

# PLANNING COMMISSION

## STAFF REPORT

### Department of Growth Management



<b>MEETING DATE:</b>	June 25, 2025
<b>PROJECT:</b>	121 Burnt Church Road Preliminary Development Plan
<b>APPLICANT:</b>	Anthony Morse, Macad One Consulting Services, LLC
<b>PROJECT NUMBER:</b>	DP-03-25-019673
<b>PROJECT MANAGER:</b>	Dan Frazier Planning Manager Department of Growth Management

**REQUEST:** The Applicant, Anthony Morse of Macad One Consulting Services, LLC, on behalf of property owner My Nash Realty Corp is requesting approval of a Preliminary Development Plan application. The project consists of the construction of a 4,464 SF commercial building with drive through, parking and associated infrastructure (Attachment 1).

**INTRODUCTION:** The property is zoned Neighborhood Core (NC) and consists of approximately 0.83 acres identified by tax map number R610 040 000 0164 0000 and located east of Burnt Church Road south of Fern Lakes Drive. The Applicant proposes a lot line revision that will result in a new acreage of 1.085 (Attachment 2).

**BACKGROUND:** This application is for a preliminary development plan located within the Neighborhood Core (NC) Zoning District and as such is subject to the standards set forth in the Unified Development Ordinance (UDO).

The subject property is a vacant lot adjacent to Beaufort County jurisdiction. As reflected in the revised site plan, the Applicant proposes a 4,464 SF commercial building, including the possibility of a 1,000 SF restaurant, with associated driveways, access, parking, utilities and stormwater infrastructure (Attachment 3).

The subject property is within the Highway Corridor Overlay District (HCOD), which requires a fifty (50) foot landscaped buffer from Burnt Church Road in accordance with UDO Section 5.3.7.B.2.b. The preliminary site plan does not reflect the required 10-foot front setback from the fifty (50) foot HCOD buffer line (UDO Table 5.8.3.B, footnote 2).

Additionally, per the Zoning and Annexation Development Agreement between the Town of Bluffton and Patricia Sherry, LLC, dated July 25, 2008, the subject property requires a one-hundred-foot (100) commercial building setback and a ten (10) foot residential/vegetated buffer and building setback line described as follows:

"5. 100' Commercial Building Setback. There shall be running along the eastern

boundary of the property a commercial building set-back line for a width of one hundred (100') feet stretching along the entire length said eastern boundary as shown on the attached Exhibit "A" which is referenced hereto and incorporated herein.

6. 10' Residential/Vegetative Buffer and Building Setback Line. Running along the eastern and northern boundaries of the Property for a width of ten (10') feet, there shall be no residential and, further, there shall be maintained a vegetative buffer. Said ten (10') foot residential building setback line is shown on attached Exhibit "A" (Attachment 4).

The preliminary site plan does not reflect the required 10-foot residential/vegetative buffer and building setback line.

The plan does not include the eight (8) feet of foundation plantings, as required by UDO Section 5.3.7.E. Per UDO Section 5.6.4, for any development regardless of use, a minimum of 20% of the gross acreage shall be specifically identified and developed or preserved as open space.

At time of Final Development Plan approval, an encroachment permit from Beaufort County will be required for the proposed access off Burnt Church Road. In support of the proposed development, 18 onsite parking spaces are required (4 per 1,000 SF) and 18 are proposed, which meets UDO Section 5.11.3.

Staff comments on the Preliminary Development Plan were reviewed at the May 21, 2025, Development Review Committee meeting (Attachment 5). The Applicant provided a response to comments and revised site plans on May 28, 2025 (Attachment 6 and 3).

The subject parcel is within the Highway Corridor Overlay District (HCOD) and will require a Certificate of Appropriateness – Highway Corridor Overlay District (COFA-HCOD) reviewing landscaping, lighting, and architecture at time of final development plan approval.

**REVIEW CRITERIA & ANALYSIS:** The Planning Commission shall consider the criteria set forth in Section 3.10.3.A of the Unified Development Ordinance in assessing an application for a Preliminary Development Plan. The applicable criteria are provided below followed by Staff Finding(s) based upon review of the application submittals to date.

**1. Section 3.10.3.A.1. Conformance with the applicable provisions provided in Article 5, Design Standards.**

*Finding.* The proposed preliminary site plan does not conform with UDO Table 5.8.3.B, footnote 2, requiring a 10-foot front setback from the fifty (50) foot HCOD buffer line.

*Finding.* The proposed preliminary site plan does not conform with Section 5.3.7.E, requiring a foundation planting area at least 8 feet wide shall be maintained around all structures.

2. **Section 3.10.3.A.2.** The proposed development shall be in conformance with any approved Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision Plan, or any other agreements or plans that are applicable.

*Finding.* The proposed development does not conform with the Zoning and Annexation Development Agreement between the Town of Bluffton and Patricia Sherry, LLC, dated July 25, 2008, requiring a ten (10) foot residential/vegetative buffer and building set back line along the eastern and northern boundaries of the property.

3. **Section 3.10.3.A.3.** If the proposed development is associated with a previously approved Master Plan, then the traffic and access plans shall adhere to the previously approved traffic impact analysis or assessment, where applicable. If an application is not associated with a previously approved PUD Master Plan, then a traffic impact analysis shall be required at final development plan submittal.

*Finding.* The proposed development is not within any approved Master Plan or PUD.

4. **Section 3.10.3.A.4.** The proposed development must be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services, the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services.

*Finding.* Letters from the agencies providing public services will be required at time of Final Development Plan submittal per the Applications Manual.

5. **Section 3.10.3.A.5.** The phasing plan, if applicable, is logical and is designed in a manner that allows each phase to fully function independently regarding services, utilities, circulation, facilities, and open space, irrespective of the completion of other proposed phases.

*Finding.* The project is proposed to be completed in a single phase.

6. **Section 3.10.3.A.6.** The application must comply with applicable requirements in the Applications Manual.

*Finding.* The application has been reviewed by Town Staff and has been determined to be complete.

**PLANNING COMMISSION ACTIONS:** The Planning Commission has the authority to take the following actions with respect to the application as authorized by Section 2.2.6.C.5 of the UDO:

1. Approve the application as submitted;
2. Approve the application with conditions; or

3. Deny the application as submitted.

**RECOMMENDATION:** The proposed development does not meet the requirements of review criterion 1 and 2 above, and therefore Town staff does not recommend approval of the preliminary development plan application as submitted.

Should the Planning Commission choose to approve the application with conditions, Town Staff finds that the following conditions should be met prior to final development approval to be in conformance with UDO Section 3.10.3.A:

1. At time of Final Development Plan, provide a foundation planting area of at least eight (8) feet around all structures.
2. At time of Final Development Plan, provide a 10-foot front set back from the fifty (50) foot HCOD buffer line.
3. At time of Final Development Plan, provide a ten (10) foot residential/vegetative buffer and building set back line along the eastern and northern boundaries of the property.

**ATTACHMENTS:**

1. Application and Project Narrative
2. Vicinity Map
3. Survey, Site Development and Landscape Plan Set
4. Zoning and Annexation Development Agreement
5. DRC Comments and Original Site Plans 05 21 25
6. Response to DRC Comments 05 28 25