



**County Council of
Beaufort County
Planning Commission
Meeting**

Chairman
ED PAPPAS

Vice Chairman
VACANT

Commission Members

VACANT
JON HENNEY
CECILY MCMILLAN
DANIEL RIEDEL
GLENN MILLER
DENNIS ROSS
GAIL MURRAY

County Administrator

ERIC GREENWAY

Staff Support

ROBERT MERCHANT

Administration Building

Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

Contact

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Planning Commission Agenda

Thursday, July 6, 2023 at 6:00 PM

Council Chambers

County Administration Building, 100 Ribaut Road, Beaufort, SC

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MINUTES – June 5, 2023
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS – NON-AGENDA ITEMS
(Comments are limited to 3 minutes.)

ACTION ITEMS

7. **PROPOSED TEXT AMENDMENT** TO ARTICLE 7, DIVISION 7.4, SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE) AND SECTION 7.4.70 (PUBLIC HEARING PROCEDURES) TO CLARIFY THAT PUBLIC COMMENT IS NOT TAKEN FOR APPEALS TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS
8. **ZONING MAP AMENDMENT/REZONING REQUEST** FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000) LOCATED AT 1691 OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50)

DISCUSSION ITEMS

9. CHAIRMAN'S REPORT
11. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department
Beaufort County Government Robert Smalls Complex
Physical: Administration Building, Room 115 100 Ribaut Road
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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held in Council Chambers on Monday, June 5, 2023 at 6:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan
Mr. Glenn Miller
Ms. Gail Murray
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Dan Riedel

STAFF PRESENT:

Mr. Robert Merchant, Planning and Zoning Director
Mr. Mark Davis, Planning and Zoning Deputy Director
Mrs. Chris DiJulio-Cook, Senior Administrative Specialist
Ms. Kristen Forbus, Long Range Planner

CALL TO ORDER: Chairman Ed Pappas called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Chairman Pappas led those assembled in the pledge of allegiance.

REVIEW OF MEETING MINUTES: Mr. Glenn Miller made a motion to approve the May 1, 2023 minutes. Mr. Dennis Ross seconded. The motion passed unanimously.

CITIZEN COMMENTS: Mr. Pappas asked if there were any citizen comments, not related to the agenda, there were none.

ACTION ITEMS:

ZONING MAP AMENDMENT/REZONING REQUEST FOR 21 ACRES (R100 025 000 0068 0000, R100 025 000 068A 0000 AND R100 025 000 0068B 0000) LOCATED AT LAUREL BAY ROAD, AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ROSEIDA EXTENSION, FROM T2 RURAL (T2R) TO INDUSTRIAL (S1)

Ms. Kristen Forbus, Beaufort County Long Range Planner, gave an overview of what the applicant was looking to do by rezoning the property from T2R to S1 Industrial. She explained that staff did not recommend approval of the rezoning.

The applicant, Mr. Joshua Ward, showed a PowerPoint presentation and explained what they were trying to do with the property – mainly storage facilities.

Mr. Richard asked how the rezoning would impact the neighboring residents, he wanted to know what the setbacks and requirements would be for the surrounding properties. Mr. Merchant explained there are 50’ buffers for industrial usage but because it is a zoning map amendment, the usage is speculative at this time.

Ms. Maria Mims, stated the area was already full of crime and was worried about traffic and trespassing in the area if the property were to be rezoned and storage facilities to be opened.

Ms. Rhonda Doherty commented that there are already storage facilities in the area that are not at capacity and don't want to see the rural area kept the way it is.

Mr. Blake Kennedy, property owner, stated they would honor buffer zones and they would have fencing and security in place to address trespassing concerns. They want to take everyone's opinions into account in this project.

After discussing the rezoning amongst themselves. Mr. Jon Henney made a motion to recommend denial of the rezoning from T2R to S1. Mr. Glenn Miller seconded the motion. The motion passed unanimously.

ZONING MAP AMENDMENT/REZONING REQUEST FOR 502 ACRES (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, AND R300-012-000-0256-0000) LOCATED AT 288 DULAMO ROAD TO BE REMOVED FROM THE CULTURAL PROTECTION OVERLAY (CPO) BOUNDARY

Mr. Merchant gave a brief explanation and background of the Cultural Protection Overlay (CPO). He read from the Purpose Statement of the CPO and the Comprehensive Plan and explained that the staff's recommendation was for denial.

Mr. Elvio Tropeano, the owner of Pine Island, spoke about his plans to build on his property and how he wants to develop it. He stated he wants to remove the property from the CPO so he can build a golf course and, therefore limit the number of houses he builds. He stated he has the right and is going to develop his property and the property is not for sale.

Chairman Pappas opened the meeting up to public comment after the Commissioners had a chance to ask Mr. Tropeano a few questions.

Several people spoke. They were:

Robert New, against the rezoning

Elder Jack Ladson, against the rezoning

James Smalls, against the rezoning

Mike Hughes, Thomas & Hutton Engineering Company, for the rezoning

Janet McCauley, against the rezoning

Leslie Lenhardt, South Carolina Law Project, against the rezoning

Anthony Jones, against the rezoning

Earnestine Atkins, against the rezoning

Jessie White, Coastal Conservation League, against the rezoning

Jack Smith, Attorney with Nelson Mullins, representing the Penn Center, against the rezoning, (provided documentation to be included in the files for the rezoning and administrative appeals)

Dr. Marie Gibbs, Penn Center, Inc., against the rezoning

Inez Miller, Center for Heirs Property, Woodland Community Advocate, against the rezoning

Mr. Samuel Williams, chose not to speak, "just said no"

Ms. Star Dunbar, Yamassee Indian Tribe, against the rezoning

Ms. Jane Caffrey, against the rezoning

Ms. Sally Mayse, against the rezoning

Ms. Sally Stone, against the rezoning

Ms. Paula Galane, against the rezoning
Mr. Thomas Donahue, against the rezoning
Ms. Elayne Scott, against the rezoning
Mr. Arnold Brown, against the rezoning
Mr. Dallas Wood, for the rezoning
Mr. Samuel Cooper, against the rezoning
Mr. Craig Reaves, stated he was not for or against but environmentally speaking the development allowed by the CPO seemed more environmentally detrimental than the development plan with the golf course on it
Ms. Travis Stewart, spoke against the rezoning and appeals but stated there really isn't a good option for the many on St. Helena

Ms. Cecily McMillan made a motion to recommend denial of the proposed zoning amendment that would remove the Pine Island, St. Helenaville Property from the Cultural Protection Overlay Zone. Mr. Dennis Ross seconded the motion. The motion passed unanimously.

APPEALS:

PINE ISLAND GOLF-COURSE A - ADMINISTRATIVE APPEAL OF DIRECTOR'S DECISION OF A DEVELOPMENT PLAN FOR 119 ACRES, 288 DULAMO ROAD; CONCEPTUAL PLAN FOR PINE ISLAND SIX-HOLE GOLF-COURSE A (R300-012-000-0001-0000)

PINE ISLAND GOLF-COURSE B - ADMINISTRATIVE APPEAL OF DIRECTOR'S DECISION OF A DEVELOPMENT PLAN FOR 127 ACRES, 288 DULAMO ROAD; CONCEPTUAL PLAN FOR PINE ISLAND SIX-HOLE GOLF-COURSE B (R300-012-000-0254-0000)

PINE ISLAND GOLF-COURSE C - ADMINISTRATIVE APPEAL OF DIRECTOR'S DECISION OF A DEVELOPMENT PLAN FOR 115 ACRES, 288 DULAMO ROAD; CONCEPTUAL PLAN FOR PINE ISLAND SIX-HOLE GOLF-COURSE C (R300-012-000-0255-0000)

Mr. Ellis Lesemann, the attorney representing the applicant, Pine Island GC, LLC, stated he'd like to treat the appeals as one since the arguments are identical for each.

