



**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**September 24, 2019**

**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."

**REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM**

**I. CALL TO ORDER**

A. Billy Keyserling, Mayor

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

A. Mike McFee, Mayor Pro Tem

**III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

A. Proclamation Proclaiming Food Donor Recognition Day

**IV. PUBLIC COMMENT**

**V. PUBLIC HEARING**

A. Rezoning (map amendment) of parcels R120 005 000 0257 0000 (2408 Oak Haven) and R120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC.

**VI. MINUTES**

A. Worksession and Regular Meeting August 27, 2019

**VII. NEW BUSINESS**

- A. Street Closure request from Downtown Beaufort Merchants Association for First Friday event Friday, November 1, 2019
- B. Request for alcohol waiver for Fall Art Walk event Saturday, October 26, 2019
- C. Street Closure request from First Presbyterian Church for Sailing Church Kickoff Luncheon event Sunday, September 29, 2019
- D. Street Closure request from Beaufort County Veterans Affairs for annual Veterans Day Parade event Saturday, November 9, 2019
- E. Co-Sponsorship request from Gullah Traveling Theater for use of Waterfront Park for

A Christmas Taste of Gullah event Saturday, December 7, 2019

- F. Approval of Downtown Merchants Association request for FY20 funding
- G. Ordinance rezoning (map amendment) of parcels R 120 005 000 0257 0000 (2408 Oak Haven) and R 120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R 120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC - 1st Reading

#### **VIII.REPORTS**

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

#### **IX. ADJOURN**



## PROCLAMATION

**WHEREAS**, everyday across City of Beaufort perishable food is donated by local grocery stores and restaurants in partnership with Second Helpings, the local food rescue agency that delivers three million pounds of that food to charitable food pantries and soup kitchens in our local community; and

**WHEREAS**, these local businesses make a difference in the lives of those facing food insecurity by donating 3,000,000 pounds of food annually; and

**WHEREAS**, we recognize the store managers and receivers for their hard work and their commitment of their communities; and

**WHEREAS**, all the food donated in our community stays in our community while reducing food waste; and

**WHEREAS**, we also recognize Second Helpings' noteworthy milestones of 28 years that our food donors have been part of this mission.

**NOW, THEREFORE**, we the City Council of the City of Beaufort, South Carolina, hereby proclaim September 24, 2019 as

### FOOD DONOR RECOGNITION DAY

in the City of Beaufort, and we encourage the citizens of our community to support the food donors by shopping at their stores and joining their efforts to support our neighbors in need. Together we can all help feed our hungry.

**IN WITNESS THEREOF**, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 24th day of September 2019.

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BILLY KEYSERLING, MAYOR

ATTEST:

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IVETTE BURGESS, CITY CLERK



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/18/2019  
**FROM:** David Prichard, Community and Economic Development Director  
**AGENDA ITEM**  
**TITLE:** Rezoning (map amendment) of parcels R120 005 000 0257 0000 (2408 Oak Haven) and R120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC.  
**MEETING**  
**DATE:** 9/24/2019  
**DEPARTMENT:** Community and Economic Development

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***BACKGROUND INFORMATION:***

Samuel Levin, Applicant.

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***PLACED ON AGENDA FOR:*** Discussion

***REMARKS:***

A work session of Beaufort City Council was held on August 27, 2019 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Mike McFee, and Phil Cromer, and Bill Prokop, city manager.

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

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:04 p.m.

### **EMPLOYEE NEW HIRE RECOGNITION**

**Linda Roper** introduced **Tara Hodges**, a new administrative assistant <sup>[1]</sup><sub>[SEP]</sub> in Downtown Operations and Community Services.

**Kathy Todd** introduced **Katelyn Papritan**, a new accounting clerk <sup>[1]</sup><sub>[SEP]</sub> in the finance department.

### **PRESENTATION: BEAUFORT AREA HOSPITALITY ASSOCIATION (BAHA) TASK FORCE REPORT ON SHORT TERM RENTALS**

**Jonathan Sullivan** discussed the membership and purpose of BAHA. **Lise Sundrla** is the executive director. In March 2019, there were “significant trends” in “the traditional lodging environment,” he said, and these changes “caused some concern,” so BAHA formed a task force with various partners “to understand what was taking place.”

Mr. Sullivan described the factors the task force looked at; the common thread over a few years was “the rapid growth of short-term rentals in our market.” He described where the task force had acquired the data that was used, and said, “It seems to be the single, limiting factor that is inhibiting a lot of our businesses’ . . . ability to attract and retain workforce.”

Ms. Sundrla said BAHA is new a new organization, but it communicates with various entities in the hospitality industry and finds out their concerns.

Ms. Sundrla said there was fluctuation in the hospitality numbers from 2016 to 2019, and the task force found it wasn’t because of fewer visitors; it identified “the short-term rental market” as responsible for that.

As opposed to traditional vacation rentals, short-term rentals “as we know them today are a totally new phenomenon,” Ms. Sundrla said. The “challenge” of short-term rentals is that they are affecting “our traditional residential neighborhoods,” she said, as well as “the traditional lodging industry,” workforce, housing, “and the overall health of the economy,” so it’s broader than the effect on the hospitality industry, in that the

proliferation of short-term rentals “affects our quality of life.”

Ms. Sundrla presented statistics about short-term rentals; for example, there are 15,000 vacation homes in Beaufort County, according to “a Bowen study,” which derived that number from the 2010 census. She listed other adverse effects that the task force found from short-term rentals.

The majority of rentals north of the Broad are at Fripp and Harbor, Ms. Sundrla said, but 400 of them are not associated with a resort community, she said. There are currently 99 in Port Royal (up from 34 in 2017) and 106 in the City of Beaufort up from 62 in 2017). The rapid, “collective” growth in short-term rentals north of the Broad is “impacting our economy . . . and our workforce,” she said.

Ms. Sundrla said the City of Beaufort’s 2016 short-term rental task force looked at “what was happening in our market,” and “tried to project what the impacts could be.” The intent was to periodically review the short-term rental ordinance that was adopted in 2017, she said. In 2018, the city contracted with Host Compliance to track and manage short-term rentals. She said BAHA hopes Port Royal will do the same. There is now a \$1,000 fine in the City of Beaufort for short-term rentals that do not have a city business licenses, which Ms. Sundrla said is good.

The city’s zoning recognizes short-term rentals as a “commercial transient lodging use,” Ms. Sundrla said. She described other aspects of the short-term rental ordinance.

Ms. Sundrla said the ordinance is strong but suggested that the neighborhood cap should be reviewed because it “does not include owner-occupied” houses or vacant and abandoned structures that are rehabbed to be short-term rentals in the Northwest Quadrant and the Old Commons neighborhoods. Short-term rentals might improve properties, she said, but “we can’t count on those improvements to be a revitalization tool for our neighborhoods,” because that is not “sustainable.” Those vacant and abandoned structures “could be rehabbed to be long-term [rentals] or owner-occupied” housing, Ms. Sundrla said.

Ms. Sundrla said BAHA is seeking a change in state statutes to include owner-occupied short-term rentals in the collection of the state sales tax and the local accommodations tax, and “a change in building codes to recognize residential structures with short-term rentals as commercial transient lodging uses.”

Ms. Sundrla named some of the “impacts” on neighborhoods identified by the City of Beaufort’s and Beaufort County Council’s short-term rental task forces, as well as by the Town of Port Royal’s ordinance. “Chief among concerns identified by the BAHA task force is the loss of long-term rental and for-sale housing stock,” she said.

Ms. Sundrla discussed the “issue of workforce,” primarily the numbers of employees

who work in Beaufort County but commute in because they live outside of the county. "At least half" of these workers commute because of "a lack of affordable housing in the county," according to the Bowen study, Ms. Sundrla said.

Ms. Sundrla broke down the employment areas of the 8,839 people employed in the City of Beaufort, and the new and additional housing units needed for rent or sale between now and 2022. In various price ranges, with average wages (e.g., for first-year teachers, accommodations, food service, and retail workers), 721 new/additional rental units are needed between now and 2022, she said, and no rentals between \$488 and \$950 a month are currently available.

Ms. Sundrla described the "direct link" between "limited housing options" and "workforce"; 57.1% of employers in Beaufort County "have had difficulty attracting and retaining employees due to housing challenges," while "residential owners/investors" find it more cost-effective to renovate and operate a short-term rental than a long-term rental.

Ms. Sundrla then discussed "the imbalance" in the traditional lodging market, in which annual occupancy in Northern Beaufort County peaked at 58% in 2016 and leveled to 52% in 2018. Occupancy "dipped to a critical low of 49.1%" in the first quarter of 2019, and it has since gone up, but she said that lenders would not want to invest in traditional lodging because of such fluctuation. Meanwhile, between 2016 and the first quarter of 2019, short-term rentals grew from 41% occupancy to "a stable 53%," she said.

Ms. Sundrla said owner-occupied short-term rentals with fewer than 6 sleeping rooms are exempt from the 6% state sales tax, 2% state accommodations tax, and 3% local accommodations tax, which traditional lodging has to pay.

Short-term rentals don't have the same designation as "transient lodging" that traditional lodging has, Ms. Sundrla said, yet they have the same effects as traditional lodging (e.g., parking, increased traffic, waste disposal, etc.), only those "adverse" effects are on the residential neighborhoods where they're located. There could be as many as 3 turnovers in one week at a short-term rental in a residential neighborhood, Ms. Sundrla said, which "creates disruptions in that neighborhood."

Ms. Sundrla said it's not important what other communities do regarding short-term rentals; what is important is what the Beaufort community wants "to support and preserve your neighborhoods" and the "quality of life in those neighborhoods."

The task force process showed that "the impact of short-term rentals is much broader than we thought," Ms. Sundrla said.

Ms. Sundrla reviewed BAHA's suggestions for the city to enact for Beaufort's short-term

rentals:

1. Grandfather in existing short-term rentals to the new regulations
2. Consider a minimum stay of 7 to 30 days “to reduce the adverse effects” of short-term rentals “on the neighborhood fabric”
3. Strengthen short-term rental health and safety codes
4. Pursue change to state regulations to include all short-term rentals in the collection of 6% state sales tax, 2% state accommodations tax, and 3% local accommodations tax
5. Pursue change to state building codes to recognize short-term rentals as commercial lodging and adopt those regulations
6. Include all short-term rentals in the calculation of the “neighborhood or zone cap”
7. On short-term rental applications, applicants should be required to state the “prior use of the structure or space so the number of units being transferred from other uses such as long-term housing can be tracked.”
8. “Establish a periodic system to monitor, track and mitigate impacts adversely affecting neighborhoods”
9. Enact “escalating monetary penalties” for “the failure to comply with regulations”

Mayor Keyserling suggested having the public comment rather than council discussing the matter at this time.

Councilman Murray asked Ms. Sundrla to name the members of the BAHA task force and their organizational affiliations. Ms. Sundrla indicated that the information is in the back of the task force report. Mr. Sullivan said the report would be distributed online. Ms. Sundrla then put the list on the overhead.

Mr. Sullivan added that BAHA would like the city to consider “taking the cap from 6% to 4% of all short-term rentals.” Unlike a hotel, if the short-term rental “market starts to get over-saturated or dry up,” an owner could put in a long-term tenant or revert to an owner-occupied “private residence,” he said. Port Royal’s and Beaufort County’s “key stakeholders” are “watching the City of Beaufort because you were the first to come to the table with [a short-term rental] ordinance,” Mr. Sullivan said. The city “has the greatest risk in this game” in Northern Beaufort County, because the majority of hotel room nights are in the City of Beaufort, so “if they start to slow down, your budget . . . will take the biggest [hit], not unincorporated Beaufort County’s,” he said.

**Marc Honaker**, 817 Audusta Place, said people out on the water around Beaufort see a town that looks like it did 400 years ago, rather than a view from the water of hotels, like there are on Hilton Head, for example. He said the BAHA task force’s report doesn’t address the military at all, but Marines in Beaufort contribute much more to the community than in other towns, such as Jacksonville, NC.



The 7-day minimum stay that BAHA suggests does not serve the families of Marine grads, Mr. Honaker said, or people who come to visit those at the Air Station, the Naval Hospital, or Parris Island. These visitors want to stay in “residential lodging,” he said.

The incomes of those serving in the military also weren’t addressed in the report, Mr. Honaker said.

Mr. Honaker said he’s concerned about development and about “changing the landscape of the area” by building hotels. He was welcomed when he came to visit Beaufort and stayed at VRBOs (vacation rental by owner), and then he and his wife bought a house for a short-term rental, where “typically” guests “leave the property better than when they got here.” He and his wife are planning to retire here, and the “VRBO community” gave them that opportunity. Mr. Honaker said he doesn’t want this city to look like the Town of Hilton Head in 20 years.

**Robert Achurch** said BAHA says it represents “the hospitality industry,” but it doesn’t represent him because he has a short-term rental. The BAHA position on short-term rentals seems to be “disingenuous,” he said. He doesn’t believe that the people who stay at his short-term rental are more likely to cause an increase in crime than those who stay at lodging like the Holiday Inn. BAHA presented “no link” between short-term rentals and crime, nor was any evidence presented, Mr. Achurch said. He feels the report is “a thinly veiled attempt to get rid of the competition” by “the hoteliers in the association.”

