TOWN COUNCIL

STAFF REPORT
Growth Management Department

MEETING DATE:	March 12, 2024
PROJECT:	Direction and Input on the following items: • Proposed Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 5 – Design Standards, Section 5.9 Transportation Network and Design – Traffic Impact Analysis & Section 5.10 Stormwater – Wetland Buffer • Proposed Amendments to the Town of Bluffton's Comprehensive Plan, "Blueprint Bluffton," Housing Analysis • Update to Bluffton Village Development Agreement Notice of Expiration October 17, 2024
PROJECT MANAGER:	Kevin Icard, AICP Director of Growth Management

REQUEST: To provide direction on the following items.

1. An Amendment to the Unified Development Ordinance (UDO), Article 5 – Design Standards, Section 5.9 Transportation Network and Design – Traffic Impact Analysis (TIA);
2. An Amendment to the UDO, Article 5 – Design Standards Section 5.10 Stormwater – Wetland Buffers;
3. An Amendment to the Comprehensive Plan – "Blueprint Bluffton," Housing Analysis to meet State requirements (Act 57) to use up to fifteen (15) percent of state accommodations tax revenue (ATAX) fundings for Affordable Housing; and
4. The Bluffton Village Development Agreement will expire on October 17, 2024. Update on process to expire the Bluffton Village Development Agreement and incorporate the Planned Unit Development (PUD) into the UDO.

BACKGROUND:

1. *UDO Amendment Traffic Impact Analysis* – Beaufort County staff approached Town staff to consider adopting an ordinance which will take a consistent regional approach to traffic impact analysis' review when development occurs in the County and/or Town. The ordinance establishes requirements for the analysis and evaluation of traffic impacts associated with development. There will be three consultants who will provide on-call services for required TIAs. If a proposed development triggers the need for a TIA, must submit a TIA, or if the applicant has already preformed a TIA, the Applicant will be financially responsible for paying for the on-call consultant review of the TIA.

   Code language will outline the review criteria, required components, coordination with SCDOT and the terms of the analysis. County staff anticipates request for a similar process to go to Beaufort County Planning Commission on March 4th (April 1st if delayed) followed by three readings at County Council (April/May timeframe).

2. ***UDO Amendment Wetland Buffers*** – In May of 2023, the U.S. Supreme Court stripped federal oversight from millions of acres of wetlands long protected under the Clean Water Act. Now, erecting safeguards to ensure those waters are not polluted, drained or filled in by developers falls to the states.

   Currently, the South Carolina Department of Health and Environmental Control (SCDHEC) is drafting regulations to protect the waters of the state. In the interim, Staff is proposing Town Council adopt and enforce provisions in the UDO to protect wetlands. Staff has proposed a twenty-five (25') foot undisturbed riparian buffer be established for any land disturbing activity from the edge of all wetlands as defined by the National Wetlands Inventory as of May 2023. This will protect those areas previously and soon to be re-protected areas from being filled which could lead to unintended consequences including flooding.

3. ***Blueprint Bluffton Comprehensive Plan Amendment -*** During their 2023 legislative session, the South Carolina General Assembly adopted (and the governor subsequently signed into law) Act 57. This Act amended the South Carolina Code of Laws to permit the use of state accommodations tax revenue and local accommodations tax revenue for the development of workforce housing. The Act established several steps that a governing body must satisfy before state accommodations tax revenue is expended on workforce housing. The Act includes 10 steps, which the Town of Bluffton does not currently include in the Comprehensive Plan to be eligible, which would need to be adopted to allow for funding for workforce housing.

   Staff is in the process of analyzing and preparing responses to the ten elements. Once completed, they will be presented to Planning Commission at a Workshop. After the workshop, if there are any suggested changes, staff will revise, then send them back to the Planning Commission for a recommendation and ultimately to Town Council for a first and second reading.

4. ***Bluffton Village Development Agreement Expiration -*** The General Assembly adopted the South Carolina Local Government Development Agreement Act in 1993. S.C. Code Title 6, Chapter 31, § 6-31-10, et seq. The Act authorizes binding agreements between local governments and developers for the long-term development of large tracts of land. A development agreement gives a developer a vested right for the term of the agreement to proceed according to land use regulations in existence on the execution date of the agreement. The original Bluffton Village Development Agreement was approved by Town Council October 18, 2000, and amended on January 24, 2006.

   The developer of Bluffton Village was obligated in the original Development Agreement (2000) to dedicate a Library Site (3.41 acres), US Post Office Site (3.81 acres), Town Hall Site (0.66 acres) and pay administrative charges of an initial payment of $30,000 and four additional payments annually of $44,000. All obligations were met and memorialized in 2006 with the First Amendment to the Development Agreement.

   The Agreement established a mixed-use development with 38 attached townhome units, plus (1) dependency unit each and 212,750 square feet for commercial, civic and multifamily use for fifteen (15) years. In 2010 & 2013, SC State Acts 297 & 112 (respectively) provided an additional nine (9) years of tolling. With the additional years, the Bluffton Village Development Agreement has been extended to October 17, 2024.

   Town Staff is proposing to file a Notice of Expiration of the Development Agreement and incorporate language in the UDO to include the Bluffton Village PUD description and allowed densities per lot.

CONSIDERATIONS: Items for Town Council consideration include, but are not limited to the following:

1. Does Town Council want to move forward with the proposed Traffic Impact Analysis Ordinance?

    If so, Staff will coordinate with Beaufort County staff related to the adoption of the Ordinance. Below is a tentative timeline:

    - Town Council Workshop – March 12, 2024
    - Planning Commission Recommendation – April 24, 2024*
    - Town Council 1st Reading – June 11, 2024*
    - Town Council 2nd Reading – July 9, 2024*

        Tentative based on coordinating with Beaufort County

2. Does Town Council want to move forward with the proposed changes to include buffers around all wetlands in the Town of Bluffton?

    If so, Staff will move forward with bringing the proposed changes to Planning Commission for review. Below is a tentative timeline:

    - Town Council Workshop – March 12, 2024
    - Planning Commission Recommendation – March 27, 2024
    - Town Council 1st Reading – April 9, 2024
    - Town Council 2nd Reading – May 14, 2024

3. Does Town Council want to move forward with amending the Town's Comprehensive Plan to include ATAX funds for affordable housing?

    If so, Staff will move forward with an amendment to the Comprehensive Plan. Below is a tentative timeline:

    - Town Council Workshop – March 12, 2024
    - Planning Commission Workshop – April 24, 2024
    - Planning Commission Recommendation – May 22, 2024
    - Town Council 1st Reading – July 9, 2024
    - Town Council 2nd Reading – August 13, 2024

4. Does Town Council want to move forward with amending the UDO to include provisions to incorporate the Bluffton Village PUD?

    If so, Staff will move forward with preparing documentation to file a Notice of Expiration of the Development Agreement and incorporate the PUD into the UDO. Below is a tentative timeline:

    - Town Council Workshop – March 12, 2024
    - Community Meetings (If needed) – TBD
    - Planning Commission Recommendation – July 24, 2024
    - Town Council 1st Reading – September 10, 2024
    - Town Council 2nd Reading – October 8, 2024