



## MEMORANDUM

**TO:** Beaufort County Planning Commission

**FROM:** Anthony Criscitiello, Planning Director *TC*

**DATE:** April 25, 2011

**SUBJECT:** Request to Amend the Dataw PUD for Oak Island

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### A. BACKGROUND:

**Case No.** ZMA-2011-09

**Applicant/Owner:** GEJ Oak Island, LLC

**Property Location:** Adjacent to Dataw Island

**District/Map/Parcel:** R300-009-000-0050-0000

**Property Size:** 31.7 acres (Oak Island)

**Future Land Use Map:** Neighborhood/Mixed-Use

**Current Zoning District:** Planned Unit Development (PUD)

**Proposed Zoning District:** PUD – Amended

### B. SUMMARY OF REQUEST:

The Dataw Island PUD was approved by Beaufort County in 1983 for 1,546 dwelling units at a gross density of 1.78 units per acre. Oak Island, which is part of the PUD, is an undeveloped 31.7-acre island connected via a bridge to Dataw Island and approved in the PUD Master Plan for 35 single-family units. In August 2010, a Beaufort County Development Permit was issued to allow the development of 21 lots on Oak Island with an average lot size of about one acre.

The owners of the Oak Island development desire to build duplex units on each lot instead of single-family homes. This would result in 42 total dwelling units on the Island, an increase of 7 units over what the Master Plan allows, which would require a change in the allocation of housing density within the Master Plan. In addition, a change from single-family homes to duplex units is a change of use for this Island, which also requires an amendment to the Master Plan.

**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.*

The Dataw Island PUD is designated Neighborhood/Mixed Use on the Beaufort County Future Land Use Map. This category is primarily intended for residential development at modest densities with supporting neighborhood retail establishments. It also includes PUDs that are located in otherwise rural areas, including Dataw Island, Fripp Island and Harbor Island. The applicant is proposing no changes to the PUD that are inconsistent with the Comprehensive Plan. The 21-lot subdivision that has already been approved by the County for Oak Island has been determined to meet the requirements of the ZDSO. The applicant has not proposed any changes to this subdivision.

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

The change from single-family units to duplex units should not adversely affect the character of the rest of Dataw Island. Oak Island is physically separated from the remainder of the PUD via Oak Island Road, and from Dataw Island the duplexes will look like large single-family homes. There are currently two other small areas within the Dataw PUD that also have multi-family units. In February of this year, at a Dataw Island Owners Association meeting, a majority of residents of Dataw that were present voted to approve the proposed change from single-family homes to duplexes on Oak Island.

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

The Dataw Island PUD was approved for 1,143 single-family units and 403 multi-family units (1,546 total dwellings). To date, there are 352 units remaining as unused density. Allowing 21 duplexes on Oak Island (42 individual units) is consistent with the overall development plan for this PUD.

4. *The suitability of the property for the uses which have been proposed.*

Oak Island has already received County approval for a 21-lot subdivision, with lots ranging in size from 0.61 acres to 1.65 acres (average about 1 acre). These lots are suitable for either single-family homes or duplexes. If duplexes are approved, it will not require any changes to the existing or approved infrastructure serving Oak Island (bridge, roads, water, sewer, etc.).

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

See responses to items #2 and #3

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.

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 current zoning (PUD) will not change with the proposed amendment.

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.*

Buildout of the Dataw PUD has been included in the County's 2025 Transportation Model forecast. Because the applicant is not proposing a net increase in the number of dwelling units in the PUD, a TIA was not required.

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

After review of the guidelines set forth in Section 106-492 of the ZDSO, staff recommends approval of the requested amendment to the Dataw Island PUD to permit 21 duplexes (42 total dwelling units) on Oak Island.

#### **E. SUBCOMMITTEE RECOMMENDATION:**

The St. Helena Island Subcommittee met on April 20, 2011. Members present: Ms. LeGree and Mr. Hicks (Commission Chairman). Members absent: Mr. Brown, Mr. Petit, Mr. Semmler and Mr. Thomas. The Subcommittee did not have a quorum so there was no recommendation.

There were a number of comments from residents of Dataw Island:

Ms. Pat Bell, President of the Dataw Island Owners' Association (DIOA), said that there is a diversity of housing styles on the Island already, and that the owners are largely in favor of the proposed amendment.

