CALL TO ORDER

A meeting of the Metropolitan Planning Commission was called to order by Susan Cosner, Chair, and was held in-person on August 21, 2023 at 5:02 PM.

ATTENDEES

Members in attendance: Sue Cosner (Chair), Wendy Zara (Vice-Chair), Judy Alling Josh Gibson, Dennis Ross and James White.

Staff in attendance: Curt Freese, Community Development Department Director and Noah Krepps, Town of Port Royal Director.

REVIEW OF MINUTES – JULY 17, 2023

Ms. Cosner noted there are some minor grammatical things that need to be taken care of that I will reach out to Mr. Freese and staff about.

Motion: Ms. Zara made a motion, seconded by Mr. Gibson, to approve the minutes of July 17, 2023 meeting. The motion passed unanimously.

All [Insert name of Review Board] meeting minutes are recorded and can be found on the City’s website at http://www.cityofbeaufort.org/AgendaCenter. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at tgundler@cityofbeaufort.org.

QUESTIONS RELATING TO MILITARY OPERATIONS

None.

OLD BUSINESS

Ms. Cosner asked the commissioners if the agenda could be reordered by moving up the Town of Port Royal Annexation and Rezoning before the City’s Text Amendment. All members agreed, as well as Mr. Krepps from the Town of Port Royal.
A. **Town of Port Royal – Annexation.** Town of Port Royal – Annexation. Annex 37.8 acres at 61 Brookins Path. The properties are further identified as District 100, Map 28, Parcels 121A and 146. The applicant is Bridges Preparatory School.

Mr. Krepps presented his staff report.

**Public Comment:**

None.

**Motion:** Ms. Alling made a motion to recommend approval of the annexation of 37.8 acres at 61 Brookins Path; seconded by Ms. Zara. The motion carried unanimously.

B. **Town of Port Royal –Zoning Request.** Zone 37.8 acres at 61 Brookins Path. The properties are further identified as District 100, Map 28, Parcels 121A and 146. The applicant is Bridges Preparatory School. The current zoning is C3 Neighborhood Mixed-Use (Beaufort County). The requested zoning designation is T3 Neighborhood.

Mr. Krepps presented his staff report.

**Public Comment:**

Howell Beach resides at 310 Federal Street wondered if those fields were going to be lit at night. Mr. Krepps stated yes there are residential exterior lighting standards for fields. The Town Zoning Code requires fully shielded light. The Town requires an exterior lighting plan with site review.

Public comment closed.

**Motion:** Ms. Zara made a motion to rezone the property at 61 Brookins Path from C3 NMU to T3-N; seconded by Ms. Alling. The motion carried unanimously.

**Town of Port Royal Updates:**

Mr. Krepps went over a few other items stating that the Town held an open house for the redesign of Paris Avenue last Wednesday before our regular council meeting. In September there will be a 100% design presentation. Also, the Town of Port Royal and the City of Beaufort had a joint council meeting regarding the possibility of a City Planning Commission, the Town of Port Royal will parallel the process and make sure we have a Planning Commission at that same time.

C. **City of Beaufort – Text Amendment.** Amendments to the City of Beaufort Development Code, Chapters 2-10, to consider processes for approvals, boards and commissions and historic preservation.
Mr. Freese gave a brief background about the last presentation. He stated their report has a description of all the sections being changed, a rationale for the changes from the last meeting. The changes from the last meeting were focused on the two main areas: if the city was to adopt the Planning Commission; and the changes in the Historic District. These were rewritten and hopefully the Commission had time to review those. At the last meeting, Mr. Freese reminded the commission that they voted to have the HBF seat removed and that is going to City Council for the first reading tomorrow.

**CREATING A CITY-ONLY PLANNING COMMISSION**

Ms. Cosner stated for clarification for both the commission and the public, what we want to do is take a look at your staff report regarding the two recommendations: one is creating the city-only Planning Commission and two is the recommendation of the disbandment of the DRB and then folding their powers, authorities, and responsibilities into the new Planning Commission. And then we want to look at the Redevelopment approvals and we also have the HRB text. Mr. Freese said the two that changed from the meeting were the ones I talked about. The HRB process and the city planning Commission. The rest stayed the same, but you didn’t vote on them.