An average hotel has 115 rooms, Mr. Achurch said, while there are 106 short-term rentals. New hotels are being planned or are being built, he said, so there might be “an oversupply” of rooms; he suggested “reconfiguring” some of the hotels’ rooms and housing “the labor force in those rooms” if there’s genuine concern about “supplying low-cost housing for labor.”

There is also no empirical evidence that a property loses value if it’s next to a structure that’s been rehabbed as a short-term rental, Mr. Achurch said. No one will come to stay in a short-term rental if it’s not well-maintained, he said, which all of the short-term rentals in his neighborhood are. There’s been no increase in noise or crime as a result of short-term rentals there, he said.

**Josh Gibson** said he was once advised “never to fall in love with your business model,” and he thinks that’s what’s happening with traditional lodging, the market of which has changed, in the same way that Uber has affected the taxi business. “Short-term rentals have changed the hotel [business] model,” he said, so with this report, the lodging industry is asking that the short-term rental model be changed, rather than changing their own.

Mr. Gibson said in the last 3 years, there have been “zero” calls to the police to address

crimes at short-term rentals. He suggested that hotels could rent out empty rooms as long-term lodging for the workforce who can't find affordable local housing.

BAHA "gave away the game," Mr. Gibson feels, with this report: When they saw that their occupancy rates had gone down, they "reverse-engineered an argument" to make that decrease about the problems with short-term rentals. He then showed a house he and his wife had renovated that was featured on the cover of a national magazine.

**Andy Corriveau** agreed with the previous speakers and said it was apparent to him that "the focus of" BAHA's "presentation is to eliminate competition" from short-term rentals. The report "actually alleges an imbalance in the economy resulting in an oversupply in the lodging market impacting the overall economy," he said. If there is an oversupply of hotel rooms, "and there might not be," he said, that "situation . . . was created by the hotels themselves," in that 241 rooms have been added since 2015, "with even more planned." He added that he supports "the development of a boutique hotel downtown." That would not be "competition," Mr. Corriveau said, as short-term rentals are not competition for traditional lodging; "we are not in the same market as hotels." There has been a change in consumer demand for "a homelike accommodation," and short-term rentals meet that demand; "that can't be regulated away," he said.

Mr. Corriveau finds it "absurd" that the issue of a lack of workforce housing is being blamed on "the proliferation of short-term rentals." The Beaufort 2030 study showed no correlation between short-term rentals and the lack of workforce housing, he said, and he suggested that paying the workforce "a living wage" would solve that problem.

Mr. Corriveau said short-term rentals were unfairly represented in BAHA's report as competitors with traditional lodging, which he said they are not. He added that he was "excluded" from participating on BAHA's task force, but he would have loved to have participated and to "help address [the] issues."

**Victor Granquist** said he owns a short-term rental in Pigeon Point. He said a lot of people who come to the Lowcountry want the experience that short-term rentals like his offer. Visitors to Beaufort should have the right to enjoy the Lowcountry lifestyle if they want it, Mr. Granquist feels, and as a retiree, he also depends on the short-term rental income and enjoys the home when visitors are not there.

**Palo Luzny** said his family stays at short-term rentals when they travel because they like to stay together and cook together. He found the report difficult to take seriously because of the composition of the task force, which he compared to "a butcher shop and steak house association giving a report" on "the negative effects of vegetarian restaurants" on their industry.

Mr. Luzny doesn't see the impact of short-term rentals on the workforce and feels

employees in Northern Beaufort County should be paid better so they could afford housing in Beaufort. He said the report “complained that housing prices are too high for employees to buy,” but “on the other hand” claimed that “the short-term rentals are lowering the values of the houses.”

**Lori Malijenovsky** said she owns a short-term rental a couple of miles from Parris Island, and it provides an affordable stay for families coming to pick up new recruits at their graduation for “a fraction of the price of staying in a hotel.” She described what she provides for these families, including accommodating late checkouts, so new Marines “can come take a shower before going home.” She also provides discounts on her rates if needed.

Ms. Malijenovsky listed the taxes that she pays from her short-term rental and described the safety measures she’s taken and the inspections it undergoes.

More restrictions on short-term rentals would be a penalty on the military community, Ms. Malijenovsky said, and they wouldn’t benefit the city. To solve the problem of a lack of workforce housing, the hospitality industry could provide long-term rentals in their hotels, or local developers could build more apartment complexes, she said.

**Barry Edwards**, Old Commons, said people coming to short-term rentals are looking for a different experience than they get at a hotel. He thinks the BAHA report is “a thinly veiled attempt” to “create a monopoly,” which he said is wrong. He has no issues with “licensing” or with paying the same taxes that hotels pay. Mr. Edwards said that many short-term rentals “are renovating old housing,” which takes “a tremendous amount of time, energy, and money.” He owns businesses on Hilton Head, and his employees live north of the Broad because he pays them double what they would otherwise earn, so that he can get “the best employees,” and other businesses could do the same thing.

**Lisa Glod**, 904 Woodward Avenue, owns a short-term rental on Pigeon Point Road. She said they care about their guests and take them shrimping and fishing. Many are military families and like to be together while they’re here to cook, etc. Their experience at her cottage is “totally different than they would experience at a hotel.” Increasing the minimum number of room nights “would hurt military families,” she said, and if those families can’t afford to stay in short-term rentals, it would adversely affect Beaufort’s economy.

In Ms. Glod’s neighborhood, everyone “follows the rules” for short-term rentals, she said. There are houses for sale in her neighborhood, and she doesn’t feel short-term rentals hurt the housing market but are more likely to be helping it. Many people come back to Beaufort and consider moving here because of the experiences they have when staying at short-term rentals, Ms. Glod said.

**Marc Sviland**, 1105 Greene Street, stayed at seven short-term rentals in Beaufort before

moving here because they were more affordable and “the nicest place to stay.” The owners showed him and his wife around Beaufort, he said, so they built a new home on Greene Street and moved here. He thinks short-term rentals are an important part of tourism and the economy in Beaufort.

**Barbara Rader** said she doesn’t own a hotel or a short-term rental. She lives “on a small street in a small neighborhood,” and there’s a short-term rental across the street from her. It’s “quite horrid” to sit on her porch “and watch strangers wheel their suitcases in and out,” she said. She doesn’t like it, and neither do the neighborhood dogs, she said. Ms. Rader thinks “the placement of short-term rentals is vital,” and the one on her “street has made an inhuman difference.”

**Colleen Yeager**, Best Western Sea Island Inn, said she knows that military families and others come here and need different opportunities for lodging. As a workforce member in hospitality, she makes a living wage, but she has had a hard time finding a long-term rental in Beaufort that fits her budget.

**Greta Maddox** manages rental properties and has short-term rentals. She is an Airbnb “Superhost” and is very attentive to her guests needs, including taking them places. On average, a short-term rental is used 139 days a year, as opposed to 365 days of wear and tear from a long-term tenant, which is “quite a bit better for the neighborhood and the community.” The report suggested that the solution for the shortage of rental housing for area employees was to rent houses long-term, but doing so would mean it would take a substantially longer time for investors/owners to recoup their return on investment, so Ms. Maddox asked if the businesses represented in BAHA would be willing to supplement the costs of renovating houses for long-term, rather than short-term, rental.

**Mike Tomy**, the Metropolitan Planning Commission (MPC) chairman and “a recovering VRBO owner,” said he agrees with what has been said in favor of short-term rentals. He thinks there were a number of inconsistencies in the BAHA report. He’d like the city to develop “a monitoring and accountability system” for long-term and short-term rentals, B&Bs, and apartments, many of which have fallen into disrepair and have problems with crime. Mr. Tomy said he’d be a part of a group that looked into such a system.

**Yancy O’Kelley** said she lives downtown. A lot of positive things were said about short-term rentals, she said, but that’s been not her experience. There are multiple short-term rentals near her house, and “none of them are like Mr. Achurch’s,” she said. One owner lives out of town, and she called him about her concerns that his property “doesn’t look good.” He told her he had a property manager, but she told him, “No, this is on you. The responsibility is on you.” Ms. O’Kelley discussed other problems with the short-term rentals in her neighborhood, which she said represent “another side of this story.”

Ms. O’Kelley said, “The people who do [short-term rentals] wrong mess it up for the

people who do it right.” She has called **Justin Rose**, the city’s business license inspector, about issues with short-term rentals in her neighborhood, and he has been responsive.

“We want our neighborhood back with nice people” that the residents like to be around, Ms. O’Kelley said, and for it to be a place their “grandchildren can ride their bikes around and feel safe.” She asked city council to think of the “legitimate concerns” of homeowners who have lived here a long time. Ms. O’Kelley said she and her husband are looking for other places to live because short-term rentals have “so negatively impacted” the neighborhood.

**Sue Sagui** said she was on the task force and has a long-term rental, but she is “not a hotel person.” She always stays in short-term rentals when she travels, including while she was “in the process of moving to Beaufort,” and now she lives here. She said 50% of the time, she got the experience she was looking for at a short-term rental, and 50% there were unwelcome smells, mold, noises, or she “wasn’t sure about the neighborhood” because it was different than what she had seen online.

Ms. Sagui said BAHA isn’t asking the city to eliminate short-term rentals but to look at how they’re regulated. “Only 50% of the houses” in the Northwest Quadrant, where she lives, “are occupied,” and “the other 50% are either empty lots or rundown housing that needs to come back,” she said. “The way the rules are written now,” if everyone who bought a house or an empty lot in that neighborhood wanted to have an Airbnb, they would be “exempt from the taxes,” as long as their short-term rental was owner-occupied. The Northwest Quadrant “would never reach the cap” because all of these short-term rentals would be owner-occupied, Ms. Sagui said, so “the whole Northwest Quadrant could be filled” with them.

**John Dickerson** said this is “the third time we’ve been through the short-term rental thing since 2009.” Short-term rentals are market-driven, he said, which no one could change with “any rule or regulation.” Since the short-term rental ordinance was put in place, it has worked well, so he feels there’s no need to “re-litigate it.” Mr. Dickerson said, “We all know [the ordinance] works well.”

**Maxine Lutz** lives in the Old Commons neighborhood; she said BAHA hadn’t suggested eliminating short-term rentals, which she agreed are “market-driven and popular.” BAHA is asking for the short-term rental policy to be “refined” and for council to “look at some details.” The short-term rental behind her house allows stays of just one night, Ms. Lutz said, and guests “leave trash” around the yard, as well as leaving the garbage cans out.

**Jerry Stocks** also lives in the Old Commons neighborhood. She’s concerned about garbage and recycling receptacles, which the ordinance says should be put out no sooner than 4 a.m. on the day off pick-up and put back up by 7:30 p.m. that same day. She said short-term rental owners pay someone to clean their houses, and those people

might put the garage receptacles out on the curb, but they don't put them back after pick-up. Ms. Stocks said short-term rentals aren't the only places that do this – some owner-occupied houses do it, too – and she feels it's "a blight" on the city's neighborhoods.

Councilman Murray thanked the public in attendance for being civil about this matter. He thinks the BAHA report "has a lot of flaws," but he's a business owner, and if his market share were eroding, he might want a similar report. He said he appreciates the work BAHA does.

Affordable housing and workforce housing are "a very deep issue" with a number of factors, including short-term rentals, Councilman Murray said. The number of visitors to his attraction are down, and his receipts are, too, so the tourism economy as a whole in Beaufort is down, which is the conversation he thinks they should be having, to determine how to bolster the tourism economy.

Councilman Murray said BAHA's request to remove the exemption for short-term rentals in the 34 vacant and abandoned houses in the Historic District "baffles me a bit" because if they care about the Historic District, they should use every tool available to rehab those structures. He assumes "a very small number" would be renovated to be short-term rentals, but if all of them were, that would be "a monumental task" and a very fortunate occurrence.

Councilman Murray said, in regard to crime and code violations at short-term rentals, he had asked the city's police and codes enforcement departments about the number of issues in short-term rentals in the last year or so, "and it's been almost zero." He also asked those departments to "research the number of issues that we had with traditional accommodations over the last year"; they reported that since October 2018, "in the hotels across the City of Beaufort, there were 35 actual criminal violations that ranged from indecent exposure to fraud to vandalism to theft . . . to simple assault to weapons violations."

Councilman Cromer said he's concerned that "the character and quality of life in our neighborhoods" is being "transformed to create neighbor-less neighborhoods," which he feels is "wrong." He suggested two changes to the short-term rental ordinance: create "minimum spatial requirements between short-term rentals" and limit the number of them that would be allowed per block.

Councilwoman Sutton feels concerned that an industry is complaining about its competition. As a retail business owner, her competition comes from Amazon, so she has to fight for her business every day. She doesn't believe the number of short-term rentals has affected workforce housing. Concerning the vacant and abandoned structures exemption, Councilwoman Sutton explained her husband's past work to rehab a number of properties in the Northwest Quadrant, and said 34 of them remain

because “it’s a complicated issue.” (E.g., Many are heirs’ properties and tracking down all of the owners is difficult.)