Mr. Robert Hendricks, Mr. George Johnston, Mr. Rollie Stemland and Ms. Kathy Johnston all expressed concerns about the proposal. Comments included concern that the PUD's Architectural Review Board (ARB) had granted a waiver that would allow the duplexes to be 45-ft. tall; concern that the architectural design proposed by the developer was cookie-cutter and did not fit in with the "lowcountry style" of surrounding development; concern about how the units will look from Dataw Island given the proposed height and design; and concern that trees had

already been removed from Oak Island and that the natural beauty of the Island would not be preserved.

Ms. Delores Frazier, Assistant Planning Director, stated that the proposed development would have to meet the County requirements for height of buildings (no more than 35-ft measured from finished grade) and the requirements for preservation of the 50-ft river buffer. She said that she would like to talk to a member of the ARB about the alleged waiver to permit the units to be 45-ft. tall. She also stated that the County did not regulate the design of units within PUDs.

Mr. Colin Collins, past president of the DIOA, stated that property owners within the Dataw development had to deal with the flood elevation, requiring some to put parking underneath the buildings. He suggested this was the case with the duplex units.

Mr. Ted Bartlett stated that the developer will take the residents' concerns to heart regarding the height of the units and how the buildings will look.

#### **F. ATTACHMENTS:**

1. Rezoning Application
2. Zoning Map
3. Dataw Island PUD Master Plan

BEAUFORT COUNTY, SOUTH CAROLINA  
PROPOSED ZONING/DEVELOPMENT STANDARDS ORDINANCE  
ZONING MAP/TEXT AMENDMENT APPLICATION

TO: The Chairman & Members of Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):  
 Zoning Map Designation/Rezoning       Zoning/Development Standards Text
  
2. Give exact information to locate the property for which you propose a change:  
 Tax District Number: 300, Tax Map Number: 9, Parcel Number(s): 50  
 Size of subject property: 31.7 Square Feet/ Acres (circle one)  
 Location: ADJACENT TO DATAW ISLAND
  
3. How is this property presently zoned? (Check one)  
 Urban/U       Community Preservation/CP       Light Industrial/LI  
 Suburban/S       Commercial Regional/CR       Industrial Park/IP  
 Rural/R       Commercial Suburban/CS       Transitional Overlay/TO  
 Rural Residential/RR       Research & Development/RD       Resource Conservation/RC  
 Planned Unit Development/PUD
  
4. What new zoning do you propose for this property? N/A  
 (Under Item 10 explain the reason(s) for your rezoning request.)
  
5. Do you own all of the property proposed for this zoning change?  Yes     No  
 Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
  
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: N/A  
 (Under Item 10 explain the proposed text change and reasons for the change.)
  
7. Is this property subject to an Overlay District? Check those which may apply:  
 AOD - Airport Overlay District       MD - Military Overlay District  
 COD - Corridor Overlay District       RQ - River Quality Overlay District  
 CPOD - Cultural Protection Overlay District
  
8. The following sections of the Beaufort County ZDSO should be addressed by the applicant and attached to this application form:  
 a. Section 106-492, Standards for zoning map amendments.  
 b. Section 106-493, Standards for zoning text amendments.

9. Explanation (continue on separate sheet if needed): THE OWNERS OF THE PROPERTY ARE REQUESTING A MAP AMENDMENT TO ALLOW 21 DUPLEX UNITS (42 DWELLING UNITS) TO BE CONSTRUCTED ON THEIR PROPERTY. THE CURRENT MASTER PLAN ALLOWS 35 SINGLE FAMILY DWELLING UNITS.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

David R Karlyk  
Signature of Owner AGENT  
Date: 3/30/2011  
Printed Name: DAVID R KARLYK  
Telephone Number: 843-322-0553 X12  
Address: CAROLINA ENGINEERING / PO Box 299, BEAUFORT, SC 29901

Agent (Name/Address/Phone):

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

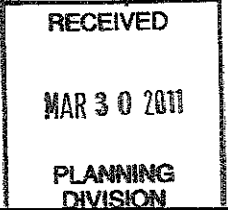
UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA IN WHICH YOUR PROPERTY LIES. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE (3) WEEKS PRIOR TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PUD APPLICANTS WILL BE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT 470-2724 FOR APPLICABLE APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)



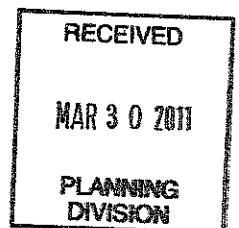
Date Posting Notice Issued:  
Application Fee Amount Received: \$250.00  
Receipt No. for Application Fee: # 111130

**PROJECT NARRATIVE  
FOR OAK ISLAND DUPLEXES  
BEAUFORT COUNTY  
JOB NO. 1483**

Oak Island is an existing 31.7 acre island located adjacent to Dataw Island in Beaufort County. The property is in the Dataw Island PUD and is shown on the Dataw Island Master Plan to be developed with 35 single family lots. On August 18, 2010 a Beaufort County Development Permit was issued for Oak Island, permitting 21 single family lots with an average lot size of 1.0 acre.

