

# PLANNING COMMISSION

## STAFF REPORT

### Growth Management Department



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|-------------------------|---|
| <b>MEETING DATE:</b>    | July 23, 2025   |
| <b>PROJECT:</b>         | <p>Consideration of requests by Livewell Terrace L.P. (Woda Cooper Group), with authorization from the Property Owner Beaufort Memorial Hospital, for the 100% affordable/workforce housing project to be known as Livewell Terrace located at 335 Buckwalter Parkway and identified as Beaufort County Tax Map No. R610 030 000 0712 0000 for the following:</p> <ul style="list-style-type: none"><li>A. Ordinance approving the acquisition of residential development rights in the amount of sixty (60) Residential Dwelling Units (“RDUs”) owned by the Town of Bluffton and held in the Town’s Development Rights Bank pursuant to the Transfer of Development Rights Ordinance;</li><li>B. Ordinance approving an amendment to the Buckwalter Planned Unit Development (“PUD”) Development Agreement to increase the number of residential development rights by 60 RDUs associated with the 100% density bonus; and</li><li>C. Ordinance to approve an amendment to the Buckwalter Planned Unit Development (“PUD”) Concept Plan to increase the number of residential development rights by 60 RDUs associated with the 100% density bonus.</li></ul> |
| <b>PROJECT MANAGER:</b> | Kevin Icard, AICP<br>Director of Growth Management  |

**REQUEST:** Town Staff requests that Planning Commission provide a recommendation to Town Council of the Ordinances for the 100% affordable/workforce housing project to be known as Livewell Terrace located at 335 Buckwalter Parkway and identified as Beaufort County Tax Map No. R610 030 000 0712 0000 (the “Property”) for the following requests:

- A. Ordinance approving the acquisition of residential development rights in the amount of sixty (60) Residential Dwelling Units (“RDUs”) owned by the Town of Bluffton and held in the Town’s Development Rights Bank pursuant to the Transfer of Development Rights Ordinance (Attachment 1);

- B. Ordinance approving an amendment to the Buckwalter Planned Unit Development (“PUD”) Development Agreement to increase the number of residential development rights by 60 RDUs associated with the 100% density bonus (Attachment 3); and
- C. Ordinance to approve an amendment to the Buckwalter Planned Unit Development (“PUD”) Concept Plan to increase the number of residential development rights by 60 RDUs associated with the 100% density bonus (Attachment 4).

**BACKGROUND:** Beaufort Memorial Hospital (“BMH”) submitted a formal request (Attachment 1) to the Town of Bluffton Town Council to acquire 60 RDUs owned by the Town and held in the Town’s Development Rights Bank (Attachment 2) which are associated with the Buckwalter Development Agreement at no cost via Transfer of Development Rights established by Town Ordinance 2007-19 (Attachment 3) (“TDR”) to utilize for the construction of a 120 RDU multi-family development providing workforce and affordable housing as well as up to 6,000 square feet of medical facilities (the “Project”) .

The subject property consists of 10.09 acres located at 335 Buckwalter Parkway and identified as Beaufort County Tax Map No. R610 030 000 0712 0000, (the “Property”). The Property and its associated 10.09 acres of general commercial development rights were initially sold by St. Andrew’s by the Sea Methodist Church to Beaufort County pursuant to County Ordinance 2023-14 (Attachment 4) on May 8, 2024 for \$3.2 Million (Attachment 5). The County then approved Ordinance 2024-36 which was later revised by County Ordinance 2025-08 (Attachment 6) authorizing the County to convey the property to BMH as well as set forth certain provisions for the use of the property. BMH took ownership of the property on April 17, 2025 (Attachment 7).

