

BLUFFTON TOWN COUNCIL MEETING MINUTES

December 14, 2021

Mayor Pro Tempore Hamilton called the meeting to order at 5 P.M. Council members present were Larry Toomer, Bridgette Frazier, and Dan Wood. Mayor Sulka was absent. Town Manager Stephen Steese, Assistant Town Manager of Finance and Administration Chris Forster, Chief of Police Stephenie Price, Assistant Town Manager for Planning and Projects Heather Colin, Town Clerk Kimberly Gammon, and Town Attorney Terry Finger were also present.

The pledge and invocation were given by Larry Toomer

Adoption of the Agenda

Frazier made a motion to adopt the agenda as presented. Toomer seconded. The motion passed unanimously.

Adoption of the Minutes

Workshop Meeting Minutes of October 19, 2021

Frazier made a motion to approve the Regular Meeting Minutes of October 19, 2021. Wood seconded. The motion passed unanimously.

Regular Meeting Minutes of November 9, 2021

Wood made a motion to approve the Regular Meeting Minutes of November 9, 2021. Toomer seconded. The motion passed unanimously.

Presentations, Celebrations and Recognitions

Beaufort County School District Character Student of the Month, Gracen Mizell from Okatie Elementary, was recognized for the character traits of "Courage/Tolerance".

Mayor Sulka recognized Doug Langhals, Head of School for Hilton Head Christian Academy for receiving the South Carolina Independent School Association's (SCISA) top leadership award, "The Dr. Charles S. Aimar Educational Leadership Award, which is presented annually to a South Carolina head of school that exhibits outstanding leadership and personal dedication to their individual school community. Sulka also acknowledged the Hilton Head Christian Academy Eagles for their undefeated season and in winning the SCISA Region AA State Championship.

Sulka acknowledged the proclamation for National Impaired Driving Prevention Month.

Sulka stated that the Town of Bluffton was a success and that she hoped that citizens enjoyed all the festivities. She acknowledged the following winners for the 2021 Christmas Parade:

Best Float – Palmetto Animal League

Best Performance – Red Cedar Elementary Drum and Dance Team

State of Mind – Bluffton ROTC/JROTC "Love that this is the future of Bluffton"

Public Comment

Ansley Manuel, 104 Pritchard Street, Bluffton - Spoke regarding the number of special events taking place in the Historic District of Bluffton. Stated that there are too many events and too much amplified music. Asked that Town Council "tune and tone it down".

Communications from Mayor and Council

All of Town Council wished everyone a Merry Christmas and thanked staff for a successful parade event.

Workshop Agenda Items

Presentation of the Proposed Beaufort County Access Management Plan Update - Jared Fralix, PE, Assistant Beaufort County Administrator – Engineering

This item was postponed due to Mr. Fralix not being able to attend at the last minute. The workshop item will be moved to a future agenda.

Public Hearing Items**Public Hearing Opened at 5:22 PM**

There were no public comments

Public Hearing Closed at 5:23 PM

Consideration of an Ordinance Amending the Town of Bluffton's Code of Ordinances, Chapter 23 – Unified Development Ordinance, Table of Contents, Article 2 - Administration, Sec. 2.2, Establishment; Article 3 – Application Process, Sec. 3.18 Certificate of Appropriateness – Historic District and Sec. 3.25 Designation of Contributing Structure; Article 4 – Zoning Districts, Sec. 4.2 Zoning District Provisions and Sec. 4.4 Conditional Use Standards; Article 6 – Sustainable Development Incentives, Sec. 6.3 Sustainable Neighborhood Design and, Article 9 – Definitions and Interpretation, Sec. 9.2, Defined Terms Related to Certain Historic Preservation Terms and Definitions – Public Hearing and Final Reading – Kevin Icard, Director of Growth Management

Public Hearing Opened at 5:25 PM

There were no public comments

Public Hearing Closed at 5:26 PM

Consideration of an Ordinance Amending the Town of Bluffton's Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, to Establish Sec. 3.26 Proactive Preservation and Maintenance of Contributing Structures – Public Hearing and Final Reading – Kevin Icard, Director of Growth Management

Public Hearing Opened at 5:27 PM

There were no public comments

Public Hearing Closed at 5:28 PM

Consideration of an Ordinance Amending the Town of Bluffton's Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, to Amend Section 3.25, Designation of Contributing Structures – Public Hearing and Final Reading – Kevin Icard, Director of Growth Management

Icard stated that to support various amendments proposed to the UDO, certain terms and definitions are proposed to be revised. One term in particular, 'contributing structure,' will require a revised definition to support the adoption of an update historic resources survey for the Town. More information on the relationship between the definition and the updated survey follows.

Certain initiatives related to Historic Preservation are indicated in the Community Quality of Life strategic focus area of the Town's Strategic Plan, including "Update of the National Register Historic District to More Closely Align with the Local District." The Strategic Plan serves as a road map for activities and initiatives to implement the Town's Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals.

The intent of the alignment initiative is to determine if the Bluffton National Register Historic District (NRHD) has the potential to have the same or similar boundaries as the larger local Old Town Bluffton Historic District (OTBHD). The NRHD was designated in 1996; the OTBHD was designated by Town Council in 2007 and its boundaries are the Town limits as they existed until 1998.

A historic district is a collection of historic resources that add to the historic associations, architectural qualities or archeological values that relate to the documented significance of the district. Old Town Bluffton Historic District presently includes 84 locally designated contributing resources—82 structures and 2 features (Heyward and Huger coves). Of the 82 structures, 46 also contribute to the NRHD. The number of contributing resources varies between the two districts because the local and national designation criteria differ.

The 84 resources that contribute to the local historic district are provided in the last historic resource survey for OTBHD, which was undertaken by the Town in 2008 and approved by resolution of Town Council. The 46 resources that contribute to the national historic district are provided in the National Register of Historic Places nomination approved by the National Park Service (Department of the Interior).

In 2019, the Town engaged a consultant to provide an update of the 2008 Town of Bluffton Historic Resources Survey. The purpose of the 2019 survey—in part—was to identify historic resources (structures, buildings, objects, features, sites, and open space) not part of the original NRHD that may contribute to an expanded NRHD. In the process of preparing the 2019 survey, Town Staff became aware of the need to revise the existing definition of 'Contributing Structure' before the updated survey could be adopted by Town Council. The current definition is:

Contributing Structure: Any property, structure, or architectural resource which was designated as "contributing" in the Bluffton Historic District's 1996 nomination to the National Register of Historic Places, or in the most recent Bluffton Historic Resource Survey or any other structure designated as a Contributing Structure as provided for in Section 3.25. The complete demolition of a "Contributing Structure" or removal of a "Contributing Structure" from the Bluffton Historic Resource Survey shall cause the structure to no longer be considered "contributing."

If approved by Town Council, the 2019 survey would be the "most recent" historic resource survey for the Town. Over 400 properties in Old Town, as well as the Buck Island, Simmonsville and Goethe Road corridors were surveyed. Except for the coves, all of these properties contain structures and many—even some within Old Town—will not qualify for Contributing Structure status, either locally (OTBHD) or nationally (NRHD). Therefore, the term "Contributing Structure" is proposed to be updated. The proposed definition is:

Contributing Structure: A structure located in Old Town Bluffton Historic District which helps to establish and maintain the character of Old Town. A Contributing Structure may not be unique itself, but as part of a collection of Historic Resources, it adds to the sense, time, place, and historic development of the Old Town Bluffton Historic District, and possesses historical integrity through location, design, setting, materials, workmanship, and feeling. Contributing Structures are all extant structures included in the 2008 Town of Bluffton Survey of Historic Properties and any structures subsequently designated by Bluffton Town Council. A Contributing Structure is a Contributing Resource.