The Commission went into Executive Session to confer with legal counsel before continuing to hear the appeal.

After hearing the appeal and much discussion, Ms. Cecily McMillan made a motion to affirm the Director's decision to deny the applicant's Development Plan Applications regarding the Pine Island Golf Courses A, B, and C, for Conceptual Plan Reviews for three six-hole golf courses. The reasons for this motion are:

- 1: golf courses are prohibited uses in the CPO district under the existing ordinances and prior iterations of the ordinance
- 2: the applications, originally submitted by the applicant, to the county on March 7th were originally incomplete due to the applicant's failure to include mandatory supplemental reports and exhibits.
- 3: the applications were not complete until March 24th, when they were received and accepted by Ms. Austin

4: As of March 24th, 2023, the County had already published notice to the community and the developer of its intent to revise the zoning ordinances for the CPO district.

5: The developer presented little to no evidence that he incurred substantial expenditures in preparation of the permit application, only in brief discussion of "millions of dollars".

6: The applications for three six-hole golf courses circumvent the intent and purpose of the CPO as the applications fail to show how they can function independently.

Mr. Miller seconded the motion.

Ms. McMillan amended the motion to add that there is not a finding of vested rights under the Community Development Code because the application was only received and not stamped and approved.

Mr. Miller seconded the amendment to the motion.

The vote on the amendment was unanimously approved.

The vote on the motion to affirm the Director's decision, as amended, was unanimously approved.

ADJOURNMENT: Chairman Pappas adjourned the meeting at 10:41 p.m.

SUBMITTED BY: Chris DiJulio-Cook
Planning and Zoning Senior Administrative Specialist

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Director, Beaufort County Planning & Zoning Department

DATE: July 6, 2023

SUBJECT: Proposed Text Amendment to Article 7, Division 7.4, Section 7.4.50 (Public Hearing Scheduling and Notice) and Section 7.4.70 (Public Hearing Procedures) to clarify that public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals

Both the Planning Commission and the Zoning Board of Appeals (ZBOA) occasionally hear appeals from an aggrieved party affected by a decision made by an administrative decision-maker to determine if the decision complies with the requirements of the Community Development Code (CDC). The Planning Commission serves as an appellate body for minor and major land development plans, minor and major subdivisions, traditional community plans, and interpretations of zoning district boundaries. The ZBOA serves as an appellate body for zoning permits, modulation permits, sign permits, tree removal permits and interpretations of all provisions in the CDC except for zoning district boundaries.

When the Planning Commission or ZBOA hears an appeal, they follow a “quasi-judicial” process where they are given the powers and procedures resembling those of a court of law where which are obliged to determine facts objectively based on the file and the record that the decision maker relied upon. Section 7.3.70.C5 of the CDC states that “appeals from a decision of administrative agents shall be heard by the ZBOA or the Planning Commission as appropriate, based solely on the materials (plans, documents, reports, studies, drawings, and testimony) available to the body or agent rendering the initial decision and advisory bodies prior to the decision.” In addition, the Planning Commission’s Rules and Procedures (see attached) also provide specific procedures for the conduct of an appeal; they do not allow for public comment. The reason public comment is not received during an appeal is that the public will introduce opinion testimony that was not part of the decision process. This new information might serve improperly as a basis for a decision and result in the decision being overturned by a circuit court on appeal. .

The CDC currently is ambiguous regarding the conduct of public hearings for appeals. Section 7.4.70.B2 states that “any person may appear at a public hearing and submit testimony, either individually or as a representative of a person or an organization.” Staff has determined that while an appeal is heard at a public meeting, public comment is not relevant and is not to be received during the hearing. The proposed amendments to the CDC make this clarification.

ATTACHMENTS:

1. Proposed Amendments to Section 7.4.50 and 7.4.70
2. Planning Commission Rules and Procedures (adopted November 22, 2004)

7.4.50 - Public Hearing Scheduling and Notice

A. Public Hearing Scheduling.

1. **Application to be Scheduled for Meeting.** When a development application is subject to a public hearing, as identified in Table 7.4.50.A (Required Public Hearings), the Director shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the advisory or decision-making body reviewing the application.
2. **Timing.** The public hearing(s) on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.
3. **Public Hearing by Review Boards.** A public hearing shall be conducted by the following advisory or decision-making bodies for the following development applications. See Table 7.4.50.A (Required Public Hearings).

> Table 7.4.50.A: Required Public Hearings			
Development Application or Approval	Advisory or Decision-Making Bodies		
	County Council	Planning Commission	Zoning Board of Appeals (ZBOA)
Comprehensive Plan Amendment	X	X	
Text Amendment	X	X	
Zone Map Amendment	X	X	
Special Use Permit			X
Variance Permit			X
Street Renaming		X	
Appeal to Planning Commission		X*	
Appeal to Zoning Board of Appeals			X*
Development Agreements	X		

*Public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals (7.3.70.C)

- ### B. Public Hearing Notification.
- All development applications requiring a public hearing shall comply with the S.C. Code of Laws, the provisions listed in Table 7.4.50.B (Public Hearing Notification Requirements), and the other provisions of this Section with regard to public notification. Failure to receive notice in accordance with this Section shall not invalidate the proceedings for which notice was required, nor shall failure to receive notice constitute a basis for legal action against the County.

1. **Notice Timing Requirements.** Public notification of a public hearing on a development application shall be provided in accordance with the timing requirements in Table 7.4.50.B (Public Hearing Notification Timing Requirements), for the type of application and the type of notice. In computing the required time periods, the day the notice is published or postmarked shall not be included, but the day of the hearing shall be included.

7.4.70 - Public Hearing Procedures

- A. If the development application is subject to a public hearing by an advisory or decision-making body, the advisory or decision-making body shall hold the public hearing in accordance with the following procedures.
- B. **Conduct of Public Hearing.**
1. **Burden of Proof or Persuasion.** The burden of demonstrating that an application complies with applicable review and approval standards of this Development Code is on the applicant. The burden is not on the County or other parties to show that the standards have not been met by the applicant.
 2. **Rights of All Persons.** Except for appeals to the Planning Commission or the Zoning Board of Appeals (7.3.70.C), any person may appear at a public hearing and submit testimony, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name of the person or organization being represented. If the person states they represent an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the organization in regard to the matter under consideration.
 3. **Exclusion of Testimony.** The body conducting the public hearing may exclude testimony that it finds to be irrelevant, immaterial, or unduly repetitious.
 4. **Offers of Testimony.** In the event any testimony is excluded as irrelevant, immaterial, or unduly repetitious, the person submitting such testimony shall have an opportunity at that hearing to offer such testimony to be entered into the record. Such offer shall be made at the public hearing.
 5. **Continuance of Public Hearing.** The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.
 6. **Recording.** A record of the hearing shall be kept as follows.
 - a. **General.** The body conducting the public hearing shall record the public hearing. The written or taped record of oral proceedings (including testimony and statements of personal opinions), the hearing minutes, all applications, exhibits and papers submitted in any proceeding before the review board, the staff report, and the recommendation or decision shall constitute the record. The establishment of a verbatim transcript, if requested, shall be the sole responsibility of the applicant.
 - b. **Public Record.** All records of public hearings conducted by an advisory or decision-making body shall be a public record, and open for inspection at the offices of the Director during normal business hours upon reasonable notice.
 - c. **Copy.** A copy of the public hearing record may be obtained by any person upon applying to the Director and paying the cost for duplication of the record.
 7. **Close of Hearing.** Upon the completion of all testimony or public comment, the hearing shall be closed. No further direct or informal testimony, comments or evidence shall be provided or considered on the matter. The applicant may be asked questions or allowed to comment on proposed conditions.
- C. **General Procedures and Findings Following Public Hearing.**
1. **Time.** Any review body conducting the hearing shall act in accord with any time limits established in state law, this Development Code or the body's own by-laws. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the County, and shall

include a recommendation or decision of approval, approval with conditions, or disapproval (whichever is appropriate).

