



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department
Beaufort County Government Robert Smalls Complex
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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held in Council Chambers on Monday, October 7, 2024 at 6:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Ms. Cecily McMillan, Vice Chair
Mr. Pete Cook
Mr. Jon Henney
Ms. Gail Murray
Mr. Gene Meyers
Mr. Glenn Miller
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Dan Riedel

STAFF PRESENT:

Mr. Robert Merchant, Planning and Zoning Director
Ms. Kristen Forbus, Long Range Planner
Mr. Kevin Sullivan, Transportation Planner

CALL TO ORDER: Chairman Ed Pappas called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE: Chairman Pappas led those assembled in the pledge of allegiance.

REVIEW OF MEETING MINUTES: The September 5th, 2024 Planning Commission minutes were approved with no objections.

CITIZEN COMMENTS:

There were no public comments.

ACTION ITEMS:

CONSIDERATION OF AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.6.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE COMMUNITY PRESERVATION DISTRICT (DCP)

Ms. Forbus presented the text amendment application and the staff’s recommendation of approval.

Mr. Merchant discussed the history of adopting short-term rentals as a special use in community preservation districts.

There were questions from the members regarding notification and lack of public input. Mr. Merchant explained the notification processes.

There was also discussion of the relationship between housing affordability and short-term rentals.

There were no public comments.

Mr. Henney made a motion to recommend approval of AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.6.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE COMMUNITY PRESERVATION DISTRICT (DCP). Mr. Miller seconded the motion. The motion failed 3-5.

Ms. Murray made a motion to recommend denial of AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.6.40 (PERMITTED ACTIVITIES) TO ALLOW LODGING: SHORT-TERM HOUSING RENTAL (STHR) IN DALE COMMUNITY PRESERVATION DISTRICT (DCP). Mr. Ross seconded the motion. The motion passed 5-3.

CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO)

Attached is distributed correspondence.

Mr. Merchant presented the rezoning application. Kevin Sullivan of the Engineering department presented the updated TIA memorandum. Explanation of the timeline of a Development Agreement was discussed.

Brian Witmer of Witmer Jones Keefer presented the land plans of the application.

The interested buyer, Richard Schwartz, joined virtually. He stated the need for schools, commercial opportunities, and housing. He listed conditions that he would implement into the Development Agreement that came from the surrounding neighbors.

Dillon Turner presented the road improvements per the TIA.

Attorney Walter Nestor explained the process of Development Agreements.

The new TIA will need to show the road changes for scenarios depending whether the transportation tax referendum passes or not.

Public Comments:

Nickey Maxey stated in favor of the application.

Jim Kapotic stated in favor of the application.

Derek Stetter stated concerns about the density, public input, the traffic analysis, and the rezoning criteria.

Pete Schramm stated his stance against the rezoning.

Felice LaMaroia stated her stance against the rezoning.

Scott Daniel stated his stance against the rezoning.

Joshua Hover stated his concerns with the Development Agreement.

There was then further discussion about agreements between the neighbors and Richard Schwartz.

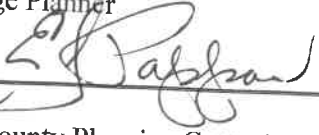
Further explanation of the TIA occurred.

After much discussion, Mr. Nestor requested that the application be deferred until the January meeting.

Mr. Henney motioned to grant a deferral until January 2025 of AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO). Mr. Miller seconded the motion. The motion passed 8-0.

ADJOURNMENT: Chairman Pappas adjourned the meeting at 8:45 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner



Ed Pappas
Beaufort County Planning Commission Chairman

Date: 12/2/24

Date: September 2, 2024

From: The Cherry Point Neighborhood

To: Beaufort County Planning and Zoning Commission

To our Planning Commission members:

We have spent much time as a neighborhood meeting with Richard Schwartz of Clearview Homes and communicating regarding the development of this property. While we would all prefer the land remain in its current rural zoning, we are realistic as to the landowner's repeated attempts to rezone. Because of this fact, and because of Mr. Schwartz's willingness to work with our neighborhoods, we are currently in support of Mr. Schwartz's current plan of development subject to conditions we have agreed upon and approval of the final decisions in the development agreement. Mr. Schwartz has agreed to several conditions that help to minimize the impact on our neighborhood and we want to ensure the protections from those impacts on our current community and the environment.

