

# TOWN COUNCIL

## STAFF REPORT

### Growth Management Department



<b>MEETING DATE:</b>	November 12, 2024
<b>PROJECT:</b>	<p>Consideration of Second and Final Reading of the Ordinances for that Certain Property Owned by Bryant Holding, LLC, Consisting of 2.14 Acres, More or Less, Located at 30 Davis Road located to the east of the Intersection of Davis Road and Okatie Highway (SC Highway 170) and identified by Beaufort County Tax Map No. R600-029-000-0028-0000 for the Following Applications:</p> <ol style="list-style-type: none"><li>1. Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Property's Future Land Use Designation from Suburban Living to Lifestyle Housing;</li><li>2. 100% Annexation Request to Annex the Subject Property into the Town of Bluffton Corporate Limits; and</li><li>3. Zoning Map Amendment to Rezone the Subject Property to the Residential General (RG) District.</li></ol> <p>PUBLIC HEARING</p>
<b>PROJECT MANAGER:</b>	Kevin Icard, AICP Director of Growth Management

**REQUEST:** Town Staff requests that Town Council consider approval of Ordinances for the applications for that certain real property owned by Bryant Holding, LLC (Johnnie L. Bryant, III) ("Bryant") containing a Total of 2.14 Acres, More or Less, Located at 30 Davis Road, and Bearing Beaufort County Tax Map No. R600-029-000-0028-0000 (the "Property") for the following requests:

1. Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Property's Future Land Use Designation from Suburban Living to Lifestyle Housing (Attachment 2);
2. 100% Annexation Request to Annex the Subject Property into the Town of Bluffton Corporate Limits (Attachment 3); and
3. Zoning Map Amendment to Rezone the Subject Property to the Residential General (RG) District (Attachment 4).

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 March 14, 2024, 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 owner, Bryant Holding, LLC, (Johnnie L. Bryant, III) submitted a 100% Annexation Petition Application for one parcel totaling 2.14 acres located to the east of the Intersection of Davis Road and Okatie Highway (SC Highway 170) (“Property”) into the Town of Bluffton’s municipal boundary (Attachment 5).

Pursuant to the Annexation Manual, the Applicant has submitted a concurrent Zoning Map Amendment application requesting the Property be rezoned to Residential General as regulated by the Unified Development Ordinance should Town Council vote to accept the application.

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 unanimously voted to accept the annexation application and forgo referral to the Negotiation Committee on May 14, 2024.

On May 22, 2024, Planning Commission held a workshop for the proposed Annexation, Zoning Map Amendment, and Comprehensive Plan Amendment applications. The Commission voiced several questions and comments which are summarized below:

1. Have any others in the area been approached about annexation or have there been requests for significant residential development? Staff responded that the Applicant only owns the subject Property and other owners in the area aware of the opportunity but have not submitted application. The only other inquiry in the immediate area was interested in multi-family via a phone call. Would require connection to Sewer for any new residences.
2. Can the allowed RDUs be sold and/or transferred to another property? Staff respond no since the RDUs will be a result of by-right zoning per the UDO and are not within a Development Agreement area.

On July 24, 2024, Planning Commission held a Public Hearing and voted to recommend approval of the Comprehensive Plan Amendment, 100% Annexation Petition, and Zoning Map Amendment for the Property.

**BACKGROUND:** The Property contains approximately 2.14 acres located within Unincorporated Beaufort County as shown on the Aerial Map (Attachment 6) and is the only parcel the Applicant owns within the Davis Road area. The Property currently contains one manufactured home.

The Property is currently zoned as T2 Rural (T2R), as shown on the Zoning Map (Attachment 7) which allows a very limited mix of residential and commercial uses such as:

- |   |                                  |
|---|----------------------------------|
| 1. Single Family Residential (0.34 DU/Acre)   | 12. Mining & Resource Extraction |
| 2. Family Compound                            | 13. Gasoline Service Stations    |
| 3. Group Home                                 | 14. Civic                        |
| 4. Home Business                              | 15. Church                       |
| 5. Cottage Industry                           | 16. Agriculture                  |
| 6. General Retail 3,500 SF or Less            | 17. Recreation                   |
| 7. Gas Station/Fuel Sales                     | 18. Education                    |
| 8. Animal Services: Kennel                    | 19. Safety                       |
| 9. Day Care: Family Home (up to 8 clients)    | 20. Public Assembly              |
| 10. Lodging: Short-Term Housing Rental (STHR) | 21. Infrastructure               |
| 11. Lodging: Inn (up to 24 rooms)             | 22. Transportation               |
|   | 23. Communications               |

The Property is currently allowed one (1) dwelling based upon the T2 Rural (T2R) Zone's allowed density of 0.34 DU/Acre.