2. **Form of Decisions.** The form of all decisions shall include at least the following elements:

- a. A summary of the information presented before the body;
- b. A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards, if required by state law; and
- c. A statement of a recommendation or decision of approval, approval with conditions or disapproval (whichever is appropriate).



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: July 6, 2023

SUBJECT: ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50).

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000028-2023
Owner:	Represented by Bret Clark
Property Location:	1691 Okatie Highway
District/Map/Parcel:	R600 013 000 0008 0000 and R600 013 000 0050 0000
Property Size:	71.54 acres
Current Future Land Use Designation:	Rural, Place Type Overlay (Village Place Type)
Current Zoning District:	T2 Rural
Proposed Zoning District:	T4 Neighborhood Center and T3 Neighborhood utilizing Place Type Overlay

B. SUMMARY OF REQUEST: The applicant is requesting to rezone two parcels into two zoning districts (T4 Neighborhood Center and T3 Neighborhood) by using the Place Type Overlay (PTO) Village Place Type. The proposed PTO adjoins Okatie Elementary School and River Oaks and will have connection to Malind Bluff. Connecting a Village Place Type with a school and an adjoining residential community would accomplish the Comprehensive Plan's objective of providing walkable mixed-use nodes at intervals along the SC 170 corridor.

- C. EXISTING ZONING:** The lot is currently zoned T2 Rural (T2R), which permits residential development at a density of one dwelling unit per three acres. T2 Rural also permits very limited non-residential uses.
- D. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** Although the Comprehensive Plan states the Future Land Use of these two properties to be Rural, it also expresses for the option to create a Village Place Type. The purpose of the Place Type Overlay (PTO) Zone is to provide the opportunity for properties that are identified in the Comprehensive Plan as rural crossroad, hamlet, and village place types to seek a comprehensive zoning amendment to establish transect zones (Division 3.2) to implement the vision for these place types. The Place Type Overlay (PTO) Zone is intended to create and reinforce walkable, urban environments with a mix of housing, civic, retail, and service choices. The Beaufort County Comprehensive Plan specifically addresses development along the SC 170 corridor. It states under the SC 170 Corridor section: “Establishing Place Types that coincide with major intersections, consistent buffers of native vegetation, joint review of proposed plans along the corridor, and agreement on access management standards will lead to a corridor with walkable mixed-use nodes at intervals, natural buffers between the road and development, compatible land uses across jurisdictions, and safer, better managed traffic.” The Comprehensive Plan also has action BE 3.2 which states: “Initiate a prototype community-based Place Type implementation plan that involved property owners, and other stakeholders to serve as a vision for other areas of the county where walkable urbanism is appropriate.” The usage of a Place Type Overlay is the only way to properly upzone a property such as this.
- E. PROPOSED ZONING:** The CDC defines Village Place Type as “made up of clusters of residential neighborhoods of sufficient intensity to support a central, mixed-use environment. The mixed-use environment can be located at the intersection of multiple neighborhoods or along a corridor between multiple neighborhoods. Habersham is a good example of a place that is evolving into a village.” It gives greater opportunity for a mixture of development types than a common subdivision because it is made up of a combination of transect zones. A PTO has requirements that create a format for a successful development as it includes standards such as percentages of land assigned to a certain zoning district, size and intensity, an organized transition of transect zones, pedestrian sheds, thoroughfare networks, open and civic space, neighborhood centers/main streets, suitability for the site’s specific topographical and environmental constraints, and compliance with architectural and design standards. In this instance, the applicant is requesting a Village Place Type which is to abide by the following:

Village Place Type



110 acres min., 500 acres max.

6 du./ac. max.

Village Place Type

T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	No min.	25% max.
T3 Neighborhood (T3N)	25% min.	70% max.
T4 Hamlet Center Open (T4HCO) and/or T4 Neighborhood Center (T4NC)	10% min.	50% max.

The applicant has proposed to use the following transect zones for the PTO development:

- T3 Neighborhood district is “intended to provide a walkable, predominantly single-family neighborhood that integrates compatible multi-family housing types, such as duplexes and cottage courts within walking distance to transit and commercial areas.” Businesses such as General Offices & Services, Medical Services, and Meeting Facility/Place of Worship are some of the permitted/conditional uses.
- T4 Neighborhood Center district is “intended to integrate vibrant main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood.” Businesses such as General Retail, Hotel, and Residential Storage Facility are some of the permitted/conditional uses.

F. TRAFFIC IMPACT ANALYSIS (TIA): According to Section 6.3.20.D of the CDC, “An application for a rezoning shall include a TIA where the particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.” A TIA was completed and submitted with the application. The Transportation Department has been actively involved in reviewing the plans and the TIA in a holistic manner regarding SC 170 including traffic flow, road capacity, pedestrian safety, future improvements, and overall infrastructure. See Appendix D for Beaufort County Engineering Department’s comments.

G. SCHOOL CAPACITY IMPACTS: Appendix D contains a letter from the school district. Because there is a six dwelling units per acre maximum for Village Place Types, +/-400 units are allowed altogether in the proposed base site area. However, a referendum of \$439 million

is proposed to be on the ballot in November to reduce overcrowding, especially in elementary schools in Bluffton.

H. STAFF RECOMMENDATION: Place Type Overlays are recommended in the CDC and Comprehensive Plan to encourage high quality development in walkable urban nodes as opposed to low density sprawl. Because the proposed rezoning follows the requirements of the CDC and Comprehensive Plan and is a model of how an upzoning along SC 170 should occur, staff recommends approval on the condition that the applicant continues to work with staff updating the regulating plans as needed. By allowing for increased density and mixed land uses, the proposed upzoning is to have positive impacts on the community. It will encourage internal trip capture thus reducing vehicle miles traveled, strengthen the local economy through the introduction of commercial space located along SC 170, foster social connections with its proximity to Okatie Elementary School and Malind Bluff, promote sustainable land use planning through its 12 acres of civic open space, and align with the County's Comprehensive Plan's intent of concentrated growth.

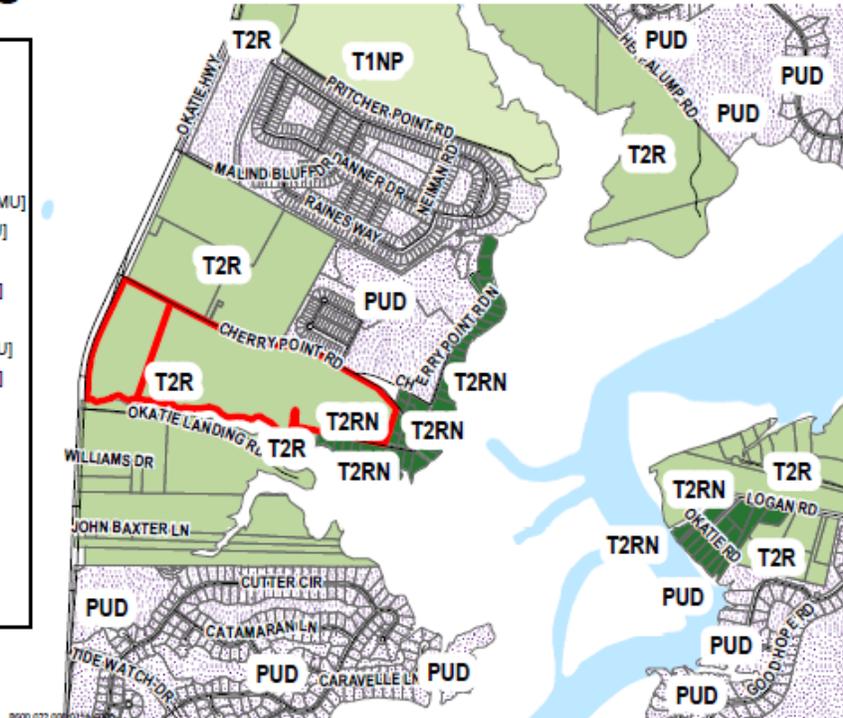
Staff is working internally to determine whether a Development Agreement would be an appropriate tool to implement on site and of site improvements related to this proposal. This agreement would outline the terms, conditions, and obligations of both the County and the Developer. This will be determined by County Council and would be required to be done prior to third reading.

