

PLANNING COMMISSION

STAFF REPORT

Growth Management Department



MEETING DATE:	July 24, 2024
PROJECT:	<p>Public Hearing and Recommendation to Town Council Related to Property Commonly Referred to University Investments, LLC Consisting of 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-0014-0000 (Portion) and R600-029-000-2410-0000 for the Following Applications:</p> <ul style="list-style-type: none">A. Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Property's Future Land Use Designation from Suburban Living to Neighborhood Center;B. 100% Annexation Request to Annex the Subject Properties into the Town of Bluffton Corporate Limits;C. Text Amendment to the Buckwalter Planned Unit Development to Create a New Land Use Tract to be Known as the Grande Oaks Commons Land Use Tract;D. Zoning Map Amendment to Rezone the Subject Properties to the Buckwalter Planned Unit Development District and Designate as the Grande Oaks Commons Land Use Tract;E. Amendment to the Buckwalter Planned Unit Development Concept Plan for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights; andF. Amendment to the Buckwalter Development Agreement for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights.
PROJECT MANAGER:	Dan Frazier, AICP Growth Management Manager

REQUEST: Town Staff requests that Planning Commission hold Public Hearings and vote to forward recommendations to Town council for the applications for certain property containing a total of 65.592 acres, more or less, located at the southwest corner of the Buckwalter Parkway and Lake Point Drive intersection and to the west of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-0014-0000 (Portion) and R600-029-000-2410-0000 (the “Properties”) for the following requests:

- a. Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Property’s Future Land Use Designation from Suburban Living to Neighborhood Center;
- b. 100% Annexation Request to Annex the Subject Properties into the Town of Bluffton Corporate Limits;
- c. Text Amendment to the Buckwalter Planned Unit Development to Create a New Land Use Tract to be Known as the Grande Oaks Commons Land Use Tract;
- d. Zoning Map Amendment to Rezone the Subject Properties to the Buckwalter Planned Unit Development District and Designate as the Grande Oaks Commons Land Use Tract;
- e. Amendment to the Buckwalter Planned Unit Development Concept Plan for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights; and
- f. Amendment to the Buckwalter Development Agreement for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights.

Per Section 3.2.2.F. of the Unified Development Ordinance, Planning Commission Workshops are intended to be the first official presentation of a proposed project to provide the public with information and a forum to initially review the application and identify applicable application review criteria. Meetings are encouraged as opportunities for informal, non-binding communication between the Applicant and neighboring property owners who may be affected by the application.

INTRODUCTION: On November 11, 2023 in accordance with Section 5-3-150 of the Code of Laws of South Carolina and the *Town of Bluffton Annexation Policy and Procedure Manual* (“Annexation Manual”), the property owners, University Investments, LLC and Grande Oaks II, LLC, submitted a 100% Annexation Petition Application for two parcels totaling 65.592 acres located at southwest corner of the Buckwalter Parkway and Lake Point Drive intersection and to the west of the Retreat at Grande Oaks (“Property”) into the Town of Bluffton’s municipal boundary (Attachment 1).

Pursuant to the Annexation Manual, the Applicant will submit a concurrent Zoning Map Amendment application requesting the Property’s incorporation into the Buckwalter Planned Unit Development (“Buckwalter PUD”) should Town Council vote to accept the application. Additional concurrent

applications include amendments to the Buckwalter PUD, Development Agreement, and Concept Plan to incorporate the property, add requested development rights, add a new Grande Oaks Land Use Tract, and specify any additional terms. An application to amend the Town of Bluffton Comprehensive Plan Future Land Use Map will also be necessary.

Per the Annexation Manual, the initial step in the public review process is an initial briefing, or “intent to annex”, to Town Council for general discussion of the request and its associated applications such as the appropriate zoning classification and possible negotiation items. At the conclusion of the discussion, Town Council votes on the approval of Intent to Annex of the Annexation Ordinance.

Town Council considered an initial application for the annexation of 13.993 acres of the Grande Oaks PUD at their October 13, 2020 meeting. Council advised the applicant to expand the proposed annexation area for consideration and did not take action on the request.

As a result, the Applicant submitted a revised request on November 15, 2022 for an expanded annexation area consisting of two parcels which contained an approximately 86.36 acre portion of the Grande Oaks Planned Unit Development (“Grande Oaks PUD”) located at the southwest corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the west of the Retreat at Grande Oaks for consideration. The Applicant proposed the creation of a new Buckwalter Land Use Tract and the addition of development rights totaling 53 residential dwelling units and 86.36 acres of general commercial. Town Council considered the request at their February 14, 2023 meeting and voted to decline to accept the annexation applications.

The new request went before Town Council on December 12, 2023. This request differed from the November 15, 2022 submittal by decreasing the acreage by 20.586 adjacent to the Hampton Lake development, removing the intent to request an additional 53 residential dwelling units, and reducing the request for additional commercial development rights to 32 acres general commercial. Town Council unanimously accepted this annexation and this request before the Town’s Planning Commission is the next step for this application.

On May 22, 2024, Planning Commission held a workshop on the Annexation, Zoning Map Amendment, and Comprehensive Plan Amendment Applications and also discussed the concurrent applications for Zoning Map Text Amendment, PUD Concept Plan Amendment, and Development Agreement Amendment. Staff forwarded a list of items discussed at the Workshop and the Applicant replied via letter and resubmittals for the application materials and their responses are provided below:

1. Concept Plan Map:

- a. Show Innovation Drive Right-of-Way and access point on Bluffton Parkway.

Response: Access point added to Concept Plan Map.

- b. Show the conceptual location of the access roadway to Lakepoint Drive.

Response: Conceptual Location of access roadway to Lakepoint Drive added to Concept Plan Map.

- c. Show the access points and frontage roads as shown in the current Buckwalter Parkway Access Management Plan, which was last amended in 2024, or add text committing to the Plan.

Response: All access points and frontage roads have been added to the Concept Plan Map.

- d. Show the access points and frontage roads as shown in the current Bluffton Parkway Access Management Plan or add text committing to the Plan.

Response: All access points and frontage roads have been added to the Concept Plan Map.

2. Development Agreement/Concept Plan Amendment Language:

- a. The new general commercial development rights allocated to the Grande Oaks Land Use Tract may not be transferred to any other piece, parcel or tract of land within the Buckwalter Tract or otherwise.

Response: Agreed.

Staff Note: Language needs to be incorporated into Section 3.iii of the 13th Amendment document regarding the 32 acres of general commercial needs to be expanded to identify these acres as an increase of 32 acres of general commercial development rights to the overall permitted for the Buckwalter Development Agreement and Concept Plan, that these development rights are non-transferrable and may not be utilized outside of the Grande Oaks Commons Land Use Tract, and that these development rights are vested on the Properties at time of approval of this Thirteenth (13th) Amendment to the Development Agreement and Concept Plan.

- b. Of the RUDs which are transferred into the Grande Oaks Land Use Tract, a minimum of 20% will be restricted to use as affordable housing pursuant to the language of the Unified Development Ordinance, Article 6.

Following is the language utilized for the 12th Amendment for reference:

“Section 4.2.13.G of the Unified Development Ordinance (UDO) applies and minimum of twenty percent (20%) of the multifamily residential dwelling units

constructed are to be affordable/workforce housing. Any affordable/workforce housing will follow the general standards outlined in Article 6.5 Workforce/Affordable Housing of the UDO.”

Response: The Buckwalter PUD and its existing density are not subject to any affordable housing mandates. If our current DA and PUD Amendment submittal were asking that additional residential density be added to existing PUD density, then we could be subject to the Town's affordable housing rules for any added density.

Our original submittal to Council included a request to add 53 units to the PUD, and apply the affordable housing rules to that additional density. At the request of Council, we took those additional units out of our submittal. Based on that change, and many others, the Council voted to accept our request and move it forward without the need for the Negotiating Committee to revisit these issues which had been negotiated with Council for 4 years already.