A new term—'Contributing Resource'— is proposed as a more encompassing term that will include structures, buildings, sites, objects, features and open spaces. The definition will reference a map that will show all Contributing Resources within the Old Town Bluffton Historic District. The map would not be part of the UDO but is proposed to be presented to Town Council for adoption by resolution in December. The Contributing Resources map would be available on the Town's website.

Other terms and definitions are also proposed to be established (Historic Resource), revised (Building and Structure) or eliminated (Historic Structure) from the UDO. The word "contributing" indicates that a resource adds to a historic district, while the word "historic" is broader and can include resources within or that stand-alone outside of a historic district. The revised definitions of "building" and "structure" are proposed to have more commonly used definitions.

Because other preservation-related UDO text amendments are suggested, the effective date of the proposed ordinance—if adopted—is proposed to be January 1, 2022, so that all preservation-related amendments can take effect concurrently.

When assessing an application for UDO Text Amendments, Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

1. Section 3.5.3.A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, the consistency with the overall intent of the Plan, recent development trends and the general character of the area.

Finding. The proposed amendments are consistent with the needs, goals, and implementation strategies of the Comprehensive Plan. The Comprehensive Plan, as adopted on September 4, 2007, balances "long-term visioning and goals" with "short-term actions." The amendments also support the Old Town Bluffton Master Plan.

2. Section 3.5.3.B. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. The amendments do not have a direct relationship to demographic changes, economic trends, or newly recognized best planning practices.

3. Section 3.5.3.C. Enhancement of the health, safety, and welfare of the Town of Bluffton.

Finding. The amendments do not have a direct relationship to the health, safety, or welfare of the Town.

4. Section 3.5.3.D. Impact of the proposed amendment on the provision of public services.

Finding. The amendments will have no impact on providing public services.

5. Section 3.5.3.E. The application must comply with applicable requirements in the Applications Manual.

Finding. The application complies with all applicable requirements of the Applications Manual.

On November 1, 2021, the Planning Commission recommended approval to Town Council of the proposed Text Amendments with a request to revise the definition of “Contributing Structure” to include less ambiguity with regards to the use of the word “feeling.” As defined, in part, the proposed definition of a Contributing Structure states that it “may not be unique itself, but as part of a collection of Historic Resources, it adds to the sense, time, place and historic development of the Old Town Bluffton Historic District, and possesses historical integrity through location, design, setting, materials, workmanship, feeling and association.” The Planning Commission did not offer an alternate definition; instead, it directed Town Staff, including the Town Attorney, to determine how the definition could be revised to address this concern.

Upon consideration of the Planning Commission’s request, Town Staff recommends that the definition of Contributing Structure remain unchanged.

The term “historic integrity” is used by the National Park Service to identify whether the seven attributes, as a whole, exist for a particular property. As used in this context, “feeling” represents the ability of property to convey either its aesthetic and/or history as it relates to a specific period or era of significance. In the case of Old Town Bluffton, contributing structures reflect three eras: Antebellum Resort Era (1815-1860), Civil War and Reconstruction (1860-1880), and Commercial Growth and Decline (1880-1945).

While the word “feeling” may appear ambiguous on its own, it is an essential part of identifying historic integrity.

Frazier moved to approve on final reading, the proposed amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Table of Contents Article 2 – Administration, Sec 2.2 (Establishment); Article 4 -Zoning Districts, Sec. 4.2 (Zoning District Provisions) and Section 4.4 (Conditional Use Standards); Article 6 – Sustainable Development Incentives, Sec. 6.3 (Sustainable Neighborhood Design) and, Article 9 – Definitions and Interpretation (Sec. 9.2, Defined Terms) as Related to Certain Historic Preservation-related Terms and Definitions. Hamilton seconded. The motion carried unanimously.

Hamilton moved to approve on final reading, the proposed amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Table of Contents; Article 3 – Application Process, Sec. 3.25, Designation of Contributing Resources. Wood seconded. The motion carried unanimously.

Toomer moved to approve on final reading, the proposed amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Table of Contents and Article 3 – Application Process, to Establish Section 3.26, Pro-active Preservation and Maintenance of Contributing Resources. Wood seconded. The motion carried unanimously.

Formal Agenda Items

Consideration of an Ordinance Amending the Town of Bluffton’s General Code of Ordinances, Chapter 24 – Taxation to Establish Article V – Special Property Tax Assessment for Rehabilitated Contributing

Structures in Old Town Bluffton Historic District – Second and Final Reading – Kevin Icard, Director of Growth Management

In the FY2021-2022 Strategic Action Plan, Town Council seeks to offer incentives to help support the Town's historic preservation efforts, specifically rehabilitation of historic structures, through mechanisms such as tax incentives and/or façade improvement programs. Historic structures are any structures that have been designated as a 'Contributing Structure' to the Old Town Bluffton Historic District.

Incentives may encourage owners of historic structures to rehabilitate their properties which, in turn, helps to preserve the Town's older buildings, heritage and culture; support tourism, which supports the local economy; and to increase property values. Rehabilitation, according to §12-120 of the South Carolina Code of Regulations, is "the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) that are significant to its historic, architectural and cultural values."

There are a variety of local, state, and federal grants and tax incentives available to support historic rehabilitation efforts, each with varying eligibility criteria. One particularly promising incentive is a State of South Carolina special property tax assessment commonly known as the 'Bailey Bill.'

Enacted by the South Carolina General Assembly in 1990 and amended in 2011, the Bailey Bill allows local governments the option of offering special property tax assessments—an abatement—for rehabilitated historic properties. The special assessment permits a property owner to lock-in the taxable assessed value of a building based on its fair market value prior to rehabilitation. Taxes are not paid on the increased value of the building until the special assessment period ends, which could be up to 20 years. The length of the assessment may be determined by Town Council.

As an example, the City of Columbia offers a 20-year tax abatement in exchange for a minimum investment of 20%. In comparison, the City of Beaufort requires a minimum investment of 75% of a building's value in return for a 10-year tax abatement. Darlington County has staggered assessment terms (5, 10, 15 and 20 years) that rewards more substantial rehabilitation efforts with a longer assessment period, as shown below: (1) 20-29 percent—the Assessment Term shall be five (5) years; (2) 30-39 percent—the Assessment Term shall be ten (10) years; (3) 40-49 percent—the Assessment Term shall be 15 years; and (4) 50 percent over greater—the Assessment Term shall be 20 years. Using this approach, which is proposed, Table 1 on the last page shows potential property tax savings for both residential and commercial buildings with investments of 20% and 50%.

After voluntary application by the property owner, the assessment would be available for qualifying properties upon approved preliminary and final certifications by the Town. The preliminary review allows the Town to confirm that the structure is a designated contributing structure and to approve the proposed rehabilitation activities concurrently with a Certificate of Appropriateness – Historic District or Site Feature – Historic District permit, as applicable. Final certification allows the Town to review completed work and ensure that it is consistent with the preliminary approval. If acceptable, the abatement can be granted.

Should the owner decide to sell the property during the abatement period, the tax abatement would be transferable to the new owner. If there are any deviations from the approved work during the assessment period, the abatement may be removed.

As presently proposed, the abatement is only the Town of Bluffton property taxes. Additional savings in the future may be available from Beaufort County, which Town Staff will explore.

Because other preservation-related UDO text amendments are suggested, the effective date of the proposed ordinance—if adopted—is proposed to be January 1, 2022, so that all preservation-related amendments can take effect concurrently.

Toomer moved to approve on second and final reading, the proposed amendment to the Town of Bluffton Code of Ordinances, Chapter 24 (Taxation) to Establish Article V (Special Property Tax Assessment for Rehabilitated Historic Properties). Hamilton seconded. The motion carried unanimously.

Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending September 30, 2021 - Natalie Majorkiewicz, Treasury Manager

Majorkiewicz gave an overview and stated that in accordance with the grant process, the Accommodations Tax Advisory Committee (ATAC) held a meeting on November 16, 2021, to review the quarterly grant applications. The committee has made the following grant award recommendations for Town Council's consideration:

Requesting Organization	Amount Requested	Amount Recommended
Farmers Market of Bluffton, Inc.: Farmers Market of Bluffton	\$ 37,900	\$ 37,900
Hilton Head Symphony Orchestra (HHSO): Holiday Pops Concert	5,000	5,000
May River Theatre, Inc.: 2022 Production and Advertising Costs	11,481	11,481
SC Lowcountry Tourism Commission: Promotion of the Town of Bluffton and the Lowcountry	25,755	25,755
Total for the Quarter	\$ 80,136	\$ 80,136

Total estimated State and Local Accommodations Tax funds currently available for distribution are \$2,020,618 as outlined in the following chart:

State ATAX		Local ATAX	
Remaining from Previous Qtr.	\$ 58,644	Remaining from Previous Qtr.	\$ 1,402,770
1 st Quarter Revenue <i>ESTIMATE</i>	300,000	1 st Quarter Revenue	671,563
First \$25k to General Fund*	(25,000)	51% to Town of Bluffton CIP	(311,672)
5% to General Fund <i>ESTIMATE</i>	(13,750)	Disaster Recovery Designation	(6,716)
30% to DMO <i>ESTIMATE</i>	(82,500)	8% to DMO	(53,725)
		10% to Town of Bluffton Gen. Fund	(67,156)
Total State ATAX Funds Remaining for Distribution <i>ESTIMATE</i>	\$ 385,554	Total Local ATAX Funds Remaining for Distribution	\$ 1,635,064

* First \$25k taken in 1st Quarter of Fiscal Year and Not Applicable (N/A) to the remaining quarters.

When comparing the State and Local Accommodations Tax collections for the quarter ending September 30, 2021 to the same quarter last year, the estimated revenues are up \$521,306 or 116%. This is largely due to the travel restrictions put in place with SC Executive Order 2020-19 on April 3, 2020 with the COVID-19 pandemic impacting our area.

Farmers Market of Bluffton Inc. requested \$37,900 to support advertising and promotion of tourism and facility support for the weekly Farmers Market.

- The total budget for the organization is \$100,600 with approximately 38% or \$37,900 requested.
- Weekly market held every Thursday beginning January 6, 2022 and ending December 15, 2022 at Martin Family Park with additional rental space for seating and music at the Heyward House Common Grounds.
- Eligible “tourism-related expenditures” include:
 - “Advertising and promotion of tourism” budgeted at \$28,000 for rack cards and posters and advertising in visitor publications, magazines, newspapers, radio, WHHI, website, etc.
 - “Facilities for Civic & Cultural Events” budgeted at \$9,900 for rental and market support such as trash cans, signs, fans, speakers, etc. for visitors to safely enjoy the market and have a welcome and clean venue.

The committee voted to recommend a total award of \$37,900 as presented in the chart below:

Farmers Market of Bluffton	Total Budget	Recommended ATAX Grant (approx. 38% of budget)
Advertising and Promotion of Tourism:	\$ 45,000	\$ 28,000
Facilities for Civic & Cultural Events:	9,900	9,900
Project Expenses:	62,700	N/A
Total	\$ 100,600	\$ 37,900

N/A – Not Applicable

Hilton Head Symphony Orchestra (HHSO) requested \$5,000 to support advertising and promotion of tourism for the Holiday Pops Concert.

- The total budget is \$18,012 with 28% or \$5,000 requested from the Town.
- Eligible “tourism-related expenditures” include:
 - “Advertising and promotion of tourism” budgeted at \$5,000 and include media advertising at \$4,000 and print materials and program inserts budgeted at \$1,000.
- The concert was held on Saturday, November 27, 2021 at St. Gregory the Great Catholic Church Parish Life Center.

The committee voted to recommend a total award of \$5,000 as presented in the chart below:

Holiday Pops Concert	Total Budget	Recommended ATAX Grant (28% of project budget)
Advertising and Promotion of Tourism:	\$ 5,000	\$ 5,000
Project Expenses:	13,012	N/A
Total	\$ 18,012	\$ 5,000

N/A – Not Applicable.

May River Theatre, Inc. requested \$11,481 to support advertising and promotion of tourism and facility support for the 2022 season.

- The total budget for the organization is \$43,200 with approximately 27% or \$11,481 requested.
- Three productions are scheduled in 2022, Steel Magnolias, Heathers, and Comedy of Murders.
- Eligible “tourism-related expenditures” include:
 - “Advertising and promotion of tourism” budgeted at \$6,681 for newspapers, magazines, and posters for all three shows.
 - “Facilities for Civic & Cultural Events” budgeted at \$5,100 for royalties for all three with Steel Magnolias and Comedy of Murders at \$800 each and Heathers at \$3,500.
- ATAC has requested the organization come back next quarter with an enhanced advertising budget for possible additional support to gain further reach and larger tourist attendance.

The committee voted to recommend a total award of \$37,900 as presented in the chart below:

2022 Production and Advertising Costs	Total Budget	Recommended ATAX Grant (approx. 38% of budget)
Advertising and Promotion of Tourism:	\$ 6,381	\$ 6,381
Facilities for Civic & Cultural Events:	5,100	5,100
Project Expenses:	31,719	N/A
Total	\$ 43,200	\$ 11,481

N/A – Not Applicable

SC Lowcountry Tourism Commission requested \$25,755 in advertising and promotion of tourism support for the Promotion of the Town of Bluffton and the Lowcountry project.

- The total budget for the organization is \$497,100 with approximately 5% or \$25,755 requested.
- Located at Exit 33 on I-95 in Yemassee, SC.
- There were nine jurisdictions contacted for support that include City of Beaufort (\$29,500), Beaufort County (\$49,400), Hardeeville (\$12,000), Hilton Head Island (\$64,900), Edisto Beach (\$26,145), Walterboro (\$15,600), Hampton County (\$4,000), and Jasper County (\$6,450).
- Since the budget was approved in June 2021, an additional \$100,000 has been awarded through SC PRT that will be spent on direct marketing.
- Eligible “tourism-related expenditures” include:

- “Advertising and promotion of tourism” direct marketing budgeted at \$182,950 for billboards, digital, print, travel, and other marketing expenses and content generation.

The committee voted 3-2 to recommend a total award of \$25,755 as presented in the chart below:

Promotion of the Town of Bluffton and the Lowcountry	Total Budget		Recommended ATAX Grant (approx. 5% of budget)
Advertising and Promotion of Tourism:	\$ 182,950	*	\$ 25,755
Project Expenses:	293,250		N/A
Total	\$ 497,100		\$ 25,755

N/A – Not Applicable

*Per budget note, an additional \$100,000 has been awarded to be spent on direct marketing.

Toomer made a motion to grant Farmers Market of Bluffton, Inc. \$37,900 in support of the Farmers Market of Bluffton as presented in the Staff Report breakdown for advertising and promotion of tourism and facilities for civic and cultural expenses. Wood seconded. The motion carried unanimously.

Wood made a motion to grant Hilton Head Symphony Orchestra \$5,000 in support of the Holiday Pops Concert as presented in the Staff Report breakdown for advertising and promotion of tourism. Frazier seconded. The motion carried unanimously.

