



# MEMORANDUM

**TO:** Beaufort County Planning Commission  
**FROM:** Anthony Criscitiello, Planning Director  
**DATE:** February 23, 2010  
**SUBJECT:** Request to Amend the Village at Lady's Island PUD

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## **A. BACKGROUND:**

**Case No.** MISC-2009-24  
**Applicant/Owner:** McNeal Land Company / J. Bennett McNeal  
**Property Location:** Intersection of Sam's Point Road (SC 802) and Oyster Factory Road – Lady's Island  
**District/Map/Parcel:** R200-015-0051 and 051A  
**Property Size:** 35 acres  
**Future Land Use Map:** Neighborhood / Mixed-Use  
**Current Zoning District:** Planned Unit Development (PUD)  
**Proposed Zoning District:** PUD – Amended

## **B. SUMMARY OF REQUEST:**

County Council approved The Village at Lady's Island PUD in 1996, for 200 dwelling units (81 single-family and 119 multi-family) and 12 commercial lots (7 of which may be live/work) on 35 acres at a gross density of approximately 6 du/ac. To date, there has been no development activity in this PUD.

Because the PUD was approved prior to the adoption of the 1999 Zoning & Development Standards Ordinance (ZDSO), it falls under the provisions of Section 106-7(2), which state that a PUD approved prior to July 1, 1999, is exempt from the ZDSO if:

1. The PUD has more than 50 percent of the lots platted and recorded or more than 50 percent of the utilities and infrastructure completed as of January 1, 2010; or
2. The PUD is deemed "low impact", i.e. develops less than 25 units or less than 10,000 square feet of commercial area per year, and is entirely completed by January 1, 2010.

The applicant wishes to extend the “sunset” date for The Village at Lady’s Island PUD beyond 2010 because current market forces have inhibited construction of this development. The applicant proposes that no expiration date be set for this PUD.

**C. ANALYSIS:** Section 106-492 of the ZDSO states that a zoning map amendment may be approved if the weight of the findings describe and prove:

1. *The change is consistent with the County’s Comprehensive Plan and the purposes of this Ordinance.*

The Village PUD is planned as a traditional neighborhood development (TND) with a mix of single-family, multi-family and commercial uses. The PUD is governed by a set of development guidelines, including a master plan, community and architectural standards. The PUD is also required to conform to current stormwater management and engineering standards in effect at the time of permitting. When this PUD was approved in 1996, the property’s underlying zoning was Development District (DD), which permitted residential development up to 8 dwellings per acre provided water and sewer were available. The approved density for The Village PUD was 6 units per acre, which was consistent with the underlying zoning.

Following the adoption of the 1999 Zoning and Development Standards Ordinance (ZDSO), Lady’s Island became the first Community Preservation Area to develop unique zoning regulations for future development on the Island. The properties surrounding The Village PUD are zoned Lady’s Island Community Preservation (LICP), with Expanded Home Business (LIEHB) along properties fronting Sam’s Point Road (SC 802). The purpose of the LICP district is to preserve the character of existing residential areas and to allow compatible infill development. The LIEHB district allows small-scale office, service and civic uses. The underlying base gross density for the LICP district is 2 dwellings per acre. It also allows planned communities within one and one-quarter miles of the Village Center at 2.6 units per acre and multi-family development within three-fourths of a mile of the Village Center at 4 units per acre.

The Northern Beaufort County Regional Plan and the updated Beaufort County Comprehensive Plan (2007) validated the Lady’s Island community preservation effort and designated the area surrounding The Village PUD as Neighborhood / Mixed-Use. This designation envisions an overall density of 2 dwellings per acre. The Plans further followed the CP district by recommending higher-density, urban, mixed-use development surrounding the Village Center, corresponding to the Redevelopment District approved by Council in 2004.

Under the Comprehensive Plan, new development within Neighborhood / Mixed-Use areas is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets. Mixed-use developments are encouraged to promote pedestrian access to services and provide internal trip capture. Because The Village at Lady’s Island is planned as a traditional neighborhood, it meets many of the design guidelines for the Neighborhood / Mixed Use designation. However, this PUD’s approved density of 6 units per acre is out of character with the planned future development of the surrounding area. This density is more suited to the Urban / Mixed-Use area surrounding the Village Center.

The Lady's Island CP does promote mixed-use, traditional development and, as stated above, allows planned communities within one and one-quarter miles of the Village Center. The Village PUD is about one mile from the intersection of US 21 and SC 802, and would therefore qualify for a planned community. There are two other TNDs within one-third mile of the Village PUD: Newpoint, which is a PUD, and Celedon, which was approved by right under the planned community provisions of the LICP district. Both developments include a mix of residential and commercial development and are stylistically similar to what is proposed at The Village. Newpoint was built at a density of 2.5 units per acre, and Celedon is approved and is building at a density of 2.6 units per acre.

In summary, when The Village PUD was approved 14 years ago, the underlying zoning of the property would have allowed residential development of up to 8 units per acre. Since that time, the County has gone through a Community Preservation planning process on Lady's Island, the Northern Regional Plan, and an update to the County's Comprehensive Plan. Each of these planning efforts has recommended that the area surrounding The Village PUD property be developed at a lower density (2 units per acre overall), while still encouraging multi-use, pedestrian-friendly, interconnected projects. Newpoint and Celedon are examples of TND developments that meet the objectives of the CP district at substantially lesser densities than what was approved for The Village PUD. If this PUD were being proposed today, staff would find that it was inconsistent with the County's Comprehensive Plan and ZDSO.