We propose no new density and no affordable housing component. We left open the possibility that some of our existing residential density might be used in the newly annexed area, as part of a possible mixed use concept, which Council seemed to prefer. Any development within the newly annexed Grande Oaks area will have to go through a lengthy IMP process which would go through staff, the Planning Commission, and ultimately Town Council. Our current submittal simply allows this potential mixed use to be considered in the future by all parties.

Staff Note: The inclusion of this requirement was discussed at the Workshop and was noted to the applicant. The application does not include a request for additional residential dwelling units to be added to the overall allowed and the applicant would instead utilize its existing holdings within Buckwalter which are 96 RDUs. The addition of this requirement is something the Commission may recommend if so desired.

- c. Commitment to provide and construct a frontage road with interconnectivity to adjacent properties.

Response: Agreed. Please see Buckwalter PUD Concept Plan Amendment Application – Project Narrative, paragraph 5: “It is also important to note that this annexation and zoning will allow an additional access point, off Lake Point Drive, for existing residents of Grande Oaks PUD to reach the planned commercial area of the existing Buckwalter Commons Land Use Tract owned by University Investments. This important new access will lead to already approved access points to Bluffton Parkway, through the University Investments Area. The access points were designated by the Buckwalter Parkway Phase 4 Access Management Plan, adopted by the Town, which include signalized and unsignalized accesses.”

Staff Note: Language detailing the frontage road and interconnectivity commitments and obligations such as land reservation, interconnectivity with the property immediately to the west identified as Beaufort County Tax Map No. R614 029 000 0595 0000 at the time of this amendment,, widths, placement of the frontage road in front of buildings along Bluffton Parkway, construction responsibility, trigger for phased construction at time of development of applicable parcels, and dedication need to be incorporated into the 13th Amendment document, the final of which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

- d. Commitment to provide and construct a roadway connection to Lakepoint Drive.

Response: Agreed. See comment immediately above.

Staff Note: Language detailing the roadway connection to Lake Point Drive commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, and dedication need to be incorporated into the 13th Amendment document, the final of which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

- e. Commitment to the Buckwalter Access Management Plan, as amended, and the Bluffton Parkway Access Management Plan, as amended.

Response: Agreed. See comment immediately above.

Staff Note: Language committing to the applicable Bluffton Parkway Access Management Plan and Buckwalter Parkway Access Management Plan, **as amended**, need to be incorporated into the 13th Amendment document, the final of which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

Rights of way for the three access points from Buckwalter Parkway through the Applicant's properties within Buckwalter as identified in the Bluffton Parkway Phase 4 Access Management Plan are detailed in the Agreement RE: Phase 5B Right of Way Donation (Attachment 2). These rights-of-way should continue through the Properties to the new northern boundary of Grande Oaks after annexation. Language providing for the extensions of these rights-of-way need to be incorporated into the 13th Amendment document.

Other things Planning Commission may want to consider when preparing their recommendations to Town Council:

a. The draft 13th Amendment document includes the following list of prohibited land uses within the new Grande Oaks Commons Land Use Tract in Section 3.ii.1.2:

- Big Box Logistics Warehouse facilities – over 100,000 SF
- Bulk Storage of petroleum or other flammable, volatile or hazardous materials
- Manufacture of Concrete, cement, brick, plaster, gypsum, asphalt, tar or other paving or plastering materials – batch plants
- Production of food distribution
- Junk yards, auto salvage yards, and outdoor storage of vehicles
- Automobile Service Station
- Recreation Vehicle Parks
- Solid Waste transfer facility, including recycling center
- Cemeteries which do not include funeral home or crematorium
- Campgrounds
- Amusement Parks
- Tree farm, timber area or forest management area
- Farm or establishment for the growing, care & harvesting of field crops
- Go-Cart Racing Facilities
- Sexually oriented businesses
- Wastewater/sewage facilities

Staff proposes the following revisions for Planning Commission's consideration:

1. Remove "Tree farm, timber area or forest management area" as the South Carolina Code Of Laws permits forestry and silviculture throughout the state without restriction.
2. Add "outdoor" to "go-cart racing facilities" which would permit indoor facilities like Indy Karting & Amusement located within Belfair Town Village.

3. Remove “wastewater/sewage facilities” as pump stations would fall within this land use which are regularly required for new development.
- b. Bluffton Parkway Phase 5B Right-of-Way Donation. The Buckwalter Development Agreement and Concept Plan 9th Amendment (Attachment 3), executed February 25, 2008, Section 14 (b) provides for the following:

Upon final determination of the route for SB of the Bluffton Parkway, University Investments will enter into a good faith of negotiations with the Town of Bluffton and Beaufort County regarding compensation for the SB right-of-way. It is understood and agreed that if the final routing of SB of the Bluffton Parkway is acceptable to the Town, County and affected property owners (specifically University Investments), the right-of-way will be donated.

Realignment of the Bluffton Parkway 5B/Buckwalter Parkway intersection was approved by the Town and County in the fall of 2013. This realignment was supported by adjacent property owners Douglas and Luellen Robertson, initial developer of the Grande Oaks PUD, after lengthy negotiations resulting in the Agreement RE: Phase 5B Right of Way Donation (Attachment 2). With the realignment approved, a plat of the Bluffton Parkway 5B right-of-way (Attachment 4) was prepared with the input of University Investments, LLC.

Despite the intended location of the Bluffton Parkway Phase 5B right-of-way having been acknowledged by all, the required donations of the underlying land have not been completed as required by the Development Agreement. Since then certain properties subject to the 9th Amendment which are affected by the Bluffton Parkway Phase 5B right-of-way acquisition area have been conveyed to 3rd parties. However, the provisions of the 9th Amendment are still applicable to these successors and assigns.

Given the Development Agreement’s explicit requirement of land donation in the 9th Amendment and concerns over such obligations remaining unmet, and the need to confirm with finality the location of the realignment for appropriate land planning, the Planning Commission may consider recommending that the 13th Amendment additionally confirm the location of the realignment as shown on the above-referenced plat and reaffirm the requirement for donation of the Bluffton Parkway Phase 5B right-of-way through the properties owned by University Investments, LLC and third-party owned properties in which John Reed holds an interest..

BACKGROUND: The Property contains approximately 65.592 acres consisting of 27.436 upland acres and 38.156 wetland acres located within Unincorporated Beaufort County as shown on the Vicinity Map (Attachment 5). The Property contains a cellular tower and is otherwise vacant.

The Property is zoned as Grande Oaks PUD and designated as part of the Village Commercial V-1 Land Use Tract as shown on the Grande Oaks Master Plan (Attachment 6) which allows a mix of residential and commercial uses such as:

- | | |
|--|------------------------------|
| 1. Single Family Residential | 9. Gasoline Service Stations |
| 2. Multi-Family Residential | 10. Office Use |
| 3. Neighborhood Commercial | 11. Restaurants |
| 4. Bed and Breakfast | 12. Civic |
| 5. Commercial Lodging - Hotels, Motels, etc. | 13. Church |
| 6. Hospitals | 14. Storage |
| 7. Conference Center | |
| 8. Drive Through Restaurants | |

The immediately adjacent properties vary as to jurisdiction and zoning as follows:

Direction	Jurisdiction	Zoning District	Current Use
North	Town of Bluffton	Buckwalter Planned Unit Development	University Investments, LLC - Parcel 12 - Buckwalter Parkway - Vacant
	Town of Bluffton	Buckwalter Planned Unit Development	University Investments, LLC - Parcel 12C - Buckwalter Parkway - Vacant
	Town of Bluffton	Buckwalter Planned Unit Development	Town of Bluffton – Innovation Drive - Road Right-of-Way
South	Beaufort County	Grande Oaks Planned Unit Development	Beaufort County - Lake Point Drive - Road Right-of-Way
	Beaufort County	Grande Oaks Planned Unit Development	Arborwood Willows Homes Owners Association – No Address – Common Property
	Beaufort County	Grande Oaks Planned Unit Development	Retreat at Grande Oaks Homeowners Association, Inc – No Address – Common Property
East	Beaufort County	Grande Oaks Planned Unit Development	Grande Oaks, LLC - No Address - Vacant
	Beaufort County	Grande Oaks Planned Unit Development	Retreat at Grande Oaks Homeowners Association, Inc – No Address – Common Property

West	Beaufort County	Grande Oaks Planned Unit Development	Retreat at Grande Oaks Homeowners Association, Inc – No Address – Common Property
	Beaufort County	Grande Oaks Planned Unit Development	Beaufort-Jasper Water & Sewer Authority – 1023 Innovation Drive – Pump Station
	Beaufort County	Grande Oaks Planned Unit Development	Daniel J Mendoza Chacon Sr & Maria Jimenez Maria E – 1025 Innovation Drive - Single Family Home
	Beaufort County	Grande Oaks Planned Unit Development	Aaron S & Isabel B Cleland – 1032 Innovation Drive - Single Family Home
	Beaufort County	Grande Oaks Planned Unit Development	Arborwood Willows Homeowners Association, Inc – No Address – Common Property
	Town of Bluffton	Buckwalter Planned Unit Development	HL Development, LLC – No Address - Vacant
	Town of Bluffton	Buckwalter Planned Unit Development	Hampton Lake Community Association, Inc – No Address – Common Area

The Applicant proposes to create a new Grande Oaks Land Use Tract within the Buckwalter PUD for the Property, which is similar to the existing Buckwalter Commons Land Use Tract, the most permissive land use designation which allows a broad mix of residential and commercial uses. A comparison of current Grande Oaks PUD and the proposed Buckwalter PUD Grande Oaks Land Use Tract uses is provided as Attachment 7.

University Investments, LLC currently owns several adjacent properties to the north along the Bluffton Parkway which are within the Town's jurisdiction and zoned as Buckwalter PUD and designated as part of the Buckwalter Commons Land Use Tract which follows the regulations set by the Buckwalter Development Agreement. They currently own a 12.86 portion of the Property and are under contract with Grande Oaks, LLC to acquire the remaining 52.732 acres. The proposed annexation would allow University Investments, LLC to consolidate the properties to allow for more flexibility while creating continuity of jurisdiction, zoning, and development standards. Currently, the Properties are subject to different zoning and development standards and require review and approval by Beaufort County. If development of a site consisting of property within the Town and the proposed annexation Property were to occur today, the plans would have to adhere to different regulations and require the Town and Beaufort County's approval.

The Applicant's associated request for an amendment to the Buckwalter Development Agreement and Concept Plan will include the addition of development rights consisting of 32 acres of general commercial and no increase in residential dwelling units.

The Applicant does not have a specific plan for the Property but notes that current preliminary planning for this expanded area contemplates a mixed use, village style, development, perhaps built with residential above commercial, and including extensive medical services and commercial establishments.

The Town of Bluffton Comprehensive Plan "Blueprint Bluffton" Future Land Use Map (Attachment 8) shows the Property is designated as Suburban Living which is defined as:

The Suburban Living category is intended to include low-density single-family neighborhoods. Much of this category includes portions of large Planned Unit Developments that are under active construction or are built-out. Allowable density is up to three dwelling units per acre and must be at least one dwelling unit per acre. Community amenities such as trails, parks, and centralized swimming pools are encouraged.

To permit the uses allowed within the Buckwalter Commons Land Use Tract, the future land use designation will need to be changed to Neighborhood Center which is defined as:

*The **Neighborhood Center** category is intended to guide emerging neighborhood-focused retail clusters throughout the community. These centers, such as Buckwalter Place, provide the opportunity for residents to be within walking distance of grocers, restaurants, retailers, and medical offices. These centers help establish neighborhood identity and are best served when supported by a mix of middle housing and single-family residences within walking or biking distance. These centers are best designed to provide automobile access within a pedestrian-oriented environment. Inclusion of public green space is encouraged.*

Neighborhood centers are based on the same foundation as the Town Center, to create a pedestrian-oriented environment, but the overall design is open for interpretation / adaptation to localized design guidance. Plentiful pedestrian connections ensure long-term health of the neighborhood and anchors the community around the public spaces within the neighborhood center. While neighborhood-serving commercial uses are predominant within the designation, appropriately scaled commercial office space is encouraged to strengthen the mix of uses within the overall community.

Development within the district is pedestrian scaled. Buildings up to three stories are appropriate so long as they are properly buffered and screened from any lower intensity uses in the area. Out-lot parcel development should address the street, and parking should be consolidated to the greatest extent possible to enhance the pedestrian environment.

The Town of Bluffton Comprehensive Plan Figure 7.7 – Growth Framework (Attachment 9) shows a majority of the Property within a Town Center Node which the Unified Development Ordinance, Section 6.1.2.C defines as:

Located in the most intensely developed areas or those areas to be intensely developed, Town Centers consist of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition. Buildings within the Town Center are usually larger, attached, and may be up to five stories in height.

Lastly, all future development of the Property would be required to be reviewed through the applicable Town of Bluffton planning processes including an Initial Master Plan, Development Plan review and Building Permits.

ANALYSIS: Following is an analysis of the criteria for each application. Due to the complexity of the numerous concurrent applications staff has included the Applicant's response and our findings for each criteria.

1. COMPREHENSIVE PLAN AMENDMENT

Town Staff, Planning Commission and Town Council are required to consider the criteria set forth in Section 3.3.3 of the Unified Development Ordinance in assessing an application for a Comprehensive Plan Amendment. These criteria are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

a. Consistency with the intent of the overall policies in the Comprehensive Plan.

Applicant Response: The Town has previously approved the Buckwalter Concept Plan, as amended, as being consistent with these primary goals of the Town. This requested change simply brings additional property into the Town's planning and permitting jurisdiction, while supplementing vehicular access to existing Town property as well as adjacent County controlled property. This Application is consistent with all of these primary goals of the Town.

Grande Oaks Commons is currently designated as Suburban Living. The Suburban Living category is intended to include low-density single-family neighborhoods. Much of this category includes portions of large Planned Unit Developments that are under active construction or are built-out.

Allowable density is up to three dwelling units per acre and must be at least one dwelling unit per acre. Community amenities such as trails, parks, and centralized swimming pools are encouraged.

To permit the uses allowed within the proposed Grande Oaks Commons Land Use Tract and the utilization of the requested 32 acres of General Commercial Development Rights in Grande Oaks Commons, the future land use designation will need to be changed to Neighborhood Center. The Neighborhood Center category is intended to guide emerging neighborhood-focused retail clusters throughout the community. These centers, such as Buckwalter Place, provide the opportunity for residents to be within walking distance of grocers, restaurants, retailers, and medical offices. These centers help establish neighborhood identity and are best served when supported by a mix of middle housing and single-family residences within walking or biking distance. These centers are best designed to provide automobile access within a pedestrian-oriented environment. Inclusion of public green space is encouraged.

Neighborhood centers are based on the same foundation as the Town Center, to create a pedestrian-oriented environment, but the overall design is open for interpretation / adaptation to localized design guidance. Plentiful pedestrian connections ensure long-term health of the neighborhood and anchors the community around the public spaces within the neighborhood center. While neighborhood-serving commercial uses are predominant within the designation, appropriately scaled commercial office space is encouraged to strengthen the mix of uses within the overall community. Development within the district is pedestrian scaled. Buildings up to three stories are appropriate so long as they are properly buffered and screened from any lower intensity uses in the area. Out-lot parcel development will address the street, and parking will be consolidated to the greatest extent possible to enhance the pedestrian environment.

