



## 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: 3.7 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 3/30/2011 Date

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

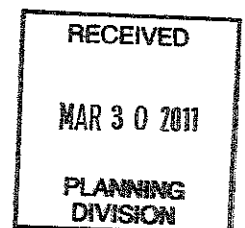
Receipt No. for Application Fee: #111130

**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.

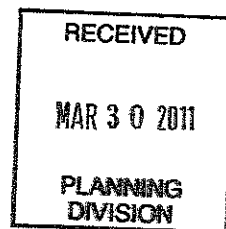
Approximately 9.0 acres of the island will be dedicated open space and the remaining acreage will be consumed by the road right-of-way. Access to the island will be provided by an existing bridge. Electrical and Telephone services will be provided by SCE&G and Embarq, respectively. Water and sewer service 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**

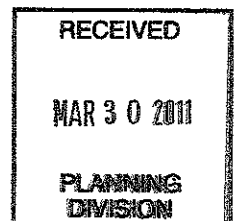
Section 106-492. Standards for zoning map amendment.

- (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.



ANY INFORMATION MAY BE SUBJECT TO LOCAL ACTION.  
 THE DESIGN AND CONSTRUCTION OF THIS PROJECT IS THE RESPONSIBILITY OF THE DESIGNER.  
 THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.



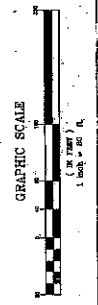
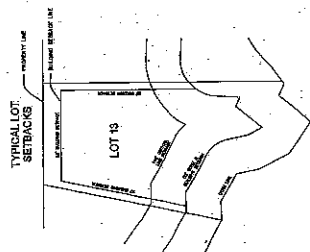
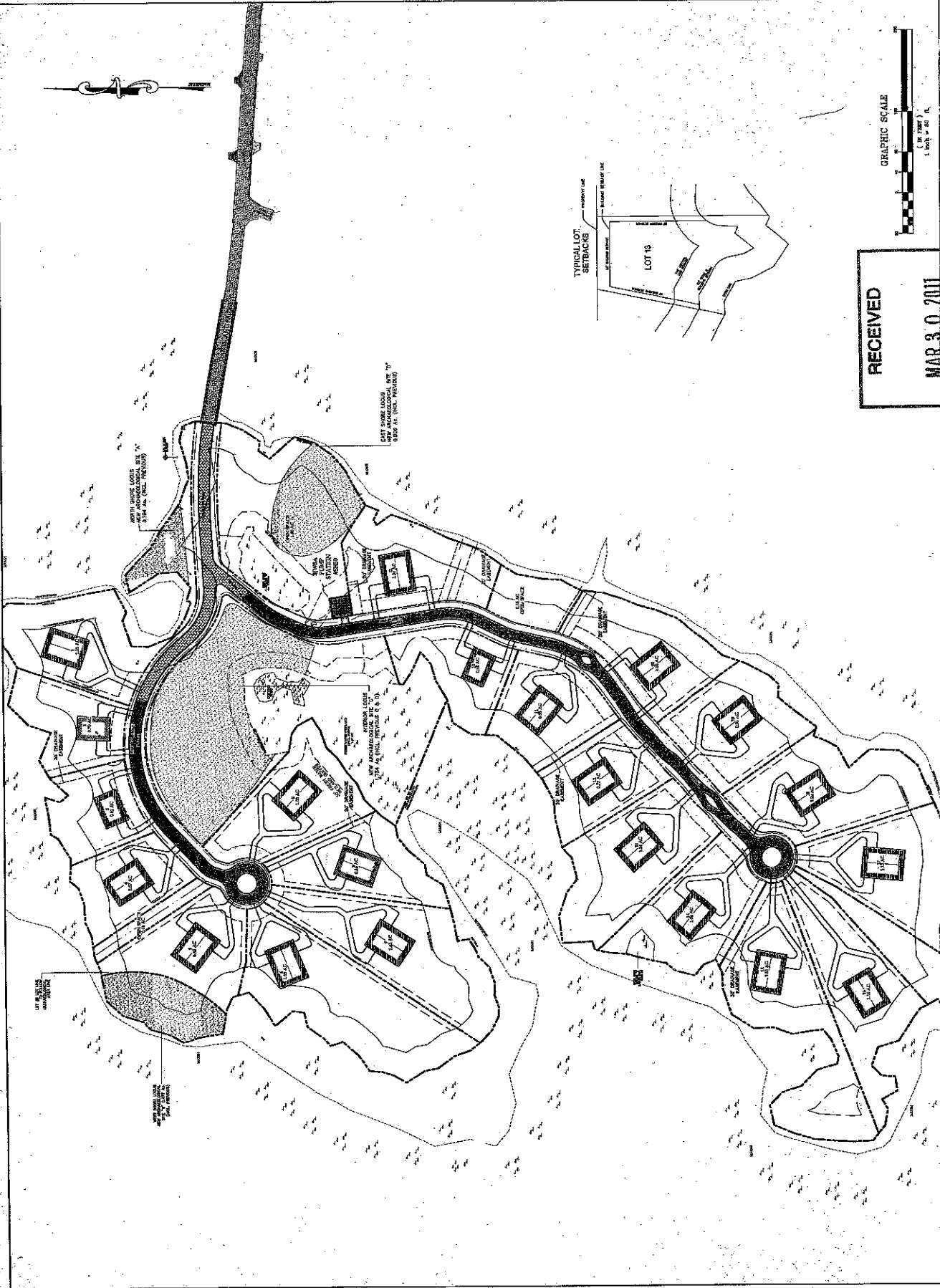
NO.	DESCRIPTION	DATE
1	05/24/08 - PER. REVISA	
2		
3		
4		
5		
6		
7		
8		