The owners of the Oak Island development desire to construct duplex residential units on each lot instead of single family homes. The Dataw Island Property Owners Association gave approval for the duplexes at the end of February 2011 and an application has been made to Beaufort County to request this density change.

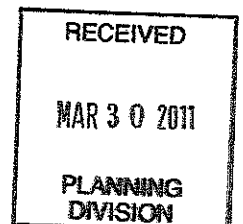
Approximately 9.0 acres of the island will be dedicated open space and the remaining acreage will be consumed by the road right-of-way. Access to the island will be provided by an existing bridge. Electrical and Telephone services will be provided by SCE&G and Embarq, respectively. Water and sewer service will be provided by the BJWSA. Fire protection and emergency services will be provided by Lady's Island Fire Dept. Solid waste disposal will be handled by the individual lot owners.



**ZONING MAP AMENDMENT FOR THE  
DATAW ISLAND PUD**

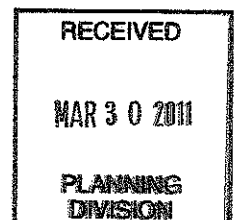
Section 106-492. Standards for zoning map amendment.

- (1) a. The requested density change from thirty five (35) single family dwelling units to twenty one (21) duplex units (forty two (42) dwelling units) is consistent with the Beaufort County Comprehensive Plan in many ways. The proposed change will allow growth in an area where growth was intended to occur, while preserving the rural character and open spaces in other areas of Beaufort County. Dataw Island is already served by many Community Facilities (i.e. public water, sewer, fire protection, police protection, emergency medial services, etc.) and allowing the density change (seven (7) more dwelling units than what was originally approved) will not put any additional strain on these 'Facilities'. The existing utilities on Dataw Island were designed and installed with the intent of future development on Oak Island and they are more than adequate to serve the proposed additional dwelling units. The roads already in place on Dataw Island are also adequate to serve the proposed additional dwelling units. The proposed map amendment will not threaten the public health, safety and welfare of citizens of St. Helena Island or the occupants of Dataw Island.
- b. Although the Master Land Use Plan for Dataw Island does not reflect it, there are currently several multi-family units on Dataw Island today. 'The Bluff' off of Bluff Road is comprised of several duplex units and the 'Golf Villas or Fairway Villas' are basically townhouses with four dwelling units each under a common roof. The proposed density and land use change is consistent with the character of the existing neighborhood.
- c. Dataw Island (the closest nearby property) and Oak Island are both located in the Dataw Island PUD. The property will still be zoned a PUD, and as stated in 'Item b.' above is consistent with the use of nearby properties.
- d. The property was intended to support thirty five (35) single family home sites and the adjacent infrastructure was designed and installed accordingly. Allowing twenty one (21) duplex units (seven (7) more dwelling units that originally intended) will not require any changes to the existing infrastructure serving Oak Island (roads, bridges, water sewer, etc.). The property is suitable to support seven (7) additional dwelling units above what was originally intended.
- e. The nearby property (Dataw Island) contains duplex and other multifamily dwelling units and allowing these duplex units on Oak Island will not adversely impact Dataw Island.
- f. According to the Dataw Island Master Use Land Plan, the property was zoned PUD in December 1982. The property was vacant before then and still remains vacant today.
- g. The current zoning of the property will not change with the proposed map amendment.





- h. The proposed Map Amendment will only allow seven (7) more dwelling units than what was originally proposed. The additional units will not create additional traffic issues or change the levels of service on adjacent streets.



THE ENGINEER HAS REVIEWED THE PLANS AND FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE SUBDIVISION ACT. THE ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR THE RESULTS OF THE CONSTRUCTION OF THE PROJECT.