I. ATTACHMENTS

- Appendix A: Zoning Map (existing and proposed)
- Appendix B: Regulating Plan, Civic Buffer, and Open Space Plan, and Thoroughfare Plan
- Appendix C: TIA
- Appendix D: Engineering and School District Comments

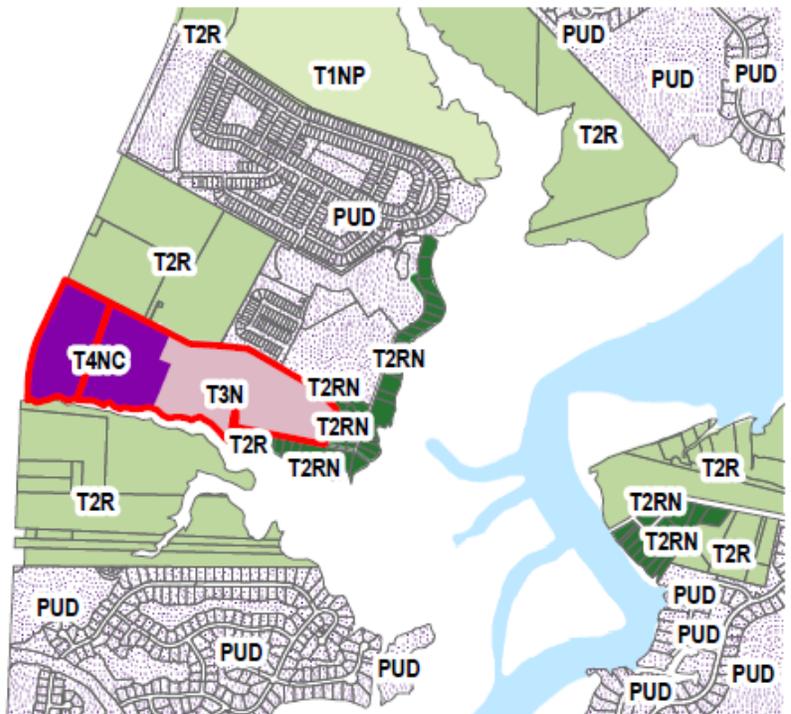
Existing Zoning

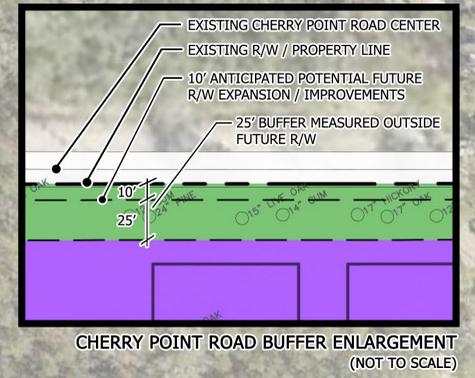
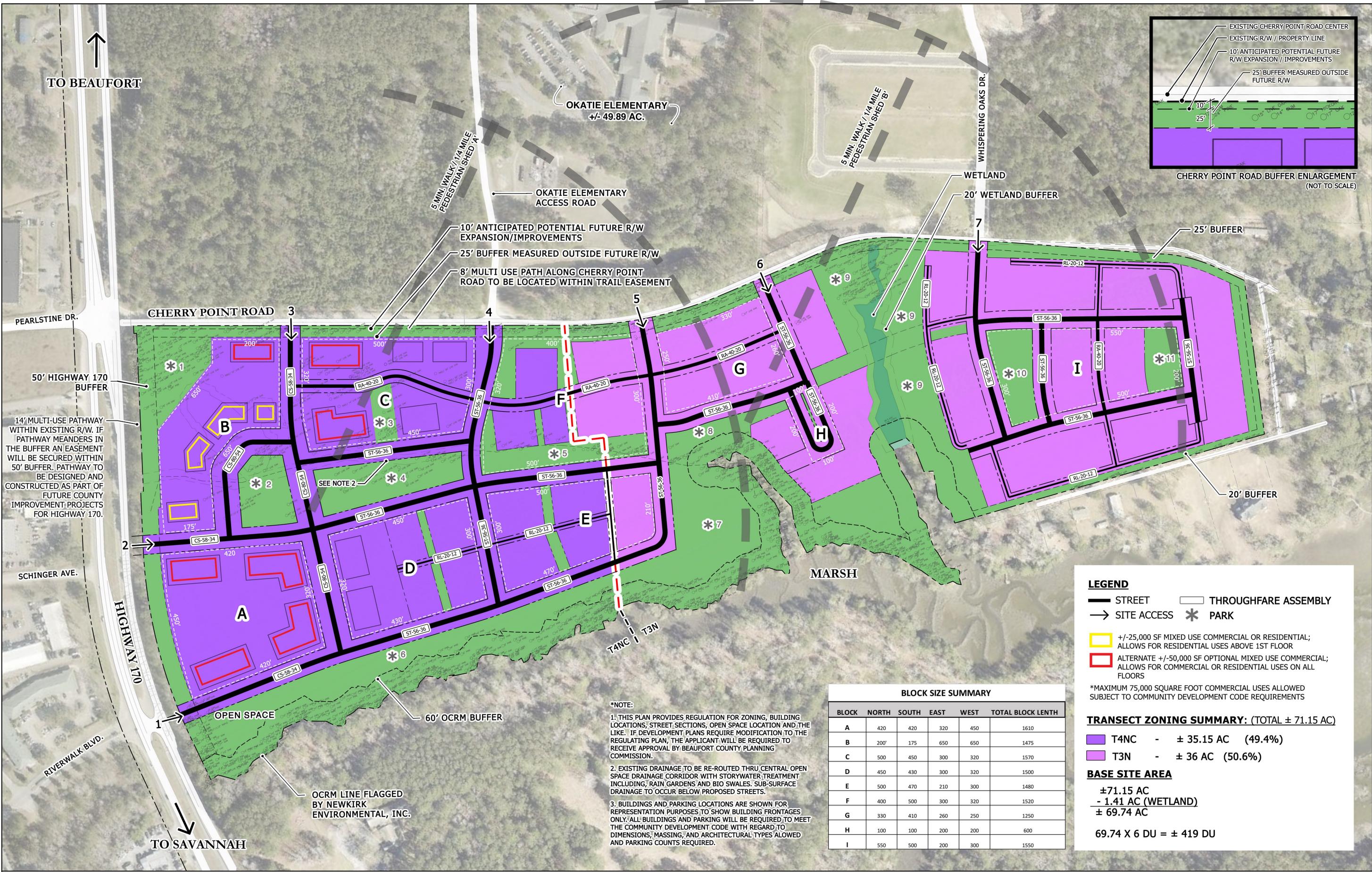
Legend	
	60013 8 & 50
Zone Districts	
FBCode	
	C3 Neighborhood Mixed Use [C3NMMU]
	C4 Community Center Mixed Use [C4CCMU]
	C5 Regional Center Mixed Use [C5RCMU]
	Military [Mil]
	Existing Planned Unit Development [PUD]
	S1 Industrial [S1]
	Seabrook-Stuart Point Mixed Use [SSPMU]
	Seabrook-Stuart Point Residential [SSPR]
	T1 Natural Preserve [T1NP]
	T2 Rural [T2R]
	T2 Rural Neighborhood [T2RN]
	T3 Edge [T3Edge]
	T3 Hamlet Neighborhood [T3HN]
	T3 Neighborhood [T3N]
	T4 Hamlet Center [T4HC]
	T4 Neighborhood Center [T4NC]



