Comprehensive Plan. Approval of this amendment will benefit the Citizens of the City of Beaufort by facilitating the construction of two restaurants in a single building, thereby increasing dining options, tax revenues and employment; by providing a small park which the City has requested in the Boundary Street Plan at no cost to taxpayers; by reducing sprawl by providing in-fill development and by supporting construction jobs which are much needed in the current economy.

The PUD shall specifically be amended as follows:

1. The Boundary Street Section with Parallel Road Option shall be added as a Street Section in Section 3 of the PUD, as detailed below.



2. Lot Type E shall be added as a Lot Type in #3 of the Land Use Table in Section 4 of the PUD.
3. The Development Standards for Lot Type E shall be as set forth and incorporated into the PUD Development Standards in Section 6 of the PUD:

| | |
|-------------------------------------|------|
| Minimum Lot Width: | 16' |
| Maximum Site Coverage: | 100% |
| Minimum Building Frontage Coverage: | 30% |
| Maximum Height: | 60' |
| Minimum Height: | 20' |