Councilman McFee said he appreciates everything that has been said and appreciates BAHF for putting the report together. He agreed that there are problems in Beaufort with workforce and affordable housing, but he’s not sure those problems are tied to short-term rentals.

Mayor Keyserling thanked the public for coming to the meeting and for being civil. There will be future work sessions on short-term rentals, he said, and more opportunities for people to be heard. He thinks there is a way to review and work on the ordinance.

#### **BOARDS AND COMMISSIONS INTERVIEW – TOURISM DEVELOPMENT ADVISORY COMMITTEE (TDAC)** <sup>[1]</sup> <sub>SEP</sub>

Council interviewed **John Ragsdale** for an open position on the committee.

#### **ESTABLISHING A TASK FORCE FOR HIGHER EDUCATION IN THE CITY OF BEAUFORT** <sup>[1]</sup> <sub>SEP</sub>

**Jon Verity** handed out a proposal to create a higher education task force. He described the composition of the task force and a tentative timetable. He named those in the working group that would review the names of potential task force members. The work process would begin in October, Mr. Verity said, with a report to city council in February 2020, a 6-month report in April 2020, and a working plan to be delivered to city council within 12 months.

Councilman Murray said they are asking for council’s blessing on the ideas in the handout and for suggested changes within the next couple weeks. The purpose and scope of the task force will be posted on the city’s website in the next week, he said.

#### **SPANISH MOSS TRAIL CONNECTOR UPDATE** <sup>[1]</sup> <sub>SEP</sub>

This matter was postponed until a future work session in the interest of time.

#### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) and (1) of the South Carolina Code of Law, **Councilman Murray made a motion, seconded by Councilman McFee, to enter into Executive Session for discussion of land acquisition and boards and commissions. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 7:04 p.m.

A regular session of Beaufort City Council was held on August 27, 2019 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Mike McFee, Phil Cromer, and Bill Prokop, city manager.

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.

**Councilman Cromer made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously.** Mayor Keyserling said no action was taken.

#### **CALL TO ORDER**

Mayor Keyserling called the regular council meeting to order at 7:27 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman McFee led the invocation and the Pledge of Allegiance.

#### **PUBLIC HEARING: ORDINANCE TO AMEND 11.6.1.B.2 NON-CONFORMING SIGN SECTION OF THE BEAUFORT CODE**

**Mayor Keyserling opened this public hearing. David Prichard** described the amendment and what it does and does not allow. **Mayor Keyserling closed this public hearing.**

#### **PUBLIC HEARING: ANNEXATION PETITION AND REZONING FOR 44 AND 50 MILLER DRIVE, EAST**

**Mayor Keyserling opened this public hearing.** Mr. Prichard said all of these annexation requests were initiated by the property owners, not by the city. The requests went to the MPC for a recommendation before coming to council.

Mr. Prichard read from the staff report and said the MPC voted 4 to 2 in favor of recommending this annexation application.

**Bruce Richards**, Lady's Island, presented council with a petition from 366 people who own property on and/or live on Lady's Island. He read *the cover of the petition, which is attached to these minutes for the purpose of entering it into the record.*

**Janet Mulcahy**, 36 Thomas Sumter Street, described her parents' and family's 30-year history on Lady's Island. She said she is very passionate about this area, and she loves Beaufort, but she has seen the changes on Lady's Island, including "the explosion on Sams Point Road," which she said was "almost too much" (e.g., the traffic circle and the clear-cutting of Oyster Bluff, which caused a bad issue when the wildlife that had lived there were pushed out of their habitat).



The Oyster Bluff developer used a loophole to do what they did, and though the loophole is now closed, Ms. Mulcahy said, the area was “really adversely affected.” She feels “apartments just don’t work,” and “there ends up [being] crime” and other problems at apartments. She has “no problem with affordable housing,” and she asked if Oyster Bluff would be considered affordable housing, where “the workforce could live.”

Ms. Mulcahy said she wants “to be educated,” but while they’re all learning, this annexation could lead to others selling to developers who could do the same thing as was done in Oyster Bluff, with the developers saying, “Who cares about the neighborhood?” The MPC said that only city council could deny this annexation, but the commissioners did recommend that council “keep the zoning the same for our community; don’t change it to this density” that would allow “apartments and hotels,” as the property owner/developer applied for, Ms. Mulcahy said. She would like to see affordable housing on the property.

Ms. Mulcahy said traffic on Lady’s Island is “impossible now,” and “hotels and high-density, cookie-cutter houses” and commercial businesses on Sams Point Road “or wherever they can squeeze it in” will make traffic worse. If city council has to approve this annexation, she said, “do not change the zoning.”

**Billy Powell**, 9 Bent Oak Road, said the subject property has “been pretty much bare” as long as he’s lived there. At one time, there were plans to build a tree farm there, which the neighborhood approved of. There was a problem with the lake on the property, which created stormwater issues in the neighborhood, he said.

Mr. Powell understands that the city must grow, but he said the neighbors don’t understand about the zoning. There are environmental impact issues with the lake, he said, which would “probably devalue our properties” if it’s filled in. The intersection is difficult and dangerous because of traffic, he said, and he believes SCDOT will “take . . . many years” to solve those problems.

This is not the right property on which to build affordable housing, Mr. Powell said. Before it’s annexed, he said the City of Beaufort should look at how many people it would affect negatively before considering how it would affect the city positively.

**Frank Martin**, Oakwood Drive, said before the current property owners moved in, there was a nature trail that ran through it, then the Martinsons put up a fence and later “drained the pond.” The dirt taken from the pond was used for Sams Point Road, so “that lake is very, very deep,” he said. The owners built all around the property, so the water could come back in, except for on his property, which is “deteriorating,” he said.

Mr. Martin said he had received no notice about the annexation and rezoning request,

and “I’m attached to that property.” He feels that “there is money behind” this request.

This property is not a place for an apartment complex, Mr. Martin said. He said there are accidents on Miller Drive “twice a month,” and he feels a study should be done. No one will be able to get off the road if the property is developed, so the road would need to be expanded, he said.

Mr. Martin is concerned that the neighbors weren’t informed about this. This property is in his backyard, and he thinks it would have been courteous to inform him about the annexation and rezoning. He asked if anyone knows what is going onto this property when it’s annexed and rezoned; he knows it will be “something big” because of the property’s cost.

Mayor Keyserling asked who in the public has read the Lady’s Island Plan and if they saw plans for apartments in it. **Brittany Murray**, 19 Oakwood Drive, said she has read the plan and found some things in it “questionable.” Her children also own 16 Oakwood Drive. Trees on Miller Drive have been tagged, she said, and she has concerns about erosion.

Ms. Murray said she doesn’t know what would be done with this property, but she thinks the owners plan to fill in the lake, which would be “a travesty,” especially since there is a lot of wildlife there since Walmart was built. She doesn’t believe the new owners would “shore up the lake” and make it “some sort of resort lake.”

**Joe Triga**, 57 Miller Drive East, said multiple generations of residents have spoken about this property. He and his wife moved here 3 years ago from Atlanta, where they have seen the effects of sprawl and overdevelopment. He agreed that there is a lot of wildlife on the property. To be annexed, a property has to be attached to city property, but he doesn’t feel like that is the case here. Mr. Triga feels it’s “significant” that this property wouldn’t sell without being annexed into the city and rezoned.

**Dan Westover**, 1 Sunrise Boulevard, asked for the annexation request to be read, and asked that it be tabled until there have been traffic and environmental impact studies. Mayor Keyserling said property owners ask to be part of the city via petition, and the property has to be contiguous to the city to do that.

Mr. Westover said the area’s residents were given little notice of this request. Mayor Keyserling said when a property is annexed and rezoned, the owner has to go through the process of getting it permitted, at which time “many of those issues” like traffic and environmental impact would be dealt with. A property owner would not spend money on those studies if they were not going to get permission to develop the property, he said. If the property comes into the city via annexation, it has to have a zoning classification, Mayor Keyserling said.

**Chuck Newton** said the Sea Island Corridor Coalition (SICC) didn't oppose the annexation, but the organization does have two concerns: First, annexation "extends the continuity of the city's jurisdiction on Sams Point Road," so the next property that wants to come into the city and is contiguous to that property could do so, which was not anticipated in the Lady's Island Plan. His other concern is "zoning shopping." The applicants came to the city because they felt they couldn't achieve what they wanted to with the county, Mr. Newton said, which "sets up a tension with the city and the county that makes these issues so difficult."

Mayor Keyserling said, "The Northern Regional Plan says that if you're contiguous and you go to the county, the county recommends annexation."

Councilman Murray said, "The Lady's Island Plan clearly delineates the growth boundaries . . . which the SICC board of directors, and [Mr. Newton], specifically, supported," so he's surprised to hear Mr. Newton say that he is "surprised" that the City of Beaufort is "annexing properties in that area." Mr. Newton said he's "talking about the follow-on impacts of annexation," which is "a little bit different issue."

Mr. Prichard read from the staff report about the rezoning of 44 and 50 Miller Drive East. The MPC recommended that the parcels be zoned T3-S, which he described. He then read the history of the work on and adoption of the 2009 Comprehensive Plan and the Civic Master Plan as an amendment to it in 2014.

Mr. Prichard read aloud about the necessity of new development being at higher density than it presently is in order to be consistent with the Comprehensive Plan and the Civic Master Plan, and about future land use as laid out in the Comp Plan's "framework plan." The subject parcels "lie in the framework zone 'G-1 moderate density residential neighborhood,'" he said, and then enumerated the zoning districts within G-1 and the "intended uses" there.

Mr. Prichard said the properties at 44 and 50 Miller Drive "are in the community form area 'Village,'" and he described the uses the Lady's Island Plan "encourages" there.

The properties' present zoning in the county is T3-HN, as are adjacent parcels to the west. Mr. Prichard read the intention of this zoning. Adjacent properties to the north are Lady's Island Community Preservation. Multi-family residential is a conditional use, he said, and he read other allowable uses. The city zoning to the south is T3-S, Mr. Prichard said. He read the allowable uses in the proposed city zoning, T4-N.

Mr. Prichard said the property is well-situated for future development. Public infrastructure currently exists, and depending on the plans for the property, that would be reviewed by the city's Technical Review Committee.

**Rikki Parker**, representing the Coastal Conservation League, said the league has been

active in planning efforts on Lady's Island. The Comprehensive Plan's land-use framework plan designates this area G-1, as well as Village Neighborhood, which allows higher-density residential, with more mixed-use development than in other areas of Lady's Island. Future developers of the property could accomplish the goals of the Comprehensive Plan under the current zoning, she said; under T4-N, "they could do more." Some of the uses under that zoning might not be appropriate, Ms. Parker said, but the current county zoning also doesn't match the way this property is developing, and it's not what the Lady's Island Plan and the Comprehensive Plan recommend. If Harris Teeter pans out, this could be a walkable neighborhood, she said.

T4-N zoning is not appropriate, Ms. Parker said, so the Coastal Conservation League recommends T3-N, which is more characteristic of the type of development recommended under the Comprehensive Plan and the Lady's Island Plan. She told a member of the public that the MPC had recommended T3-S.

**Charlene Richards**, 10 Wiggins Road, said when the county paved the area's roads, it put in a stormwater drainage system that runs under this property and into the marsh. She asked if the area's residents would drown if this property is annexed into the city because there wouldn't be anywhere for the stormwater runoff to go. Mayor Keyserling said typically there would be an easement given to allow access to the property, so the property and drainage should be protected.

Ms. Richards said every one of the 100 to 150 in the area is on "about an acre," and if similar single-family houses on large lots were built, the residents would be fine with that, but once the property is annexed, they no longer have any control over what is built there.

**Peter Somerville** said, "Very little development has occurred in the last 10 years to fill in" the "3-mile urban corridor from downtown Beaufort out to Walmart." He asked why they "need to continue to increase the amount of commercial space on Lady's Island if we're not using it now." He suggested that commercial development should occur along the existing urban corridor and said "a gravel road that dead ends is not an urban corridor," so it should not have Urban Corridor (UC) zoning.

This is "a primary affordable housing area," Mr. Somerville said, and he was surprised when Mr. Prichard said at the MPC meeting that he had "never been out to the [subject] property," which means the city's planning staff is "making decisions without ever seeing what the character of the neighborhood is out there."

Mr. Somerville is "somewhat disturbed" that even though the MPC made a different recommendation about the zoning, planning staff continued with "what the developers wanted" in its presentation of the application to council. He feels the zoning shouldn't be the developers' decision. The staff report stated that this zoning would make the property more marketable, he said, which he feels is "picking winners and losers," which

Mayor Keyserling has said is not the city's role. The people who live next to the subject property are the losers because their property will be devalued, while the developer would be the winner, Mr. Somerville said.

Mr. Newton said the Sea Island Coalition is in favor of the MPC's zoning recommendation, and they support zoning that is more in line with the Lady's Island Plan.