The T2 Rural (T2R) Zone is intended to preserve the rural character of Beaufort County. This Zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas. The T2 Rural (T2R) Zone implements the County's Comprehensive Plan goals of preserving the rural character of portions of Beaufort County.

The Applicant intends to request the Town's Residential General (RG) District when submitting for the concurrent Zoning Map Amendment which allows a very limited mix of residential and commercial uses such as:

- |   |                                      |
|---|--------------------------------------|
| 1. Single Family Attached (4 DU/Acre)   | 11. Child Care Center (13+ Children) |
| 2. Single Family Detached (4 DU/Acre)   | 12. Golf Course                      |
| 3. Accessory Dwelling Unit              | 13. Cemetery                         |
| 4. Agricultural Use and Structures      | 14. Government Building              |
| 5. Short-Term Rental                    | 15. Parks                            |
| 6. Homestay Rental (1-Bedroom)          | 16. Museum                           |
| 7. Bed and Breakfast (2-5 Bedrooms)     | 17. Religious Assembly               |
| 8. Home Occupation                      | 18. School                           |
| 9. Family Day Care Home (1-6 Children)  | 19. Utilities                        |
| 10. Group Day Care Home (7-12 Children) | 20. Telecommunications Tower         |

The proposed Residential General (RG) Zone would allow up to eight (8) dwellings based upon the allowed density of 4 DU/Acre.

Per the Unified Development Ordinance, the Residential General (RG) Zone is intended to provide for moderate density residential neighborhoods. This district will include a range of dwelling types in an integrated neighborhood setting with other civic and recreational uses. The regulations are designed to promote neighborhood character and accommodate a variety of dwelling types.

A side-by-side comparison of current Beaufort County and proposed Town of Bluffton Zoning District land uses is provided as Attachment 8.

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

Direction	Jurisdiction	Zoning District	Current Use
North	Town of Bluffton	Kent Estates Planned Unit Development	NHC Bluffton – Health Care, Rehabilitation, Assisted Living
	Beaufort County	T2 Rural (T2R)	Beaufort County – Davis Road - Road Right-of-Way
South	Beaufort County	T2 Rural (T2R)	Mario Doria-Medina – 17 Davis Court - Vacant
	Beaufort County	T2 Rural (T2R)	Erik Adame & Laura Amador – 8 Hubbard Lane - Residential
West	Beaufort County	T2 Rural (T2R)	David A Dominguez – 18 Davis Road - Residential
East	Beaufort County	T2 Rural (T2R)	Arturo Perez Campero & Maria Avilez – 6 Hubbard Lane – Residential

The Town of Bluffton Comprehensive Plan Future Land Use Map (Attachment 9) 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 align with the residential density of 4 DU/Acre allowed within the Residential General (RG) Zone, the Future Land Use designation will need to be changed through a concurrent Comprehensive Plan Amendment application. An appropriate Future Land Use designation for the Property to support the residential density allowed within the proposed zoning would be Lifestyle Housing which is defined as:

*The **Lifestyle Housing** category is intended to provide missing middle housing typologies within Bluffton. These products appeal to a wide range of residents in all stages of life. Inclusion of these housing typologies within the community will allow multiple generations to find affordable living in desirable, walkable environments. Connections to trails, parks, and commercial activity centers create enduring community assets.*

*This category is best placed and developed along well connected thoroughfares. Establishing these uses near Neighborhood Centers provides a transition between commercial uses and less intense single-family residential uses. Additionally, placing and properly connecting these housing typologies near activity centers increases walkability, reducing traffic impacts in and around these centers while allowing easy access for commuters without placing undue strain on the roadway network.*

*Middle housing options include a variety of product types that can utilize smaller parcels and more challenging parcels than typical commercial development. These housing typologies include Duplexes, Cottage Courts, Townhouses, Multiplexes, and Courtyard Buildings. A variety of these housing types can be used within a single development to best utilize developable areas of a parcel while preserving character and complementing the neighborhood.*

Upon annexation, the Property will be subject to the Town's Code of Ordinances, Unified Development Ordinance, policies, and procedures. All future development of the Property would be required to connect to sewer and will be subject to the applicable Town of Bluffton planning processes such as Subdivision Plan, Development Plan, Manufactured Home Placement Permit, and Building Permits.

The Applicant intends to allow their family to place manufactured homes on the Property to provide an option for affordable housing. This proposed annexation will increase the allowed density of the Property which will provide the creation of a family compound to provide affordable housing. New RDUs on the Property will trigger the Town's requirement to connect to public sewer providing connection opportunities to adjacent properties. Though the Property is one of approximately thirty-two (32) parcels which utilize Davis Road, its annexation may encourage these property owners to pursue annexation.

