



## MEMORANDUM

**TO:** Beaufort County Planning Commission

**FROM:** Anthony Criscitiello, Beaufort County Director of Planning & Development *TC*

**DATE:** March 1, 2011

**SUBJECT:** Rezoning Request for The Village at Lady's Island (PUD) from PUD to Lady's Island Community Preservation (LICP) and Lady's Island Expanded Home Business (LIEHB)

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### METROPOLITAN PLANNING COMMISSION RECOMMENDATION:

The Metropolitan Planning Commission met on Monday, February 21, 2011, at 5:30 p.m. at City of Beaufort Council Chambers, 1911 Boundary Street, Beaufort, SC 29902. Commission members in attendance were: Jim Hicks and Robert Semmler, Beaufort County Council representatives; Alan Dechovitz (Vice Chair) and Greg Huddy, City of Beaufort representatives; and Joe DeVito (Chairman) and James Crower, Town of Port Royal representatives.

Mr. Criscitiello said this rezoning is similar to the Burlington Plantation PUD. It is subject to the same ordinance: in a slow-growing or dormant PUD, if it is not developed by December 2009, the PUD designation may be lost. The applicant went to County Council to extend his PUD, and it was extended for one year. The Planning staff discussed the options with the applicant, i.e., more compatible zoning similar to New Point or Celadon subdivision might be feasible at a range of 2 to 2.5 dwelling units per acre and up to 5 dwelling units, so he has flexibility. The County staff recommendation is to return the zoning to the surrounding area. Mr. Criscitiello showed the level of small scale commercial development allowed in the Expanded Home Business District. County Planning staff is seeking the approval of the Metropolitan Planning Commission to recommend rezoning as staff recommended to the County Planning Commission and County Council. Chairman DeVito clarified that the year extension is up with no action. Mr. Criscitiello said yes. The property owner was not present.

Public Comment: Mr. David Tedder said he did not represent the owner but was speaking as a member of the public who owns property on Lady's Island. When the applicant, Mr. McNeal, asked for the extension last year, "form-based code was coming down the line," and there would be people to assist with charrettes. Form-based code has progressed slowly as a year has gone by. There is not yet a map available or an idea of what is going to happen. Mr. McNeal wanted assistance from staff to design something the County would approve, but he has only received negative feedback. There's been a lot of frustration since the applicant cannot find out what is acceptable for his property. Mr. McNeal worked with the County and did things, as opposed to the Burlington Plantation PUD heard earlier tonight. Mr. McNeal's PUD is not on the receiving

end of the TDR program. It needs to go through the community preservation process. Charrettes have been delayed because of the form-based code. Mr. Tedder thinks a decision should be delayed regarding rezoning Mr. McNeal's PUD. Mr. Tedder advocated clustering in that area; he described the properties and said they "should have magnets to create pedestrian-friendly areas." The planned community and mixed use options are not the best use for this property at this time, he feels.

Discussion included:

- the development densities on Lady's Island -- higher density is allowed if it is a walkable, established commercial area; Newport's density is 2.45, Celadon is 3.2;
- Opticos (the County form-based code consultant) looking at Mr. McNeal's property as part of the form-based code;
- the option to delay a decision until form-based code were adopted;
- the unlikelihood of promoting high-density development in anything other than the Lady's Island Village Center District;
- the PUD not being developed 50% to date;
- all Planning staff actively working on the form-based code;
- the absence of the applicant nor his representative at this meeting; and
- the frustrations felt a year ago on the extension request by the applicant.