**Rick Larson**, 14 Wiggins Road, said the subject property has "been offered for sale for years," and the realtor had put up on the sign "last year" that its was available for commercial use, but the neighbors "all know it's not." It's been said that "no one knows what's going to be happening" on this property, he said, yet he's also heard that "the infrastructure will be in place when build-out occurs," so he asked how the city could say that if they "don't know what's going in there." Mr. Prichard clarified that he had said there's infrastructure there today, such as the paved street. What Mr. Larson was referring to was "what the requirement was as far as the criteria that the planning commission has to look at," Mr. Prichard said. "They have to say that" the infrastructure is "either in place or it will be there." Mr. Larson said Miller Drive is "a terrible two-lane road" that is difficult "to get in and out of . . . on a good day."

Mayor Keyserling explained council's process to a member of the public.

**Kevin Cuppia**, 125 Sunset Boulevard, said "the bluff property" is "near and dear to me" because of family connections in the past and some who are still in residence. He said he knows "it's all about the money." He trusts that city council will "do the right thing," even though the neighborhood's residents aren't in the city. **Mayor Keyserling closed this public hearing.**

**PUBLIC HEARING: ANNEXATION & ZONING OF PROPERTIES LOCATED AT 11 WILLIAMS STREET AND 13, 17, AND 19 MAYFAIR COURT** <sup>{11}</sup><sub>{SEP}</sub>

**Mayor Keyserling opened this public hearing.** Mr. Prichard read from the staff report, including about the zoning of adjacent properties. He said the MPC is "supposed to look at consistency with the Comprehensive Plan and the Civic Master Plan, compatibility with present zoning and conforming uses of nearby property and with the character of the neighborhood . . . the suitability of the property that would be affected by the amendment . . . compatibility with the natural features . . . whether there's any archeological or cultural resources on the property," and "marketability of the property," which is why he had mentioned marketability earlier.

Mr. Somerville said there is not a primary thoroughfare up there, and the street is not being annexed, so the city won't have "control over that gravel road." He told Mayor Keyserling he's assuming the street would belong to the county and wouldn't be annexed. He asked where the transect zones are on Lady's Island; at Mayfair Court, he's concerned that people will want to be zoned for higher density as the properties next to

them are zoned that way.

Mr. Somerville said again that he sees no transect zones. Councilman Murray pointed out “Village Center” zoning. Mr. Somerville said, “‘Transect zone’ speaks to specific zoning classifications,” and he sees no planning by the city or the county “to define where within the city or the county transect zones should be.” At some point, it might make sense to upzone, Mr. Somerville said, but this is not that time.

Mayor Keyserling told a member of the public that the city and county are doing a traffic study in partnership. Councilman Murray said what that member of the public has seen is a normal traffic count process that SCDOT does.

**Steve Holland** lives across the street from this property. The professional village there could be expanded, and it would be acceptable because it’s consistent with the current uses, but the possible uses with the rezoning are not consistent, he said. The Lady’s Island Plan and the recommendation of the MPC both suggest that T-5 zoning is “wildly inappropriate for that piece of property,” Mr. Holland said; if they carry high-density zoning into an existing neighborhood, it is inconsistent with the planning that has already been done. There is only one category of zoning that is higher density, he said. Both the MPC and those who worked on the Lady’s Island Plan recommended not to upzone at that high of density.

Mr. Holland feels this process is “how to circumvent that plan,” in order to do what is “to the benefit of the developer.” It’s upzoning and “zone shopping” he said. Annexation is virtually inevitable, he said, but to annex and upzone “speaks to an intent to use the property out of the scope of the community.” Two bodies have recommended different zoning, Mr. Holland said, which makes no sense to him, unless “the whole process” is “tainted.” He said that years ago, when he moved here, a realtor told him that this is government “of, by, and for the developer.”

Mayor Keyserling agreed that the traffic on Lady’s Island is “terrible,” but the people who live there are responsible for it, not the Town of Port Royal (as on Ribaut Road) or the City of Beaufort. The city is trying to avoid further traffic problems by “capturing it” on Lady’s Island, he said; by building commercial there, the residents don’t have to leave the island to shop, etc. The city also supports “the Village Center,” where development is “concentrated” to avoid having it “sprawl out into larger lots,” Mayor Keyserling said.

Mr. Holland said they were told that there would never be a Walmart on Lady’s Island. Councilman Murray said the city spent hundreds of thousands of dollars in legal fees fighting it. Councilwoman Sutton said they also didn’t get a Super Walmart because of the protests. Mr. Holland said it’s difficult to know who is at fault for what.

**Carol Ruff** owns one of the buildings in the Lady’s Island Professional Village, and she, two other owners, and her neighbors are here tonight. She wants council to be clear

about the property under consideration. "A back road to the Professional Village called Miller Drive," and a road off of it "called Hilda" Avenue are "private streets," she said. Ms. Ruff lives on Sunset Drive, which, like Sams Point Road, is connected by Miller Drive. Mayfair Court is a gravel road that comes off of Sams Point Road and is a dead end. At the end of it is "a ravine" or "a swampland," which Ms. Ruff said she assumes is 11 Williams Drive. Mayfair Court doesn't connect to Williams Drive, which is a "very private road," she said, as are all the roads in the Professional Village.

Ms. Ruff asked if whoever buys the property will "fill in the ravine." She also asked who the neighbors would be and what the property owners or buyer are asking for, including what could happen on the subject property. She asked council to table the application so they could come see the property and see if it's consistent with the private drives and the one-story professional buildings, which she emphasized are "not retail." If 5-story buildings are allowed on that property, Ms. Ruff said, the owners in the Professional Village would probably gate it off so their businesses wouldn't be next to those buildings.

Ms. Ruff asked that council not allow something that isn't consistent with the current uses, but if the developer says that what s/he will be doing there *is* consistent, then those in the Professional Village would agree to that.

**Cindy O'Neal** also owns a building in the Professional Village and is concerned about the rezoning. "The Lady's Island Plan calls for raised concrete medians on Sams Point Road," she said, "and not allowing left-in or left-out," which will "funnel even more traffic to Williams Street, which is a private road" that, like the Professional Village, "wasn't designed for heavy traffic," so she asked council to consider the density and to not allow traffic from the subject parcel onto Williams Street, because it would travel into the Professional Village, which she said the owners would gate, if necessary. Ms. O'Neal also asked for the elimination of the concrete medians on Sams Point Road.

**Merritt Patterson**, Laurens Street, said he has owned the subject property for more than 30 years. He feels this property is not the reason for "all the traffic that has come here." He said he has participated in planning in the City of Beaufort and on Lady's Island for more than 25 years. Mr. Patterson wants to know what people want to be done on his properties and then he does it, he said.

In a Lady's Island planning group, a concept was presented that "rural should be rural," with commercial areas in a village center, Mr. Patterson said. His understanding of land planning is that things shouldn't be put where there isn't infrastructure to support them. There is a rural area that doesn't have water, sewer, or schools, and then in the middle, it transitions from least to most dense. Rural areas are being abandoned, and urban areas are growing, he said, and Beaufort is "a receiving area for all of this population" that is leaving the rural areas, so they need to have areas to concentrate the population in. For 32 years, that's been his plan, Mr. Patterson said, and that of all

of “the significant planning groups.”

Mr. Patterson pointed out his properties in this area and discussed development and roads there. He showed the area he has been planning to develop “for 20 years.” The residents on Mayfair Court have lived there for more than 40 years, he said, and “they don’t want anything built on it,” which he agrees with. Mr. Patterson feels it should be a “transition area . . . going to residential.” He pointed out an area where “the plan . . . is to have workforce housing.”

The City of Beaufort and Beaufort County used “Walmart impact fees” to hire a consultant to solve the traffic problems, Mr. Patterson said, and one solution was right-in/right-out, a raised median, and “extend[ing] this road to Miller Drive.” He said he had “explained to them at length” about the private roads, including Miller Drive, and asking how they could “connect to a private road to do what they want to do.” He said the referendum passed, and “the project is proceeding,” the first of which will be “the improvement of the turning lanes at the traffic light, which will include all of these median cuts,” so in six months to a year, “this will be a right-in/right-out only project.”

Mr. Patterson then showed the area as planned by the Lawrence Group for the Civic Master Plan.

The plan is “not to have any traffic going onto Mayfair Court,” which Mr. Patterson said would be “foolish.” He described the collection of stormwater that is planned. Originally, Mayfair Court was to be “paved with the county routine paving money,” but “the Village Center wouldn’t allow” the county to “interconnect with their stormwater stuff,” he said, so the money was spent on paving elsewhere in the county.

Mr. Patterson said, “The zoning has been Village Center on all of the area except for Mayfair Court,” and it’s untrue that he is “upzoning this property.” The requested T5 zoning is the same as the county’s zoning, with the same types of uses proposed; “Mayfair Court is in there” because he is proposing townhouses as a workforce housing development, and he could only have duplexes under the county.

Mr. Patterson said he wants to annex into the city because of the experience of **Sam Levin** on the Whitehall property, which was long and difficult, and now Mr. Levin is involved in litigation.

Mr. Patterson described issues he has had with county planning on various properties he owns that he has attempted to develop. There are too many constraints on reasonable development, he feels. He has ten different plans for the subject property and has looked at low-income housing, self-storage, and the Lawrence Group plan. He said he doesn't mind waiting another 20 years to develop this property. **Mayor Keyserling closed this public hearing.**



**PUBLIC HEARING: ANNEXATION PETITION & REZONING OF 302 PARKER DRIVE** [L] [SEP]

**Mayor Keyserling opened this public hearing.** He said this is adjacent to Commerce Park. Mr. Prichard read from the staff report. The MPC recommended approval of the annexation. The applicant requested Light Industrial zoning, contingent on approval of the annexation, he said, and the MPC recommended approval of that zoning.

Councilman Murray introduced **Chris Fisher**, president and CEO of Glass WRX, which will create 50 to 60 jobs in the area. **Mayor Keyserling closed this public hearing.**

**PUBLIC HEARING: ANNEXATION & REZONING OF 35 AND 43 PARRIS ISLAND GATEWAY AND 41 AND 46 BROAD RIVER BOULEVARD** [L] [SEP]

**Mayor Keyserling opened this public hearing.** Mr. Prichard read from the staff report. The MPC recommended approval of the annexation request and rezoning it as T5-UC/RMX. The zoning request for the parcel that Dominion Energy owns (41 Broad River Boulevard) is Light Industrial, he said.

Mr. Prokop thanked the Dominion representative for the company's planned development. **Mayor Keyserling closed this public hearing.**

**PUBLIC HEARING: REZONING (MAP AMENDMENT) FOR R120 026 000 146A 0000 NEIGHBORING 2811 BOUNDARY STREET** [L] [SEP]

**Mayor Keyserling opened this public hearing.** Mr. Prichard pointed out the parcel on a map. The MPC recommended approval of the rezoning, he said.

[L] [SEP]  
**Sandy Thompson** said Walsh Drive would not be the ingress/egress "for whatever happens there." There should be an access point to Trask Parkway, she said, and that would probably happen in the development phase. She said Caliber has been a good neighbor, and the residents would welcome another neighbor, as long as there is a way to get in and out of the business. **Mayor Keyserling closed this public hearing.**

**ORDINANCE AUTHORIZING THE DISSOLUTION OF THE GATEWAY CORRIDOR REDEVELOPMENT DISTRICT**

Ms. Todd said this dissolution of the project area is being done in accordance with state law because it is no longer needed. **Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading. The motion passed unanimously.**

**Councilman Murray made a motion to move up agenda items M, N, O, and P. The motion failed for lack of a second.**

**STREET CLOSURE REQUEST FROM HOLY TRINITY SCHOOL TO HOST 5K RUN/WALK, SWING BRIDGE SPRINT** [L] [SEP]

**Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the October 19, 2019 event. Rhonda Carey said this would be the first event**

of this type for this organization. They will use the city's standard 5K route, she said. **Minnie Bullock** said Holy Trinity is located in the heart of Beaufort, and the school wants to celebrate that and thank Beaufort for its support. **The motion passed unanimously.**

**REQUEST FROM CHILD ABUSE PREVENTION ASSOCIATION (CAPA) TO HOST ANNUAL GHOST TOURS IN OCTOBER** <sup>[1]</sup> <sup>[SEP]</sup>

**Councilman Murray made a motion, second by Councilman McFee, to approve the request.** Ms. Carey said this would be the 27<sup>th</sup> annual Ghost Tour. Part of the request is for two parking spaces for guides from October 11 to October 31. **Jessie Chapman** said the tours are “a part of Beaufort” and “a great fundraiser.” **The motion passed unanimously.**

**ANNUAL REQUEST FROM BORN TO READ FOR USE OF WATERFRONT PARK AND CO-SPONSORSHIP FOR YOGA UNDER THE STARS** <sup>[1]</sup> <sup>[SEP]</sup>

**Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the November 1, 2019 event.** Ms. Carey described the request, which will take place in the Contemplative Garden. **Janie Ephland** described the organization and the event, which is supported by the yoga community. She said it’s “accessible to all, regardless of disability.” **The motion passed unanimously.**

**STREET CLOSURE REQUEST FOR WEDDING PROCESSION** <sup>[1]</sup> <sup>[SEP]</sup>

**Mayor Keyserling left the meeting, and Mayor Pro Tem McFee took up the gavel. Councilman Murray made a motion, second by Councilwoman Sutton, to approve the request for the November 2, 2019 event.** Ms. Carey said this is a request from a family for road closures for an hour for a wedding procession from the Baptist Church of Beaufort to the Beaufort Inn for the reception. (The route/closures will be from Charles to King to West to part of Craven Streets.) The police department will manage the closure, she said, and has approved this. **The motion passed 4-0.**

**Councilman Murray made a motion to amend the agenda to move up items M, N, O, and P. The motion passed 4-0.**

**Mayor Keyserling returned to the meeting and took up the gavel again.**

**ORDINANCE ANNEXING PROPERTY LOCATED AT 44 AND 50 MILLER DRIVE**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading.** <sup>[1]</sup> <sup>[SEP]</sup> Councilman Murray said there have been misleading statements (in local publications, for example) that have led people to believe that annexations lead to development on Lady’s Island, but that is not the case.