The Town of Bluffton Comprehensive Plan Figure 7.7 – Growth Framework shows a majority of Grande Oaks Commons within a Town Center Node which the Unified Development Ordinance, Section 6.1.2.C defines as:

Located in the most intensely developed areas or those areas to be intensely developed, Town Centers consist of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition. Buildings within the Town Center are usually larger, attached, and may be up to five stories in height.

This area is a commercial node. The addition of Grande Oaks Commons to the Buckwalter PUD will allow for additional commercial properties to better serve the community and support the continuing growth of the area's population. Office buildings, medical facilities, retail, and restaurants are just some examples of how development in Grande Oaks Commons would support the population of the Buckwalter PUD.

Finding: Staff concurs with the applicant's response as the language is taken directly from the Workshop staff report which details the necessary revision to accommodate the application.

- b. **Consistency with demographic changes, prevailing economic trends and/ or newly recognized best planning practices that would deem the proposed amendment necessary and proper for the advancement of the Town of Bluffton's goals.**

Applicant Response: The Town and Landowner agree there is a shortfall of commercial services and properties west of Buckwalter Parkway as it relates to the amount of residences in existence. As a result, both groups are working to advance efforts to attract more commercial services, spur new development to support local rooftops, and eliminate additional unnecessary traffic on the Parkways. Finally, commercial properties in the Town have been estimated to provide nearly \$1/SF in additional tax revenue.

Finding: The application is consistent with demographic changes, prevailing economic trends and/or newly recognized best planning practices that would deem the proposed amendment necessary and proper for the advancement of the Town of Bluffton's goals.

- c. **If applicable, the ability of public infrastructure and services to sufficiently accommodate the requested amendment to the Comprehensive Plan.**

Applicant Response: Grande Oaks Commons, currently part of the Grande Oaks PUD, will become part of the Buckwalter PUD. Public services and utilities are and have been previously certified as adequate for the proposed uses. Letters of commitment to serve were included in the Grande Oaks PUD documentation. The only change will be that Grande Oaks Commons will now fall within the Town's policing authority, and of course, pay Town taxes to cover any additional cost to the Town, and any applicable Development Fees.

Finding: The Property subject to the Amendment are currently served by public infrastructure and services and any new development on the site is anticipated to have little to no impact on existing services.

- d. **Appropriate and efficient use of public funds, the future growth, development and redevelopment of its area of jurisdiction, and consideration of the fiscal impact on property owners.**

Applicant Response: The estimated tax revenues may provide benefit to the Town and its residents for use towards public projects including enhancements to parks,

recreation centers, roads and pedestrian pathways, and each one's accessibility. Those same revenues may be further directed to reinvest in necessary infrastructure for police, fire and emergency services and the safety of the Town. All of which will be perceived as a positive contribution to the fiscal state of the Town and its residents. Bringing the area into Town jurisdiction creates an opportunity for it to have direct influence on the shaping of the Town's growth center.

Finding: Staff completed a Cost/Benefit Analysis as part of the proposed Annexation, a copy of which is provided as Attachment 10, which shows little to no fiscal impact on public funds.

e. Enhancement of the health, safety, and welfare of the Town of Bluffton.

Applicant Response: Current preliminary planning for Grande Oaks Commons includes a mixed use, village style, development which will allow for extensive medical services to help aid in the health and welfare of the Town of Bluffton.

Finding: The application will enhance the health safety and welfare of the Town of Bluffton.

f. Consistency with applicable South Carolina Planning law and consideration of case law.

Applicant Response: To best respond to this requirement, the 13th Amendment Development Agreement has been included in this application.

Finding: The application is consistent with applicable South Carolina Planning law and case law.

g. Impact of the proposed amendment on the provision of public services.

Applicant Response: Amending the Comprehensive Plan to include Grande Oaks Commons will not create a liability to the Town, but rather add to its service offering that increases desirability among residents. Added property and business tax will allow the Town to appropriately enhance the provision of its public services to areas which it already has indirect influence and involvement. For example, Grande Oaks Commons is already sitting within the Town's greater boundaries, commonly known as the Donut Hole, further identified as the area for needed growth, and yet remains outside of Town jurisdiction. The revenues added through new real estate and business development will produce an asset, allowing managed growth over a period of time that allow the Town to respond in kind.

Finding: The proposed amendment will have little to no impact on public services.

h. The application must comply with applicable requirements in the Applications Manual.

Applicant Response: Based on the above responses and attachments included in this application, the applicant believes this request complies with the applicable requirements in the Applications Manual.

Finding: The application has been reviewed by Staff and has been determined to be complete, meeting all requirements of the Applications Manual.

2. PUD TEXT AMENDMENT

Town Staff, Planning Commission and Town Council are required to consider the criteria set forth in Section 4.2.13 of the Unified Development Ordinance in assessing an application for a PUD Text amendment as follows:

a. Purpose and Intent. The PUD district is intended to achieve the objectives of the Town of Bluffton Comprehensive Plan and to allow flexibility in development than could otherwise be achieved through strict application of this Ordinance and that will result in improved design, character and quality of walkable mixed-use developments and preserve natural and scenic features of open spaces.

Applicant Response: The Town has previously approved the Buckwalter Concept Plan, as amended, as being consistent with these primary goals of the Town. This requested change simply brings additional property into the Town's planning and permitting jurisdiction, while supplementing vehicular access to existing Town property as well as adjacent County controlled property. This Application is consistent with all of these primary goals of the Town.

Grande Oaks Commons is currently designated as Suburban Living. The Suburban Living category is intended to include low-density single-family neighborhoods. Much of this category includes portions of large Planned Unit Developments that are under active construction or are built-out. Allowable density is up to three dwelling units per acre and must be at least one dwelling unit per acre. Community amenities such as trails, parks, and centralized swimming pools are encouraged.

To permit the uses allowed within the proposed Grande Oaks Commons Land Use Tract and the utilization of the requested 32 acres of General Commercial Development Rights on the subject property, the future land use designation will need to be changed to Neighborhood Center. The Neighborhood Center category is intended to guide emerging neighborhood-focused retail clusters throughout the community. These centers, such as Buckwalter Place, provide the opportunity for residents to be within

walking distance of grocers, restaurants, retailers, and medical offices. These centers help establish neighborhood identity and are best served when supported by a mix of middle housing and single-family residences within walking or biking distance. These centers are best designed to provide automobile access within a pedestrian-oriented environment. Inclusion of public green space is encouraged.

Neighborhood centers are based on the same foundation as the Town Center, to create a pedestrian-oriented environment, but the overall design is open for interpretation / adaptation to localized design guidance. Plentiful pedestrian connections ensure long-term health of the neighborhood and anchors the community around the public spaces within the neighborhood center. While neighborhood-serving commercial uses are predominant within the designation, appropriately scaled commercial office space is encouraged to strengthen the mix of uses within the overall community. Development within the district is pedestrian scaled. Buildings up to three stories are appropriate so long as they are properly buffered and screened from any lower intensity uses in the area. Out-lot parcel development will address the street, and parking will be consolidated to the greatest extent possible to enhance the pedestrian environment.

The Town of Bluffton Comprehensive Plan Figure 7.7 – Growth Framework shows a majority of the subject property within a Town Center Node which the Unified Development Ordinance, Section 6.1.2.C defines as:

Located in the most intensely developed areas or those areas to be intensely developed, Town Centers consist of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition. Buildings within the Town Center are usually larger, attached, and may be up to five stories in height.

This area is a commercial node. The addition of Grande Oaks Commons to the Buckwalter PUD will allow for additional commercial properties to better serve the community and support the continuing growth of the area's population. Office buildings, medical facilities, retail, and restaurants are just some examples of how development in Grande Oaks Commons would support the population of the Buckwalter PUD.