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

**CAROLINA ENGINEERING CONSULTANTS, INC.**  
 2 PROFESSIONAL VILLAGE CIRCLE  
 BEAUFORT, SC 29501  
 PO BOX 294  
 843/222-0223  
 843/222-0226 (FAX)

PROJECT: 05/08/08  
 DATE: 05/24/08  
 REVISION: 12/08/10  
 DRAWN BY: LEK  
 ENGINEER: DEK  
 SCALE: 1"=50'

HOUSELAYOUT  
 1  
 OF 1



RECEIVED  
 MAR 30 2011  
 PLANNING DIVISION



PROPERTY OWNERS NOTIFIED OF DATAW PUD REZONING

PIN_	Owner1	MailingAdd	City	State	ZIP
R300 010 00C 0080 0000	BARRETT JAMES H URSULA R JTROS	26 OAK ISLAND ROAD	DATAW ISLAND	SC	29920
R300 010 00C 0120 0000	BEAUDOIN JANET A	11 LONGFIELD DR	SAINT HELENA ISLAND	SC	29920
R300 010 00C 0135 0000	COLGAN JOHN WILLIAM ROBERTA LESLIE	1725 LONG FIELD DRIVE	DATAW ISLAND	SC	29920
R300 010 00C 0124 0000	COWAN MARY E TRUSTEE (MARY E COWAN	1716 LONGFIELD DR	DATAW ISLAND	SC	29920
R300 010 00C 0126 0000	DALE GEORGE A	1712 LONGFIELD DR	SAINT HELENA ISLAND	SC	29920
R300 010 00B 0130 0000	DATAW ISLAND CLUB INC ONE CLUB ROAD	PO BOX 819	BEAUFORT	SC	29901
R300 010 00C 0144 0000	DATAW ISLAND OWNERS ASSOC INC	ONE CLUB RD	SAINT HELENA ISLAND	SC	29920
R300 010 00C 0132 0000	DICKSON JAMES ROBERT SUSAN JUNE JT	25 OAK ISLAND ROAD	ST HELENA ISLAND	SC	29920
R300 010 00C 0125 0000	DIDIER DOUGLAS A EVELYN F JTROS	1714 LONGFIELD DR	SAINT HELENA ISLAND	SC	29920
R300 010 00C 0113 0000	FOLEY JUDITH STEFFES TRUSTEE JUDIT	1703 LONGFIELD DR	DATAW ISL	SC	29920
R300 009 000 0050 0000	GEJ OAK ISLAND LLC	303 SOUTH BROADWAY SUITE 450	TARRYTOWN	NY	0
R300 010 00C 0134 0000	JACKSON FRANCIS X GLORIA G JTROS	3112 KING OLAF DR	WAXHAW	NC	28173
R300 010 00C 0112 0000	KITE GARY LILLIAN JTROS	2668 RIVERWOOD TRAIL	FORT WORTH	TX	76109
R300 010 00C 0136 0000	KOETTERS MICHAEL C	822 KINGFISHER DRIVE	GLENDALE	OH	45246
R300 010 00C 0115 0000	KOREY THERESE A TRUSTEE	1707 LONGFIELD DR	DATAW ISLAND	SC	29920
R300 010 00C 0121 0000	LISA JOAN COTTLE BARBER REVOCABLE TR	4656 ABERLOUR WAY	MARIETTA	GA	0
R300 010 00C 0127 0000	LOONEY ARTHUR J TRUSTEE LOONEY CA	1710 LONG FIELD DRIVE	ST HELENA ISL	SC	29920
R300 010 00C 0116 0000	MARSHALL ALTA SIMPSON	791 ROBIN RD	LEXINGTON	KY	40502
R300 010 00C 0114 0000	MCCORMICK THOMAS J III HEATHER D C	172 STONEBEND DR	POWELL	OH	43065
R300 010 00C 0131 0000	PICARIELLO RALPH A TRUSTEE PICARIE	1702 LONGFIELD DRIVE	DATAW ISLAND	SC	29920
R300 010 00C 0119 0000	REBECCA SNIDER SPRECHER TRUST	1715 LONG FIELD DRIVE	SAINT HELENA ISLAND	SC	29920
R300 010 00C 0129 0000	ROBERTSON ROBERT G CYNTHIA B JTR	390 BAILEY ROAD	HOLDEN	MA	1520
R300 010 00C 0117 0000	SEDMAK CRAIG WILLIAM	19 GREENE ST APT 4F	NEW YORK	NY	0
R300 010 00C 0128 0000	SHORT ROBERT G TRUSTEE SHORT MARLEN	1708 LONG FIELD DR	ST HELENA ISL	SC	29920
R300 010 00C 0123 0000	SMITH GERALD M DEIRDRE O JTROS	1718 LONG FIELD DRIVE	ST HELENA	SC	29920
R300 010 00C 0133 0000	STANTON PATRICK M KATHLEEN A (FAMA)	2 HAMILTON RD APT 4M	MORRISTOWN	NJ	7960
R300 010 00C 0130 0000	TISCH ROBERT F TRUSTEE TISCH BERT	1704 LONGFIELD DRIVE	DATAW ISLAND	SC	29920