Toomer made a motion to grant May River Theatre, Inc. \$11,481 in support of the 2022 Production and Advertising Costs as presented in the Staff Report breakdown for advertising and promotion of tourism and civic and cultural expenses. Frazier seconded. The motion carried unanimously.

Toomer made a motion to grant SC Lowcountry Tourism Commission \$25,755 in support of the Promotion of the Town of Bluffton and the Lowcountry as presented in the Staff Report breakdown for advertising and promotion of tourism. Frazier seconded. The motion carried unanimously.

Consideration of an Ordinance Amending the Town of Bluffton’s Code of Ordinances, Chapter 22 – Streets, Sidewalks, and Other Public Property to include Provisions to Address Locations and Requirements for Special Events – First Reading – Heather Colin, Assistant Town Manager, Planning and Projects

Colin stated that Town Council tabled the request at the November 9th meeting because they had questions and suggested revisions that they requested be included in the proposed Ordinance. The suggestions and comments included the following:

- Exempt events that took place on private residential properties, such as family gatherings and celebrations.
- Organized clubs and organizations such as Boy Scouts of America should be exempt; and
- Family, club, non-profit, or similar organizations, on Town owned property when there is no required reservation should be exempt; and
- Consideration of a threshold on the anticipated number of attendees for the applicability of a special events permit.

The current Special Events Ordinance only regulates certain events on public or Town owned properties. As the Town continues to grow, events held on private property have also grown. In order to ensure public safety, staff is proposing the attached amendments that address the considerations.

The proposed amendments include specifications on the requirements to follow all ordinances, specifically as the event relates to building codes, business licensing, and noise control.

Amendments include requiring a special event permit for events that occur on private property with an anticipated attendance of 100 or more in addition to Town owned property and include provisions for the following:

1. Security and Safety
2. Traffic Circulation and Parking
3. Toilet Facilities
4. Solid Waste Disposal
5. Electrical Hookups
6. Authority to Waive and other exemptions (applicability)

Hamilton made a motion to approve on First Reading an Ordinance Amending the Town of Bluffton's Code or Ordinances, Chapter 22 – Streets, Sidewalks, and Other Public Property to include Provisions to Address Locations and Requirements for Special Events. Wood seconded. The motion carried unanimously.

Consideration of an Ordinance to Approve the Annexation of Certain Real Property Owned by the Town of Bluffton Consisting of Approximately 9.27 acres, More or Less, Located at 115 Bluffton Road and Identified as Beaufort County Tax Map No. R600 039 000 0050 0000 - First Reading, Kevin Icard - Director of Growth Management

Consideration of an Ordinance to Approve an Amendment to the Town of Bluffton Zoning Map to Incorporate and Designate Certain Real Property Owned by the Town of Bluffton Consisting of Approximately 9.27 Acres, More or Less, Located at 115 Bluffton Road and Identified as Beaufort County Tax Map No. R600 039 000 0050 0000 as General Mixed Use Zoning - First Reading - Kevin Icard, Director of Growth Management

Icard stated that on November 10, 2021, the Planning Commission recommended, with a vote of 4 to 1, to approve the annexation request as submitted. The Planning Commission recommended, with a vote of 3 to 2, to approve the zoning amendment request as submitted.

On April 13, 2021, the Town of Bluffton Town Council considered and provided direction regarding the annexation and zoning of the Town owned parcel consisting of 9.27 acres, identified as Beaufort County TMS. No. R600 039 000 0050 0000, located at 115 Bluffton Road ("Property") into the Town of Bluffton's municipal boundary. Council directed Staff to prepare the necessary Annexation application and concurrent Zoning Map Amendment application requesting rezoning of the Property to General Mixed Use (GM) pursuant to the Town of Bluffton's Unified Development Ordinance.

On June 29, 2021, 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”) and Council’s direction, Town of Bluffton Staff, on behalf of the property owner the Town of Bluffton, submitted a 100% Annexation Petition Application requesting annexation of the Property into the Town of Bluffton’s municipal boundary.

Pursuant to the Annexation Manual, the Applicant also submitted a concurrent Zoning Map Amendment application requesting the Property’s zoning designation as General Mixed Use (GM) subject to the Town of Bluffton Unified Development Ordinance which permits a variety of land uses, including but not limited to, residential, commercial, and civic as shown in the comparative table provided in the Annexation application package provided as Attachment 2 as well as the Zoning Map Amendment application package provided as Attachment 3.

Per the revision to the Annexation Manual approved by Town Council Resolution on December 8, 2020, 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 takes action to accept or decline to accept the proposed Annexation Petition by majority vote.

On July 18, 2021, Town Council voted to accept the Annexation Petition and declined to forward the request to the Town of Bluffton Negotiating Committee. Therefore, the next step in the process is for the Planning Commission to hold a workshop to discuss the request and provide guidance on the Annexation and Zoning Map Amendment.

On August 25, 2021, Planning Commission held a Workshop for the applications. 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.

The Property contains approximately 9.27 acres located within Unincorporated Beaufort County as shown on the Location Map provided in the application submittals provided as Attachments 2 and 3. The Property is currently vacant.

The Property falls within two Beaufort County Zoning Districts which are governed by the Beaufort County Community Development Code as follows:

1. T4 Hamlet Center (T4HC) which encompasses approximately 1.5674 acres on the front portion of the parcel along Bluffton Road; and

2. T3 Neighborhood (T3N) which encompasses the remaining approximately 7.7606 acres of the parcel.

Description	Parcel Zoning Area	
	Bluffton Road Frontage	Rear/Interior
Beaufort County Zoning District	Hamlet Center (T4HC)	Neighborhood (T3N)
Estimated Acreage	1.83 Total Acres <ul style="list-style-type: none"> • 1.83 Upland Acres • 0.0 Wetland Acres 	7.44 Total Acres <ul style="list-style-type: none"> • 5.53 Upland Acres • 1.91 Wetland Acres
Permitted Uses	<ul style="list-style-type: none"> • Forestry • Dwelling: Single-Family Detached Unit • Dwelling: Two Family Unit (Duplex) • Dwelling: Multi-Family Unit • Dwelling: Group Home • Community Residence (dorms, convents, assisted living, temporary shelters) • Day Care: Family Home (up to 8 clients) • Lodging: Bed & Breakfast (5 rooms or less) • Community Public Safety Facility • Park, Playground, Outdoor Recreation Areas 	<ul style="list-style-type: none"> • Agricultural Support Services • Forestry • Dwelling: Single-Family Detached Unit • Dwelling: Single-Family Attached Unit • Dwelling: Two Family Unit (Duplex) • Dwelling: Multi-Family Unit • Dwelling: Group Home • Community Residence (dorms, convents, assisted living, temporary shelters) • Live/ Work • General Retail (3,500 sf or less) • Restaurant, Café, Coffee Shop • General Offices & Services: 3,500 sf or less • Animal Services: Clinic/ Hospital • Day Care: Family Home (up to 8 clients) • Lodging: Bed & Breakfast (5 rooms or less) • Lodging: Inn (up to 24 rooms) • Medical Service: Clinics/ Offices • Community Oriented Cultural Facility (less than 15,000 sf) • Community Public Safety Facility • Park, Playground, Outdoor Recreation Areas • School: Public or Private • School: Specialized Training/ Studio
Conditional Uses	<ul style="list-style-type: none"> • Dwelling: Accessory Unit • Home Office • Home Business • Meeting Facility/ Place of Worship (less than 15,000 sf) 	<ul style="list-style-type: none"> • Dwelling: Accessory Unit • Home Office • Home Business • Gas Station/ Fuel Sales • Day Care: Commercial Center (9 or more clients) • Residential Storage Facility • Meeting Facility/ Place of Worship (less than 15,000 sf) • Meeting Facility/ Place of Worship (less than 15,000 sf) • Infrastructure & Utilities: Regional (Major) Utility
Special Uses	<ul style="list-style-type: none"> • Infrastructure & Utilities: Regional (Major) Utility 	<ul style="list-style-type: none"> • School: College or University • Wireless Communication Facility
Est. Max. Single-Family Detached Lots ¹	7 Lots ²	26 Lots ³
Est. Max Single Family Attached Lots ¹	9 Lots ⁴	78 Lots ⁴
Est. Max. Multi-Family Units ¹	24 Units ⁵	66 Units ⁶