Finding: Staff concurs with the applicant's response as the language is taken directly from the Workshop staff report which details the necessary revision to accommodate the application.

- b. Applicability. The PUD District is applicable to tracts of at least five acres of land of creation of a single master development will yield greater benefits to the general**

public than would otherwise occur through more conventional planning and zoning concepts.

Applicant Response: The total acreage of general commercial that will be added is 32 acres. The Town and Landowner agree there is a shortfall of commercial services and properties west of Buckwalter Parkway as it relates to the amount of residences in existence. As a result, both groups are working to advance efforts to attract more commercial services, spur new development to support local rooftops, and eliminate additional unnecessary traffic on the Parkways.

Finding: The request will yield greater benefit as University Investments, LLC currently owns several adjacent properties to the north along the Bluffton Parkway which are within the Town's jurisdiction and zoned as Buckwalter PUD and designated as part of the Buckwalter Commons Land Use Tract which follows the regulations set by the Buckwalter Development Agreement. They currently own a 12.86 portion of the Property and are under contract with Grande Oaks, LLC to acquire the remaining 52.732 acres. The proposed annexation would allow University Investments, LLC to consolidate the properties to allow for more flexibility while creating continuity of jurisdiction, zoning, and development standards. Currently, the Properties are subject to different zoning and development standards and require review and approval by Beaufort County. If development of a site consisting of property within the Town and the proposed annexation Property were to occur today, the plans would have to adhere to different regulations and require the Town and Beaufort County's approval.

c. Eligibility Criteria. A PUD must meet the following criteria:

- i. Demonstrated Benefit. The Town encourages the PUD to provide the following:**
a. Preservation and/or substantial enhancement of significant natural or historic features; b. Preservation and/or substantial enhancement, as applicable, of significant usable open space; c. Incorporation of a complementary mixture of uses or a variety of housing types; d. Inclusion of creative design that allows redevelopment of a nonconforming site, bringing it into closer compliance with the Ordinance; and/or e. Economic development through the creation of primary jobs consistent with the Comprehensive Plan.

Applicant Response: As development occurs within Grande Oaks Commons this eligibility criteria will be followed where applicable.

Finding: The request will provide a demonstrated benefit by allowing continuity in its development with the adjacent properties owned by University Investments, LLC and expand the Town's tax base and opportunity for the creation of new jobs with new commercial developments.

- ii. **Public Services. All PUDs shall be served and/or be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis of the impact on transportation, utilities, and community services.**

Applicant Response: Rezoning Grande Oaks Commons will not create a liability to the Town, but rather add to its service offering that increases desirability among residents. Added property and business tax will allow the Town to appropriately enhance the provision of its public services to areas which it already has indirect influence and involvement. For example, Grande Oaks Commons is already sitting within the Town's greater boundaries, commonly known as the Donut Hole, further identified as the area for needed growth, and yet remains outside of Town jurisdiction. The revenues added through new real estate and business development will produce an asset, allowing managed growth over a period of time that allow the Town to respond in kind.

Finding: The Properties are within the existing Beaufort County Grande Oaks PUD. As part of the PUD approval process, letters of commitment to serve from the applicable utility providers and government entities are required. Therefore, these commitment to serve letters which are incorporated into the existing Grande Oaks PUD application fulfill this requirement.

- d. **Allowed Uses. Land uses for the PUD shall be designated on the associated PUD Concept Plan and/or PUD Master Plan approved by the Town Council.**

Applicant Response: The PUD will be divided into land use areas with the land uses listed as Permitted, Conditional or Special Exception, based on a land use table similar to Table 4-3. These land uses shall be incorporated into the ordinance adopting the PUD zoning for the property. Any use different from those in Table 4-3 or any uses further defined, specified or limited than provided in Table 4-3 shall be defined in the PUD Concept Plan, PUD Master Plan, and/or Ordinance adopting the PUD zoning for the property. Only approved land uses will be adopted for Grande Oaks Commons. A rezoning table has been provided as part of this application for approval.

Finding: Staff concurs with the Applicant's response as a majority of the proposed land uses for the Grande Oaks Commons Land Use Tract mirror those of the Buckwalter Commons Land Use Tract.

- e. **Affordable/Workforce Housing. As of July 14, 2020 a new or amended PUD with a residential component shall include a minimum of 20% affordable/workforce housing. For amended PUD's this requirement applies only to the portion of the PUD**

subject to the amendment. PUD's that include more than 20% affordable/workforce housing, a density bonus of two additional market price units shall be allowed for each additional affordable/workforce housing unit. This may be utilized for a density increase of up to 20%.

Applicant Response: No new residential development rights are proposed.

Finding: The inclusion of this requirement was discussed at the Workshop and was noted to the applicant. The application does not include a request for additional residential dwelling units to be added to the overall allowed and the applicant would instead utilize its existing holdings within Buckwalter which are 96 RDUs. The addition of this requirement is something the Commission may recommend if so desired.

- f. **Dimensional Requirements. A table shall be provided that details any and all deviations from the standards in Article 4, Zoning Districts, and Article 5, Design Standards.**

Applicant Response: All dimensional requirements will be met during the development of Grande Oaks Commons.

Finding: The applicant will be subject to the provisions of the Buckwalter PUD Concept Plan Development Agreement, as amended, which includes land use definitions and the applicable development standards for each category in Section 2.D. Staff suggests that the Land Use Comparison Table be incorporated as an exhibit of the final Buckwalter Development Agreement 13th Amendment document to avoid any confusion of the permitted land uses.

- g. **Approved Plan. No use of the parcel, nor construction, modification, or alteration of any use or structure within a PUD shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. A PUD plan shall be approved subject to the procedures and criteria in Article 3, Applications.**

Applicant Response: All construction will comply with the PUD requirements.

Finding: Staff concurs with the Applicant's Response.

- h. **Previously Granted Variances, Null and Void. PUD approval shall supersede any previously granted variances obtained for the property, which shall become null and void.**

Applicant Response: None.

Finding: The above language should be incorporated into the Buckwalter Development Agreement 13th Amendment document.

3. ANNEXATION

The Town of Bluffton Annexation Policy and Procedure Manual provides the following review criteria:

Town Staff, Planning Commission, and Town Council are required to consider the criteria set forth in the Town of Bluffton Annexation Policy and Procedure Manual (Annexation Manual) in assessing an application for an Annexation request. These criteria are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

Applicant Response: The annexation and rezoning into Buckwalter PUD and designation as Grande Oaks Commons, to be created by the approval of the concurrent Buckwalter PUD Text Amendment Application, will allow University Investments and the Town to expand their coordinated planning at this important location near the corner of Buckwalter Parkway and Bluffton Parkway. Current preliminary planning for this expanded area contemplates a mixed use, village style, development, including extensive medical services and commercial establishments. Planning and developing this combined area under Bluffton review and development standards will greatly enhance the quality of the future development. Again, no additional residential development rights are being added to the Buckwalter PUD under this annexation.

It is also important to note that this annexation and zoning will allow an additional access point, off Lake Point Drive, for existing residents of Grande Oaks PUD to reach the planned commercial area of the existing Buckwalter Commons Land Use Tract owned by University Investments. This important new access will lead to already approved access points to Bluffton Parkway, through the University Investments Area. The access points were designated by the Buckwalter Parkway Phase 4 Access Management Plan, adopted by the Town, which include signalized and unsignalized accesses. An additional separate agreement was made between University Investments, Grande Oaks, LLC, the Town and the County for the location of the 3 Bluffton Parkway access points and University's Investment's commitment to allow the right-of-way through their properties within the Buckwalter Commons Land Use Tract to the north of the Grande Oaks PUD. This agreement has been attached to this application.