In addition to the 60 RDUs requested from the Development Rights Bank, BMH is seeking a 100% density bonus of 60 RDUs as their development will consist of 100% workforce and affordable housing. Density Bonuses are allowed pursuant to Section XIII.3 of the Buckwalter Development Agreement as an incentive for affordable housing as follows:

*“Affordable Housing. Owner and the Town recognize the increasing need for affordable housing in the Bluffton area. Owner will encourage and use best efforts to promote affordable housing within Buckwalter Tract and in consideration therefore, the Town will define affordable housing and develop reasonable incentives to encourage the development of affordable housing within Bluffton. Reasonable incentives may include but not be limited to the elimination of Development Fees on affordable housing, and density increases within any given tract to allow developers to offset any negative economic impacts as a result of the development of affordable homes. Owner will consult with Town regarding incentives to encourage and promote affordable housing which would include but not be limited to price discounts, and land and density adjustments.”*

As the Buckwalter Development Agreement does not provide guidance on the approval of density bonuses, the Town determined that Unified Development Ordinance, Section 6.5.4.C (Attachment 8) identifying the incentive ranges for a qualified project which allows a 100% density bonus to projects providing 100% affordable housing as follows:

| Table 6.5.4: Density Bonus Incentive             |               |
|--|---------------|
| Percentage of Workforce/Affordable Housing Units | Density Bonus |
| Minimum 25%                                      | 25%           |
| 26-50%   | 50%           |
| 51-75%   | 75%           |
| 76+%   | 100%          |

The acquisition of 60 RDUs from the Town's Development Rights Bank plus the 60 RDUs resulting from the approval of the density bonus will bring BMH's holdings to 120 RDUs and 10.09 acres of general commercial development rights. BMH has agreed to transfer to the Town the residual general commercial development rights after it is determined how many of their 10.09 acre holdings are necessary for the medical facilities on the Property.

These requests are supported by The Blueprint Bluffton Comprehensive Plan which serves as the vision for the Town of Bluffton and its partners in successfully guiding future development and improvements to preserve the Town's Lowcountry character and improve the quality of life. The plan provides an assessment of the current state of the Town, evaluates opportunities for public infrastructure investments and private development, and provides a roadmap for future decision making.

The State of South Carolina requires comprehensive plans to include nine topical sections and a tenth focused on implementation and priority investments. The Blueprint Bluffton plan assigns a broad goal for each section and a series of targeted objective statements to focus on the plan's recommendations. Section 5 Housing includes multiple objectives as it relates to Affordable and Workforce Housing.

**H1.4 States the following: Foster relationships with non-profit groups and developers to assist in the development, construction, and/ or purchase of affordable housing units.**

*Building housing affordability in a fast-growing and attractive community runs counter to the market. Therefore, communities like Bluffton, and its host of non-profits, developers and other community actors, need to access resources to subsidize elements of the development process. This might relate to land costs, materials, permitting, construction, or entitlements. Because each market is different, the approach to building "affordability" is equally tailored. The Town has made significant progress in defining the local and*

*regional needs and in identifying early policies and projects. The Town will continue to build relationships and serve as the facilitator for future deals through the Community Development Office of the Growth Management department.*

**H2.4 States the following: Incentivize private sector partners to develop diverse housing options within existing development agreements.**

*Bluffton is unique for its number of Planned Unit Developments (PUDs). A PUD allows development flexibility that improves design, permits a mix of certain uses, and helps preserve natural features. These agreements represent a negotiation outside of the traditional zoning and entitlement path where prospective developers present a master plan for development, access, use-mix, and other considerations. Most developments like these, are built over a decade or more. Over this period, the market can shift and the original plan may need to be amended. As PUD developers re-engage the Town with change requests, the Town can negotiate scaled improvements (affordable unit quotas, sidewalk or path connections, aesthetic improvements, etc.) to the overall plan. Through an ongoing discussion, the Town can ensure these communities continue to grow in a way that is both profitable for developers and helps the Town achieve its goals.*

Town Council expressed their support of the Project and acquisition of the 60 RDUs from the Town's Development Rights Bank in a Resolution adopted on January 14, 2025 (Attachment 9) which includes the following provisions to provide clarification on certain terms the Town will require moving forward:

1. The 120 RDUs will be held in the Town of Bluffton's Development Rights Bank until such time as their release and assignment from the Town to BMH is necessary.
2. The release of RDUs will occur at time of Building Permit Application for each Multi-Family Structure in the amount equal to the number of units in said multi-unit structure. The RDUs will be transferred by Assignment of Rights and Obligations Under Development Agreement which shall be recorded with the Beaufort County Register of Deeds.
3. Affordable Housing Covenants shall be drafted and upon review and approval by the Town, will be recorded with the Beaufort County Register of Deeds and any future revisions will require approval by the Town Manager.
4. Use of the 120 RDUs, once assigned to BMH, shall be limited to the 10.09 acre property located at 335 Buckwalter Parkway and may not be transferred or utilized anywhere else within Buckwalter or the Town.

5. BMH shall transfer to the Town via an Assignment of Rights and Obligations Under Development Agreement recorded with the Beaufort County Register of Deeds, the residual general commercial development rights after it is determined how many of their 10.09 acre holdings are necessary for the medical facilities on the Property.

**PLANNING COMMISSION WORKSHOP:** Planning Commission held a Workshop on June 26, 2025, and had no additional comments or questions.

**TOWN COUNCIL FIRST READING:** Town Council held a first reading on the requests at a July 15, 2025, Special Meeting. They voted unanimously to approve the requests.

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

**1. CONVEYANCE OF TOWN OWNED RESIDENTIAL DEVELOPMENT RIGHTS HELD IN THE TOWN'S DEVELOPMENT RIGHTS BANK**

Town Staff, Planning Commission and Town Council are required to consider the criteria set forth in the TDR Ordinance Section IV in assessing an application requesting Town owned development rights from the Town's Development Rights Bank as follows:

*After proper application, the Town may issue transferable Development Rights for such land and authorize their transfer in accordance with the section where the Town finds that issuance and transfer of the Development Rights will serve to implement the Comprehensive Plan. Factors and circumstances to be considered by the Town include, but are not limited to, moving Development Right Units or their or impacts away from waterways, alleviating crowded road conditions, decreasing impacts on schools, decreasing overall Town density, whether affordable housing will be promoted, the extent of the Mixed Use Development, and whether the Development Right Units are, in fact, usable where originally located.*

*The Future Land Use Map and Official Map, when adopted, will be guiding/reference tools during the review process. If the application is premised on a Mixed Use Development, the Applicant must include public spaces, general and/or professional offices, retail, restaurant, hospitality, technology uses, residential units if integrated properly, government and/or civic uses, and similar uses. A Mixed Use Development must demonstrate a minimum of a Ten (10%) percent trip generation reduction on both peak hour and total daily trips as compared to the Maximum Commercial Plan. Any Development Rights issued pursuant to this section shall not be used on the*

*property from which they derive, but may be used on any land designated as a RZ consistent with the Comprehensive Plan. Nothing in this Ordinance would guarantee a one-to-one ratio of Transferred Density Units from Sending Zone to Receiving Zone.*

*Any Density Units that are transferred pursuant to this Ordinance are specifically excluded and are not entitled to utilize any by-right transfer or conversion or divisions into fractional shares provisions that may be found in the Development Agreement applicable to the Receiving Zone. Residential Units transferred to pursuant to this Ordinance may not be transferred from the specific receiving zone to other areas within the receiving PUD or converted to commercial, or visa versa, without express approval of the Town Council, after going through the process set out in this Ordinance.*

Further, the TDR Ordinance, Section VI, Development Rights Bank provides:

*The Town may, but is not obligated to, utilize the Development Right Units it holds in the Development Rights Bank for conservation, affordable housing, economic development, or any other lawful valid governmental purpose.*

Applicant Response: Pursuant to Section 6.6 of the UDO, Applicant seeks the Transfer of Development Rights from the Town's Development Rights Bank in the amount of sixty (60) RDUs and a 100% density bonus pursuant to Section 6.5.4 of the UDO for affordable/workforce housing. Applicant intends to develop an affordable housing apartment complex on the Property called Livewell Terrace. The development of the Property will include the following features:

- a. Total number of units will be 120. This number assumes the 100% density bonus as described in Section 6.5.4 of the UDO is granted.
- b. Units will be available to Beaufort County Memorial Hospital employees and any other persons seeking affordable housing.
- c. Affordable Housing Description:
  - a. Number of Units by number of bedrooms: 30 one-bedroom units, 60 two-bedroom units, 30 three-bedroom units.
  - b. Unit Area Median Income Breakdown: 30 units restricted to 40% Area Median Income, 60 units restricted to 60% Area Median Income, 30 units restricted to 80% Area Median Income. Income restrictions to be proportionally divided by unit types and sizes.

- c. All 120 affordable housing units to be developed in a single phase.
- d. Affordable housing units to be available to anyone looking for housing pursuant to SC Housing requirements.
- e. Annual rent and income limits are determined by the Area Median Income by unit size for Beaufort County. The U.S. Department of Housing and Urban Development ("HUD") determines the median income for each household size annually. Then for each income restricted unit, the household can earn an income no more than the restricted percentage of that median income. For example, a one-person household living in an 80% Area Median Income unit can earn no more than 80% of what HUD determines is the median income for a one-person household in Beaufort County to be eligible to live in the unit. The rent caps are then determined by HUD's assumption that each unit is occupied by 1.5 persons per bedroom. For example, a two-bedroom unit will have rent limits established under the assumption that a three-person household is living in the unit. This might not always be the case as SC Housing requires the occupancy standards to permit 1-2 persons per bedroom, so a two, three, or four person household would be permitted to live in a two-bedroom unit. The rents are then capped at 30% of the monthly income limit. So, in the example of a two-bedroom unit at 80% Area Median Income, the max rent will be determined by taking the three-person household median income, multiplying it by 80% to get the 80% Area Median Income, dividing by 12 to get the monthly income limit, and then multiplying by 30% to get the rent limit.

The above description includes details as to how a household qualifies in terms of income eligibility. In addition to this eligibility, background checks (including criminal, credit, etc.) are performed on every household to confirm qualification with the management team's occupancy requirements

**Finding:** Staff concurs that the request meets the necessary criteria. Further, Section VI of the TDR Ordinance supports the request as it provides that:

*The Town may, but is not obligated to, utilize the Development Right Units it holds in the Development Rights Bank for conservation, affordable housing, economic development, or any other lawful valid governmental purpose.*

## **2. DENSITY BONUS**

Density Bonuses are allowed pursuant to Section XIII.3 of the Buckwalter Development Agreement as an incentive for affordable housing as follows:

*“Affordable Housing. Owner and the Town recognize the increasing need for affordable housing in the Bluffton area. Owner will encourage and use best efforts to promote affordable housing within Buckwalter Tract and in consideration therefore, the Town will define affordable housing and develop reasonable incentives to encourage the development of affordable housing within Bluffton. Reasonable incentives may include but not be limited to the elimination of Development Fees on affordable housing, and density increases within any given tract to allow developers to offset any negative economic impacts as a result of the development of affordable homes. Owner will consult with Town regarding incentives to encourage and promote affordable housing which would include but not be limited to price discounts, and land and density adjustments.”*

As the Buckwalter Development Agreement does not provide guidance on the approval of density bonuses, the Town determined that Unified Development Ordinance, Section 6.5.4.C (Attachment 8) identifying the incentive ranges for a qualified project which allows a 100% density bonus to projects providing 100% affordable housing as follows:

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- a. Total number of units will be 120. This number assumes the 100% density bonus as described in Section 6.5.4 of the UDO is granted.
- b. Units will be available to Beaufort County Memorial Hospital employees and any other persons seeking affordable housing.