PLAN REVISIONS

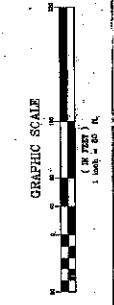
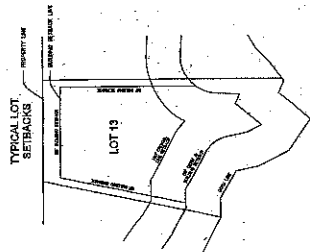
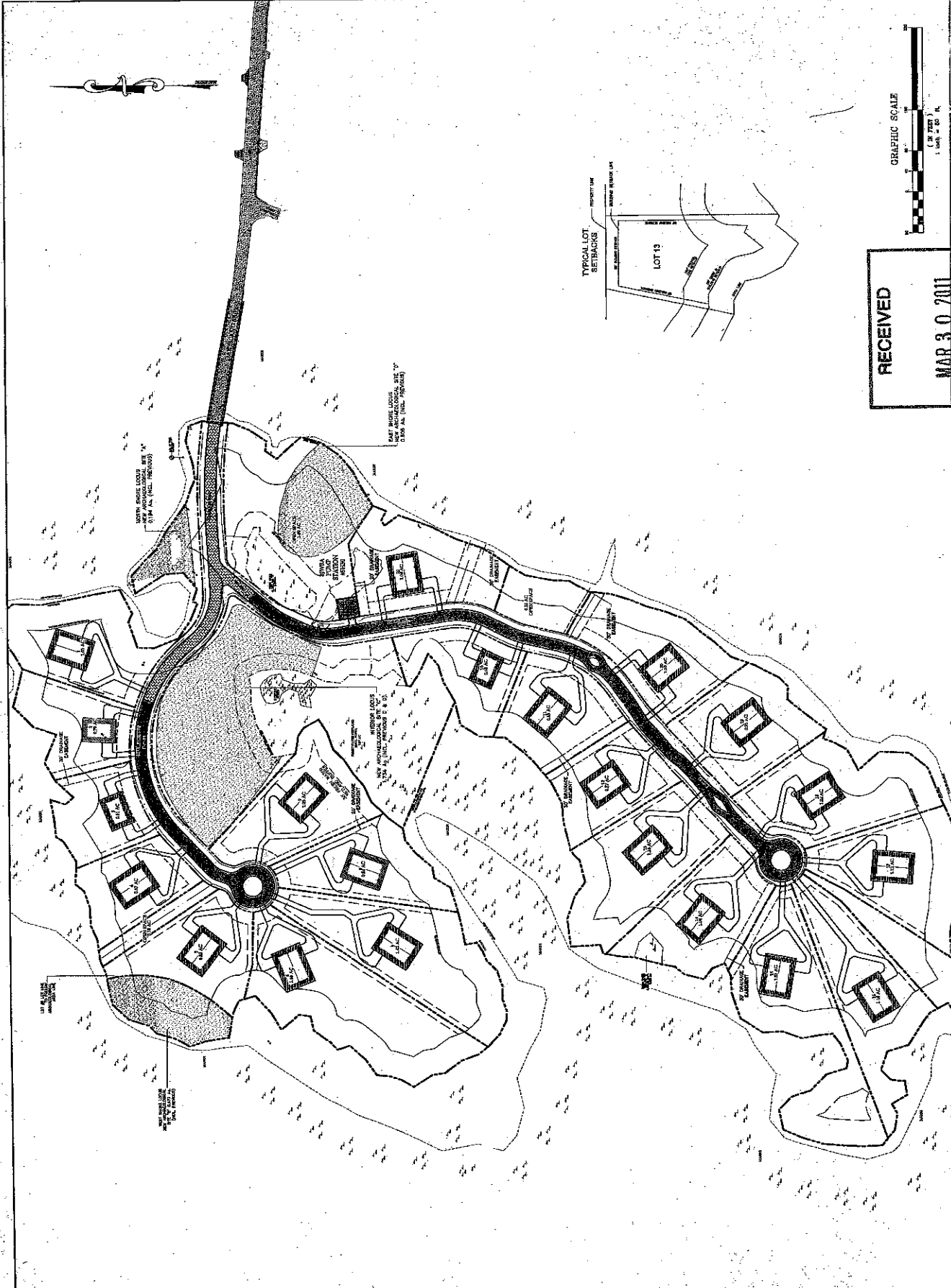
NO.	DESCRIPTION	DATE
1	06/14/08 PER HWSA	
2		
3		
4		
5		
6		
7		
8		