COUNTY COUNCIL OF BEAUFORT COUNTY  
BEAUFORT COUNTY PLANNING DEPARTMENT  
Multi Government Center • 100 Ribaut Road, Room 115  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Phone: (843) 470-2724 • FAX: (843) 470-2731

April 8, 2011

**RE: Notice of Public Meetings to Consider a St. Helena Map Amendment/Rezoning Request for R300 009 000 0050, Oak Island—part of Dataw Island PUD, to allow the construction of 21 duplex units (42 dwelling units) versus the 35 single family dwelling units allowed on the current master plan; Owner: GEJ Oak Island, LLC; Applicant: David R. Karlyk, Carolina Engineering Consultants, Inc.**

Dear Property Owner:

In accordance with the Beaufort County Zoning & Development Standards Ordinance, Section 106-402, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a rezoning proposal can be adopted. You are invited to attend the following meetings and public hearings to provide comments on the subject proposed map amendments in your neighborhood. A map of the properties is on the back of this letter.

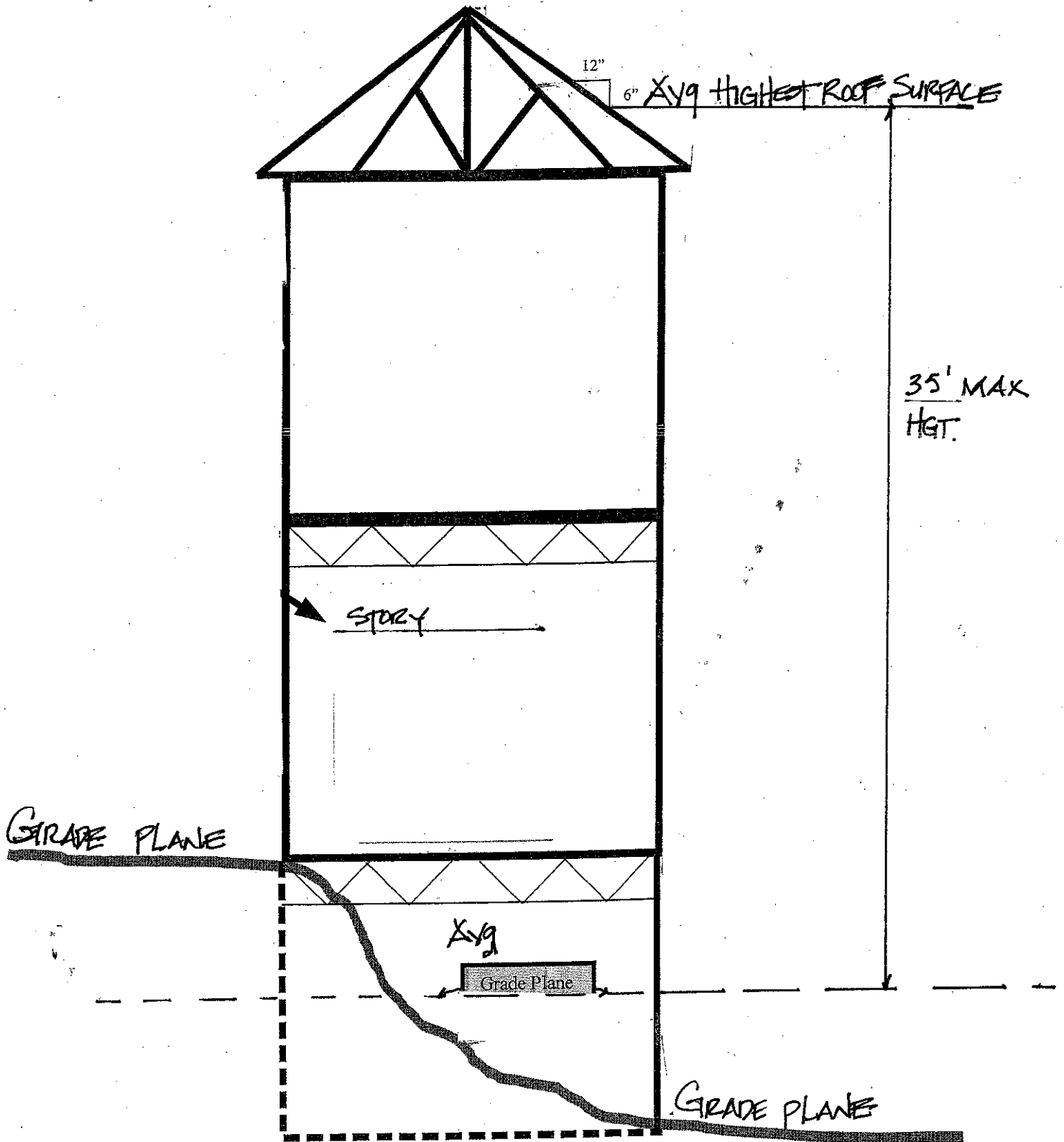
1. The **St. Helena Island Subcommittee** of the Beaufort County Planning Commission – **Wednesday, April 20, 2011, at 5:30 p.m.** at the South Carolina Coastal Community Development Corporation conference room on 10 De Gullah Way, St. Helena Island, SC (behind Gullah Grub Restaurant off Sea Island Parkway/Highway 21).
2. The **Beaufort County Planning Commission** (public hearing) – **Thursday, May 2, 2011, at 6:00 p.m.** in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. The **Natural Resources Committee** of the County Council – **Monday, June 6, 2011, at 2:00 p.m.** in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
4. **Beaufort County Council** – usually meets second and fourth Mondays at 4:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC., or at the Beaufort County Library, Hilton Head Island Branch, 11 Beach City Road, Hilton Head Island, SC. County Council must meet three times prior to making a final decision on this case. Please contact the County Planning Department for specific dates, times and location.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at 255-2140.