- c. Affordable Housing Description:
  - i. Number of Units by number of bedrooms: 30 one-bedroom units, 60 two-bedroom units, 30 three-bedroom units.
  - ii. Unit Area Median Income Breakdown: 30 units restricted to 40% Area Median Income, 60 units restricted to 60% Area Median Income, 30 units restricted to 80% Area Median Income. Income restrictions to be proportionally divided by unit types and sizes.
- d. All 120 affordable housing units to be developed in a single phase.
- e. Affordable housing units to be available to anyone looking for housing pursuant to SC Housing requirements.
- f. Annual rent and income limits are determined by the Area Median Income by unit size for Beaufort County. The U.S. Department of Housing and Urban Development ("HUD") determines the median income for each household size annually. Then for each income restricted unit, the household can earn an income no more than the restricted percentage of that median income. For example, a one-person household living in an 80% Area Median Income unit can earn no more than 80% of what HUD determines is the median income for a one-person household in Beaufort County to be eligible to live in the unit. The rent caps are then determined by HUD's assumption that each unit is occupied by 1.5 persons per bedroom. For example, a two-bedroom unit will have rent limits established under the assumption that a three-person household is living in the unit. This might not always be the case as SC Housing requires the occupancy standards to permit 1-2 persons per bedroom, so a two, three, or four person household would be permitted to live in a two-bedroom unit. The rents are then capped at 30% of the monthly income limit. So, in the example of a two-bedroom unit at 80% Area Median Income, the max rent will be determined by taking the three-person household median income, multiplying it by 80% to get the 80% Area Median Income, dividing by 12 to get the monthly income limit, and then multiplying by 30% to get the rent limit.

The above description includes details as to how a household qualifies in terms of income eligibility. In addition to this eligibility, background checks (including criminal, credit, etc.) are performed on every household to confirm qualification with the management team's occupancy requirements

**Finding:** Staff finds that the request meets the requirements.

### **3. 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:** The proposed Amendment is consistent with the Development Agreement and Concept Master Plan for Buckwalter PUD. The Town and Branigar Organization, Inc. executed and approved the Development Agreement, which Development Agreement, as amended, governs the use and development of a tract of land known as the Buckwalter Tract. Concurrently with the execution of the Development Agreement, the Town of Bluffton annexed Buckwalter Tract into the Town boundaries and granted Concept Master Plan zoning to the Buckwalter Tract, all as more particularly described in the Annexation Petition and Concept Plan for Buckwalter Tract, adopted April 19, 2000. Subsequent to the execution and approval of the Development Agreement, the Town Approved thirteen (13) Amendments to the Buckwalter Development Agreement and Concept Plan. The Owner submits that

the change of use for affordable residential multi-family and medical office use for the Property is consistent with the Development Agreement and Concept Master Plan for Buckwalter PUD and therefore submits a proposed Amendment to Development Agreement and Concept Plan.

***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. The analysis of the proposed Concept Plan Amendment provides details of the request's compliance.

#### 4. 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 Property is currently zoned Buckwalter PUD and within the Buckwalter Commons Land Use Tract and the Buckwalter Commons Phase I Master Plan and this application seeks to amend the Development Agreement and Concept Master Plan for Buckwalter Tract ("Concept Master Plan Amendment") to allocate 120 RDUs to the Buckwalter Commons Land Use Tract, subject to the Affordable Housing Restrictive Covenant, and to transfer the GC Rights to the Town and to update the current Density Summary Tables in the Concept Master Plan to reflect the additional residential development rights contemplated herein. The Applicant submits that it is appropriate to amend the Development Agreement and Concept Master Plan (collectively sometimes hereinafter the "Amendment") and assign the Property the density as more particularly described herein.

- i. **Cultural Resources.** The Cultural Resources Element of the Comprehensive Plan instructs the Town to strive to maintain a sense of community, diversity and individuality by preserving cultural resources. The proposed Amendment will not adversely affect the Culture Resources vision of the Comprehensive Plan since the Property is currently undeveloped and no historical or cultural resources will be removed or impacted. The proposed Amendment allows more diverse housing options which will provide

housing opportunities for a more diverse population to live in the Town and to contribute the cultural vision of the Comprehensive Plan.