1. Estimate based upon the Parcel Zoning Area's upland acres.
2. Estimate assumes Small House Lot Building Type with a 40' lot width.
3. Estimate assumes Village House Lot Building Type with a 50' lot width.
4. Estimate assumes Townhouse Building Type with unit width of 18' and varied lot depth from 100' to 150'.
5. Estimate assumes Apartment House Building Type on the maximum lot size of 150' wide x 150' deep containing the maximum 12 units.
6. Estimate assumes Mansion Apartment Building Type on a mix of lot sizes containing a mix of 3 unit and 6 unit structures.

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

Direction	Jurisdiction	Zoning District	Current Use
North	Beaufort County	Hamlet Center Open (T4HCO)	Bluffton Tremont, LLC – 105, 109, 111 & 113 Bluffton Road – Hargray Offices and Equipment Storage
	Beaufort County	Hamlet Center Open (T4HCO)	Bluffton Parkway Holdings, LLC – No Address Available - Vacant
	Beaufort County	Hamlet Center Open (T4HCO)	2WT, LLC – 4818 Bluffton Parkway - Palmetto Medical
South	Beaufort County	Hamlet Center (T4HC)	Bonanova, LLC – Multiple Addresses - Shady Glen Mobile Home Park
	Beaufort County	Hamlet Center (T4HC)	Charles Arriola, Timothy Hall and Michael J. Payne, as Trustees for the Bluffton South Carolina Congregation of Jehovah's Witnesses – 119 Bluffton Road - Jehovah's Witnesses Church
East	Beaufort County	T4 Hamlet Center (T4HC)	Carmen Properties, LLC – Multiple Addresses - Bridgepoint
West	Beaufort County	Community Center Mixed Use (C4CCMU)	114 Bluffton Road, LLC – 114 Bluffton Road - Ferguson
	Town of Bluffton	Light Industrial (LI)	BC Distillery Holdings, LLC – 120 Bluffton Road - Burnt Church Distillery and Pizza Co.

The adjacent property to the west located at 120 Bluffton Road containing the Burnt Church Distillery and Pizza Co. establishes the required contiguity for annexation as it is within the Town of Bluffton’s Municipal Boundary and is zoned as Light Industrial (LI) pursuant to the Town’s Unified Development Ordinance.

The Applicant does not have a specific plan for the Property to-date but may consider future development as affordable housing and/or civic building(s) as well as other suitable uses which may become of interest at a future date.

The proposed General Mixed Use Zoning District allows a mix of residential and commercial uses as follows:

Criteria	Town of Bluffton Zoning District Options
	General Mixed (GM) Use (UDO)
Estimated Acreage	9.27 Total Acres <ul style="list-style-type: none"> • 7.36 Upland Acres • 1.91 Wetland Acres
Density Allowed	Density shall be based upon the designated lot types in the design standards in Section 5.8
Permitted Uses	<ul style="list-style-type: none"> • Single-family Detached • Single-family Attached

Criteria	Town of Bluffton Zoning District Options	
	General Mixed (GM) Use (UDO)	
	<ul style="list-style-type: none"> • Multi-Family • Agricultural Use and Structures • Horse Riding School, Horse Training Facility and/or Commercial Stables • Retail Businesses • Personal Service Establishments • Motor Vehicle Sales and Service • Fueling/Service Station • including fuel pumps/ • Convenience Store • Car Wash • Tattoo/Body Art Parlor • Bed and Breakfast (2-5 bedrooms) • Homestay Rental (1-bedroom) • Inns (6-12 bedrooms) • Hotel (13 or more bedrooms) • Home Occupation • Professional Offices • Family Day Care Home (6 or less children) • Group Day Care Home (7 to 12 children) • Child Care Center (13 or more children) • Hospitals • Medical Offices and Clinics • Nursing Homes and Long-term Care • Golf Course • Cemetery • Club, Lodge, Union Hall, or Social Center • Conference or Exhibition Center • Government Building • Parks • Museum • Religious Assembly • School • Utilities • Artisan Workshop • Research and Laboratory 	
Conditional Uses	<ul style="list-style-type: none"> • Accessory Dwelling Unit • Outdoor Sales • Restaurant • Short-term rental • Recreation Facility • Contractor’s Office • Light Assembly/Fabrication • Manufacturing Storefront • Manufacturing Storehouse • Telecommunication Towers 	
Special Exception Uses	<ul style="list-style-type: none"> • Animal Hospital, Veterinary Clinic, Kennel • Seafood/Shellfish Packaging/ Processing • Adult Oriented Business 	
Est. Max. Single-Family Detached Lots ¹	60 Lots ²	
Est. Max Single-Family Attached Lots ¹	87 Lots ⁴	
Est. Max. Multi-Family Units ¹	115 Units ⁵	
Purpose and Intent	The GM district is intended to provide for regional commerce and accommodate large-scale, high intensity, mixed-use development.	
Applicability	The boundaries of the GM district are illustrated on the Official Zoning Map.	
Eligibility Criteria	None	
Regulatory Document	The Unified Development Ordinance	

Criteria	Town of Bluffton Zoning District Options
	General Mixed (GM) Use (UDO)
Uses Allowed	Uses permitted in the GM district and conditions and standards for those permitted uses are provided in Section 4.3.
Lot Standards	Lot standards shall be based upon the designated lot types in the design standards in Section 5.8
Building Standards	All buildings shall be subject to the design standards in Section 5.8.
Open Space Requirements	All sites shall be subject to the open space standards in Section 5.6.
Master Plan	Not required
Certificate of Appropriateness – Highway Corridor Overlay	Required
Estimated Time to Establish Zoning District	Approximately 5 Months (Concurrent with Annexation Process)

1. Estimate based upon the Parcel Zoning Area’s upland acres.
2. Estimate assumes Small House Lot Building Type with a 40’ lot width.
3. Estimate assumes Medium House Lot Type with a 50’ lot width.
4. Estimate assumes Small Townhouse Lot Type with unit width of 18’ and varied lot depth from 100’ to 150’.
5. Estimate assumes Large Multi-Family Lot Type on the maximum lot size of 600’ wide provided no building exceeds 200’ in width.
6. Density amount may be reduced due to required mixed-use of residential and commercial in a Planned Unit Development.

A. ANNEXATION APPLICATION

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.

1. 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.

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

Finding: Staff completed a Cost/Benefit Analysis (Attachment 4), which estimates the annexation will generate \$0.00 in revenue after the first year of annexation and \$21,844.71 after build-out.

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

Finding: The Property is contiguous to the Town of Bluffton’s Municipal Boundary. The Town of Bluffton approved the 100% Annexation Petition for 120 Bluffton Road and its classification of Light Industrial zoning pursuant to the Town of Bluffton Unified

Development Ordinance (UDO) by Ordinances 2019-03 and 2019-04 on February 12, 2019. This created an opportunity for the Town to pursue annexation of the Property as 120 Bluffton Road establishes the required contiguity with the Town's municipal boundary.

4. 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.