**Public Comment:**

**Paul Trask, 610 Bladen Street,** attended all of the city’s workshops related to these text amendments and felt not once has council addressed the issue that the MPC just discussed about the delineation between a decision which is a recommendation and a decision which is a quasi-judicial decision. Mr. Trask is in support of a City of Beaufort only Planning Commission. However, it is confusing when the City Planning Commission would be fulfilling both of those functions. His comment is for the city to move forward affirmatively with the city only Planning Commission, but to retain the DRB for those functions which are the quasi-judicial.

**Courtney Worrell, 303 Associates,** stated that the cover notes that all of this was vetted thoroughly by city council, and I’ve attended all the city workshops on this, and the concepts have been discussed generally by city council, the specific language have not been. She was part of the first review of the city code process and language would be proposed and anybody could participate to comment on that language and then it would come to the MPC and then to city council; we’re missing that step this time. Regarding the language specifically, I noticed Planning Commission has a residency requirement for the City of Beaufort, but unlike the other Boards, it doesn’t also have the requirements that you’re a resident or you own a business, or you own property in the City of Beaufort, just the residency requirement. Also, she noticed that with the DRB authority, duties and obligations removed. She didn’t see specifically where the DRB authority was then granted to the Planning Commission. She saw no reference to design or review. She referred to the issue Mr. Gibson and Mr. Trask raised between legislative and subjective

**Howell Beach resides at 310 Federal Street** feels combining a Planning Commission and a Design Review Board is like apples and oranges. He presented projects all over the Southeast with city councils, county councils, state agencies and you would never dream of combing a Planning Commission and Design Review Board. This should be done and he’s not sure who came up with the idea. This is the wrong thing to do. You destroying the quality of the whole process and site design are reviewed by the Design Review Boards. Mr. Beach agreed with Mr. Trask.
Ms. Cosner referred to the state legislation sets up a Design Review Board.

Grant McClure lives in the City of Beaufort and works at the Conservation Leage office at 1212 King Street stated we are supportive of the City of Beaufort’s Code updates and their pursuit streamlining and clarifying the development approval process. We previously commented and we’re thankful that staff incorporated some of the recommendations to section 10.2.1 specifically. It is necessary for all of those authorities that the DRB has be incorporated into the Planning Commission. DRB has historically looked at sites plans, landscaping plan, buildings elevations, lighting, and aesthetics. An application might be expected to present details and provide a final materials list including colors and may be required to bring material samples. Some of these things are being moved to Pre-Application meetings. However, we feel it’s important if you are going to combined the DRB and that all of those authorities are spelled out in the Planning Commission’s purview.

Diane Farrelly, 2415 Oak Haven Street had questions about section 10.2.1.A.1 there is no preservationist listed as a component of this commission; section 9.8.2 in Design Review, A.5.D the pre-application process talks about as-built drawings, is this anything that is already built; section 9.2.82.H publicizing public meetings other owners who are likely to be affected by the application has the opportunity to be heard and how will these people be notified going forward when someone submits plans; section 9.8.2.M the permanent extension can be one year up to five times; section 9.10.2.A.7 mentions that there needs to be an architect or preservationist, but preservationist should be specially called out; section 9.16.3.C.1 process for amendments to the code, public notification says, none; this seems odd.

Ms. Cosner asked Ms. Farrelly to submit her written comments to Mr. Freese’s office.

Maxine Lutz, 811 North Street stated she agreed with Mr. Beach and Mr. Trask. It’s not good idea to combine the DRB and the Planning Commission. She also agreed with Mr. Gibson’s question, “isn’t that a lot to put on one committee”. Ms. Lutz hopes the MPC will agree that the Planning Commission should be just for the city but disagrees that the DRB should be combined with it.

Public comment closed.

The commission reviewed the documents presented by Mr. Freese one by one so they can make a recommendation to City Council. Ms. Cosner said the Code reference is 10.8.2 (DRB) and 9.8.2 (Development Process) and 9.1.4 (grammatical changes)

Motion: Ms. Zara made a motion to deny abolishing the DRB at least for now. Seconded by Mr. Gibson. All in favor but Ms. Cosner. Motion carried 5:1

CHANGES IN APPROVAL PROCESS FOR ITEMS IN REDEVELOPMENT OVERLAY, STAFF/DRB LEVEL APPROVALS

Public Comment:

Paul Trask resides spoke again and referred several businesses and restaurants that have been closed for a long time. He referred to a lot the city purchased under the premise of an access point to a parallel street that may never be built because there are so many obstacles, most recently, apartment complex which doesn’t have the capacity without demolishing the building under construction. His
opinion is that businesses on Boundary Street are not stellar, they’re not moving in a great direction. He doesn’t see a lot of development plans but a lot of sprawl with the new Beaufort Station Shopping Center which has attracted those tenants and businesses that otherwise might have bone on Boundary Street. He feels city council had issues with previous staff. There’s been a tremendous turn in the Planning department over the last 2-3 years with Curt Freese in place and the hope for a permanent architect. Meadors is doing an admirable job in reviewing plans very professionally. Regarding the comment of an architect, it’s a good idea to specify that an applicant in a commercial district use a registered landscape architect to prepare the plan and that may cure the issue of having a landscape architect being required sit on the Board. He encouraged the MPC to at least for the time being to retain staff review and revisit it later. We have the cart before the horse. There are several code changes that need to be addressed and flushed out prior to making a major decision like this to remove staff review in the redevelopment areas because the redevelopment areas needed flexibility. Mr. Trask gave credit to Mr. Freese who has started a program where an applicant can go to each week, get on the agenda, you get your comments back from Meadors and if you what’s necessary, you can come back and get your approval. He stated if we want to streamline the process and having a process that functions, that’s the way to go.

Ms. Cosner reminded Mr. Trask that what is before the MPC is that we made the recommendation to the city council back in December to change it as you’re suggesting but tonight’s recommendation before the MPC is the 15-day public review process and asked him if he had a change to review that. Mr. Trask said he is in support of that. Ms. Cosner asked Mr. Freese to clarify if at the last meeting we took out “the responsibility of the developer or the applicant to respond to public comments” and it was only going to be “staff” responding. Mr. Freese said he kept the “developer” in.

Courtney Worrell, 303 Associates, stated she was at the December meeting and advocated for keeping it with the City Architect but that’s when we had the discussion of transparency and visibility. She feels this is a complete compromise. She said it was her understanding that the city is going to be making every application for design review whether its HRB or DRB or city architect more accessible for the general public to get in to see the nitty gritty of it.

Mr. Gibson clarified that we are just looking at the 15-day notice. Ms. Cosner said, “no, we are looking at 10.8 and 9.8.2 as the one he is referencing”. Mr. Freese apologized but there are so many pages of changes, it’s hard. He said the changes would be to the benefit of transparency and yes, we are kicking off a new EnerGov system. Everything will be accessible, but it will take a while for us to transition to that and we’ve also streamlined our process including a TRC meeting every week with the applicants and have everyone involved including the county to review every project.

Paul Trask spoke again addressing the point made by the MPC and said it there’s a staff report that precedes the online presence of a project, then a citizen can read staff’s report, staff’s report approves it with conditions or approves it out right. He is in support of the 15-day citizen review period.

Howell Beach stated he agreed again with Mr. Trask, but to emphasize, public comment is a vital part of the design process and of the permitting process. You have to make a balance of public comments, but the public comment process is a vital role part of the general overall permitting and approval process.

Ian Scott with the Chamber of Commerce at 909 Emmons Street wanted to clarify something since he’s hearing different things. As is written in the draft ordinance presented, section 9.8.2 it creates an
obligation; both the applicant and the administrator shall, not may, shall respond in writing to all public comments. He doesn’t think there is a lot of ambiguity in that, and I do see the problem that’s been stated by multiple members of the Planning Commission coming to fruition in short order where this becomes quite a large burden on certain projects where the volume of comments become troublesome for staff who are already overtaxed and unproductive for the applicant.

Public comment closed.

Ms. Cosner stated for clarification, we are looking at sections 9.1.4.9, 8.2, and 10.8.2

**Motion:** Ms. Zara made a motion to adopt the staff recommendations seconded by Mr. White. Cosner opposed. Vote 5:1

THE HISTORIC REVIEW BOARD ITEMS – Section 9.10.2

The goal tonight is to clean this up, make a more clear process, and clear findings. Ms. Cosner asked for clarification if Mr. Freese worked with the HBF staff as well. Mr. Freese sent the information to HBF but did not get any comments from them.