- ii. People. The People Element of the Comprehensive Plan acknowledges and accepts the Town's diverse population and strives to offer a high quality of life for all residents, visitors and workers. The proposed Amendment is consistent with the People Element as it provides affordable housing to support the current and future population of the Town located in the Buckwalter PUD. Furthermore, it is consistent with and furthers efforts to fulfill the goal to prepare for the minimum two-fold increase growth of the Town's permanent residents and increase resources available to an increasingly diverse population. The proposed Amendment is therefore consistent with the People Element of the Comprehensive Plan.
- iii. Economy. The Economy Element of the Comprehensive Plan instructs the Town to strive to create a vital, diverse and sustainable local economy that enhances Bluffton's community resources: human, natural and economic." The Economy Element of the Comprehensive Plan recognizes the need to ensure a balanced local economy through revisions to zoning and land use regulations and also the need to foster an environment that supports entrepreneurship and innovation. The Applicant's proposed Amendment provides residents and guests of the Town and the greater Bluffton area with affordable housing options which will attract a diverse population that can contribute to and grow the local economy. All of which serve to enhance the Town's human, natural and economic resources and thus and contributes to growth of local businesses and form a stable tax base. Accordingly, the proposed additional use category is consistent with the Economy of the Comprehensive Plan.
- iv. Resiliency. The Resiliency Element of the Comprehensive Plan instructs the Town to plan adapt to changes in climate and natural resources, and promote renewable power sources. The Applicant's proposed Amendment will facilitate the creation of a strong and diverse workforce who will be enabled to contribute to the innovation and new business located in the Town needed to create a resilient and strong community in the Town. The addition of affordable housing to the Town will allow a younger workforce to live and work in the Town and thus allow new thought leadership to contribute to and reinforce the resilient Town community.

- v. Housing Element. The Housing Element of the Comprehensive Plan seeks to ensure that every resident has decent, safe and affordable housing. The Applicant's proposed Amendment supports the Housing Element as it provides affordable housing for the existing and growing workforce. The proposed Amendment directly addresses the Housing Element and will provide a community of 100% affordable housing. The proposed Amendment will allow affordable housing in and around new developments in Bluffton and thus will provide housing for the much needed workforce to sustain the growing communities in the Town.
- vi. Natural Resources Element. The Natural Resources Element of the Comprehensive Plan instructs the Town to conserve, protect, restore, and enhance natural resources in the Town. The Applicant is seeking to amend the Concept Master Plan to authorize use of the Property for uses consistent within the Buckwalter PUD as well as that of other areas within the municipal limits of the Town along Buckwalter Parkway corridor and in the Buckwalter PUD. The land surrounding the Property is primarily developed pursuant to the Development Agreement and Concept Master Plan and the Applicant's proposed Amendment will not disturb existing recreational facilities nor prohibit public access to water facilities. The proposed Amendment will not also impact an ecologically sensitive natural area and is thus consistent with the Natural Resources Element.
- vii. Land Use Element. The Land Use Element of the Comprehensive Plan encourages the Town to envision a more balanced Bluffton and identify areas for development to better suit community needs. The Applicant's proposed Amendment provides residents and guests of the Town and the greater Bluffton area with additional affordable housing options which will provide a much needed addition to the community. The Applicant's proposed use of the Property is supported by the surrounding existing infrastructure and does not adversely impact or create unplanned burdens on the natural environment or existing infrastructure.
- viii. Transportation Vision. The Transportation Vision of the Comprehensive Plan seeks to connect residents with destinations and expand the integrated active transportation network and expand public transportation. The Applicant's proposed use is consistent with and supports the Transportation Element of the Comprehensive Plan. Access and road infrastructure for the Property will tie into existing developed

transportation networks seamlessly. The development of the Property will provide an opportunity for residents to live close to their work and thus allow for greater use of public transportation and already developed transportation networks.