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

Finding: The Property is consistent with the Town of Bluffton Comprehensive Plan as it is within the Town of Bluffton Comprehensive Plan Map 8.1 - Future Annexation Area (Attachment 5) boundary.

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

Finding: The requested General Mixed Use Zoning District is appropriate for the Property as it is surrounded by a mix of uses include vacant land, residential, light industrial, and commercial uses.

7. 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 4) to evaluate the costs, benefits and estimated revenues for the Property including its first year of annexation as well as at build-out.

8. 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.

9. The Fiscal impact of providing municipal services has been considered.

Finding: Per the Cost/Benefit Analysis (Attachment 4), it's anticipated that there will be minimal to no fiscal impact to provide municipal services once the Property is annexed.

10. 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.

11. 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.

12. 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 by its potential to provide affordable housing to the local workforce.

13. Petitioners understand of all potential costs/benefits associated with annexation.

Finding: Staff provided the Cost/Benefit Analysis (Attachment 4) to the petitioner as part of this Planning Commission meeting packet.

14. 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.

As of the drafting of this staff report, staff has not received and written comments.

B. ZONING MAP AMENDMENT

Town Staff, Planning Commission, and Town Council are required to consider the criteria set forth in Section 3.4.3 of the Unified Development Ordinance in assessing an application for a Zoning Map Amendment. These criteria are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

1. Section 3.4.3.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 Property meets the criteria for the proposed rezoning to General Mixed Use (GM) pursuant to the Town of Bluffton Unified Development Ordinance. The Town of Bluffton's Comprehensive Plan Map 8.3 – Future Land Use categorizes the property as Medium Intensity Commercial as shown in the map provided as Attachment 6. The Town of Bluffton's Comprehensive Plan Section 8.2 defines Medium Intensity Commercial as follows:

“Medium intensity commercial uses including village commercial scale uses include: moderate scale, auto-oriented, grocery stores; moderate scale gas stations; restaurants; services; light, unobtrusive, small scale manufacturing and assembly; and general retail. These uses should be integrated into surrounding residential development to serve residents of nearby neighborhoods, generally within two to five miles. Medium intensity commercial uses also include medium density residential uses.”

The Medium Intensity Commercial classification allows both residential and commercial uses which provides flexibility when exploring future development of the property.

The Property is within the Village Place Type Assembly of the Town of Bluffton's Comprehensive Plan Map 8.5 – Growth Framework, as shown in the map provided as Attachment 7, which is defined in Section 6.1.2.C of the UDO as follows:

“Located in highly developed areas or those areas to be developed, a Village consists of a single center surrounded by compact, complete and connected neighborhoods providing support for a mixed-use area with moderate intensity. The mixed-use development occurs at the intersection of larger neighborhoods and along corridor connecting multiple neighborhoods.”

Section 6.2 of the UDO provides land use scenarios and development characteristics applicable to development and/or redevelopment within the place type designations, such as the Village Place Type Assembly, as illustrated on the Growth Framework Map. A baseline for each Place Type Assembly is provided in the table below:

Table 6.2: Design Parameters

	Rural Crossroads	Hamlet	Village	Town Center
Activity Mix	Retail, Service, Agricultural, Community/ Civic Use	Retail, Service, Residential, Agricultural, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use
Mix of Uses	Horizontal Mixed Use	Horizontal Mixed Use	Horizontal and Vertical Mixed Use	Horizontal and Vertical Mixed Use
Character of Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Attached and Detached Residential Buildings, Attached and Detached Non-Residential Buildings	Mostly Attached Buildings
Place Type Scale	Size: 0.5-5 acres	Size: 6-80 acres	Size: 160+ acres	Size: 200+ acres
Zoning District Allocation	0-10% AG 20-50% RG 30-80% RMU	0-20% RMU 20-50% RG 30-70% NC	10-30% RG, NG-HD 20-60% NC, NCE-HD 10-30% GM	5-10% RG, NG-HD 30-70% NC, NCE-HD 30-70% GM

2. Section 3.4.3.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 consists of 7.36 upland acres and 1.91 acres of freshwater wetlands for a total of 9.27 acres. Any future development of the Property will address any physical, geological, hydrological and other environmental features pursuant to the Town of Bluffton’s Unified Development Ordinance and any other applicable regulations appropriately.

As part of the Property’s recent due diligence efforts, the Town ordered a Geotechnical Sub-Surface Report as well as a Phase 1 Environmental Study and a limited Phase 2 Environmental Study. All Reports returned normal findings with no additional remediation necessary as detailed in the Report’s Executive Summaries. Upon development, the debris remaining underground from the Property’s former use as a landfill will need to be removed prior to development and construction on the Property. Additional information and requirements will be considered during the reviews for future development of the Property pursuant to the Town’s standards.

- 3. Section 3.4.3.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 use and applicable development standards are consistent and compatible with both the existing and planned uses. The Property is suitable to accommodate the impacts associated with the proposed and possible future uses in the surrounding neighborhood.

- 4. Section 3.4.3.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: Public water & sewer, electrical, telecommunications, and natural gas services are accessible, adjacent to, or are in close proximity to the Property with sufficient capacity to support the proposed land use without comprising the public health, safety, and welfare of the Town.

- 5. Section 3.4.3.E. Public need for the potential uses permitted in the requested zoning district; and**

Finding: The public need for the Property's proposed land use is to further economic development, to create new job opportunities, as well as diversify the Town's economic base.

- 6. Section 3.4.3.F. Compliance 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.

Toomer made a motion to approve on First Reading an Ordinance to Approve the Annexation of Certain Real Property Owned by the Town of Bluffton Consisting of Approximately 9.27 Acres, More or Less, located at 115 Bluffton Road and Identified as Beaufort County Tax Map No. R600 039 000 0050 0000. Hamilton seconded. The motion carried unanimously.

Hamilton made a motion to approve on First Reading an Amendment to the Town of Bluffton Zoning Map to Incorporate and Designate Certain Real Property Owned by the Town of Bluffton Consisting of Approximately 9.27 Acres, More or Less, Located at 115 Bluffton Road and Identified as Beaufort County Tax Map No. R600 039 000 0050 0000 as General Mixed use Zoning. Frazier seconded. The motion carried unanimously.

Amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards, (Sec. 5.13 Signs); Sec. 5.15.6.Q. (Old Town Bluffton Historic

District, Signs); and, Article 9, (Sec. 9.2 – Defined Terms for Certain Related Definitions) Related to Signage - First Reading - Kevin Icard, Director of Growth Management

Icard stated that in August 2021, Town Council approved multiple UDO amendments relating to signage, including ordinance format, sign regulation intent, and legal compliance. Additionally, amendments were made to improve identification of allowable sign types, streamline permit review procedures, and update related definitions. Given the numerous variables regarding signage, such as differences in location (e.g., Old Town Historic District and areas not included in a Planned Unit Development) and land uses, among others, it was anticipated that some revisions would be likely. Among the revisions proposed, as shown in Attachment 2, are: 1) distinguishing exempt and non-exempt suspended signage; 2) providing more flexibility for Old Town signage by slightly increasing certain dimensional standards to encourage creative signage; 3) allowing manual changeable copy signage for certain uses in Old Town and allowing electronic scroll signage for fuel stations outside of Old Town; and, 4) returning the ability to use halo or reverse channel lighting in Old Town. REVIEW CRITERIA & ANALYSIS: When assessing an application for UDO Text Amendments, Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

1. Section 3.5.3.A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends and the general character of the area.

Finding. The proposed amendments have no direct relationship to this criterion.

2. Section 3.5.3.B. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. The proposed amendments have no direct relationship to this criterion.

3. Section 3.5.3.C. Enhancement of the health, safety, and welfare of the Town of Bluffton.

Finding. The proposed amendments have no direct relationship to this criterion.