**Public Comments:**

**Ms. Sundrla HBF,** thanked the Commission for their thoughtful review and consideration of all the various text amendments. We tried to meet with Mr. Freese last week and early this week before today and our schedules were not able to allow us to meet. Ms. Sundrla thanked Mr. Freese for putting this together. Ms. Sundrla referred to Mr. Trask and Ms. Worrell’s comments and agreed that this is a lot of information for the public to absorb and for the MPC to absorb and to review in one meeting specifically because this didn’t get out to the public until it was posted for this meeting. These changes were made after the last MPC meeting when you all requested specifically the detail to be presented to you. Looking through the majority of it actually has some very good changes and streamlining that occurred. But there are a lot of little, small areas that need clarification and definition. For example, on page one, 9.10.2 Process and Approval Historic under item number 7 under HTRC, the city shall organize an Historic Technical Review Committee and that goes on to explain that but then it says “the HTRC shall consist of the code administrator, city building inspector, city code enforcement official, city architect of preservationist, and then a representative from any qualified non-profit historic district”. A few things need to be looked at and clarified with regard to that and then on page two, the top item I demolitions, all demolitions except for non-habitable accessory structures shall be approved by the HRB. Rather than saying shall be approved, it should say, shall be subject to the HRB review”. Another one is on page eight, section 10, Design Exception, item B, Review Criteria where it says, reasonably determines that there will be no significant negative impact. And then if you go down to the points underneath it and it would be item ii no adverse impact. Then under item 12 on the same page, appeal minor, appeals of the decisions of the administrator shall be heard by HRB, the application for appeal shall be made within 3- days of the decision. I think the MPC had a similar discussion with the redevelopment district is how does the public know that the administrator has made a decision to be able to then appeal. This has continued to be problem currently when staff level makes a decision, it hadn’t been reported to the HRB, so the HRB isn’t away that something may have been approved at the staff level. It’s important to have that
line of communication. HBF is looking forward to work with Mr. Freese to strengthen it to make it the best for what we need for our historic district and our community.

Courtney Worrell, 303 Associates, stated she her concerns about this language. She requested perhaps to be prudent to send this language for further review and discussion to bring to the MPC a cleaner copy. Ms. Worrell referred to page 7 of 11, item E, number 1. It’s talking about how the HRB should approve demolition request for non-contributing historic structures and number one says, the applicant has proven the designated property is deteriorated beyond repair or but then there’s no following the word or, it goes into permit validity but it also doesn’t say how one would determine whether or not a property is beyond repair or not and most importantly, this is typically a standard that’s given rightfully so, contributing structures, not non-contributing structures. This topic was discussed in depth at the city council workshop. She recommends the MPC take another look at it and clean it up before taking action on this specific language.

Cynthia Jenkins with HBF stated Mr. Freese worked hard on this, and she apologized she was unable to meeting with him. She went over several other items from the marked-up version that she feels need a really closer look at were not mentioned such as page 3 under 2.B.6 right before findings are required. On the same page the word discretionary reviews needs a definition of this. She referred to the chart that refers to the pre-application conference on page #5 and said this can be for a single-family but not for two and three-unit buildings because it slows down the process for the applicant. Until Mr. Freese came, there was no technical review for the historic district, and this has made a huge. On page #7, the words permit validity repeated twice, under item D4 and E2. We need to work on this and have a really clearer and an explanation of what is being approved and the process that the review board and the citizens will use.

Mr. Freese stated that the words permit validity are repeated because one is for the non-contributing and one is for contributing.

Diane Farrelly at 2415 Oak Haven Street asked if section 10.7.3 Membership Terms and Compensation is part of tonight’s discussion. Mr. Gibson said it is in the edited versions. She thought council was deciding on the HRB seat removal tomorrow and it struck out in tonight’s packet.

Paul Trask said at the city planning meetings where these issues were discussed, was overwhelming the citizens who spoke in favor of the HRB’s position, and it illustrates the importance of these issues as we deal with our historic Beaufort. It seems HRB and staff are working together to find some good positions and it’s well worth deferring this issue for another 30 days until you meet again.

Mr. Gibson clarified for the record, he believes Mr. Trask meant to say HBF when he said HRB. Mr. Trask agreed.

Motion: Mr. Gibson made a motion to table; seconded by Mr. White. The motion passed unanimously.

ADJOURNMENT 2:12:57

Motion: Ms. Zara made a motion for adjournment at 7:12 pm. seconded by Mr. Gibson. The motion passed unanimously.