This Application presents an opportunity for Bluffton to enhance its current planning role for this important planned commercial/mixed use area, enhance the tax base of the Town, enhance vehicular access for present and future development, and do so by adding no additional development intensity to the area beyond that already allowed by existing Bluffton zoning and existing Beaufort County zoning. In fact, many uses will be down zoned.

a. **The application meets the principals, policies and procedures set forth in the Annexation Manual.**

Finding: Staff finds the annexation request meets the principals, policies and procedures to achieve orderly growth and develop a more cohesive and less fragmented Town Boundary as set forth in the Annexation Manual.

b. **The Annexation of the property is in the best interest of the Town and its citizens.**

Finding: Staff completed a Cost/Benefit Analysis (Attachment 10), which estimates the annexation will generate \$156.87 in revenue after the first year of annexation and \$26,717.08 after build-out.

c. **The Property has contiguity to the Town of Bluffton Municipal Boundary.**

Finding: The Property is contiguous to the Town of Bluffton's Municipal Boundary. Contiguity with the Town of Bluffton's municipal boundary is established through two adjacent parcels to the north of the Properties. These adjacent parcels were annexed into the Town of Bluffton's municipal boundaries upon approval of the Buckwalter Annexation by Town Council Ordinance 2000-02 on April 19, 2000.

d. **The Annexation avoids creating new enclaves (or donut holes) in the Town of Bluffton Municipal Boundary.**

Finding: The proposed annexation will not create new enclaves in the Town of Bluffton Municipal Boundary.

e. **The Annexation is consistent with the recommendations of the Town of Bluffton Comprehensive Plan including the Future Annexation Map.**

Finding: The Properties are within the study area identified throughout the current Comprehensive Plan "Blueprint Bluffton" and upon approval of the Plan's amendment, the request will be consistent with its provisions.

f. **The requested zoning district(s), land use regulations, development standards and environmental regulations is appropriate.**

Finding: The requested Buckwalter Planned Unit Development with designation as the Grande Oaks Commons Land Use Tract pursuant Buckwalter Planned Unit Development Concept Plan and Development Agreement, once amended through concurrent applications, is appropriate for the Property as it is surrounded by a mix of commercial and residential uses. This criteria is discussed in greater detail in the analysis of the zoning map amendment below.

- g. Consideration has been given to the costs, benefits and estimated revenues for a proposed annexation before action is taken on the petition.**

Finding: Staff prepared a Cost/Benefit Analysis for the proposed annexation (Attachment 10) to evaluate the costs, benefits and estimated revenues for the Property including its first year of annexation as well as at build-out.

- h. The Annexation will not create a tax burden or measurably reduce the level of service(s) provided to existing citizens and property owners.**

Finding: A tax burden is not created and a reduction in the level of service is not anticipated in the first year of annexation or at build-out.

- i. The Fiscal impact of providing municipal services has been considered.**

Finding: Per the Cost/Benefit Analysis (Attachment 10), it's anticipated that there will be minimal to no fiscal impact to provide municipal services once the Property is annexed.

- j. Consideration of the annexation area's existing condition of utilities, transportation, infrastructure and future needs for expansion improvements has been taken.**

Finding: The Property will be served by public water & sewer, electrical, telecommunications, and natural gas services are accessible, adjacent to, or are in close proximity for tie-in at time of development. Improvements, if necessary, to infrastructure and transportation systems will be considered as part of the development review process.

- k. The full impact that annexation will have on law enforcement has been considered.**

Finding: Additional police officers are not anticipated to be required at time of annexation or a build-out of the Property.

- l. The application demonstrates potential for the diversification of the economic base and job opportunities.**

Finding: The proposed annexation demonstrates a potential to further economic development, create new job opportunities, as well as diversify the Town's economic base through the expansion of church and school facilities as well as anticipated future commercial uses.

- m. Petitioners understand of all potential costs/benefits associated with annexation.**

Finding: Staff provided the Cost/Benefit Analysis (Attachment 10) to the petitioner as part of this Planning Commission meeting packet.

n. Input has been provided by the public and affected agencies during the review process.

Finding: There are several opportunities for the public and affected agencies to provide comment on the proposed annexation via public meetings or by contacting Staff or the Applicant directly. Notification of the Annexation and Zoning Map Amendment applications and their applicable meetings was accomplished by various methods as required by the South Carolina Freedom of Information Act, the Unified Development Ordinance, Annexation Manual, and Applications Manual.

4. ZONING MAP AMENDMENT

Article 3, Section 3.4.3 of the Unified Development Ordinance provides the following review criteria:

a. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area.

Applicant Response: The Town has previously approved the Buckwalter Concept Plan, as amended, as being consistent with these primary goals of the Town. This requested change simply brings additional property into the Town's planning and permitting jurisdiction, while supplementing vehicular access to existing Town property as well as adjacent County controlled property. This Application is consistent with all of these primary goals of the Town.

Grande Oaks Commons is currently designated as Suburban Living. The Suburban Living category is intended to include low-density single-family neighborhoods. Much of this category includes portions of large Planned Unit Developments that are under active construction or are built-out. Allowable density is up to three dwelling units per acre and must be at least one dwelling unit per acre. Community amenities such as trails, parks, and centralized swimming pools are encouraged.

To permit the uses allowed within the proposed Grande Oaks Commons Land Use Tract and the utilization of the requested 32 acres of General Commercial Development Rights on the subject property, the future land use designation will need to be changed to Neighborhood Center. The Neighborhood Center category is intended to guide emerging neighborhood-focused retail clusters throughout the community. These

centers, such as Buckwalter Place, provide the opportunity for residents to be within walking distance of grocers, restaurants, retailers, and medical offices. These centers help establish neighborhood identity and are best served when supported by a mix of middle housing and single-family residences within walking or biking distance. These centers are best designed to provide automobile access within a pedestrian-oriented environment. Inclusion of public green space is encouraged.

Neighborhood centers are based on the same foundation as the Town Center, to create a pedestrian-oriented environment, but the overall design is open for interpretation / adaptation to localized design guidance. Plentiful pedestrian connections ensure long-term health of the neighborhood and anchors the community around the public spaces within the neighborhood center. While neighborhood-serving commercial uses are predominant within the designation, appropriately scaled commercial office space is encouraged to strengthen the mix of uses within the overall community. Development within the district is pedestrian scaled. Buildings up to three stories are appropriate so long as they are properly buffered and screened from any lower intensity uses in the area. Out-lot parcel development will address the street, and parking will be consolidated to the greatest extent possible to enhance the pedestrian environment.

The Town of Bluffton Comprehensive Plan Figure 7.7 – Growth Framework shows a majority of the subject property within a Town Center Node which the Unified Development Ordinance, Section 6.1.2.C defines as:

Located in the most intensely developed areas or those areas to be intensely developed, Town Centers consist of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition. Buildings within the Town Center are usually larger, attached, and may be up to five stories in height.

This area is a commercial node. The addition of Grande Oaks Commons to the Buckwalter PUD will allow for additional commercial properties to better serve the community and support the continuing growth of the area's population. Office buildings, medical facilities, retail, and restaurants are just some examples of how development in Grande Oaks Commons would support the population of the Buckwalter PUD.

Finding: Staff concurs with the applicant's response as the language is taken directly from the Workshop staff report which details the necessary revision to accommodate the application.

b. Capability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district.

Applicant Response: Grande Oaks Commons is located directly off of Bluffton Parkway near the intersection with Buckwalter Parkway. This is a prime location for mixed use development to best serve the existing community. The parcels that comprise Grande Oaks Commons have a large area of wetlands which will remain undisturbed to help maintain the hydrological and environmental patterns of the area.

Finding: The Properties are located within an area which has been identified as high growth and its wetlands which will be preserved support the proposed request.

c. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values.