4. Section 3.5.3.D. Impact of the proposed amendment on the provision of public services.

Finding. The proposed amendments will have no impact on providing public services.

5. Section 3.5.3.E. The application must comply with applicable requirements in the Applications Manual. Finding. The application complies with all applicable requirements of the Applications Manual.

Frazier made a motion to approve the proposed amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards, (Sec. 5.13 Signs); Sec. 5.15.6.Q (Old Town Bluffton Historic District, Signs) to reflect language to allow non-digital electronic scroll signs in Old Town with Old Town’s size criteria; and Article 9, (Sec. 9.2 – Defined Terms for Certain Related Definitions) Related to Signage. Wood seconded. The motion carried unanimously.

Consideration of an Ordinance to Approve an Amendment to the Town of Bluffton Zoning Map to Rezone Certain Real Property Owned by J.C. Fraser, Jr. Consisting of Approximately 1.24 Acres, More or Less, Located at 190,192,194, and 196 Goethe Road and Identified as Beaufort County Tax Map No.

R610 039 000 0159 0000 and R610 039 000 0744 0000 from Residential General Zoning to Neighborhood Core Zoning - First Reading - Kevin Icard, Director of Growth Management

Icard stated that on October 1, 2021, J.C. Fraser, Jr. ("the Applicant") submitted an application (ZONE-09-21-015896) requesting approval of an Amendment to the Town of Bluffton Official Zoning Map.

The Properties are currently zoned Residential General (RG) and regulated by the Unified Development Ordinance (UDO), which allows single-family residential use with density of up to four (4) units per acre and a limited number of commercial uses. Restaurant is not an allowed use.

The Applicant proposes to reestablish the property identified as, R610 039 000 0744 0000 (196 Goethe Road) as a restaurant with associated parking. The building has previously been used as a restaurant, gas station, pool hall and a cafeteria for M.C. Riley School. The following timeline shows the attempts to open the establishment or to rezone the property to allow the use of a restaurant.

Timeline:

- In 1962, James C. Fraser Sr. receives title to the Properties from his grandmother, Gracie Frazier.
- In 1964, Mr. Fraser constructed the 1,500 Square foot building. Beaufort County Tax Records, lists it as General-Purpose Building.
- Mr. Fraser Sr. and his family operated the restaurant at this location until it closed in 1969.
- In 1981, the Town of Bluffton first enacted zoning. This property was zoned for residential use. Mr. Fraser Sr. was not permitted to re-establish any commercial use.
- In November 1984, Beaufort County denied a zoning variance to 'open the store across from M.C. Riley Elementary School (ES).' It should be noted that M.C. Riley ES was previously located on Goethe Road prior to being moved to its current location on Burnt Church Road.
- In 1991, Mr. Fraser requests a rezoning of the property from Residential General to Mixed-Use II. His request was denied by Town Council based on the recommendation provided by Beaufort County Planning Staff when they stated the site lacked adequate infrastructure to handle the uses allowed in the MU-II district.
- In 1993, the Town of Bluffton Town Council approved a rezoning request, as recommended by Beaufort County planning Staff, for the property as Mixed-Use II (MU-II).
- In November of 1992, Mr. Fraser Jr. received a State of SC Retail License for 'Kitty's Snack Shop.'
- On January 29, 1996, Mr. Fraser Jr. received a business license from the Town of Bluffton to operate a restaurant, 'Kitty's Snack Shop.'
- In 2001-2002, the Town of Bluffton rezoned the property to General Residential, along with the annexation and established zoning of other properties along Goethe and Shults Road. The Town provided a determination that the owner had vested rights as a Mixed-Use II non-conforming use.
- On July 26, 2016, the attorney for the Town of Bluffton stated the use of a Restaurant is not allowed as the property owner had abandoned the legal non-conforming use for a period of one-year or more.
- On September 27, 2021, Town Staff met with Mr. Fraser Jr. on-site for a Pre-Application Meeting to discuss the next steps to submit for an application to rezone the Properties.

- On September 28, 2021, Mr. Fraser Jr. submitted an application to rezone his Properties from Residential General (RG) to Neighborhood Core (NC).
- On November 1, 2021, the Planning Commission held a workshop to hear Mr. Fraser’s request.

All property owners within 250 feet were provided notice of the Public Hearing, a notice was placed in the Island Packet on October 17, 2021, and a sign has been installed in front of Applicant’s Properties.

To date, Mr. Paul Serrano, 192-A Goethe Road, adjacent property owner to the North, contacted Staff regarding the request. Mr. Serrano had no objections to the request and “wished Mr. Fraser all the best with the rezoning”.

Town Council is required to consider the criteria set forth in Section 3.4.3 of the Unified Development Ordinance in assessing an application for a Zoning Map Amendment. These criteria are provided below, followed by Staff Finding(s) based upon review of the application submittals to date.

1. Section 3.4.3.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 Properties is within the Village Place Type on the Town of Bluffton Growth Framework Map (Attachment 7) which allows a moderate intensity mix of uses as defined Section 6.1.2 of the UDO as follows:

“Located in highly developed areas or those areas to be developed, a Village consists of a single center surrounded by compact, complete and connected neighborhoods providing support for a mixed-use area with moderate intensity. The mixed-use development occurs at the intersection of larger neighborhoods and along corridor connecting multiple neighborhoods.”

Section 6.2 of the UDO provides land use scenarios and development characteristics applicable to development and/or redevelopment within the place type designations illustrated on the Growth Framework Map. A baseline for each Place Type Assembly is provided in the table below, the Properties are in the Village Place Type Assembly.

Table 6.2: Design Parameters

	Rural Crossroads	Hamlet	Village	Town Center
Activity Mix	Retail, Service, Agricultural, Community/ Civic Use	Retail, Service, Residential, Agricultural, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use
Mix of Uses	Horizontal Mixed Use	Horizontal Mixed Use	Horizontal and Vertical Mixed Use	Horizontal and Vertical Mixed Use
Character of Buildings	Detached Residential, Agricultural Buildings, Other	Detached Residential, Agricultural Buildings, Other	Attached and Detached Residential Buildings, Attached and Detached Non-	Mostly Attached Buildings

	Detached Buildings	Detached Buildings	Residential Buildings	
Place Type Scale	Size: 0.5-5 acres	Size: 6-80 acres	Size: 160+ acres	Size: 200+ acres
Zoning District Allocation	0-10% AG 20-50% RG 30-80% RMU	0-20% RMU 20-50% RG 30-70% NC	10-30% RG, NG-HD 20-60% NC, NCE-HD 10-30% GM	5-10% RG, NG-HD 30-70% NC, NCE-HD 30-70% GM

Finding: The Properties are designated as medium density residential on the Future Land Use Map. Section 3.4.2, Applicability, states the following:

“Application for Zoning Map Amendment may be initiated by the property owner, Town Council, Planning Commission, or the UDO Administrator to establish and maintain sound, stable, and desirable development within the Town of Bluffton. The Zoning Map may be amended to rezone an area or to extend the boundary of an existing zoning district. A rezoning must be based upon the recommended future land use category for the property as shown on the future land use map in the Town of Bluffton Comprehensive Plan. If, as determined by the UDO Administrator, the requested zone change is not in accord with the future land use category, then an application for Comprehensive Plan Amendment to change the future land use map is required prior to or concurrent with the submittal of Zoning Map Amendment Application.”