**OAK ISLAND**  
**OAK ISLAND DRIVE**  
**BEAUFORT COUNTY, SC**

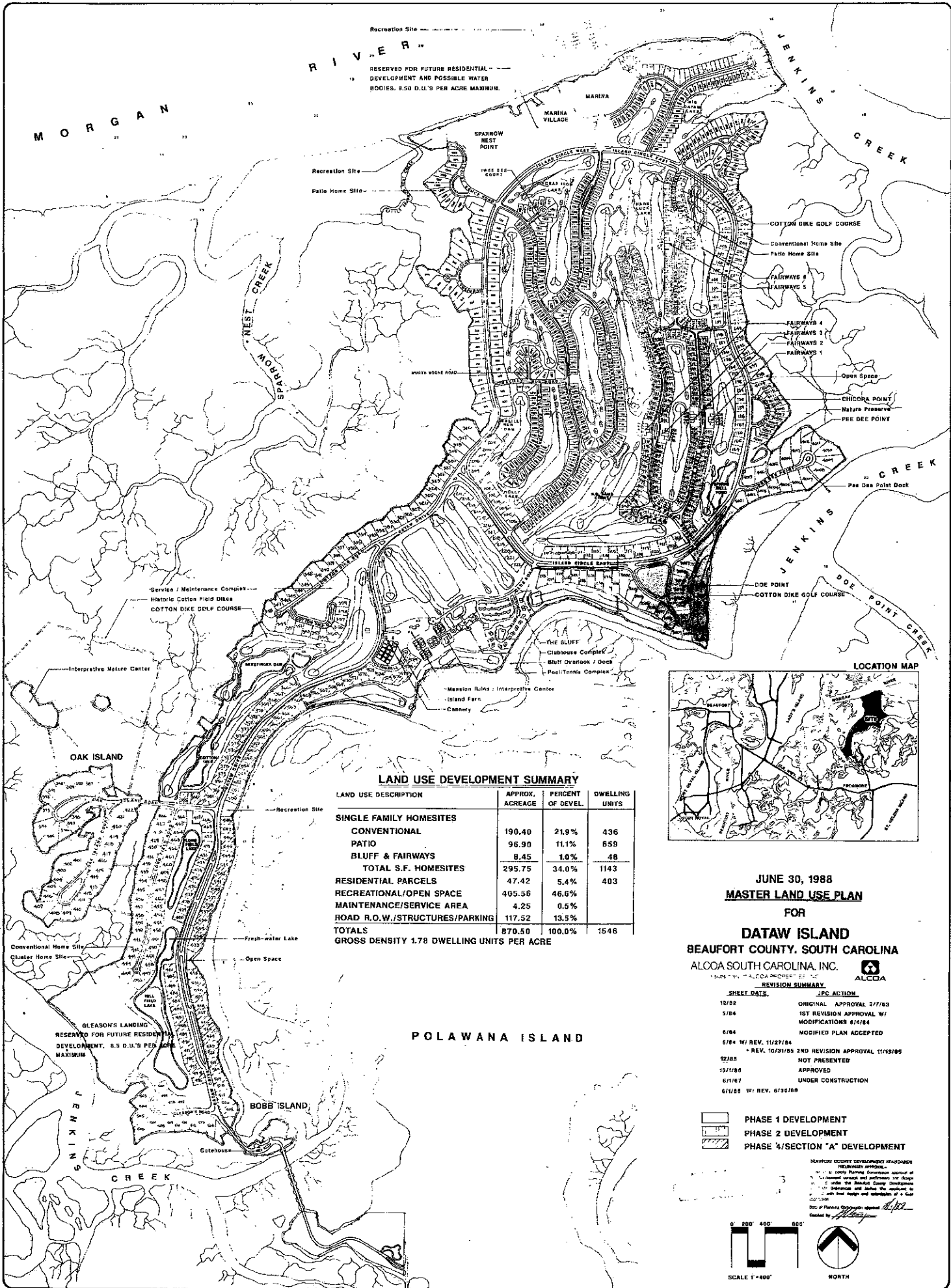
**CAROLINA ENGINEERING CONSULTANTS, INC.**  
 14222 WILSON ROAD  
 BEAUFORT, SC 29516  
 843.722.8533

DATE: 06/14/08  
 DRAWN BY: LKB  
 ENGINEER: DKB  
 SCALE: 1"=50'

HOUSELAYOUT  
 1 OF 1



RECEIVED  
 MAR 30 2011  
 PLANNING  
 DIVISION



Recreation Site  
RESERVED FOR FUTURE RESIDENTIAL DEVELOPMENT AND POSSIBLE WATER BODIES. 5.50 D.U.'S PER ACRE MAXIMUM.