Sincerely,

Delores Frazier  
Assistant Planning Director

Attachment on back of letter



**GRADE PLANE.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 ft (1829 mm) from the building between the structure and a point 6 ft (1829 mm) from the building.

**HEIGHT, BUILDING.** The vertical distance from grade plane to the average height of the highest roof surface.

**From:** Jim Hicks [mailto:jbhicks@hargray.com]  
**Sent:** Thursday, May 19, 2011 8:41 PM  
**To:** Childs, Barbara  
**Subject:** Oak Island

Barbara: Please forward to the members of the Planning Commission as a matter of general information.

Thanks, Jim

-----  
> -----Original Message-----

> From: Jim Hicks [mailto:jbhicks@hargray.com]

> Sent: Thursday, May 19, 2011 4:35 PM

> To: Pat Bell

> Cc: Paul Sommerville

> Subject: Re: Oak Island

>

> Pat,

>

> Thanks for the information regarding the Oak Island project. I can assure you the project will be on the June agenda for the Beaufort County Planning Commission. As you may recall it was requested by the Planning Commission that the Dataw ARB take a second look at the project and be prepared at the upcoming meeting to reassure the Commission it was specifically comfortable with the height issue to include a full understanding of what the maximum height could be. The Director of Planning, at the May meeting, requested a thirty day delay to allow he and his staff to review the question of allowable height and as to what he needs to make a ruling on that matter (drawings) it would be inappropriate for me to attempt to interject myself into that technical matter. As to the Planning Commission being involved in anything other than the specific question for which approval is requested (a matter of density) it is the responsibility of the commission to provide in its recommendation to Council any advice/guidance or separate recommendation regarding any matter of which the council should take into consideration when ruling on the matter.

