



**RECEIVED**

**Dec 18 2024**

**S.C. SUPREME COURT**

SCOTT MARSHALL  
City Manager

**CITY OF BEAUFORT**  
**Community Development Department**  
1911 BOUNDARY STREET  
BEAUFORT, SC 29902  
(843) 525-7011  
FAX (843) 986-5606

CURT FREESE  
Community Development  
Director

**December 4, 2024**

**TO: HDRB**

**From Curt Freese, Community Development Director**

**Issue: Recommended Changes to Conceptual and Preliminary Approvals**

**Background:**

The HDRB has long operated on the advice that only Final approvals are vested or binding, and that Conceptual and Preliminary approvals are not. However, a recent Court of Appeals decision vis a vis the downtown parking garage, challenges this advice, and suggests that conceptual and preliminary approvals may give the applicant some form of legal approval to rely on, and in fact, can each be appealed.

The Concept, Preliminary, Final process is not codified in the Beaufort Development Code, and it appears the process was borrowed from Charleston years ago. The process mimics the development process (which has a Sketch Plan, Preliminary and Final) which is clearly codified in the Development Code and has long been the development process for communities across the country. The current HDRB Conceptual, Preliminary and Final process affords the HDRB and the Applicant with the ability to shape major projects into approvable final projects. The HDRB makes specific recommendations and sends approval letters for each portion of the process (Concept, Preliminary) with said conditions and recommendations for the Applicant to rely on as the project moves forward to Final Approval. Such approval Concept and Preliminary meetings and decision letters for an uncoded process, may give the applicant an approval interest to legally rely on.



SCOTT MARSHALL  
City Manager

**CITY OF BEAUFORT**  
**Community Development Department**

1911 BOUNDARY STREET  
BEAUFORT, SC 29902  
(843) 525-7011  
FAX (843) 986-5606

CURT FREESE  
Community Development  
Director

Staff understands that for major projects, it is difficult to impractical to expect both an applicant and the HDRB to approve an item with just one public meeting. Going to such a one meeting system, may unnecessarily increase the cost of the project to the applicant, or create long difficult meetings on projects the two sides may be far apart. To that end, Staff created the HTRC process, in which projects go through a comment and recommendation process to mold them before they go to an HRB meeting. While this has dramatically improved the efficiency of the process, it is still of benefit to all parties to allow or encourage some form of meeting before the full Board, before significant costs and time is expended on major projects.

**Proposed Change to Process**

Staff recommends the following to be effective in January (there is no conceptual or preliminary meeting scheduled for December):

**Worksession With No Approvals**

- Set aside the beginning of the meeting as a work session for any conceptual type of request.
- The Board can discuss the item but shall make recommendations only, which are non-binding in nature.
- No approval, or letter of approval, or conditions will be made with any item on the work session.
- An applicant may come back to a worksession as many times as they desire.
- No public comment is required and would be at the discretion of the Chairman.



SCOTT MARSHALL  
City Manager

CITY OF BEAUFORT  
**Community Development Department**  
1911 BOUNDARY STREET  
BEAUFORT, SC 29902  
(843) 525-7011  
FAX (843) 986-5606

CURT FREESE  
Community Development  
Director

### **New Final Approval Policy**

- If a project is at Final Approval, and the HDRB is not comfortable with any portion of the final design, materials or any other details, etc., but still otherwise supportive of the direction of the request, the project should be tabled until the next meeting, allowing the applicant time to correct the issues, but not creating a vested right or appealable event.
- The HDRB should consider utilizing conditional approvals more, especially for minor items such as materials, etc. Such conditional approvals will require trust with Staff and Meadors to ensure the conditions are met.
- Staff will continue to emphasize the HTRC process to form up projects before they apply for Final Approvals.
- If a Final application goes before the HDRB (applicants have due process, and can request a final approval hearing at any time), which does not meet the overall design or historic district principles, the HDRB should be comfortable denying the request, instead of relying on the Concept, Preliminary and Final to guide a project into an approvable final condition. An applicant should wait one year (with a 6 month Code Administrator allowance under certain conditions) to reapply with the exact same request as per Section 9.1.8. Otherwise, it is likely a slightly different request will be likely and can be applied for and heard by the HDRB.

### **Recommendation:**

Discussion only.