Proposed Zoning

Legend	
	600 13 8 & 50
FBCode	
	C3 Neighborhood Mixed Use [C3NMMU]
	C4 Community Center Mixed Use [C4CCMU]
	C5 Regional Center Mixed Use [C5RCMU]
	Military [Mil]
	Existing Planned Unit Development [PUD]
	S1 Industrial [S1]
	Seabrook-Stuart Point Mixed Use [SSPMU]
	Seabrook-Stuart Point Residential [SSPR]
	T1 Natural Preserve [T1NP]
	T2 Rural [T2R]
	T2 Rural Neighborhood [T2RN]
	T3 Edge [T3Edge]
	T3 Hamlet Neighborhood [T3HN]
	T3 Neighborhood [T3N]
	T4 Hamlet Center [T4HC]
	T4 Neighborhood Center [T4NC]





LEGEND

- STREET
- THROUGHFARE ASSEMBLY
- SITE ACCESS
- PARK

+/-25,000 SF MIXED USE COMMERCIAL OR RESIDENTIAL; ALLOWS FOR RESIDENTIAL USES ABOVE 1ST FLOOR
 ALTERNATE +/-50,000 SF OPTIONAL MIXED USE COMMERCIAL; ALLOWS FOR COMMERCIAL OR RESIDENTIAL USES ON ALL FLOORS

*MAXIMUM 75,000 SQUARE FOOT COMMERCIAL USES ALLOWED SUBJECT TO COMMUNITY DEVELOPMENT CODE REQUIREMENTS

TRANSECT ZONING SUMMARY: (TOTAL ± 71.15 AC)

- T4NC - ± 35.15 AC (49.4%)
- T3N - ± 36 AC (50.6%)

BASE SITE AREA

- ±71.15 AC
- 1.41 AC (WETLAND)
- ± 69.74 AC

69.74 X 6 DU = ± 419 DU

BLOCK SIZE SUMMARY

BLOCK	NORTH	SOUTH	EAST	WEST	TOTAL BLOCK LENGTH
A	420	420	320	450	1610
B	200'	175	650	650	1475
C	500	450	300	320	1570
D	450	430	300	320	1500
E	500	470	210	300	1480
F	400	500	300	320	1520
G	330	410	260	250	1250
H	100	100	200	200	600
I	550	500	200	300	1550

***NOTE:**

- THIS PLAN PROVIDES REGULATION FOR ZONING, BUILDING LOCATIONS, STREET SECTIONS, OPEN SPACE LOCATION AND THE LIKE. IF DEVELOPMENT PLANS REQUIRE MODIFICATION TO THE REGULATING PLAN, THE APPLICANT WILL BE REQUIRED TO RECEIVE APPROVAL BY BEAUFORT COUNTY PLANNING COMMISSION.
- EXISTING DRAINAGE TO BE RE-ROUTED THRU CENTRAL OPEN SPACE DRAINAGE CORRIDOR WITH STORYWATER TREATMENT INCLUDING, RAIN GARDENS AND BIO SWALES. SUB-SURFACE DRAINAGE TO OCCUR BELOW PROPOSED STREETS.
- BUILDINGS AND PARKING LOCATIONS ARE SHOWN FOR REPRESENTATION PURPOSES TO SHOW BUILDING FRONTS ONLY. ALL BUILDINGS AND PARKING WILL BE REQUIRED TO MEET THE COMMUNITY DEVELOPMENT CODE WITH REGARD TO DIMENSIONS, MASSING, AND ARCHITECTURAL TYPES ALLOWED AND PARKING COUNTS REQUIRED.

CHERRY POINT ZONING AMENDMENT

- VILLAGE PLACE TYPE -

CHERRY POINT

BEAUFORT COUNTY, SOUTH CAROLINA

REGULATING PLAN

DATE: JUNE 26, 2023

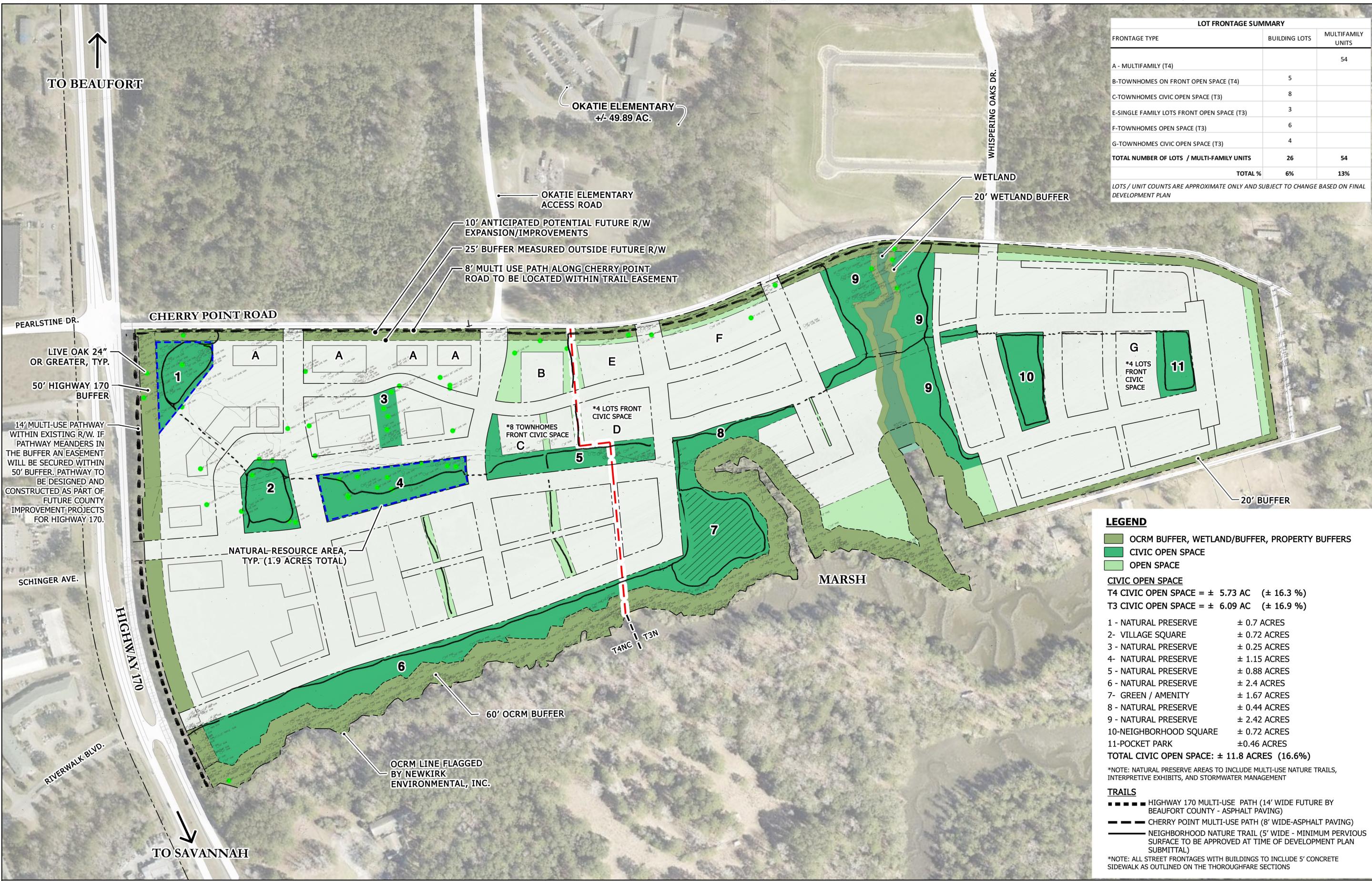
Witmer Jones Keefer Ltd. landscape architecture land planning

Scale 1" = 100'

Note: Plan is conceptual in nature and subject to change. Plan uses, calculations, and boundaries are subject to change.