**Metro Planning Commissioner Robert Semmler made a motion, seconded by Metro Planning Commissioner Jim Hicks, to forward to County Planning Commission and onward to County Council a recommendation of approval for the map amendment/ rezoning of Lady's Island R200-015-000-0051-0000 and R200-015-000-051A-0000, 35 acres known as The Village at Lady's Island, from Planned Unit Development (PUD) to Lady's Island Community Preservation (LICP) and Lady's Island Expanded Home Business (LIEHB). Mr. Tedder said the stormwater changes are in place. The motion was approved unanimously (FOR: Crower, Dechovitz, DeVito, Hicks, Huddy and Semmler)**

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**STAFF REPORT:**

**A. BACKGROUND:**

<b>Case No.</b>	ZMA-2011-04
<b>Applicant:</b>	Beaufort County Planning Department
<b>Property Owner:</b>	McNeal Land Company / J. Bennett McNeal
<b>Property Location:</b>	Intersection of Sam's Point Road (SC 802) and Oyster Factory Road – Lady's Island
<b>District/Map/Parcel:</b>	R200-015-0051 and 051A
<b>Property Size:</b>	35 acres

**Current Future Land Use Designation:**

Neighborhood Mixed Use

**Proposed Future Land Use Designation:**

No Change Proposed

**Current Zoning District:**

Planned Unit Development (PUD)

**Proposed Zoning District:**

Lady's Island Community Preservation (LICP) and Lady's Island Expanded Home Business (LIEHB)

## **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. The Village PUD is planned as a traditional neighborhood development (TND) with a mix of single-family, multi-family and commercial uses that are governed by a set of development guidelines, including a master plan, community and architectural standards.

To date, there has been no development activity in this PUD. Section 106-7 of the County's Zoning and Development Standards Ordinance (ZDSO) states that PUDs approved before adoption of the ZDSO (April 1999) are exempt from its provisions provided that more than 50 percent of the approved lots are platted and recorded or more than 50 percent of the utilities and infrastructure completed as of January 1, 2010. This section also gives property owners the option of requesting an amendment to the PUD to extend this sunset date and/or negotiate a development agreement with the County.

In 2009, the owner filed an application to amend this PUD to extend the sunset date beyond 2010. In May 2010, County Council agreed to extend the date to January 1, 2011, and directed the owner to lower the density of the PUD to a level more compatible with the surrounding neighborhood. The Planning staff met with the property owner in December 2010 to discuss available options, including asking for another extension. The property owner has declined to submit an application for an amendment to this PUD.

Section 106-491 of the ZDSO allows the Beaufort County Planning Department to initiate an amendment to the zoning map. Under this provision, and in compliance with Section 106-7, the Planning Department is requesting that The Village at Lady's Island PUD be rezoned to districts compatible with the surrounding area – Lady's Island Community Preservation (LICP) and Lady's Island Expanded Home Business (LIEHB).

**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 the ZDSO.***

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 Beaufort County Comprehensive Plan (2010) validates the Lady's Island community preservation effort and designates the area surrounding The Village PUD as Neighborhood / Mixed-Use. 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 Neighborhood / Mixed-Use overall density of 2 dwellings per acre. This density is more suited to the Urban / Mixed-Use area surrounding the Village Center.

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

The Village lies in the midst of mature residential neighborhoods that are currently zoned LICP on Sunset Bluff, Wallace and Oyster Factory Roads. The Expanded Home Business district (LIEHB) already exists along Sam's Point Road in the vicinity of this property.

**3. *The extent to which the proposed zoning and use of the property are 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 proposed.***

The property is wooded and may contain a freshwater wetland. It appears that the property is suitable for residential and small-scale commercial development, which would be allowed under the proposed zoning districts.

**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 has remained undeveloped since it received PUD approval in 1996.

7. *The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.*

The public interest will be served by ensuring that development of this property is consistent with the Beaufort County Comprehensive Plan.

8. *A traffic impact analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification.*

The proposed rezoning did not trigger the need for a traffic impact assessment (TIA) since the request is for a less intensive district.

#### **D. RECOMMENDATION:**

Because the Beaufort County Planning Department is the applicant, staff is not providing a recommendation.

#### **E. ATTACHMENTS:**

- Location Map
- Master Plan for The Village at Lady's Island PUD
- Future Land Use Map
- Zoning Map