- ix. Community Facilities Element. The Community Facilities Element of the Comprehensive Plan encourages the Town to unite the community through shared facilities and plan for future growth." The approval of this Application supports the Community Facilities Element by allowing for the future growth of the Town by providing affordable housing for a younger, more diverse population to live and work in Bluffton. The proposed Amendment will allow the development of an affordable housing community with new utilities systems that will reduce waste and will not negatively impact surrounding development.
- x. Priority Investments Element. The Priority Investments Element of the Comprehensive Plan encourages the realization of community priorities through consistent and responsible funding. The Applicant's proposed Amendment already benefits from State funded tax credits for affordable housing. Accordingly, approval of the proposed Amendment will support the State initiatives to allow affordable housing in communities throughout the State. The proposed Amendment will not require funding from the Town and will be consistent with the Priority Investment Element.

Finding: Staff finds that the proposed Amendment is consistent with the Comprehensive Plan.

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

Applicant Response: Section 4.2.13 of the UDO describes the purpose of the PUD district as one 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." The Owner submits that the proposed Amendment will achieve this flexibility and will result in achieving the purpose of the PUD which is to "improve[] design, character and quality of walkable mixed-use developments and preserve natural and scenic features of open spaces."

- i. Eligibility. The Owner submits that the proposed Amendment meets the required eligibility criteria as outlined below.
  - 1. Preservation of Significant Natural and Historic Features. The Applicant submits that the proposed Amendment does not alter or diminish the existing preservation and enhancement natural and historic features of the Buckwalter PUD.
  - 2. Preservation of Usable Open Space. The Applicant submits that the proposed Amendment will not alter or diminish the existing preservation of usable open space. The addition of the Property adds usable open space to the Buckwalter PUD.
  - 3. Incorporation of a Complementary Mixture of Uses. The Applicant submits that the proposed Amendment will complement the current mixture of uses in the Buckwalter PUD because of the affordable housing and medical office spaces uses proposed for the Property.
  - 4. Inclusion of Creative Design of as Nonconforming Site. The Applicant submits that the Property is in conformance with the Ordinance and the inclusion of the Property in the Buckwalter PUD will maintain compliance with the Ordinance and further implements the goals of the Comprehensive Plan.
  - 5. Economic Development. The Applicant submits that the proposed Amendment will provide economic development consistent with the Comprehensive Plan as outlined in this Application.
- ii. Public Services. The Applicant submits that the proposed Amendment will not impact the Buckwalter PUD's ability to be served by adequate public services. In fact, the inclusion of the Property will add to the public services offered through the addition of the affordable housing opportunity for residents of the Town.
- iii. Allowed Uses. The Applicant submits that the land uses proposed on the Property are consistent with the uses within the Buckwalter Commons Land Use Tract.



- iv. **Affordable Housing.** The Applicant submits that the proposed Amendment will not negatively impact the existing affordable and workforce housing located within the Buckwalter PUD but will enhance and add to the available affordable housing in the community at large.
- v. **Dimensional Requirements.** The Applicant submits that proposed Amendment will not cause deviations from the current standards for dimensional requirements..

**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:** Much of the surrounding property is already developed with commercial and residential uses. The proposed Amendment will ensure that the balance of the Property is developed in accordance with the surrounding Buckwalter PUD and will not negatively impact the Town of Bluffton's health, safety and welfare.

**Finding :** Staff finds that the request is in compliance with this criteria.

**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:**

- i. **Land Uses.** The Property is already in the Buckwalter PUD and the uses are consistent with the uses already existing in the Buckwalter PUD and are derived from uses allowed in the Town and specifically within the Buckwalter PUD. Across Buckwalter Parkway exists Buckwalter Place with commercial and medical facilities. To the South East of the Property is the Townes at Buckwalter, a residential community.
- ii. **Density.** The Property currently has 10.9 acres of General Commercial density. The requested density of 60 RDUs and a 100% density bonus per Section 6.5.4 of the UDO is consistent with surrounding density and uses and that found in the Buckwalter PUD, Development Agreement and Concept Master Plan and therefore the proposed density of the Property

is compatible with the density and development along Buckwalter Parkway within the municipal limits of the Town and that along the Buckwalter PUD.