LOT FRONTAGE SUMMARY		
FRONTAGE TYPE	BUILDING LOTS	MULTIFAMILY UNITS
A - MULTIFAMILY (T4)		54
B-TOWNHOMES ON FRONT OPEN SPACE (T4)	5	
C-TOWNHOMES CIVIC OPEN SPACE (T3)	8	
E-SINGLE FAMILY LOTS FRONT OPEN SPACE (T3)	3	
F-TOWNHOMES OPEN SPACE (T3)	6	
G-TOWNHOMES CIVIC OPEN SPACE (T3)	4	
TOTAL NUMBER OF LOTS / MULTI-FAMILY UNITS	26	54
TOTAL %	6%	13%

LOTS / UNIT COUNTS ARE APPROXIMATE ONLY AND SUBJECT TO CHANGE BASED ON FINAL DEVELOPMENT PLAN



LEGEND

- OCRM BUFFER, WETLAND/BUFFER, PROPERTY BUFFERS
- CIVIC OPEN SPACE
- OPEN SPACE

CIVIC OPEN SPACE

T4 CIVIC OPEN SPACE = ± 5.73 AC (± 16.3%)
T3 CIVIC OPEN SPACE = ± 6.09 AC (± 16.9%)

1 - NATURAL PRESERVE	± 0.7 ACRES
2 - VILLAGE SQUARE	± 0.72 ACRES
3 - NATURAL PRESERVE	± 0.25 ACRES
4 - NATURAL PRESERVE	± 1.15 ACRES
5 - NATURAL PRESERVE	± 0.88 ACRES
6 - NATURAL PRESERVE	± 2.4 ACRES
7 - GREEN / AMENITY	± 1.67 ACRES
8 - NATURAL PRESERVE	± 0.44 ACRES
9 - NATURAL PRESERVE	± 2.42 ACRES
10-NEIGHBORHOOD SQUARE	± 0.72 ACRES
11-POCKET PARK	±0.46 ACRES

TOTAL CIVIC OPEN SPACE: ± 11.8 ACRES (16.6%)

*NOTE: NATURAL PRESERVE AREAS TO INCLUDE MULTI-USE NATURE TRAILS, INTERPRETIVE EXHIBITS, AND STORMWATER MANAGEMENT

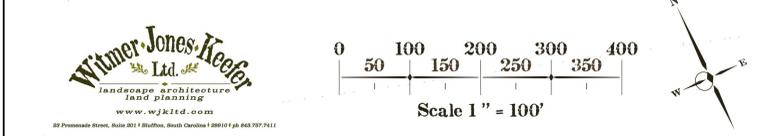
TRAILS

- HIGHWAY 170 MULTI-USE PATH (14' WIDE FUTURE BY BEAUFORT COUNTY - ASPHALT PAVING)
- CHERRY POINT MULTI-USE PATH (8' WIDE-ASPHALT PAVING)
- NEIGHBORHOOD NATURE TRAIL (5' WIDE - MINIMUM PERVIOUS SURFACE TO BE APPROVED AT TIME OF DEVELOPMENT PLAN SUBMITTAL)

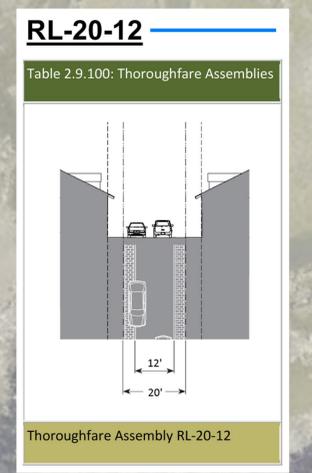
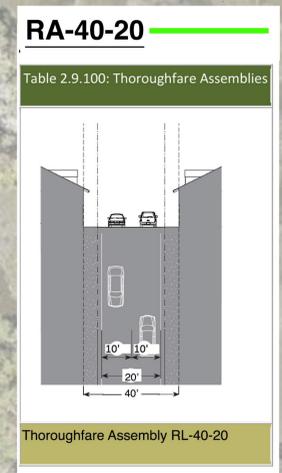
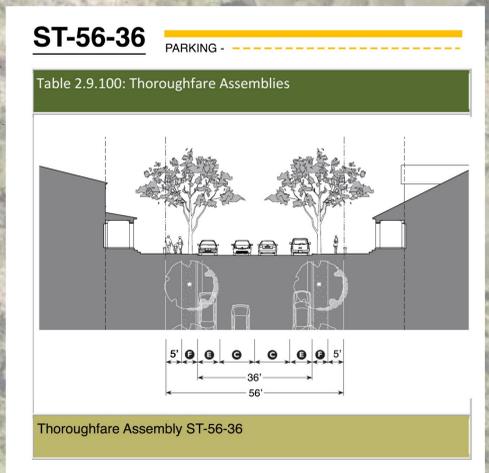
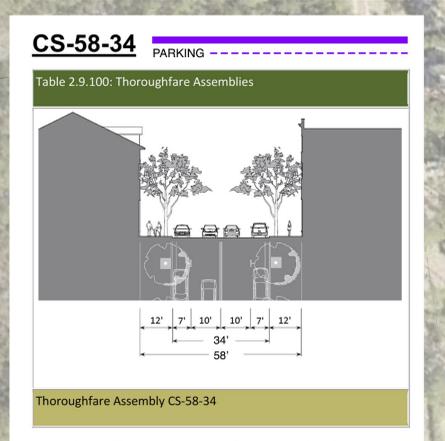
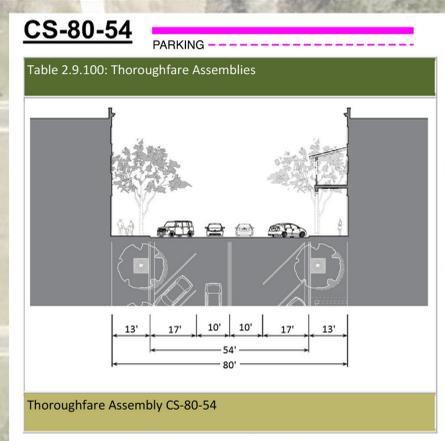
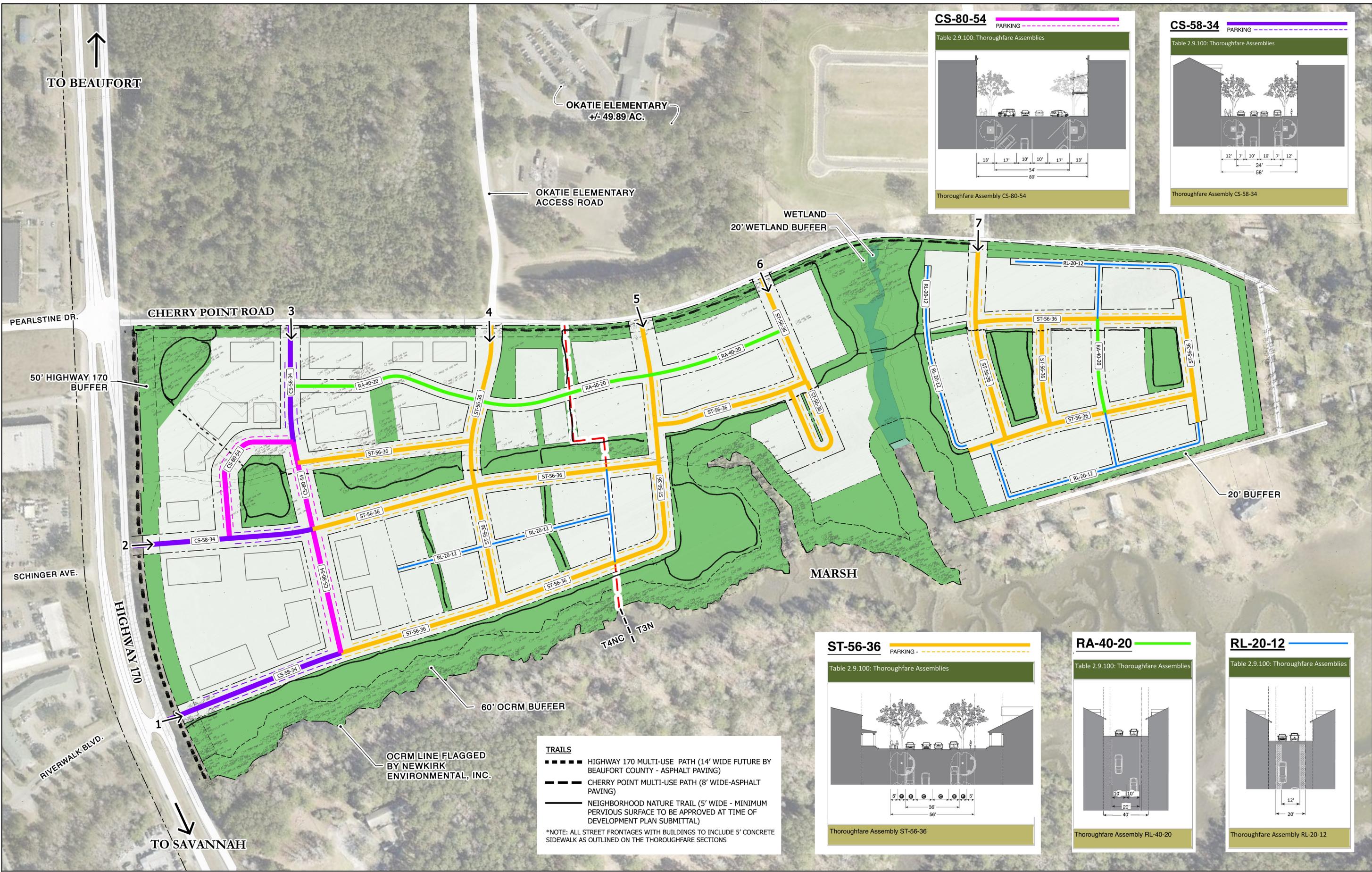
*NOTE: ALL STREET FRONTAGES WITH BUILDINGS TO INCLUDE 5' CONCRETE SIDEWALK AS OUTLINED ON THE THOROUGHFARE SECTIONS