To ensure the agreement meets these standards, and to continue our support of this development, we expect the following :

- It is our understanding from Mr. Schwartz that he has a contract to sell the back 31 acres to Beaufort County School district. This is the portion of the parcel that borders our neighborhood. We want written commitment that the rear 31 acres will never be developed other than as described to us as a middle school or parks.
- Mr. Schwartz wants to rezone the front 40 acres for 258 dwelling apartments/with parks and green space and some retail space. We expect to see the commitment for the ratio for open space and parks and walking trails and that it will not include affordable housing.
- **Buffer Zones and Privacy:** For all of the Cherry Point homes that **border** the development, there must be a 75-foot undisturbed buffer zone on Cherry Point S. Those street numbers are: side #'s 149, 161,165, 169, 171,173,177,179,185, rear #'s 154, 128 &123. This buffer is crucial to maintain privacy and protect the surrounding environment and wildlife and birds. It will be in writing as a requirement to develop anything. No development activities should occur within the undisturbed buffer zones, and they shall be clearly marked as such. If any of the natural vegetation is disturbed, the owner of the property shall agree to plant mature landscaping to replace any disturbed vegetation.

- **Retail and Land Use Restrictions:** We understand that the development agreement should explicitly prohibit the establishment of a car wash, a gas station, storage facilities and any type of short term lodging such as hotel or extended stay hotel.
- **Multi-family Density and Land Use:** The multi-family residential density will be capped at 258 units, and there should be no inclusion of affordable housing in this development. We expect sidewalks, walking trails, parks, green space
- **Retail & Multi-family design:**
Quoted From Mr. Schwartz—The village itself is regulated by the T4 OVERLAY. The village is also designed with a BOULEVARD System protecting the best trees that were remaining after the clear cut that the seller did. Within the village we have mandated 20% CIVIC AND OPEN SPACE ON T4 AND 50% ON T3. Within the block sections that the road network makes up we do not know at this point what the future green space will be. The end user who creates the block design will have to go through county approvals and meet design space ratios within their space dealing with their concepts.

We want it clear up front and in writing what those design space ratios will be.

- **Leave It as You Found It:** Should any of the current dirt roads be disturbed by heavy trucks turning around or driving on them, the developer and owners will be held solely responsible for repairing any affected areas.
- **Traffic and infrastructure:**
 Traffic is always a huge concern as we are at the end. If one needs to get out in case of emergencies, etc.

Per Mr.Schwartz-First improvement with our rezoning will be the expansion of cherry point road width to have a dedicated staking lane, a thru lane and a right hand turn lane into our commercial area. On the outgoing it will be two left lanes for exit. This will solve the problems that occur now on the school drop off.

But, the 2035 plan to cutoff left turns and have a signalized UTurn is not appealing.

Mr. Schwartz tells us that the county and SCDOT are looking at a signalized intersection on the south/ eastern part of Parcel A that is across from Riverwalk

biz park. This will allow all commercial traffic to go left from that point. This would be a fabulous event if it in fact happens. Cherry Point Road will be stressed horribly until this occurs.

Stormwater drainage is abysmal in Cherry Point. We want to see the proposal that fixes current problems and prevents future problems. Pointing us to the stormwater manual is not sufficient.

These measures are crucial to maintaining the quality of life for current residents and ensuring that development is conducted in a sustainable and community-friendly manner. These are our “non-negotiables” for our community in order to support the rezoning. We concur with our neighbors from Malind Bluff that our full support is contingent on seeing the finalized development agreement. Our caution is based on the history of changes to agreements with no accountability to the citizens. I refer you to the current River Oaks development which no one at the county will explain how that development was able to make major changes to the detriment of our neighborhood without citizen involvement or county council participation. We do not want a repeat of River Oaks and need some guarantees here. Yes, we remain cautious.

We thank Mr. Schwartz for this collaborative approach. We look forward to working with him and staff on making this beneficial to both the new development and our existing community.

Thank you for serving this county and for your time,

Felice LaMarca

Representing the Cherry Point neighborhood

Date: September 01, 2024

From: The Malind Bluff Community

To: Planning Commission

Committee Members,

We are writing to ask for your support for our community and the surrounding areas by favorably considering the following rezoning request:

- **CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 49.16 ACRES** (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO NEIGHBORHOOD MIXED USE (C3)

We are currently in favor of this rezoning approval due to the following reasons:

- **Infrastructure Improvements Promised:**
 - Expanded exit and improved traffic signals at Cherry Point Road
 - Improved stormwater collection and management
 - Enhanced access between Malind Bluff and the Cherry Point commercial areas
- **Institutional Zoning Carve-Out:**
 - Approximately 30 acres of institutional zoning promised to be developed only as a school or a park
 - We would prefer specific timelines and build phases for this school or park from the respective county office as part of the development agreement
- **Ecological Protections:**
 - Wetland allocation is extremely important to the neighboring residents
 - Buffer of undeveloped space between existing Cherry Point homes and the institutional zoning to maintain some natural habitation in the area.
- **Walkability:**
 - Malind Bluff, River Oaks, and Cherry Point are not currently walkable communities. There are no services, parks, walking trails, biking trails, or commercial spaces available for our community members to walk to and from. This proposal, as promised, would alleviate some of that concern.
- **Community and Area Expectations:**
 - When the residents of Malind Bluff signed contracts to build our homes, we did so with the belief that our community would have commercial development connected to it. We were sold a “live, work, play” community lifestyle in the last development plan for this area, where people could walk or take golf carts to a restaurant or coffee shop connected to the neighborhood. This proposal offers that balance we were expecting. Richard has spent significant time talking and interacting with residents, and we greatly appreciate this. With proper planning and enforceable guardrails, we believe this plan can accommodate the sellers, developers, and neighboring communities’ needs.