- iii. Traffic Circulation. The Property is served by Buckwalter Parkway which provides direct access to U.S. Highway 278. Other than the Bluffton Parkway which leads to South Carolina Highway 170, no other public rights of way are nearby. Much of the surrounding land is already developed and traffic impacts have or are being addressed. Development of the Property shall comply with applicable traffic requirements.
- iv. Environmental Features. Much of the surrounding property is already developed with commercial uses and the impacts on natural resources and the existing natural environment have been considered, planned and already approved. Accordingly, the Applicant submits that the proposed Amendment will not result in any major or unanticipated impacts to the natural resources and existing environmental features of the surrounding areas. Further, the development proposed will adhere to all stormwater requirements of the Town.
- v. Character of Surrounding Areas. Much of the surrounding property is already developed with commercial and residential uses institutional uses and design, aesthetics and character have already been considered and addressed. Applicant intends to develop the Property consistent with the character of the surrounding existing development.

Finding: Staff finds that the request meets this criteria.

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

Applicant Response: The Property has direct access to Buckwalter Parkway and indirect access to U.S. Highway 278, a major arterial with excellent connections to the Bluffton Parkway, South Carolina Highway 46 and 170 and beyond. The Property has ability to connect to all necessary and readily available utilities and storm water drainage facilities that are suitable for the proposed use and those available in the Buckwalter PUD.

Finding: The Properties are within the existing Beaufort County Grande Oaks PUD. As part of the Buckwalter 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 PUD application fulfill this requirement.

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

Applicant Response: The proposed Amendment is consistent with the Development Agreement and Concept Master Plan for Buckwalter PUD. The Town and Branigar Organization, Inc. executed and approved the Development Agreement, which Development Agreement, as amended, governs the use and development of a tract of land known as the Buckwalter Tract. Concurrently with the execution of the Development Agreement, the Town of Bluffton annexed Buckwalter Tract into the Town boundaries and granted Concept Master Plan zoning to the Buckwalter Tract, all as more particularly described in the Annexation Petition and Concept Plan for Buckwalter Tract, adopted April 19, 2000. Subsequent to the execution and approval of the Development Agreement, the Town Approved thirteen (13) Amendments to the Buckwalter Development Agreement and Concept Plan. The Owner submits that the change of use for affordable residential multi-family and medical office use for the Property is consistent with the Development Agreement and Concept Master Plan for Buckwalter PUD and therefore submits a proposed Amendment to Development Agreement and Concept Plan - Buckwalter Tract attached hereto as Exhibit "H" and made a part hereof. Much of the surrounding property is already developed with commercial and residential uses in conformance with policies and practices of the Town of Bluffton. For a discussion of compatibility with the Town of Bluffton Comprehensive Plan please refer to Section IIA.1 of this Application Narrative.

Finding: Staff finds that the application meets this requirement.

**SCHEDULE:** The proposed schedule for the applications is provided as Attachment 19.

**ATTACHMENTS:**

1. Conveyance of 60 RDUs from the Town's Development Rights Bank Ordinance
2. Density Bonus Ordinance
3. Buckwalter Development Agreement Ordinance
4. Buckwalter Concept Plan Amendment Ordinance
5. Application Submittal
6. Town of Bluffton Development Rights Bank Log
7. Town Ordinance 2007-19 Transfer of Development Rights

8. Beaufort County Ordinance 2023-14 Authorizing the Purchase of 335 Buckwalter Parkway
9. St Andrews by the Sea to Beaufort County Deed, Assignment, and Plat
10. Beaufort County Ordinances 2024-36 and 2025-08 Authorizing the Conveyance of 335 Buckwalter Parkway to BMH and Ordinance
11. Beaufort County to BMH Deed
12. Unified Development Ordinance, Article 6 Excerpt
13. Resolution of Support for Beaufort Memorial Hospital's 120 Residential Dwelling Unit Workforce/Affordable Housing and Medical Facility Project at 335 Buckwalter Parkway and acquisition of necessary residential development rights
14. Draft Schedule
15. Proposed Motions