CHERRY POINT ZONING AMENDMENT
- VILLAGE PLACE TYPE -
CHERRY POINT
BEAUFORT COUNTY, SOUTH CAROLINA

CIVIC, BUFFER, & OPEN SPACE PLAN
DATE: JUNE 26, 2023



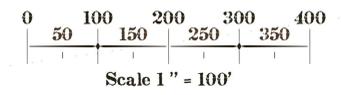
Note: Plan is conceptual in nature and subject to change. Plan uses, calculations, and boundaries are subject to change.



TRAILS

- HIGHWAY 170 MULTI-USE PATH (14' WIDE FUTURE BY BEAUFORT COUNTY - ASPHALT PAVING)
- CHERRY POINT MULTI-USE PATH (8' WIDE-ASPHALT PAVING)
- NEIGHBORHOOD NATURE TRAIL (5' WIDE - MINIMUM PERVIOUS SURFACE TO BE APPROVED AT TIME OF DEVELOPMENT PLAN SUBMITTAL)

*NOTE: ALL STREET FRONTAGES WITH BUILDINGS TO INCLUDE 5' CONCRETE SIDEWALK AS OUTLINED ON THE THOROUGHFARE SECTIONS



CHERRY POINT ZONING AMENDMENT

- VILLAGE PLACE TYPE -

CHERRY POINT

BEAUFORT COUNTY, SOUTH CAROLINA

THOROUGHFARE PLAN

DATE: JUNE 26, 2023

Note: Plan is conceptual in nature and subject to change. Plan uses, calculations, and boundaries are subject to change.

5 Okatie Elementary School Operations

Okatie Elementary School uses Cherry Point Road to access the school. During site observations, it was observed cars would spill back onto Cherry Point Road from the school and beyond the proposed site access points to the Cherry Point Mixed-Use Development. It is recommended Beaufort County and the Beaufort County School District work with Okatie Elementary School to improve pick-up operations so the queue does not spillback into Cherry Point Road. Options for a turn lane into the school and additional on-site stacking should be explored.

6 Conclusion

The proposed Cherry Point Mixed-Use development is located in the southeastern quadrant of the Cherry Point Road at SC 170 (Okatie Highway) intersection in Beaufort County, South Carolina. The proposed development is planned to consist of up to 240,000 square feet of retail space and 300 multifamily residential units. It is assumed that the project will access the roadway network via two driveways along SC 170 (Okatie Highway) and three driveways along Cherry Point Road.

Proposed Site Accesses:

- Site Access #1: Full access located along SC 170 (Okatie Highway) at Street A
- Site Access #2: Right in/right out only access along SC 170 (Okatie Highway) at Street B
- Site Access #3: Full access located along Cherry Point Road at Street D
- Site Access #4: Full access located along Cherry Point Road at Street E
- Site Access #5: Full access located along Cherry Point Road at Street F

It was assumed that the development will be built and fully occupied by 2026. This study summarizes the results of the traffic analyses at the following study intersections.

- 1) SC 170 (Okatie Hwy) & Tidewatch Drive
- 2) SC 170 (Okatie Hwy) & Riverwalk Boulevard/Street A (Site Access #1)
- 3) SC 170 (Okatie Hwy) & Pearlstine Drive/Cherry Point Road
- 4) SC 170 (Okatie Hwy) & Red Oaks Lane/Malind Bluff Drive
- 5) SC 170 (Okatie Hwy) & Short Cut Road/Pritcher Point Road
- 6) SC 170 (Okatie Hwy) & Street B (Site Access #2)
- 7) Cherry Point Road & Street D (Site Access #3)
- 8) Cherry Point Road & Street E (Site Access #4)
- 9) Cherry Point Road & Street F (Site Access #5)

In the vicinity of the study area there are several background developments that have committed improvements to the existing geometry. Additional scenarios were analyzed during the 2026 No-Build conditions and 2026 Build conditions to include these committed

improvements. **The improvements for the committed developments are as follows:**

SC 170 (Okatie Highway) & Pearlstine Drive/Cherry Point Road

- Construct an eastbound left-turn lane along Pearlstine Drive
- Construct westbound dual left-turn lanes and a shared through-right movement lane along Cherry Point Road