Applicant Response: This requested annexation and zoning into the Buckwalter PUD is consistent and compatible with adjacent land uses within the Town, as well as consistent and compatible with existing land uses within the County. The larger plans for Grande Oaks Commons are consistent with the Town's goal of encouraging mixed use development in appropriate areas, just as the proposal remains consistent with the Beaufort County zoning for this and adjacent property within the Grande Oaks PUD.

Finding: Staff concurs with the applicant as the Properties are adjacent to the Buckwalter Commons Land Use Tract which permits general commercial development, the most permissive Tract within Buckwalter, and allows a majority of the same uses permitted within the current Grande Oaks Village Commercial V-1 Land Use Tract designation.

The proposed request also provides the opportunity to improve traffic conditions for the adjacent Grande Oaks PUD through several roadway improvements. The proposed Illustrative Concept Plan Map, which is included as an exhibit of the Buckwalter Development Agreement and Concept Plan 13th Amendment, shows three Bluffton Parkway access points, a frontage road, interconnectivity to adjacent properties, and a Lake Point Drive connector road. Language detailing commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, dedication need to be incorporated into the 13th Amendment document, the final of

which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

d. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising the public health, safety and welfare of the Town of Bluffton.

Applicant Response: Planning and developing this combined area under Bluffton review and development standards will greatly enhance the quality of the future development. No additional residential development rights are being added to the Buckwalter PUD under this rezoning. This annexation and rezoning will allow an additional access point, off Lake Point Drive, for existing residents of Grande Oaks PUD to reach the planned commercial area of the existing Buckwalter Commons Land Use Tract owned by University Investments. This important new access will lead to already approved access points to Bluffton Parkway, through the Grande Oaks Commons. The access points were designated by the Buckwalter Parkway Phase 4 Access Management Plan, adopted by the Town, which include signalized and unsignalized accesses.

Finding: The proposed request provide the opportunity to improve traffic conditions for the adjacent Grande Oaks PUD through several roadway improvements. The proposed Illustrative Concept Plan Map, which is included as an exhibit of the Buckwalter Development Agreement and Concept Plan 13th Amendment, shows three Bluffton Parkway access points, a frontage road, interconnectivity to adjacent properties, and a Lake Point Drive connector road. Language detailing commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, dedication need to be incorporated into the 13th Amendment document, the final of which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

e. Public need for the potential uses permitted in the requested zoning district.

Applicant Response: The addition of Grande Oaks Commons to the Buckwalter PUD will allow for additional commercial properties to better serve the community and support the continuing growth of the area's population. Office buildings, medical facilities, retail, and restaurants are just some examples of how development in Grande Oaks Commons would support the population of the Buckwalter PUD.

Finding: A majority of the proposed land uses are already permitted on the Properties per the Grande Oaks PUD and align with those permitted within the adjacent Buckwalter Commons Land Use Tract. This area mix of uses will provide adjacent

communities with goods and services to serve their needs which supports the proposed request.

f. The application must comply with applicable requirements in the Applications Manual.

Applicant Response: Based on the above responses and attachments included in this application, the applicant believes this request complies with the applicable requirements in the Applications Manual.

Finding: The application has been reviewed by Staff and has been determined to be complete, meeting all requirements of the Applications Manual.

5. DEVELOPMENT AGREEMENT AMENDMENT

Development Agreement Amendments are governed by the South Carolina Code of Laws Development Agreement Act. Section 6-31-60 of the Act details what development agreement must provide, what it may provide, and that a major modification requires public notice and hearing as follows:

(A). A development agreement must include:

- (1). a legal description of the property subject to the agreement and the names of its legal and equitable property owners;
- (2). the duration of the agreement. However, the parties are not precluded from extending the termination date by mutual agreement or from entering into subsequent development agreements;
- (3). the development uses permitted on the property, including population densities and building intensities and height;
- (4). a description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development;
- (5). a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the development agreement;
- (6). a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the

failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms, or restrictions;

- (7). a finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;
 - (8). a description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and
 - (9). a description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- (B). A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule including commencement dates and interim completion dates at no greater than five year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to Section 6 31 90, but must be judged based upon the totality of the circumstances. The development agreement may include other defined performance standards to be met by the developer. If the developer requests a modification in the dates as set forth in the agreement and is able to demonstrate and establish that there is good cause to modify those dates, those dates must be modified by the local government. A major modification of the agreement may occur only after public notice and a public hearing by the local government.
- (C). If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.
- (D). The development agreement also may cover any other matter not inconsistent with this chapter not prohibited by law.

Applicant Response: This Application presents an opportunity for Bluffton to enhance its current planning role for this important planned commercial/mixed use area, enhance the tax base of the Town, enhance vehicular access for present and future development, and do so by adding no additional development intensity to the area beyond that already allowed by existing Bluffton zoning and existing Beaufort County zoning. In fact, many uses will be down zoned.

Regarding the Statement Of Required Provisions under state law for the 13th Amendment, please note that the original Buckwalter Development Agreement included a section confirming these criteria, which involved references to the body of the DA for specifics in many cases. See section XX of the Development Agreement.

In the body of our proposed 13th Amendment, it is stated under the final paragraph 5, that the original DA applies in full unless specifically amended by the 13th Amendment or other prior Amendments. This means that the original Section XX (Statement of Required Provisions) of the original DA applies to the 13th Amendment. So the 13th Amendment does contain, by reference, a Statement of Required Provisions.

This approach was used to satisfy the state requirement in previous Amendments to Buckwalter and other PUDs. If any of the provisions need to be further updated to reflect the 13th Amendment terms this could be done, or the entire Section XX from the original DA could be restated. But note that the simpler approach has been used in most prior DA Amendments. The 13th Amendment draft, in its current form, incorporates these required provisions by reference.

Finding: The proposed Buckwalter Development Agreement Amendment meets this requirement as the existing and is consistent with the elements of the Town of Bluffton Comprehensive Plan and regulations of the Buckwalter Development Agreement, as amended. Staff concurs with the Applicant that the Statement of Required Provisions contained within the original Buckwalter Development Agreement meets this requirement.

6. CONCEPT PLAN AMENDMENT

Article 3, Section 3.8.3 of the Unified Development Ordinance provides the following review criteria:

a. **Promotion of and consistency with land use goals, environmental objectives and overall intent of the policies within the Comprehensive Plan.**

Applicant Response: The Town has previously approved the Buckwalter Concept Plan, as amended, as being consistent with these primary goals of the Town. This requested change simply brings additional property into the Town's planning and permitting jurisdiction, while supplementing vehicular access to existing Town property as well as adjacent County controlled property. This Application is consistent with all of these primary goals of the Town.

Grande Oaks Commons is currently designated as Suburban Living. The Suburban Living category is intended to include low-density single-family neighborhoods. Much

of this category includes portions of large Planned Unit Developments that are under active construction or are built-out. Allowable density is up to three dwelling units per acre and must be at least one dwelling unit per acre. Community amenities such as trails, parks, and centralized swimming pools are encouraged.

To permit the uses allowed within the proposed Grande Oaks Commons Land Use Tract and the utilization of the requested 32 acres of General Commercial Development Rights in Grande Oaks Commons, the future land use designation will need to be changed to Neighborhood Center. The Neighborhood Center category is intended to guide emerging neighborhood-focused retail clusters throughout the community. These centers, such as Buckwalter Place, provide the opportunity for residents to be within walking distance of grocers, restaurants, retailers, and medical offices. These centers help establish neighborhood identity and are best served when supported by a mix of middle housing and single-family residences within walking or biking distance. These centers are best designed to provide automobile access within a pedestrian-oriented environment. Inclusion of public green space is encouraged.