>

> Thank you so much for the invitation for members of the Planning Commission or staff to view a Dataw home similar to those being proposed on Oak Island. I will insure they are made aware of the kind offer.

>

> I really appreciate your help on this matter.

> Jim

>

> -----  
> From: "Pat Bell" <belfry5@cs.com>

> Sent: Thursday, May 19, 2011 11:47 AM

> To: <jbhicks@hargray.com>

> Cc: <psommerville@bcgov.net>

> Subject: Oak Island

>

>> Jim, we are trying to move the development of Oak Island forward but seem to be running into roadblocks along the way. To date this is where we are.

>>

>> Teddy Schultz and Tony exchanged emails with conflicting results. A conference call was set up for May 9th with Tom Hamilton, the architect, David Karlyk, the engineer, Jim Laughnane, head of our ARB, Ted Bartlett and myself, to talk about the height guidelines. Tony never signed on to the conference call. We proceeded to talk with Tom Hamilton about the height of the homes but we still needed to talk with Tony about this.

>>

>> On May 13th, Ted Bartlett was able to reach Tony. Tony explained he had no problem with the density issue but was concerned about the height and our guidelines. A conference call was set up with our ARB, Teddy Schultz, Ted and myself for Tuesday, May 17th. That call took place. Again, Tony said he had no problem with density. We explained our height guidelines for Oak Island which are the same guidelines that have been used for every conventional home on Dataw. The home designs have always been approved by the county. Also, these are the same guidelines used for the homes on Longfield and Gleason's Landing. The homes on the two streets face directly on the marsh. Tony asked about the 10'6" guideline and it was explained that this only applied to a structure below the average grade and it was pointed out that there is an existing home on Dataw that exhibits that. The county had no problem with that design. Tony still insisted that he have drawings showing height but that he would not rule on them because that was the job of the Building Code Department.

>>

>> After that call we contacted Arthur Cummings, head of the building code department and he explained the way the county measures height. The county goes up to 35' whereas our guidelines go up to 33'.

>>

>> The developer and architect are confused on why the Planning Commission is asking for drawings when the issue is density. We would like to move the project along and would sincerely hope that you place this on your June agenda. Prior to this, if the Planning Commission and staff would like to see what a home would look like we would invite you out to Dataw to show you. From the Oak Island dock you can see the homes that abut the marsh that have been built to our height guidelines and that also meet the county requirement.

>>

>> Our ARB has always acted in a responsible manner and in good taste and we have always met the county guidelines. We have a beautiful island and intend to keep it that way.

>>

>> Thank you for your assistance.

>> Pat Bell, President

>> Dataw Island Homeowners Association



Philip Mitnick

1450 Gleasons Landing Drive • Dataw Island • SC • 29920 • USA  
Phone: 1-843-838-0060 • E-Mail: pmitnick@wanadoo.nl

Date: April 28, 2011

Planning Director  
Beaufort County Planning Department  
100 Ribaut Road, Room 115  
Post Office Drawer 1228  
Beaufort, SC 29901-1228

Dear Sir or Madam:

As a resident of Dataw Island I have a personal interest and stake in the development of Oak Island. I've been given to understand, the Planning Board will be holding a hearing to discuss proposals on that development. As I am stationed overseas, I'm taking this opportunity to submit, in writing, views based on my understanding of the proposals.

First, let me state that I strongly support the *responsible* development of Oak Island. In my view, such development has the potential to enhance the value of Dataw, and the residents of Oak will, undoubtedly, make a contribution to the support of Dataw facilities.

However, I am concerned that as development plans have changed several times in the last several years, with a significant increase in proposed density, the developers have not adequately reconsidered earlier unit designs, in light of those changes. As a result, I find that the indicated building heights, partly as a result of under unit garages, to be not in keeping with the development guidelines for Saint Helena Island and in stark contrast to the low country aesthetic that has characterized the development of Dataw Island since its inception.

In my view, this can easily be remedied through creative redesign of the units. There appears to be sufficient land area on Oak Island to support the proposed density levels, unit size and features, while remaining within planning guidelines and respecting the aesthetic sensibilities that have made Dataw an example of responsible development.

In conclusion, I am requesting the Planning Board to ask the developer to "go back to the drawing board," and resubmit designs that respect the letter and the spirit of the development guidelines.

Thank you for taking my views into consideration.

Sincerely,



Philip A. Mitnick, Registered Architect  
Chief of Administration  
Special Tribunal for Lebanon