Councilman Murray said he’d walked the Miller Drive and Mayfair Court properties this week. He feels that the majority of members of city council are Beaufort natives, and they care about Lady’s Island, even though the residents there can’t vote for council.

The accusations that have been leveled at the City of Beaufort are hard, Councilman Murray said. Annexations are a reality. 20 or 30 years ago, the city “crossed that river,” he said, though some might wish it hadn’t. The county, not the city, allowed the Walmart development, despite the city’s efforts to prevent it from being built, including an expensive legal battle, though the city feels it got a better deal with that development than what was originally planned, he said.

The city supported the Stantec report, and city staff and volunteer time was spent on the Lady’s Island Plan, Councilman Murray said. He personally spent hours reviewing it to ensure the maps were accurate, for example. He understands that Lady’s Island wants “to be left alone.” The City of Beaufort had nothing to do with Oyster Bluff or other development on Lady’s Island, Councilman Murray said. As much as he’d like to leave Lady’s Island alone, he feels the city has a responsibility to it because parts of it have been annexed.

Councilman Murray said local headlines claiming “that annexation is the root cause of development” are “blatantly and patently false.” Annexation is “a factor” in development, he said. The conflict about annexation isn’t between the county and the city, he said, but “between the property owners, the development community, the public, and the local government, (which) is the public.” He understands the frustration and confusion of the residents who are participating in this public process, but he said this is how democracy works.

Councilman Murray feels these properties on Miller Drive should be annexed. There are private property rights, so owners can do what they like on their property, he said. The new developments in the city include Battery Point, Islands of Beaufort, and City Walk, Councilman Murray said, and he asked the members of the public to consider the difference in those developments and the county’s development pattern. Something is going to be built on this site, he added.

An unidentified member of the public said this is “spot annexation” and only touches a school property; there are areas around it that the city isn’t annexing. “There’s a reason we don’t want to be in the city,” he said. He asked that this application be tabled. Councilman Murray said the annexation is in the spirit of the Comprehensive Plan, the Civic Master Plan, and the Lady’s Island Plan, which many groups have endorsed. This property is in the growth boundary, he said, and he feels it should be annexed into the city. Annexation is a public process, and Councilman Murray thinks it should be done.

Mr. Somerville said he agrees that this is within the city’s growth boundary, and the owner has the right to petition for annexation, though Mr. Somerville feels it’s creating a donut hole. The city isn’t annexing the only road that provides access to this property, he said. Councilman McFee said it’s a state road, and it can’t be annexed. “Roads belong to the state, no matter who has the jurisdiction,” he said.

Once this property is annexed, Mr. Martin said, he could also request to be annexed. He is in the county, he said, and his “point of contention” is that Oakwood Drive, which belongs to the county, has “never been fixed in 25 years.” If he requested annexation into the city, he would have to pay city taxes, and the city would provide trash pick-up and sewer, and have to pay for the sewer line to come from Sams Point Road, Mr. Martin said. He’s concerned that what is built on the subject property doesn’t “disturb our tranquil neighborhood.”

Councilman Murray said there is zoning on the parcels now that allows someone to build there. Mr. Martin said he is concerned about the investor, because the property owners want to sell it, and they couldn't do so with the county's zoning. The neighbors have heard a lot of different things that would go on the property, he said. Also, the lake there has been drained once, and the owners could do it again, Mr. Martin said.

Mr. Powell said he’s concerned about the Sams Point Road frontage. He’s also concerned that this property’s owners haven’t said – like Mr. Patterson did – what they plan to do with the property. These are established neighborhoods in the area, and the residents aren’t requesting to be annexed for many reasons, he said. Mr. Powell feels this request “looks like spot annexation” because it only touches the school property. If the owner were to “expand the school property,” Mr. Powell would support that.

Councilman Murray asked if Mr. Powell would support a single-family neighborhood like that which is along Miller Drive. Mr. Powell said the subject property has been for sale multiple times but it hasn’t sold, so “to make it marketable,” as Mr. Prichard said in the staff report, the owners want to bring the property into the city and offer city services, so “now it maybe will sell.” The established neighbors want to “keep the neighborhood like we want” it, he said, which is how it was when they bought property there. If it could be developed with single-family dwellings, it would have been, Mr. Powell said. He pointed out that the “housing explosion” on Lady’s Island has not happened on the subject property.

Councilman Murray said part of the Northern Regional Plan requires the county to suggest annexation into the city when properties are contiguous to the city. This plan has “been out there for more than a decade,” he said. The 2009 Comprehensive Plan might not help the City of Beaufort to achieve its vision for Lady’s Island today, he said, adding that nothing has been done with the implementation of the Lady’s Island Plan – which is still a “visioning document” – in the past 5 months or to integrate it into regulating documents.

Mr. Powell said until the infrastructure of Lady’s Island, especially the Sams Point corridor going up to Lady’s Island Drive, is “repaired,” it seems like further annexation is putting the cart before the horse.

Mayor Keyserling said unless something is done to control growth on Lady’s Island –

which is “rampant” and has “nothing to do with the city” – they will never “catch up” with putting in infrastructure and improving roads.

Mr. Powell said Lady’s Island residents don’t have the benefits of being in the city currently; the city is annexing a property that won’t benefit the city until it’s developed, and he can’t see how its development would benefit growth on Lady’s Island.

**ORDINANCE ZONING (MAP AMENDMENT) FOR PROPERTY LOCATED AT 44 AND 50 MILLER DRIVE**

Mayor Keyserling said without knowing they have the zoning, most developers won’t disclose what they are going to do with a property. You can’t annex without a zoning classification, he said. One zoning classification allows “big buildings,” while another allows “more suburban kind of sprawl,” he said, and if they are trying to have a dense, more urban center “for those who choose that lifestyle,” they have Village Center zoning.

Mr. Powell said Village Center is on the opposite side of Sams Point Road. He said Mr. Patterson had “defended his request for annexation” and showed the plans to people who are opposed to them, which Mr. Powell thought was “great.” Yet on *this* annexation, no one is here to defend it, Mr. Powell said, while the people who will be affected by it are here and would like to know why the developers “want it.”

Mayor Keyserling said he’d like to make a motion to table the application in order to “spend some time with the buyer,” so before it’s taken up again, council would have an idea of “what the expectation is.” Councilman Murray said there’s already a motion on the table to approve the ordinance on first reading, and he and Councilman Cromer would have to withdraw their motion and second before Mayor Keyserling could make a motion to table.

Councilman Murray said there would be a second reading and a second public hearing on this application. He’d vote in favor of the annexation now, which the MPC had recommended. For the second reading, the city would invite the property owners and developer to speak, he said.

Mr. Powell said the public learned about the meeting because of signs on the property and word of mouth, while the property owners didn’t have to learn about it that way, yet they didn’t come to this meeting. Councilman Murray said a vote for the annexation tonight would compel the property owners to come to the second reading in two weeks.

Mayor Keyserling said he hasn’t spoken to the property owners, but some council members have spoken to the purchaser, whom he thinks “will be glad to show you what he wants.” The developer has shown his ideas to various council members, Mayor Keyserling said.

Councilman Murray said he has heard about “a bunch of different things” that might go there, so he thinks the T3-S zoning that the MPC recommended is best.

Councilman McFee explained why the trees in the area have been marked.

Mr. Powell asked what the current county zoning is. Councilman Murray said it’s T3-HN, which is primarily single-family residential, plus some other uses. Mr. Prichard read what is allowed in that county zoning. The properties across Miller Drive are zoned Lady’s Island Community Preservation, he said.

Mr. Powell believes the subject property’s owners couldn’t get the county to change the zoning, and it’s less difficult to get zoning changed with the city. He said residents are concerned the city’s zoning “won’t match what is already there.”

Councilman McFee said the only way to protect this property from development would be to buy it. He disagrees with Mr. Powell about the ease of changing zoning in the county. Mr. Powell said he’s skeptical that the owners could have gone to the county first. Councilman McFee said when a property is within the growth boundaries, by statute, the county must allow someone who wants to develop it to go to the city to annex and rezone the property. Annexation and rezoning is not always triggered by an owner wanting to build high rises, he said.

Councilman Murray called the question. **The motion to annex the property on first reading passed unanimously.**

**Mayor Keyserling made a motion to table the zoning until council could bring in the developer to explain his plans. The motion failed for lack of a second.**

**Councilman Murray made a motion, “in the spirit of the MPC’s recommendation,” to approve the zoning as T3-S on first reading. Councilman Cromer seconded. The motion passed 4-1, Mayor Keyserling opposed.**

#### **ORDINANCE ANNEXING MULTIPLE PARCELS ON MAYFAIR COURT AND WILLIAMS STREET**

**Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. <sup>[11:50]</sup>SEP The motion passed unanimously.**

#### **ORDINANCE ZONING PARCELS AT 11 WILLIAMS STREET AND 13, 17, AND 19 MAYFAIR COURT**

Councilwoman Sutton said the residences were in one zone, so this would be “split zoning.” Mr. Prichard said he wrote the ordinance for the zoning that the applicant had requested, and the “MPC just made a recommendation” for T3-N. The zoning council would vote on would be for T3-UC, he said.

**Councilman McFee made a motion to amend the ordinance's zoning on first reading from staff's recommendation to T3-N, per the MPC's recommendation. Councilman Murray seconded the motion.**

Mr. Somerville said he appreciates the MPC's recommendation. His concern is that Mr. Patterson and his family are well-respected, but so were the owners of the property where Walmart is now, for example. When such properties change hands, the new owners are able to build what they like by-right. Once the zoning is changed, council and the City of Beaufort no longer have a say in what's built there, Mr. Somerville said. Councilman Murray said any project there would go to the Design Review Board, and it might also go to the MPC, depending on its scope.

Councilman McFee told Mr. Somerville that in T3-N zoning, a 5-story hotel couldn't be built on this property.

Mr. Somerville said he wants to see the Lady's Island Plan implemented. **The motion passed unanimously.**

#### **APPROVAL FOR UTILIZATION OF TIF FUNDS FOR FACILITY IMPROVEMENTS** [L] [SEP]

**Councilman Murray made a motion, second by Councilman Cromer, to table approval of the utilization of TIF funds for facility improvements. The motion passed unanimously.**

#### **RESOLUTION IN SUPPORT OF ESTABLISHING A SINGLE AUTHORIZED RUN ROUTE IN THE CITY** [L] [SEP]

**Councilman McFee made a motion, second by Councilman Cromer, to approve the resolution.** Councilman Murray feels there should be more routes, not fewer, and he read a letter from **Joe McDermott, a copy of which is attached to the minutes of the purpose of entering it into the record**, in opposition to a single run route.

Mr. Somerville said as a Lady's Island resident, he's concerned because there are only two bridges to/from the island, and he might need an ambulance when a 5K is taking place on one of them. He thinks runs should be in areas where they won't cause any traffic congestion.

Councilwoman Sutton asked Ms. Roper if the police chief hadn't stated that he recommended having only one route for runs. Ms. Roper said yes. Mr. Prokop said others, including the county sheriff's office and the state police, also support one route.

**The motion passed 4-1, Councilman Murray opposed.**

#### **RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH BEAUFORT COUNTY FOR THE PURPOSES OF COST-SHARING FOR CONTRACTING CONSULTING SERVICES TO DEVELOP A REGIONAL AFFORDABLE**

## **HOUSING TRUST FUND** <sup>[11]</sup><sub>SEP</sub>

**Councilman Cromer made a motion, second by Councilman McFee, to approve the resolution.** Councilman Murray said he thinks that “as part of a regional, team effort,” it’s “worth spending \$5,000 to explore the option further,” but he’d also like the city to advocate for the use of “other tools that are recommended” in the “Housing Needs Assessment” report from Bowen’s study.