**ANALYSIS:** Following is an analysis of the criteria for each application:

**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.**

*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.**

*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.**

*Finding:* The Property subject to the Amendment are currently served by public infrastructure, with the exception of sewer, 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.**

*Finding:* Staff completed a Cost/Benefit Analysis as part of the proposed Annexation, a copy of which is provided as Attachment 6, which shows little to no fiscal impact on public funds.

- e. **Enhancement of the health, safety, 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.**

*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.**

*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.**

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

**2. ANNEXATION:**

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.

**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 \$197.64 in tax revenue after the first year of annexation and \$1,327.99 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 the adjacent parcel to the north of the Property. This adjacent parcel was annexed into the Town of Bluffton's municipal boundaries upon approval of the Kent Estates by Town Council Ordinance 2004-14 on August 11, 2004.

**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 Property is within the study area identified throughout the Comprehensive Plan. The Town of Bluffton Comprehensive Plan Future Land Use Map (Attachment 9) 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 align with the residential density of 4 DU/Acre allowed within the Residential General (RG) Zone, the Future Land Use designation will need to be changed through a concurrent Comprehensive Plan Amendment application. An appropriate Future Land Use designation for the Property to support the residential density allowed within the proposed zoning would be Lifestyle Housing which is defined as:

*The **Lifestyle Housing** category is intended to provide missing middle housing typologies within Bluffton. These products appeal to a wide range of residents in all stages of life. Inclusion of these housing typologies within the community will allow multiple generations to find affordable living in desirable, walkable environments. Connections to trails, parks, and commercial activity centers create enduring community assets.*

*This category is best placed and developed along well connected thoroughfares. Establishing these uses near Neighborhood Centers provides a transition between commercial uses and less intense single-family residential uses. Additionally, placing and properly connecting these housing typologies near activity centers increases walkability, reducing traffic impacts in and around these centers while allowing easy access for commuters without placing undue strain on the roadway network.*

*Middle housing options include a variety of product types that can utilize smaller parcels and more challenging parcels than typical commercial development. These housing typologies include Duplexes, Cottage Courts, Townhouses, Multiplexes, and Courtyard Buildings. A variety of these housing types can be used within a single development to best utilize developable areas of a parcel while preserving character and complementing the neighborhood.*

Upon approval of the concurrent Comprehensive Plan Amendment, the request will meet this criteria.



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

*Finding:* The requested rezoning to Residential General (RG) pursuant to the UDO is appropriate for the Property as it is located within a primarily residential area. 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 6) 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:* The proposed annexation will not create a tax burden or result in a reduction in the level of service 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 is located within a primarily residential area. The Applicant's intended use to provide an affordable housing option for family members by allowing them to place manufactured homes on the property will not further economic development, create new job opportunities, or diversify the Town's economic base.

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.

3. **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.**

**Finding:** The Town of Bluffton Comprehensive Plan Future Land Use Map (Attachment 5) 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 align with the residential density of 4 DU/Acre allowed within the Residential General (RG) Zone, the Future Land Use designation will need to be changed through

a concurrent Comprehensive Plan Amendment application. An appropriate Future Land Use designation for the Property to support the residential density allowed within the proposed zoning would be Lifestyle Housing which is defined as:

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*Middle housing options include a variety of product types that can utilize smaller parcels and more challenging parcels than typical commercial development. These housing typologies include Duplexes, Cottage Courts, Townhouses, Multiplexes, and Courtyard Buildings. A variety of these housing types can be used within a single development to best utilize developable areas of a parcel while preserving character and complementing the neighborhood.*

Upon approval of the concurrent Comprehensive Plan Amendment, the request will meet this criteria.

- 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.**

*Finding:* The Property is capable of supporting the breadth and intensity of uses permitted within the Residential General (RG) zoning district.

- 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.**

**Finding:** The rezoning of the Property to Residential General (RG) is compatible with surrounding uses and zoning districts which are residential as well as institutional and civic. The anticipated residential use is anticipated to have minimal impacts to the surrounding area.

**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.**

**Finding:** The Property is currently served by public water and utilizes a septic system. The placement of manufactured homes on the Property will trigger the Town's requirement to connect to public sewer from the adjacent property to the north. This future connection will provide connection opportunities to adjacent properties.

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

**Finding:** The Applicant intends to allow family members to place manufactured homes on the Property to provide them with an affordable housing option which addresses a public needs due to the lack of affordable housing in the region.

**f. The application must comply with 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.

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

**ATTACHMENTS:**

1. Presentation
2. Comprehensive Plan Amendment Ordinance
3. Annexation Ordinance
4. Zoning Map Amendment Ordinance
5. Application Submittal
6. Aerial Map
7. Beaufort County Zoning Map
8. Land Use Comparison
9. Town of Bluffton Comprehensive Plan Future Land Use Map
10. Cost Benefit Analysis
11. Meeting Schedule
12. Proposed Motions