Neighborhood centers are based on the same foundation as the Town Center, to create a pedestrian-oriented environment, but the overall design is open for interpretation / adaptation to localized design guidance. Plentiful pedestrian connections ensure long-term health of the neighborhood and anchors the community around the public spaces within the neighborhood center. While neighborhood-serving commercial uses are predominant within the designation, appropriately scaled commercial office space is encouraged to strengthen the mix of uses within the overall community. Development within the district is pedestrian scaled. Buildings up to three stories are appropriate so long as they are properly buffered and screened from any lower intensity uses in the area. Out-lot parcel development will address the street, and parking will be consolidated to the greatest extent possible to enhance the pedestrian environment.

The Town of Bluffton Comprehensive Plan Figure 7.7 – Growth Framework shows a majority of Grande Oaks Commons within a Town Center Node which the Unified Development Ordinance, Section 6.1.2.C defines as:

Located in the most intensely developed areas or those areas to be intensely developed, Town Centers consist of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition. Buildings within the Town Center are usually larger, attached, and may be up to five stories in height.

This area is a commercial node. The addition of Grande Oaks Commons to the Buckwalter PUD will allow for additional commercial properties to better serve the community and support the continuing growth of the area's population. Office buildings, medical facilities, retail, and restaurants are just some examples of how development in Grande Oaks Commons would support the population of the Buckwalter PUD.

Finding: Staff concurs with the applicant's response as the language is taken directly from the Workshop staff report which details the necessary revision to accommodate the application.

b. Consistency with the intent of the Planned Unit Development Zoning District as prescribed in Article 4.

Applicant Response: This application simply makes a small change to the boundary the Buckwalter PUD, to facilitate the goals mentioned above. While there will be a new zoning associated with Grande Oaks Commons, the new land use matches the existing land use, with minor changes that make the land use slightly more restrictive to allow the area to stay consistent with the goals of the Buckwalter PUD Zoning District. A zoning table has been provided as part of this application to further illustrate the permitted zoning.

Finding: Staff finds that the proposed Amendment is consistent with the Buckwalter PUD.

c. Demonstration of innovative site planning techniques that improve the standards in other allowable Town Zoning Districts.

Applicant Response: Again, this Application is a small extension of an existing Town PUD Zoning District, consistent with the goals and standards of the Town's existing PUD Zoning, while providing innovative opportunities to enhance planning of the adjacent Buckwalter Commons Land Use Area, and provide new connectivity to enhance traffic circulation.

Finding: The proposed request provide the opportunity to improve traffic conditions for the adjacent Grande Oaks PUD through several roadway improvements. The proposed Illustrative Concept Plan Map, which is included as an exhibit of the Buckwalter Development Agreement and Concept Plan 13th Amendment, shows three Bluffton Parkway access points, a frontage road, interconnectivity to adjacent properties, and a Lake Point Drive connector road. Language detailing commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, dedication need to be incorporated into the 13th Amendment document,

the final of which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

d. Compatibility of proposed land uses, densities, traffic circulation and design with adjacent land uses and environmental features, as well as the character of the surrounding areas.

Applicant Response: As explained above, this requested annexation and zoning into Buckwalter Commons is consistent and completely compatible with adjacent land uses within the Town, as well as consistent and compatible with existing land uses within the County. The larger plans for Grande Oaks Commons are consistent with the Town's goal of encouraging mixed use development in appropriate areas, just as the proposal remains consistent with the Beaufort County zoning for this and adjacent property within the Grande Oaks PUD.

Finding: Staff concurs with the applicant as the Properties are adjacent to the Buckwalter Commons Land Use Tract which permits general commercial development, the most permissive Tract within Buckwalter, and allows a majority of the same uses permitted within the current Grande Oaks Village Commercial V-1 Land Use Tract designation.

The proposed request also provides the opportunity to improve traffic conditions for the adjacent Grande Oaks PUD through several roadway improvements. The proposed Illustrative Concept Plan Map, which is included as an exhibit of the Buckwalter Development Agreement and Concept Plan 13th Amendment, shows three Bluffton Parkway access points, a frontage road, interconnectivity to adjacent properties, and a Lake Point Drive connector road. Language detailing commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, dedication need to be incorporated into the 13th Amendment document, the final of which will be recorded, as the application narratives only describe what they intend and does not obligate the applicant.

e. Ability to be served by adequate public services, utilities, etc.

Applicant Response: Grande Oaks Commons, currently part of the Grande Oaks PUD, will become part of the Buckwalter PUD. Public services and utilities are and have been previously certified as adequate for the proposed uses. Letters of commitment to serve were included in the Grande Oaks PUD documentation. The only change will be that Grande Oaks Commons will now fall within the Town's policing authority, and of course, pay Town taxes to cover any additional cost to the Town, and any applicable Development Fees.

Finding: The Properties are within the existing Beaufort County Grande Oaks PUD. As part of the PUD approval process, letters of commitment to serve from the applicable utility providers and government entities are required. Therefore, these commitment to serve letters which are incorporated into the existing Grande Oaks PUD application fulfill this requirement.

f. Conformance with adopted or accepted plans, policies, and practices of the Town.

Applicant Response: As explained above in this Narrative, and in the accompanying 13th Amendment To The Development Agreement and Concept Plan for the Buckwalter Tract, this proposal is for a relatively small change to the boundaries of an existing Town PUD, and under the terms of the Buckwalter Concept Plan and Development Agreement, will conform to all adopted plans, policies, and practices which have been established for this Area, while remaining consistent with previously enacted zoning by Beaufort County.

Finding: Upon approval, the request will meet these requirements.

ITEMS FOR CONSIDERATION: Following is a list of items Planning Commission may want to address and/or include in the recommendation to Town Council:

1. Add language to the 13th Amendment document for the following:
 - a. Language needs to be incorporated into Section 3.iii of the 13th Amendment document regarding the 32 acres of general commercial needs to be expanded to identify these acres as an increase of 32 acres of general commercial development rights to the overall permitted for the Buckwalter Development Agreement and Concept Plan, that these development rights are non-transferrable and may not be utilized outside of the Grande Oaks Commons Land Use Tract, and that these development rights are vested on the Properties at time of approval of this Thirteenth (13th) Amendment to the Development Agreement and Concept Plan..
 - b. Detailing the frontage road and interconnectivity commitments and obligations such as land reservation, interconnectivity with the property immediately to the west identified as Beaufort County Tax Map No. R614 029 000 0595 0000 at the time of this amendment, widths, placement of the frontage road in front of buildings along Bluffton Parkway, construction responsibility, trigger for phased construction at time of development of applicable parcels, and dedication
 - c. Detailing the roadway connection to Lake Point Drive commitments and obligations such as land reservation, locations, widths, construction, trigger for construction, and dedication.

- d. Committing to the applicable Bluffton Parkway Access Management Plan and Buckwalter Parkway Access Management Plan, as amended.
- e. Extension of rights of way for the three access points from Buckwalter Parkway through the Applicant's properties to the new northern boundary of Grande Oaks after annexation.
- f. Dedication of the Bluffton Parkway Phase 5B right-of-way.
- g. Revising the prohibited land use list as follows:
 - i. Remove "Tree farm, timber area or forest management area";
 - ii. Add "outdoor" to "go-cart racing facilities";
 - iii. Remove "wastewater/sewage facilities".
- h. Previously approved Variances are null and void.
- i. Adding the Land Use Comparison Chart as an Exhibit.

SCHEDULE: The proposed schedule for the applications is provided as Attachment 11.

ATTACHMENTS:

1. Application Submittal
2. Agreement RE: Phase 5B Right of Way Donation
3. Buckwalter Development Agreement and Concept Plan 9th Amendment
4. Bluffton Parkway Phase 5B Right-of-Way Plat
5. Vicinity Map
6. Grande Oaks PUD Master Plan Map and Text
7. Land Use Comparison
8. Town of Bluffton Comprehensive Plan Future Land Use Map
9. Town of Bluffton Comprehensive Plan Growth Framework Map
10. Cost/Benefit Analysis
11. Draft Schedule