*2. The change is consistent with the character of the neighborhood.*

The Village lies in the midst of mature residential neighborhoods on Sunset Bluff, Wallace and Oyster Factory Roads. When the PUD was approved, it was deemed to be consistent with the adopted plans and zoning for Lady's Island. Buffers were required to mitigate incompatibilities, commercial uses were required to be internal to the development, and a 5-acre strip of land along Sunset Bluff was ultimately removed from the PUD. Today, at the approved density of 6 units per acre, the Village PUD is not compatible with surrounding development and does not meet the future vision for the character of this area as described in the current Comprehensive Plan and the Lady's Island CP district.

*3. The extent to which the property is consistent with the zoning and use of nearby properties.*

See response to item # 2.

*4. The suitability of the property for the uses to which it has been restricted.*

The property is wooded and may contain a freshwater wetland. It appears that the property is suitable for residential and small-scale commercial development.

*5. Allowable uses in the proposed district would not adversely affect nearby property.*

See response to item # 2.

6. *The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.*

The property is undeveloped.

**D. TRANSPORTATION ASSESSMENT:**

The development of The Village PUD was included in the County’s 2025 Transportation Model forecast. The model projects traffic on Sam’s Point Road at 27,000 to 28,000 vehicles per day in 2025, which is within the acceptable limits for this facility at Level-of-Service D. In order to maintain acceptable service levels on the roadway network in this area, improvements are needed at the intersection of Brickyard/Sam’s Point Road and the intersection of US 21/SC 802. These improvements have not been funded. The model also projects the Woods Memorial Bridge to fail in 2025 and the McTeer Bridge (after construction) to operate at Level-of-Service E.

With regard specifically to The Village PUD, consideration should be given to the fact that Oyster Factory Road is unpaved and that the 2 approved access points onto Sam’s Point Road do not meet the County’s current separation standards (650-ft separation as approved vs. 1,500-ft separation requirement).

**E. RECOMMENDATION:**

After review of the guidelines set forth in Section 106-492 of the ZDSO, staff finds that:

- The Village at Lady’s Island PUD is not consistent with the current Comprehensive Plan and provisions of the Lady’s Island CP district.

Based on the analysis and findings above, staff recommends denial of the request to amend The Village at Lady’s PUD to exempt it from the January 1, 2010 expiration date and further recommends that the property be rezoned to LICP and LIEHB (500 feet from the centerline of Sam’s Point Road).

**F. LADY’S ISLAND/ST. HELENA ISLAND SUBCOMMITTEE RECOMMENDATION:**

The Subcommittee met on January 20, 2010, at the Lady’s Island Airport.

Attendance:

Subcommittee Members: Jim Hicks, Chair; Mary LeGree, and Ronald Petit  
Staff: Delores Frazier  
Applicant: Bennett McNeil, David Tedder (representative)

Ms. Frazier presented the staff report and recommendation. Mr. Tedder, representing the applicant, presented the request for an extension of The Village at Lady’s Island PUD. Several area property owners and residents were in attendance and asked questions concerning the entrances/exits for the PUD; the proposed lots on Sunset Bluff (note: the lots on Sunset Bluff are not part of the PUD); traffic; and whether the project would be on central water & sewer (it will).

No one asked the subcommittee to deny the request. Ms. LeGree stated that she thought the applicant should be given more time to develop this project given the state of the economy. Mr. Petit agreed. Mr. Hicks pointed out that many homes have been developed on Lady's Island since 1996, and that he would not support an extension because of the proposed density of the development and given the projected traffic problems on Lady's Island.

Ms. LeGree made a motion to forward the application to the Planning Commission with a recommendation of approval. Mr. Petit seconded the motion. The motion passed (For: LeGree and Petit, Against: Hicks). Mr. Hicks noted that if the Planning Commission approved the request, it should be referred back to the Planning Department to draft recommended conditions for the PUD.

**G. LADY'S ISLAND COMMUNITY PRESERVATION COMMITTEE  
RECOMMENDATION:**

The CP Committee met on February 22, 2010, at the Lady's Island Airport.

**Attendance:**

Committee Members: Jim Hicks, Chair; Charlie Schreiner, Bob Stoothoff, Jan Malinowski, Jane Hinchler, John Coaxum, Pat Harvey Palmer  
Staff: Delores Frazier  
Applicant: Bennett McNeil, David Tedder (representative)

Following brief presentations by the applicant's representative and staff, the Committee listened to several property owners/residents in attendance then discussed the requested extension at length. Concerns raised included the density of the PUD (6 du/ac) and potential impacts on traffic and stormwater management. At the same time, it was felt by some members that it would be unfair to the applicant to completely do away with the PUD and rezone this property to LICP and LIEHB without allowing the applicant to modify the PUD to address the concerns raised by the Committee.

Mr. Stoothoff made a motion to recommend to the Planning Commission that the applicant be given an opportunity to work with staff to revise the PUD plan and bring it back to the CP Committee for review no later than January 1, 2011. Mr. Coaxum seconded the motion. The motion passed unanimously.

**H. ATTACHMENTS:**

1. Rezoning Application
2. Zoning Map