However, we do remain cautious. We ask that the planning commission carefully reflect on what is one of the last remaining developable sites in the 170-corridor area and judiciously weigh whether this rezoning proposal provides a greater value to the community than not rezoning it would. There are many benefits to this proposal, but we, the residents, believe guardrails in the form of development agreement standards should continue to be developed and quantified to uphold the Town Center vision promised in this proposal. General concerns that are not explicitly remediated by this proposal include:

- **Infrastructure Constraints**
 - **170 to 278 (Okatie to HHI) Traffic Congestion**
 - **170 to 278 (Okatie to HHI) Traffic Safety**
 - **Strain on Our Children’s Education:** We remain extremely concerned about school capacity and the impact it may have not just on our own children’s education but on those from surrounding communities. Please consider the timeline of the proposed middle school and the critical need for these expanded services in the short term, not just the distant future.
 - Beaufort County School District has written letters against these rezoning efforts, given their concerns about school capacity.
 - Currently, there is a bus driver shortage, and children in our community are being picked up hours before school starts.
 - The recently approved referendum will not take effect in remediating these problems for some time.
 - One of the key selling points of living here was the school districts our kids would attend. We continue to hear threats of redistricting our children to different schools if the capacity issue is not solved.
 - After-school childcare at Okatie Elementary is currently a lottery system, and parents who require after-school childcare are not getting it. Adding more children from 258 apartments will lead to more parents being without after-school childcare.
- **Remaining General Concerns:**
 - **Roads:** In addition to safety and congestion (noted above), the more trafficked our roads are, the greater upkeep they will require. An updated traffic study, including projections regarding expected population growth from already approved residential projects (in both Beaufort County and Jasper County), should be conducted and released. A recent approval by the County Council may fill that need, but it is difficult not to consider this point until that report is complete.
 - **Water Supply:**
 - **Capacity:** We are already on water capacity restraint alerts. During the summer, we are asked by the district to only water on certain days. Can the water continue to support this much growth? We understand that Water & Sewer has already opined that they are overburdened.
 - **Quality:** We are consistently plagued by brown and contaminated water in our region of Beaufort County. We have been alerted to health risks if drinking or showering with tap water this past year.

- **Environmental Impact:** Poor infrastructure and overdevelopment can lead to more significant contamination of our clean water supply, directly impacting all of us. We have already seen this happen here, e.g., the closed oyster beds in Malind Creek or the fecal contamination in May River.
- **Medical Services:** Currently, there are not enough doctors, nurses, hospitals, and EMS to service the population in the area. Many of us must leave the state to see doctors or wait 4-6 months for an appointment.
- **Police:** Beaufort County Sheriff's Office annual reports show a 12-point drop in clearance rate (37% to 25%) for all offenses from 2019 to 2022; the drop in clearance is even worse for Group A offenses (more serious crimes such as murder, rape, assault), dropping 18 points (47% to 29%) from 2019 to 2022. There are not enough police to service the area, given the population growth from 2019 to 2022. This is evidenced by the lower clearance rate, and increased traffic collisions and fatal crashes (in part due to lack of traffic enforcement).

In summary, this rezoning proposal satisfies several of the area's needs and we believe it is an agreeable step forward. We understand that the actual development is subject to change, so we continue to ask for specific and actionable development guidelines in the form of a development agreement between the county and any developer looking to work on this project. The agreement should exclude the following business types: Gas Station, Lodging Short-Term Rental, Lodging Inn, Lodging Hotel, Residential Storage, and Car Wash. These are either permitted by right under the suggested zoning or conditional, but they do not fit within the prospective design that is being proposed, so excluding them should be a minimal request. These business types do not serve or enhance any of the local needs. In addition to these exclusions, we also desire to see an appropriate minimum ratio of green space, residential, and commercial square footage specifically outlined in the development agreement. Of course, proportions for commercial and greenspace are open to collaboration and expert opinion, but without minimum square footage, it's tough to gauge how this town center style would function. These minimums provide guard rails to protect against last-minute changes or substantial deviations from the expected plan. This proposal currently has our support, but we expect continued discussion and a finalized development agreement prior to giving our full support at the County Council level. We implore the planning commission to share this view and provide their approval with commentary on the record regarding the development agreement particulars.

We thank you for hearing our commentary and opinion,

Joshua Hower

823 Danner Dr. Okatie, SC 29909

Representative on Behalf of the Residents of Malind Bluff