SC 170 (Okatie Highway) & Red Oak Lane/Malind Bluff Drive

- Construct an eastbound right-turn lane and shared through-left lane along Red Oak Lane
- Modify geometry to only allow westbound right-turn movement along Malind Bluff Drive

SC 170 (Okatie Highway) & Short Cut Road/Pritcher Point Road

- Place intersection under signalized control
- Construct eastbound right-turn lane and shared through-left lane along Short Cut Road
- Construct westbound left-turn lane along Pritcher Point Road

The results of the traffic analyses indicate the following improvements are **recommended to mitigate the impact of the proposed development:**

SC 170 (Okatie Highway) & Pearlstine Drive/Cherry Point Road

- Modify the existing westbound laneage to provide an exclusive westbound right-turn lane
- Modify the existing southbound laneage to provide an additional left-turn lane
 - The receiving lane for the dual southbound left-turns will drop at Street D

SC 170 (Okatie Highway) & Riverwalk Boulevard/Street A (Site Access #1)

- Place intersection under signalized control
 - Without signalization, site traffic exiting the site to travel southbound on SC 170 (Okatie Highway) will be forced to use the Cherry Point Road access points causing undesirable LOS and delay at the SC 170 (Okatie Highway) & Pearlstine Drive/Cherry Point Road intersection.
 - A traffic signal at Riverwalk Boulevard/Street A does not meet SCDOT signal spacing requirements for major arterials (2,640') from Cherry Point Road along SC 170 (Okatie Highway); therefore, a variance would be needed from SCDOT
 - The intersection spacing from Cherry Point Road to Riverwalk Boulevard/Street A is approximately 1,240', which is less than ½ the distance required by SCDOT
 - Due to the limited spacing between Cherry Point Road and Riverwalk Boulevard, it is recommended to relocate Riverwalk Boulevard/Street A further to the south along SC 170 (Okatie Highway)

- Please note, there is a significant wetland located approximately 260' to the south of Riverwalk Boulevard along SC 170 (Okatie Highway) that may limit how far Riverwalk Boulevard can be relocated
- A traffic signal at this intersection is subject to meeting 8-hour MUTCD traffic signal warrants
- If SCDOT does not allow a traffic signal to be constructed at this access, this access is recommended to be an unsignalized left-over
- Construct a northbound right-turn lane along SC 170 (Okatie Highway)
- Construct the site access with three egress lanes and one ingress lane, if signalized
 - If a signal is not allowed by SCDOT, the site access should be constructed with one egress lane and one ingress lane

SC 170 (Okatie Highway) & Street B (Site Access #2)

- Construct a northbound right-turn lane along SC 170 (Okatie Highway)
- Construct the site access with one egress lane and one ingress lane

Cherry Point & Street D (Site Access #3)

- Construct eastbound right-turn lane along Cherry Point Road. This right-turn lane will need to be extended to the intersection with SC 170 (Okatie Highway) to allow for the dual southbound left-turn lanes at Cherry Point Road and SC 170 (Okatie Highway)
- Construct the site access with one egress lane and one ingress lane.
- Due to excessive queuing from the SC 170 (Okatie Highway) at Cherry Point Road signal, this access should be an unsignalized, right-in/right-out

Cherry Point & Street E (Site Access #4)

- Construct the unsignalized, full-movement site access with one egress and one ingress lane

Cherry Point & Street F (Site Access #5)

- Construct the unsignalized, full-movement site access with one egress and one ingress lane

Appendix D

The Engineering Department is currently working with two separate consultants on improvements near the proposed Cherry Point Development.

In 2019, the regional MPO procured a corridor study for SC 170 from Okatie Center South to SC 462. This study, conducted by AECOM, included near-term and long-term recommendations for improvements along the corridor. The near-term improvements will be under construction in the Fall of 2023, but the long-term improvements will require additional funding through grants, future sales tax, etc. While the near-term improvements do not include any modifications to the Cherry Point or Riverwalk Boulevard intersections, the long-term improvements recommend an R-CUT, or Super Street, corridor implementation through this segment, which essentially prohibits left turns from the side street allowing drivers to U-turn at strategically placed bulbs downstream of the intersection. In the full buildout, the intersections of Cherry Point and Riverwalk will include traffic signals for the remaining turning movements. While this development is anticipating full turning movements at both Cherry Point Road and Riverwalk Boulevard, an updated traffic study should reflect the R-CUT movements at these two impacted intersections. Additionally, the intersection of Riverwalk will likely not warrant a traffic signal until the long-term recommended improvements are near or at implementation. The long-term improvements call for a third travel lane to be added to the corridor for both the northbound and southbound directions and the East Coast Greenways & the BC Connect: Bicycle & Pedestrian Master Plan identify the SC 170 corridor for pedestrian and bicycle facilities, which will need to be incorporated into each development along the corridor. For this development, the County will need to assure that the third driving lane and the multi-use path can be accommodated within the right-of-way, meaning that the County will determine the necessary cross-sections necessary to make these public improvements outside of the necessary buffer yards and setbacks.

Additionally, the Engineering Department has contracted with Kimley Horn for the design of improvements on Cherry Point from the intersection at SC 170 to Okatie Elementary. These plans will serve as the overarching design for the road and bike/ped improvements along this segment. As development occurs, each developer will be required to make the improvements associated with the traffic impacts of their development on the roadway. The Engineering Department will work with Kimley Horn to determine the right-of-way needs for Cherry Point Road to include the roadway, drainage, and multipath improvements.

Please let me know if you have any questions. Thank you!

[ERIC CLAUSSEN, P.E. PTOE](#)

[DIRECTOR OF ENGINEERING](#)

BEAUFORT COUNTY



April 20, 2023

Kristen Forbus
Long Range Planner
100 Ribaut Road, Room 115
Beaufort, SC 29901-1228

RE: Rezoning Request for R600 013 000 0008 0000 and R600 013 000 0050 0000

Ms. Forbus,

The Beaufort County School District received on April 18, 2023 your request for comments on the rezoning request for parcels R600 013 000 0008 0000 and R600 013 000 0050 0000 located at the intersection of Hwy 170 and Cherry Point Road. It is our understanding from the information link you provided that the requestor is asking for the zoning change from "rural" to "village place type overlay" which would allow for up to 400 residential units on the combined properties. I also understand that the meeting is to take place on Monday May 1st in Council Chambers.

These properties are located across the street from Okatie Elementary whose enrollment increased by 43 in the last year, mainly from students moving into the other new developments surrounding the school (Malind Bluff and River Oaks). Just between those 2 recent developments more than 700 residential units were approved. Traffic on Cherry Point Rd at school drop-off and pick-up times already puts tremendous pressure on the intersection with Hwy 170 and has been known to back up onto Hwy 170 in the mornings. I've attached a more recent aerial map from the Beaufort County GIS so that you can better see the amount of development already surrounding this school.

A plan for 400 additional residential units at this location would most likely put additional stress on school capacities – currently Okatie Elementary at 91% capacity, Bluffton Middle School at 84% capacity, and May River High School at 91% capacity even after a recent 22-classroom addition from the 2019 Bond referendum. In our Facilities Master Plan from January 2023, we show that Bluffton area schools total enrollment already exceeds the total needed capacity. At this time, the Beaufort County School District does not have ability or funding to support any

new residential development that could increase the number of school-aged children in the area.



Robert S. Oetting, PE
Chief Operations Officer
Beaufort County School District

cc: Dr. Frank Rodriguez, Superintendent BCSD
Carol Crutchfield, FPC Director, BCSD

Aerial image of Okatie Elementary – Cherry Point Road area

Source – Beaufort County GIS Aerial Imagery site

<https://gis.beaufortcountysc.gov/imagery/>



Address or place