## **RESOLUTION TO ENCOURAGE AND SUPPORT AMENDING THE SC CODE OF LAWS, TITLE 56, MOTOR VEHICLES, CHAPTER 5, UNIFORM ACT ON REGULATING TRAFFIC ON HIGHWAYS BY ADDING PROVISIONS DEFINING AND PROHIBITING DISTRACTED DRIVING**

**Councilman Murray made a motion, second by Councilman McFee, to approve the resolution.** Councilwoman Sutton said the resolution includes prohibiting texting, talking on the phone, eating, and drinking. She believes it originated to keep teenagers from texting while driving but has expanded. She said a driver talking to someone else in the car can’t be against the law. Councilwoman Sutton is curious about how many cities have passed this resolution, whether there is an age restriction (i.e., so it applies to young people), and how it could be enforced. If the law were passed, and she drove a few blocks while eating a sandwich in the car, she could get a ticket, she said.

Mr. Prokop said it’s “a model ordinance” that has been passed in Bluffton and, he believes, in Hilton Head. Among other things, “distracted driving” would include driving while talking or texting on a cell phone, eating or drinking, he said. Councilman Cromer said it would prohibit changing the radio station.

Councilman Murray said it's a resolution in support of a state ordinance change. There would be “many more bites of the apple” before the general assembly votes on it. **The motion failed 3-2, Mayor Keyserling and Councilman Murray in favor.**

## **REQUEST TO RELEASE COMMITTED FUND BALANCE FOR THE ARSENAL WINDOW AND BATHROOM PROJECT** <sup>[11]</sup><sub>SEP</sub>

**Councilman McFee made a motion, second by Councilman Murray, to approve the request.** The initial project budget was \$371,313. A grant was obtained for \$100,000, the city provided \$121,313, and through the FY2020 budget process, city council approved the use of \$150,000 in state accommodations tax funds for the windows and bathroom project.

Mr. Prokop said the initial bids in January 2019 were rejected because one that was received totaled \$576,988. Because the cost was so high for both projects, the window and bathroom components were done separately for the June 2019 bid solicitation, in the hope of getting “better pricing from two contractors,” he said.

Of the two bids received for the windows and one received for the bathroom, the combined total from the lowest responsible bidder was \$468,394, so all proposals were



rejected, since the total construction costs were higher than the budget. The same contractors proposed again on the third bid solicitation, with total construction costs of \$455,657, Mr. Prokop said; the total shortfall, including contingency funds for each project, is \$120,000. This request is to move \$120,000 from committed fund balance for capital projects into the Capital Projects fund for use on The Arsenal project, he said. **The motion passed unanimously.**

**APPROVAL OF THE CITY MANAGER EXECUTING THE CONTRACT FOR THE ARSENAL WINDOWS PROJECT** L  
SEP

Councilman Murray made a motion, second by Councilman McFee, to approve the city manager executing the contract. The motion passed unanimously.

**APPROVAL OF THE CITY MANAGER EXECUTING THE CONTRACT FOR THE ARSENAL BATHROOM PROJECT** L  
SEP

Councilman Cromer made a motion, second by Councilman McFee, to approve the city manager executing the contract. The motion passed unanimously.

**ORDINANCE AMENDING SECTION 11.6.1.B.2, MINOR ALTERATIONS TO NON-CONFORMING SIGN**

Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on first reading. Mr. Prichard read the current ordinance and the additional language that the city proposes to add to it. **The motion passed 4-1, Councilman Murray opposed.**

**ORDINANCE ANNEXING PROPERTY LOCATED AT 302 PARKER DRIVE**

Councilman Cromer made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

**ORDINANCE ZONING (MAP AMENDMENT) FOR 302 PARKER DRIVE**

Councilman Cromer made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

**ORDINANCE ANNEXING PROPERTY LOCATED AT 35 AND 43 PARRIS ISLAND GATEWAY AND 41 AND 46 BROAD RIVER BOULEVARD**

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

L  
SEP

**ORDINANCE ZONING (MAP AMENDMENT) FOR PROPERTY LOCATED AT 35 AND 43 PARRIS ISLAND GATEWAY AND 41 AND 46 BROAD RIVER BOULEVARD**

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously.

**ORDINANCE REZONING (MAP AMENDMENT) FOR R120 026 000 146A 0000**  
**NEIGHBORING 2811 BOUNDARY STREET**

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously.

**ORDINANCE APPROVING THE ACQUISITION OF 13.91 ACRES OF PROPERTY LOCATED IN**  
**COMMERCE PARK FOR THE PURPOSES OF CONTINUED IMPROVEMENT AND**  
**EXPANSION IN COMMERCE PARK**

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously. Mr. Prokop said the Gray family currently owns 27 acres in Commerce Park; the city has agreed to purchase approximately half of those acres for \$417,000, and the family will donate the rest for \$1. Additionally, he said, “thanks to the work of **John O’Toole**,” executive director of the Beaufort County Economic Development Corporation (EDC), and others, the EDC “is going to pay the city for 50% of the purchase” price: \$208,000.

In sum, Mr. Prokop said, the city will get 27 acres of property located in the center of Commerce Park for \$208,000. It is county land and will be annexed into the city. Shortly, Commerce Park “will be the only property . . . [with] available space in Beaufort County for large commercial buildings,” which will hopefully bring in more large employers, so this is “an important step for our future,” Mr. Prokop said.

There being no further business to come before council, Councilman Cromer made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 11:06 p.m.



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/18/2019  
**FROM:** Rhonda Carey, Events and Tour Operations Coordinator  
**AGENDA ITEM** Street Closure request from Downtown Beaufort Merchants Association for First  
**TITLE:** Friday event Friday, November 1, 2019  
**MEETING**  
**DATE:** 9/24/2019  
**DEPARTMENT:** City Clerk

---

*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

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***REMARKS:***

**ATTACHMENTS:**


Description	Type	Upload Date
First Friday	Cover Memo	9/19/2019



# CITY OF BEAUFORT

## MEMORANDUM

TO: William Prokop, City Manager  
City Council

FROM: Linda Roper, Dir. Downtown Operations & Community Service 

DATE: September 9, 2019

SUBJECT: Request for Street Closures for November 1, 2019 First Friday Event

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On behalf of the Downtown Beaufort Merchants Association, we request permission to close a portion of the streets detailed below, from 4:00 PM to 8:30 PM on Friday, November 1, 2019 to allow for set-up and removal of entertainment activities for September's *First Friday Event*. The theme of the event is *Football in the South*. There will activities and events scheduled on Bay street and along both West and Scott streets up to the point of closure.

The details of the closing beginning at 4:00 PM includes:

- Bay Street from Charles to Carteret, West Street and Scott Street from Port Republic to Bay St.

Additionally, we are requesting the City Co-sponsor this event by providing at no cost, Police, Fire and Public Works services needed to provide a safe and successful event. Coordination of required notification and requests with SC DOT, Beaufort Country Sheriff's Department and US Coast Guard will be handled by the appropriate City staff and departments.



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/18/2019  
**FROM:** Rhonda Carey, Events and Tour Operations Coordinator  
**AGENDA ITEM**  
**TITLE:** Request for alcohol waiver for Fall Art Walk event Saturday, October 26, 2019  
**MEETING**  
**DATE:** 9/24/2019  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

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***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Fall Art Walks	Backup Material	9/19/2019



# CITY OF BEAUFORT

## MEMORANDUM

TO: William Prokop, City Manager  
City Council

FROM: Linda Roper, Dir. Downtown Operations & Community Service

DATE: August 27, 2019

SUBJECT: Request for Alcohol Waiver for the Fall Art Walk

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The 2019 Fall Art Walk event will be hosted in and around the downtown business and Cultural Arts District Saturday October 26<sup>th</sup>. This bi-annual event is free and open to the public. It is anticipated that more than a dozen galleries and studios will participate in this year's event which marks the 16th year since its inception.

On behalf of the Fall Art Walk planning committee, we are requesting a waiver of the open container ordinance to allow for the service of alcoholic beverages in plastic cups, (provided and not sold), by the Galleries and studios during the hours of 5-8:00 PM.

Thank you for your consideration.



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/19/2019  
**FROM:** Rhonda Carey, Events and Tour Operations Coordinator  
**AGENDA ITEM TITLE:** Street Closure request from First Presbyterian Church for Sailing Church Kickoff Luncheon event Sunday, September 29, 2019  
**MEETING DATE:** 9/24/2019  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
street closure	Backup Material	9/19/2019



Sanctuary:  
408 Church St, Beaufort 29902  
Education Office & Outreach Building:  
1201 North Street, Beaufort 29902  
(843) 524-3051  
[info@firstpresbeaufort.org](mailto:info@firstpresbeaufort.org)

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Dear Rhonda Carey, Events/Tour Operations Coordinator & City Council Members,

Thank you for all your assistance & direction in securing safe space for First Presbyterian Church's members and guests. We are requesting to block off Church St. between Craven St. and North St. on Sunday, September 29, 2019, between the hours of 10:00 AM - 2:00 PM for our Sailing Church Kick Off Luncheon. This event will take place outside, with people moving about and eating. We have a number of families with small children who will be in attendance as well as elderly members. Their safety is our primary concern. Blocking off Church Street will prevent those in attendance from excessive walking back and forth across North Street. where our education Building and Fellowship Hall are located. We believe that there will be adequate opportunities for traffic flow around the requested cordoned area as much of the common Sunday traffic during that time is traveling to attend First Presbyterian Church. We are very grateful for your consideration and are happy to provide any additional information you may request.

Please let us know if you need anything else from First Presbyterian Church.

Thank you,

Rev. Dr. Patrick Perryman  
Pastor, Head of Staff  
843-524-3051  
[pperryman@firstpresbeaufort.org](mailto:pperryman@firstpresbeaufort.org)





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/20/2019  
**FROM:** Rhonda Carey, Events and Tour Operations Coordinator  
**AGENDA ITEM TITLE:** Street Closure request from Beaufort County Veterans Affairs for annual Veterans Day Parade event Saturday, November 9, 2019  
**MEETING DATE:** 9/24/2019  
**DEPARTMENT:** Downtown Operations

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

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***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Request	Backup Material	9/20/2019



**CITY OF BEAUFORT**  
**Waterfront Park Rental Reservation Application**  
**Downtown Operations & Community Development Department**  
**500 Carteret St Ste. B2 Beaufort, SC 29902**

**Phone:** 843-379-7063

**Fax:** 843-986-5606

<b>Name of Event:</b>  Annual Veterans Day Parade & Ceremony  	<b>Date(s) of Event:</b> Saturday 11-9-19 <b>Setup start/end time:</b> 8am/6pm <b>Actual event start/end time:</b> Parade 10am & Ceremony 11a - 2p <b>Take down start/end time:</b> immediately following event. <small>Show up for copy left by 4pm</small>
<b>Organization/Individual Name:</b>  Beaufort County Veterans Affairs Office - Carl Wedler  	<b>Address:</b> PO Box 1228 Beaufort, SC 29901  <b>Telephone:</b> 843-255-6880  <b>Email:</b> cwedler@bcgov.net

- Completed application must be received and approved by the Events Coordinator.
- All reservations require the applicable refundable security deposit be remitted upon approval of application in order to secure the requested date(s).
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Rhonda Carey 500 Carteret St. Beaufort, SC 29902,

or scan and email to [rcarey@cityofbeaufort.org](mailto:rcarey@cityofbeaufort.org).

All events must abide and are governed by the City's Special/Private Events Policy. Organizers will receive a copy of the policy for review. To discuss specifics of the policy contact the Events Coordinator at 843-379-7063.

Is event open to the public? yes

Will admission be charged or donation required? NA

Will alcoholic beverages be sold? NA Served? NA

Will food be sold? NA Served? NA

Will there be any retail sales? NA

Number of people expected to attend: 300 - 500

# REQUEST FOR CO-SPONSORSHIP

## Henry C. Chambers Waterfront Park

Name of Event Annual Veterans Day Parade and Ceremony

Date of Event: 11-9-2019

Contact person: Carl Wedler

Telephone: 843-255-6880

Please check all that apply.

	Yes	No
<i>Are you a "For Profit" entity?</i>		** X
<i>Is this a fund raising event?</i>		X
<i>Is this event open to the public?</i>		X
<i>Is there a required fee / donation to attend this event?</i>		X
<i>Are you requesting more than two (2) park areas for this event?</i>	X	
<i>Will there be any type of "sales" for this event?</i>		X
<i>Will this event require more than four (4) hours (includes setup &amp; take down)?</i>	X	
<i>Will alcohol be sold / served?</i>	X	

\*\*If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? Government

**Request for waivers/co-sponsorship of events must be approved by City Council prior to the event.**

Events Coordinator Recommendation: Approved: X  Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Forward for Council Deliberation: \_\_\_\_\_  
 Date of Council Meeting

Council: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## BEAUFORT COUNTY VETERANS AFFAIRS OFFICE

P.O. DRAWER 1228, BEAUFORT, SC 29901-1228

"HONORING ALL WHO SERVED"  
Phone (843) 255-6880 / Fax (843) 255-9445

August 27, 2019

City of Beaufort Council  
1911 Boundary Street  
Beaufort, SC 29902

Gentlemen,

I am writing you today to discuss our co-sponsor arrangement for the annual Veterans Day parade and ceremony. The city has been very responsive and generous in the past to assist in the details of putting on an event like this to celebrate veterans. The event is planned for November 9<sup>th</sup>, a Saturday, to allow the Beaufort County schools to participate in the event.