Recreation Site  
Patio Home Site

COTTON DIKE GOLF COURSE  
Conventional Home Site  
Patio Home Site

FAIRWAYS 4  
FAIRWAYS 3  
FAIRWAYS 2  
FAIRWAYS 1

Open Space  
CHICORA POINT  
Nature Preserve  
PHE DEE POINT

Pass Use Point Dock

DOE POINT  
COTTON DIKE GOLF COURSE

Service / Maintenance Complex  
Historic Cotton Field Dikes  
COTTON DIKE GOLF COURSE

Interpretive Nature Center

THE BLUFF  
Clubhouse Complex  
Bluff Overlook / Deck  
Pool/Tennis Complex

Mansion Ruins - Interpretive Center  
Island Farm  
Cannery

OAK ISLAND

Recreation Site

Conventional Home Site  
Cluster Home Site

Fresh-water Lake  
Open Space

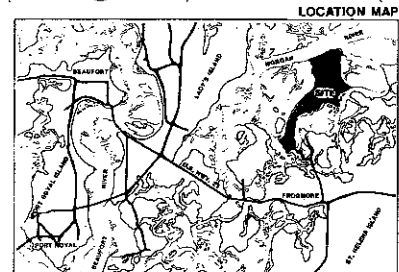
GLEASON'S LANDING  
RESERVED FOR FUTURE RESIDENTIAL DEVELOPMENT. 5.5 D.U.'S PER ACRE MAXIMUM

BOBB ISLAND  
Gatehouse

POLAWANA ISLAND

**LAND USE DEVELOPMENT SUMMARY**

LAND USE DESCRIPTION	APPROX. ACREAGE	PERCENT OF DEVEL.	DWELLING UNITS
<b>SINGLE FAMILY HOMESITES</b>			
CONVENTIONAL	190.40	21.9%	436
PATIO	96.90	11.1%	659
BLUFF & FAIRWAYS	8.45	1.0%	48
<b>TOTAL S.F. HOMESITES</b>	<b>295.75</b>	<b>34.0%</b>	<b>1143</b>
RESIDENTIAL PARCELS	47.42	5.4%	403
RECREATIONAL/OPEN SPACE	405.56	46.6%	
MAINTENANCE/SERVICE AREA	4.25	0.5%	
ROAD R.O.W./STRUCTURES/PARKING	117.52	13.5%	
<b>TOTALS</b>	<b>870.50</b>	<b>100.0%</b>	<b>1546</b>
<b>GROSS DENSITY 1.78 DWELLING UNITS PER ACRE</b>			



**JUNE 30, 1988**  
**MASTER LAND USE PLAN**  
FOR

**DATAW ISLAND**  
BEAUFORT COUNTY, SOUTH CAROLINA  
ALCOA SOUTH CAROLINA, INC.

**REVISION SUMMARY**

SHEET DATE	JPC ACTION
12/82	ORIGINAL APPROVAL 3/7/83
5/84	1ST REVISION APPROVAL W/ MODIFICATIONS 6/4/84
6/84	MODIFIED PLAN ACCEPTED
6/84 W/ REV. 11/27/84	2ND REVISION APPROVAL 11/29/85
12/85	NOT PRESENTED
10/1/86	APPROVED
6/1/87	UNDER CONSTRUCTION
6/1/88 W/ REV. 6/30/88	

- PHASE 1 DEVELOPMENT
- PHASE 2 DEVELOPMENT
- PHASE 3/SECTION "A" DEVELOPMENT

MAJOR DEVELOPMENT STANDARDS  
REQUIRE APPROVAL  
BY THE LOCAL PLANNING COMMISSION AND THE BEAUFORT COUNTY PLANNING COMMISSION AND THE BEAUFORT COUNTY DEVELOPMENT BOARD AND THE BEAUFORT COUNTY COMMISSION ON ZONING AND LAND USE AND THE BEAUFORT COUNTY BOARD OF PLANNING AND ZONING.