When the Comprehensive Plan was adopted in 2007, Kirk’s Bluff, May River Road Development (opposite Kirk’s Bluff) and the Promenade were not developed. Since then, the area has seen exponential growth with mixed-use development including offices, retail, restaurants, short term rentals, personal services and various types of residential development. (See Attachment 8)

The Comprehensive Plan, when adopted in 2007, did not anticipate commercial development along Goethe Road north of May River Road. With the adoption of the Growth Framework Map in 2011, Town Council determined that the Village Place Type should extend beyond the boundaries of the Old Town Bluffton Historic District, along Goethe Road. As development has increased in the Historic Zoning Districts, and along Goethe Road, these Properties are suitable for a mixed-use designation. Mr. Fraser’s building was constructed and operated as a commercial establishment. Therefore, Staff finds that the proposed rezoning is consistent with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area.

2. Section 3.4.3.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 Applicant has provided sufficient information to demonstrate that the physical, geological, hydrological and other environment features of the site can support the development of uses permitted within the Neighborhood Core zoning district. The existing facility was constructed in 1964 and previously operated as a restaurant, pool hall, gas station (underground tanks have been removed), cafeteria and classroom. Any future use of the property would require a Development Plan and would need to meet all current code regulations.

3. Section 3.4.3.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 adjacent parcel to the south, currently owned by Nancy Bruin's heirs, is undeveloped. The property across Goethe Road is the M.C. Riley Sports Complex, which contains numerous athletic fields (baseball and basketball courts). M.C. Riley Sports Complex has overhead lighting that have far reaching lighting and noise impacts on adjacent property owners. The amount of lighting and noise generated from any use on the Applicant's Properties will be minimal. Further review of a Lighting Plan during the Development Plan process.

Finding: The uses allowed and the intent of the Neighborhood Core zoning district are designed for compact development that is suitable for supporting neighborhoods. (See Attachment 9)

4. Section 3.4.3.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: Public water and sewer, electrical, telecommunications, and natural gas services are accessible adjacent to, or are in close proximity to, the Properties with sufficient capacity to support the proposed land use without comprising the public health, safety, and welfare of the Town of Bluffton.

It should be noted that in 1991, during a previous rezoning request, there was not sufficient infrastructure to support the site. That has since been improved and is no longer a factor. The Goethe/Shults Neighborhood is actively under construction with the final phase of sidewalks as a portion of a Town of Bluffton Capital Improvement Program project. A sidewalk connecting May River Road to Bluffton Parkway will be constructed in front of the subject Properties, and it is anticipated to will be completed by March 2022. The sidewalk will create a continuous path and link these neighborhoods with Old Town.

5. Section 3.4.3.E. Public need for the potential uses permitted in the requested zoning district; and

Finding: The public need for the Property's proposed land use is to further economic development, to create new job opportunities, as well as diversify the Town's economic base.

Finding: The Goethe/Shults Neighborhood Plan addresses comprehensive strategies for revitalizing the neighborhood to promote a more healthy and sustainable community and increase the economic competitiveness of the residents of the neighborhood, community stakeholders, and Town Council. (See Attachment 6)

6. Section 3.4.3.F. Compliance 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.

Hamilton made a motion to approve on First Reading an Ordinance to Approve an Amendment to the Town of Bluffton Zoning Map to Rezone Certain Real Property Owned by J.C. Fraser, Jr. Consisting of Approximately 1.24 Acres More or Less, Located at 190,192,194 and 196 Goethe Road and Identified as Beaufort County Tax Map No. R610 039 000 0159 0000 and R610 039 000 0744 0000 from Residential General Zoning to Neighborhood Core Zoning. Frazier seconded. The motion carried unanimously.

Consideration of an Ordinance to Place a Deed Restriction on Town Owned Property, referenced as "New Riverside Park", located at 30 Red Barn Drive, Parcel R610 036 000 1319 0000 in New Riverside – First Reading – Heather Colin, Assistant Town Manager

Colin stated that the Town of Bluffton (the "Town") acquired certain real property within the New Riverside Planned Unit Development located at 30 Barn Drive at the south-west corner of the SC Highway 46/SC Highway 170 roundabout, consisting of approximately 37 acres and identified as Beaufort County Tax Map No. R610 036 000 1319 0000 (the "Property"), for the future development of a public park.

On June 30, 2020, Town staff submitted an application to the South Carolina Department of Parks, Recreation & Tourism requesting funds from the National Park Service's Land & Water Conservation Fund Grant Program for improvements to the Property.

On December 8, 2020, Town Council approved the Consent Agenda which included the Conceptual Master Plan for the Property.

October 18, 2021, the South Carolina Department of Parks, Recreation, and Tourism notified the Town on October 18, 2021 via letter of the approval from the National Park Service for the award of a grant through its Land and Water Conservation Fund Project, identified as Project# 45-01131, for certain improvements to the Property to include site prep/grading/paving, asphalt drives, trails, walkways, paths, parking, event lawns, multi-purpose area, water, sewer, storm drainage, electrical, entry gate, fencing and restroom pavilion.

As part of the grant award process, the Town executed a Project Agreement (Attachment 3) which provides for the terms of the award. One of the required terms is that the Town must record a deed restriction specifying that the Property shall only be utilized for public outdoor recreation as follows:

“This Property has been acquired or developed with Federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund act of 1965, as amended. Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the Secretary of the Interior. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”

Town Staff prepared a Declaration of Covenant to place the required restriction on the Property. Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws and Sections 2-13(a)(8) and 2-13(a)(4) of the Code of Ordinances for the Town of Bluffton requires that Town Council act by Ordinance to convey, lease, or authorize the conveyance or lease of any Town owned lands as well as restrictions, easements, and public rights-of-way. Therefore, Town Council must approve the Declaration of Covenant as well as authorize its execution and recording by Ordinance. The proposed Ordinance and its Exhibit, the Declaration of Covenant.

Wood made a motion to approve on First Reading an Ordinance to Place a Deed Restriction on Town Owned Property, referenced as “New Riverside Park”, located at 30 Red Barn Drive, Parcel R610 036 000 1319 0000 in New Riverside. Frazier seconded. The motion carried unanimously.

Consent Agenda Items

1. Monthly Department Reports: Police, Finance and Administration, Municipal Court, Engineering, Public Services, Don Ryan Center for Innovation, and Growth Management
2. Town Manager Monthly Report
3. Adoption of 2022 Town Council Regular and Workshop Meeting Schedules – Kimberly Gammon, Town Clerk
4. Consideration of a Resolution to Accept the *2019 Historic Resources Survey for the Town of Bluffton* – Kevin Icard, Director of Growth Management
5. Consideration of a Resolution to Accept a Contributing Resources Map for the Old Town Bluffton District to Support the Historic Preservation Program for the Town of Bluffton – Kevin Icard, Director of Growth Management
6. Consideration of a Resolution to Accept a Historic Preservation Incentive and Grant Program for Contributing Structures for the Town of Bluffton - Kevin Icard, Director of Growth Management

7. COVID-19 Pandemic Update - Lt. Mike Danyov, Bluffton Police Department, Special Operations Division

Hamilton moved to approve the consent agenda as presented. Frazier seconded. The motion passed unanimously.

Frazier made a motion to go into Executive Session at 6:40 PM to discuss the aforementioned items. Toomer seconded. The motion passed unanimously.

Executive Session Items

1. Discussions Relating to Negotiations and Contractual Arrangements for the Acquisition of Real Property (Pursuant to SC Freedom of information Act 30-4-70 [a][2])
2. Personnel Matters Relating to Town Manager Review (Pursuant to SC Freedom of Information Act 30-4-70[a][2])

Council exited Executive Session at 7:25 PM. No action was taken, and no votes were made.

Toomer made a motion to adjourn at 7:26 PM. Hamilton seconded.

Lisa Sulka, Mayor

Kimberly Gammon, Town Clerk