This year we are asking for assistance from the City of Beaufort Police department to provide road closing and street supervision for a shortened parade. The parade would gather at the previous rally point by the Beaufort National Cemetery but would be shortened to end at Newcastle Street by the Best Western Hotel. In conjunction with this we are asking to be able to use the Waterfront Park for a brief ceremony and celebration with the Parris Island Marine Band performing as they did last year.

In addition to the above I have been in conversations with the Beaufort County School Districts Director of Student Services, Lakinsha Swinton. She is excited about having the schools participate and we are encouraging all High School bands to be in the parade as well as local Boy Scout troops, Cub Scouts, Girl Scout troops, and Brownies. Ms. Swinton is also sponsoring an essay writing contest in all the schools to express their appreciation for veterans. Instead of a keynote speaker we are planning to have the top four contestants read their essay to the audience. In addition we are inviting the high schools culinary arts clubs to set up refreshment stands for those who may want something to eat and drink at the concert. Other things are being considered but I hope this conveys that we want the schools involved on a regular basis. Because the school district does not recognize Veterans Day as a school holiday we are proposing that the celebration occur every Saturday prior to Veterans Day. This will allow the schools to participate on a continuing basis.

I am hoping that you will look favorably upon these plans for the Veterans Celebration on November 9<sup>th</sup>. The event is open to all who wish to participate and we will have the parade start at 1000 and the event close at 1400. Cleanup should be minimal and we will ensure the park is returned to the condition in which we found it.

This is a major change in the Veterans Day event and should it prove successful we wish continue this format going forward. I am available for questions regarding this major event change should you have them, and would be happy to address them at one of the City Council meetings if you wish.

Respectfully,

Carl Wedler  
Veterans Affairs Officer  
Beaufort County, SC



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/20/2019  
**FROM:** Rhonda Carey, Events and Tour Operations Coordinator  
**AGENDA ITEM** Co-Sponsorship request from Gullah Traveling Theater for use of Waterfront Park for  
**TITLE:** A Christmas Taste of Gullah event Saturday, December 7, 2019  
**MEETING**  
**DATE:** 9/24/2019  
**DEPARTMENT:** Downtown Operations

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

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***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Request	Cover Memo	9/20/2019





**CITY OF BEAUFORT**  
**WATERFRONT PARK APPLICATION**

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>Christmas Taste of Gullah</u>	Date(s) of Event: <u>December 7, 2019</u> Setup start/end time: <u>10:00a.m./12:00p.m.</u> Actual event start/end time: <u>12:00p.m./5:00p.m.</u> Take down start/end time: <u>5:00p.m./6:00p.m.</u>
Organization/Individual Name: <u>Gullah Traveling Theater</u>	Address: <u>1010 Monson Street</u> Telephone: <u>8432635229</u> Email: <u>auntpearliesue@yahoo.com</u>

- Completed application must be received and approved by the Events Coordinator, Linda Roper.
- Full receipt of deposit must be received to ensure securing your requested date for rental of the Waterfront Park.
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 1901 Boundary Street, Beaufort, SC 29902, or

scan and email to [lroper@cityofbeaufort.org](mailto:lroper@cityofbeaufort.org).

All private events must follow the Special/Private Events Policy. To discuss specifics of the desired event, you must contact the Events Coordinator at 843-525-7084.

Is event open to the public? Yes

Will admission be charged or donation required? No

Will alcoholic beverages be sold? No Served? No

Will food be sold? Yes Served? Yes

Will there be any retail sales? Yes

Number of people expected to attend: 500

# REQUEST FOR CO-SPONSORSHIP

## Henry C. Chambers Waterfront Park

Name of Event Christmas Taste of Gullah

Date of Event: December 7, 2019

Contact person: Anita Singleton Prather

Telephone: 8432635229


Please check all that apply.

	Yes	No
<i>Are you a "For Profit" entity?</i>		** <input checked="" type="checkbox"/>
<i>Is this a fund raising event?</i>		<input checked="" type="checkbox"/>
<i>Is this event open to the public?</i>	<input checked="" type="checkbox"/>	
<i>Is there a required fee / donation to attend this event?</i>		<input checked="" type="checkbox"/>
<i>Are you requesting more than two (2) park areas for this event?</i>	<input checked="" type="checkbox"/>	
<i>Will there be any type of "sales" for this event?</i>		<input checked="" type="checkbox"/>
<i>Will this event require more than four (4) hours (includes setup &amp; take down)?</i>	<input checked="" type="checkbox"/>	
<i>Will alcohol be sold / served?</i>		<input checked="" type="checkbox"/>

\*\*If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? 501 (C) (3)

**Request for waivers/co-sponsorship of events must be approved by City Council prior to the event.**

Events Coordinator Recommendation:

Approved: 

Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_

Forward for Council Deliberation: \_\_\_\_\_

Date of Council Meeting

Council: Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_

## Gullah Traveling Theater

1010 Monson Street Beaufort, SC 29902

843-263-5229 auntpearliesue@yahoo.com



August 23, 2019

Rhonda Carey

City of Beaufort South Carolina

500 Carteret Street, Suite B2 Beaufort, SC 29902

Dear Rhonda Carey,

For several years, The Gullah Traveling Theater has sponsored A Christmas Taste of Gullah as a part of Aunt Pearlie Sue and Gullah Kinfolk's Theatrical Production: A Gullah Kinfolk Christmas Wish: Freedom Comin'. The Christmas Taste of Gullah consisted of authentic Gullah Cuisine and live holiday entertainment. Having taken on a life of its own, the Christmas Taste of Gullah outgrew the Theatrical Production and became an event of its own. Tabernacle Baptist Church hosted the Christmas Taste of Gullah for 2 years and last year we partnered with the Beaufort County Black Chamber of Commerce who hosted it as a part of the Sea Island Holiday Celebration.

This year, we are looking to expand the Christmas Taste of Gullah even more and are moving it to the Beaufort Waterfront Park. This event is free and open to the public and will be held on Saturday, December 7, 2019 between the hours of 12:00 Noon and 5:00P.M. There will be a variety of local talent providing live entertainment and many restaurants, vendors and caterers offering Gullah Cuisine. With rice being a direct link between the Gullah culture, Africa and the African Diaspora, a Rice Cook-off will also be held with attendees choosing their favorite rice dish. We are hoping to educate the attendees with historical musical performances, storytelling, and reenactments that showcase Civil War, The Port Royal Experiment and Reconstruction. We are partnering with various organizations in Beaufort and are hoping the City of Beaufort will offer support through co-sponsorship for this event in the form of waiving Park fees, providing Port-O-Johns, and trashcans/bags. We believe that together, we can truly make Beaufort the "go to" spot for the Holiday Season.

Sincerely,

Gullah Traveling Theater







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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/18/2019  
**FROM:**  
**AGENDA ITEM**  
**TITLE:** Approval of Downtown Merchants Association request for FY20 funding  
**MEETING**  
**DATE:** 9/24/2019  
**DEPARTMENT:** City Clerk

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***BACKGROUND INFORMATION:***

Downtown Merchants Association did a presentation for their request of funds on September 10, 2019 during Worksession.

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***PLACED ON AGENDA FOR:***

***REMARKS:***



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 9/18/2019  
**FROM:** David Prichard, Community and Economic Development Director  
**AGENDA ITEM TITLE:** Ordinance rezoning (map amendment) of parcels R120 005 000 0257 0000 (2408 Oak Haven) and R120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC - 1st Reading  
**MEETING DATE:** 9/24/2019  
**DEPARTMENT:** Community and Economic Development

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***BACKGROUND INFORMATION:***

Samuel Levin, Applicant

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***PLACED ON AGENDA FOR:*** Action

***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Cover Memo	9/18/2019
Ordinance	Cover Memo	9/18/2019

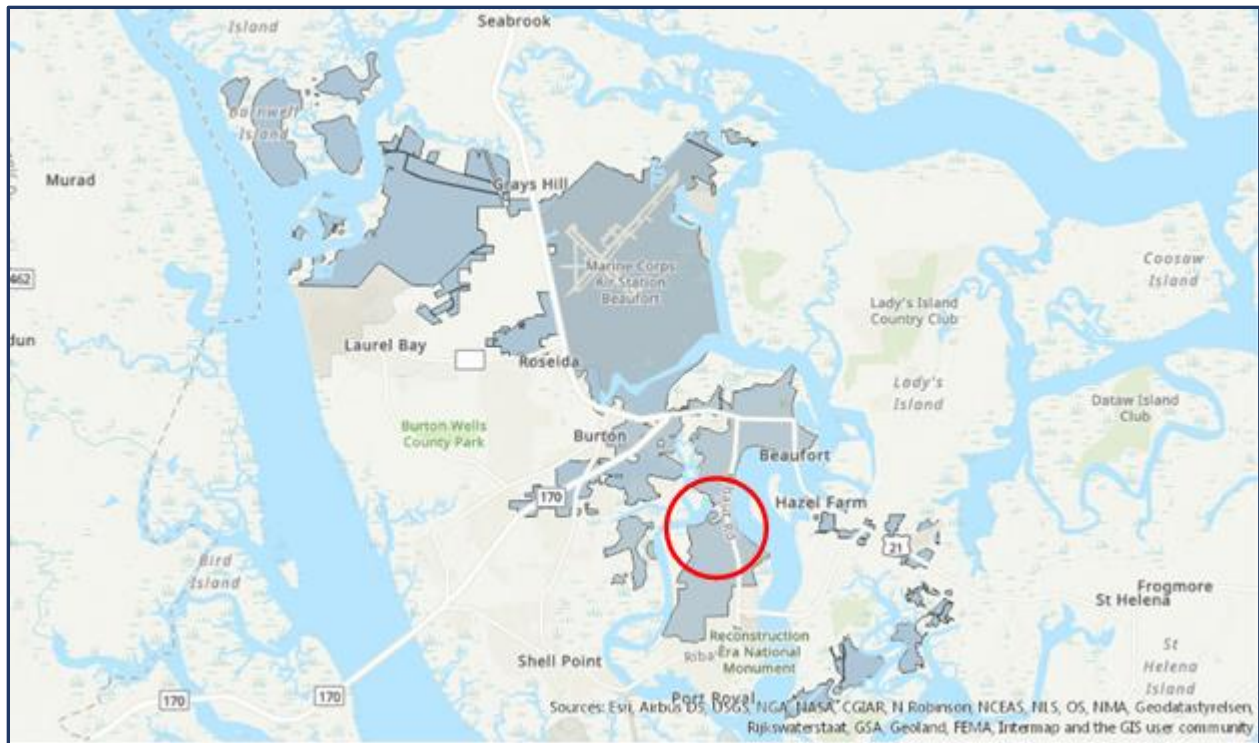


# Staff Report for City Council

From the Director of Community and Economic Development

September 24, 2019

**SUBJECT:** Re-zoning request (map amendment) of parcels R120 005 000 0257 0000 (2408 Oak Haven) and R120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC



Mr. Sam Levin has requested a rezoning of his property in accordance with the Beaufort Development Code § 9.16.2.

In accordance with the Beaufort Development Code §9.16.3.C.2 the MPC “shall study the proposed amendment, taking into account all factors that it may deem relevant, including but not limited to”:

- a. Consistency with the Comprehensive Plan and Civic Master Plan;

- b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
- c. Suitability of the property that would be affected by the amendment;
- d. Compatibility with the natural features of – and any archaeological or cultural resources on – the property;
- e. Marketability of the property that would be affected by the amendment; and
- f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.

In accordance with the Beaufort Development Code §9.16.3.C.3 the MPC shall recommend approval, modified approval, or denial of the amendment. On September 16, 2019, **the Metropolitan Planning Commission voted unanimously to recommend approval.**

## STAFF ASSESSMENT

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Regarding “a” above:

**Consistency with the Comprehensive Plan and Civic Master Plan.** The Vision Beaufort 2009 Comprehensive Plan, aka *Vision Beaufort | 2020 Comprehensive Plan*, “recognizes that in order to prepare for a more compact and sustainable future, new development must be higher in density than at present. In essence, the next century for Beaufort will be a period during which it must mature into a moderately dense, urban city to effectively and efficiently provide services and attract needed investment.”<sup>1</sup> The comprehensive plan lays out the future land use of the city through *the framework plan*. “The Framework Plan is a land use policy map intended to provide guidance to Beaufort’s leaders as they make decisions on where and how the community should grow. It provides the overall structure for orchestrating appropriate patterns of growth and environmental conservation throughout the community.”<sup>2</sup>

The parcels in question lie within the framework zone G2 Urban Neighborhoods/TNDs, which foresees the following zoning districts: T2, T3, T4, and T5.<sup>3</sup> “G2 lands are typically close to thoroughfares and at key cross-road locations . . . [and is] used in areas where a mixture of higher density residential types (e.g., small lot single family houses, townhomes, apartment or condominium buildings, or mixed use buildings) are already occurring or would be appropriated to transition between higher intensity commercial uses and existing lower density neighborhoods, and take advantage of proximity to existing centers of commerce, education, or employment such as the university, downtown, and the hospital.”<sup>4</sup>

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<sup>1</sup> Vision Beaufort 2009 Comprehensive Plan, adopted by City Council 12/08/2009, p.46

<sup>2</sup> Ibid, p.55

<sup>3</sup> Ibid

<sup>4</sup> Ibid, p.67

The parcels also lie within a designated *regional center*. “Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area’s highest density housing.”<sup>5</sup>

“The purpose of the Civic Master Plan is to identify and prioritize the allocation of public investment in the City of Beaufort’s infrastructure.”<sup>6</sup> The Civic Master Plan’s redevelopment strategy for *South Ribaut Road*, “proposes a gradual transformation into a walking-friendly neighborhood corridor anchored by a fire station and new housing opportunities. Buildings would be set close to the street with parking areas to the side and rear of the building. Over time, the underutilized parking areas and single-story structures would transition to more economically viable small and medium-sized multi-story buildings”.<sup>7</sup>

Regarding “b” above:

**Compatibility with the Present Zoning, with Conforming Uses of Nearby Property, and with the Character of the Neighborhood.** The parcels are currently zoned T3-S as are the immediately adjacent parcels except for the portion of R120 005 000 0236 0000 which is zoned T5-UC. The T3-S (Suburban District) “is single-family residential in character, with less development than other Transect-based [sic] districts within the city. While almost exclusively residential, civic and park functions are also complementary to the character within the district”.<sup>8</sup>

The Urban Corridor District (T5-UC) “consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments located along primary thoroughfares.”<sup>9</sup>

The current house and the adjacent houses are roughly 40 years old. Until recently the large parcel to the east was a mobile home park.

Regarding “c” above:

**Suitability of the property that would be affected by the amendment.** The properties would become part of a larger property, which is already partially zoned T5-UC. The to-be-combined property is well situated for future development as T5-UC in terms of size, location, and vicinity to employment centers.

Regarding “d” above:

**Compatibility with the natural features of – and any archaeological or cultural resources on – the property.** Staff is unaware of any archaeological or cultural resources on the property.

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<sup>5</sup> Ibid, p.69

<sup>6</sup> Civic Master Plan, City of Beaufort, South Carolina, adopted 2/11/2014, p.4

<sup>7</sup> Ibid, p.171

<sup>8</sup> The Beaufort Development Code, July 10, 2018, p.11

<sup>9</sup> Ibid, p.13

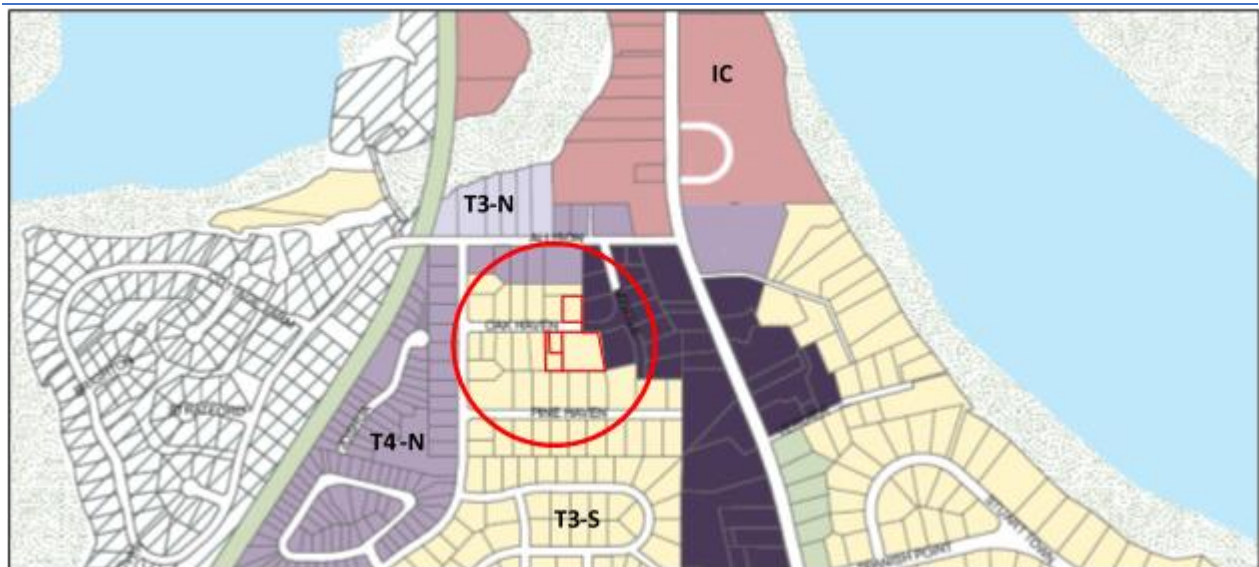
Regarding “e” above:

**Marketability of the property that would be affected by the amendment.** The properties under T5-UC would allow for a broader range of uses, and, therefore, should be more marketable. In the past six years, the property at 2408 Oak Haven Street has declined in nominal value by 40.75%; and has declined in value in real terms by 54.75%.<sup>10</sup>

Regarding “f” above:

**Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.** Public infrastructure currently exists. Suitability and adequacy of the infrastructure, given the future-plans for the property, will be assessed during development review by the Technical Review Committee in accordance with the Beaufort Development Code Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures).

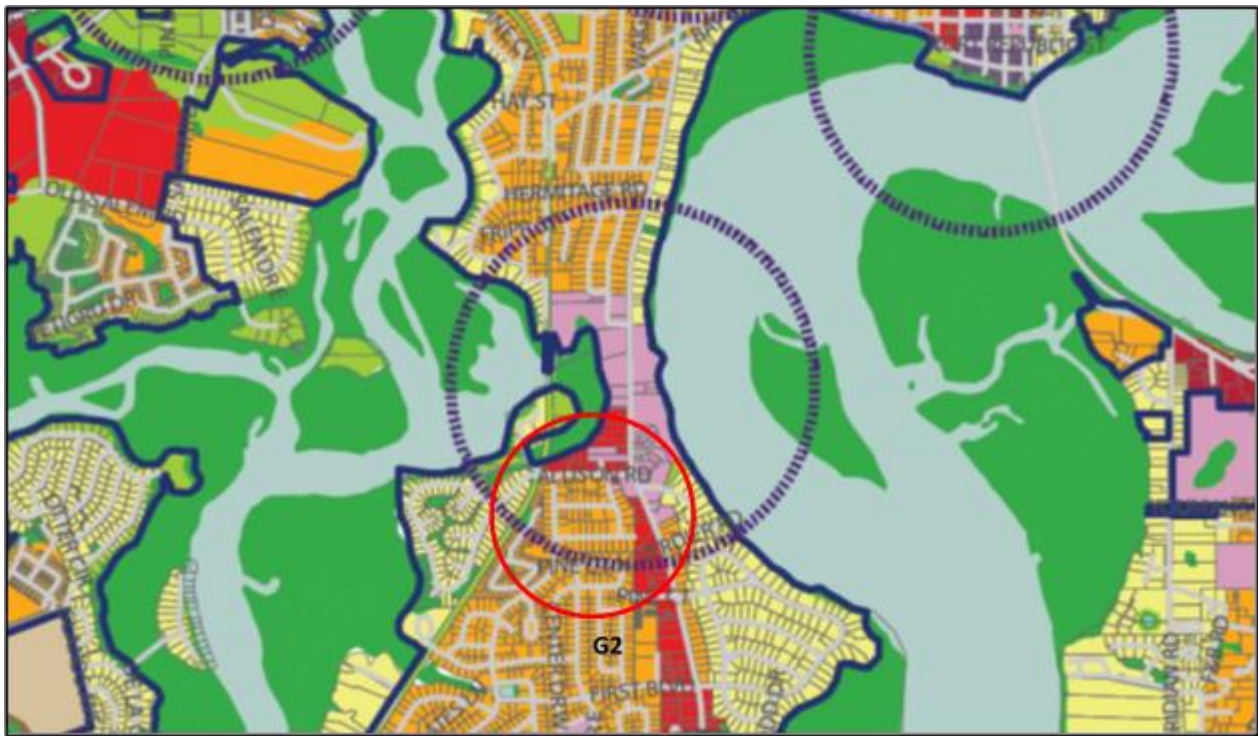
## ZONING MAP



<sup>10</sup> <https://www.fhfa.gov/DataTools/Tools/Pages/HPI-Calculator.aspx>



## FRAMEWORK MAP (FUTURE LAND USE)



## STAFF OPINION

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Given that the rezoning request is compatible and in accordance with the vision and goals of the City of Beaufort; and

Given that this vision and these goals were established through a democratic process and with public input and public participation; and

Given that these goals were recorded in the form of a comprehensive plan for all to see and reference; and

Given that the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

Given that the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

Given that, the change of zoning to T5-UC is consistent with the nearby development pattern; and

Given that, it is reasonable to expect that the change of zoning to T5-UC will improve the marketability of the property; and

Given that, any future development of the property will be able to take advantage of existing infrastructure;

Therefore, **the request to rezone to T5-UC is acceptable.**

## ADDENDUM

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**Public Involvement and Formal Procedure Establishing a Comprehensive Plan and Vision for the City of Beaufort.** “A week-long charette was held in November 2008 to obtain public input in the comprehensive planning process.”<sup>11</sup> City Council established a 17-member advisory committee to guide preparation of the City’s 2009 Comprehensive Plan and to serve as a source of public input.<sup>12</sup> In May 2009, the draft 2009 comprehensive plan was released for public review and comment.<sup>13</sup> In September of 2009, city council, the advisory committee, and the joint planning commission held a joint workshop on the draft comprehensive plan.<sup>14</sup> In October 2009, the joint planning commission held a workshop on the draft plan.<sup>15</sup> On November 12, 2009, the City of Beaufort – Town of Port Royal Joint Municipal Planning Commission passed a resolution recommending adoption of “Vision Beaufort 2009 Comprehensive Plan” as the comprehensive plan for the City of Beaufort. A public hearing on the recommended adoption of comprehensive plan was held on November 24, 2009, with the public notice of the hearing published in The Beaufort Gazette on October 25, 2009.<sup>16</sup> After a first reading on November 24, 2009 and a second reading on December 8, 2009, the City Council of the City of Beaufort, SC, adopted “Vision Beaufort 2009 Comprehensive Plan” as the comprehensive plan of the City of Beaufort.<sup>17</sup>

“Upon adoption of the Comprehensive Plan, Beaufort’s City Council gave the city’s Redevelopment Commission the . . . [task of translating] the Comprehensive Plan vision into specific parcel-level plans for public and private investment”.<sup>18</sup> “The planning process spanned a period of two years and included many stakeholder meetings, several design charettes, numerous public workshops, and extensive discussion and review with non-profit partners.”<sup>19</sup> The result was the Civic Master Plan and the intent was “to implement the recommendations in the Vision Beaufort 2009 Comprehensive Plan”.<sup>20</sup> On November 18, 2013, the Beaufort - Port

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<sup>11</sup> City of Beaufort Ordinance (O-24-09) adopting “Vision Beaufort 2009 Comprehensive Plan” as the official comprehensive plan of the City of Beaufort

<sup>12</sup> City of Beaufort Resolution (R-12-08)

<sup>13</sup> City of Beaufort Ordinance (O-24-09)

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Civic Master Plan, City of Beaufort, South Carolina, adopted 2/11/2014. p.7

<sup>19</sup> City of Beaufort Ordinance (O-2-14)

<sup>20</sup> Ibid



Royal Metropolitan Planning Commission unanimously passed a resolution recommending adoption of the Civic Master Plan as an amendment to the 2009 comprehensive plan. On January 14, 2014, a public hearing before city council was held; public notice of the hearing was published in The Beaufort Gazette on December 13, 2013. On February 11, 2014, City Council passed an ordinance, after two readings, amending the comprehensive plan by adopting the Civic Master Plan.<sup>21</sup>

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<sup>21</sup> Ibid

## ORDINANCE

AMENDING THE CITY OF BEAUFORT'S ZONING MAP BY REZONING PARCELS R120 005 000 0257 0000 (2408 Oak Haven) and R120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances "in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . ." as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the zoning map is "for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare" in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

WHEREAS, these goals were recorded in the form of a comprehensive plan for all to see and reference; and

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

WHEREAS, the change of zoning to compatible with adjacent zoning; and

WHEREAS, it is reasonable to expect that the change of zoning to will improve the marketability of the property; and

WHEREAS, any future development of the property will be able to take advantage of existing infrastructure; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the ordinance on September 24, 2019, with notice of the hearing published in *The Beaufort Gazette* on July 18, 2019;

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 zoning map of the City of Beaufort be amended by rezoning the parcels R120 005 000 0257 0000 (2408 Oak Haven) and R120 005 000 043 0000 (flag lot south of 2408 Oak Haven), and portions of R120 005 000 0236 0000 (2406 & 2409 Oak Haven) from T3-S to T5-UC.

(SEAL)

Attest:

\_\_\_\_\_  
BILLY KEYSERLING, MAYOR

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1st Reading

\_\_\_\_\_

2nd Reading & Adoption

\_\_\_\_\_

Reviewed by:

\_\_\_\_\_  
WILLIAM B. HARVEY, III, CITY ATTORNEY