

## County Council of Beaufort County Natural Resources Committee Meeting

Chairman ALICE HOWARD

Vice Chairman GERLAD DAWSON

**Council Members** MICHAEL E. COVERT YORK GLOVER, SR. CHRIS HERVOCHON

County Administrator ASHLEY M. JACOBS

Clerk to Council

SARAH W. BROCK

Staff Support

ERIC GREENWAY EBONY SANDERS DAN MORGAN

**Administration Building** 

Beaufort County Government Robert Smalls Complex 100 Ribaut Road

## Contact

Post Office Drawer 1228 Beaufort, South Carolina 29901-1228 (843) 255-2180 www.beaufortcountysc.gov

## Natural Resources Committee Agenda

Monday, August 31, 2020 at 3:30 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

THIS MEETING WILL CLOSED TO THE PUBLIC. CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING VIA EMAIL TO THE CLERK TO COUNCIL AT SBROCK@BCGOV.NET OR PO DRAWER 1228, BEAUFORT SC 29901. CITIZENS MAY ALSO COMMENT DURING THE MEETING THROUGH FACEBOOK LIVE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES – AUGUST 10, 2020

## **CITIZEN COMMENTS**

6. CITIZEN COMMENT (Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, or comment on our Facebook Live stream to participate in Citizen Comment)

## **DISCUSSION ITEMS**

7. DISCUSSION REGARDING K & R DEVELOPMENT, LLC CAMPGROUND REQUEST

## ACTION ITEMS

8. SOLOCO- REGIONAL HOUSING TRUST FUND

9. AN ORDINANCE REGARDING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 5, SECTION 5.6.50.E(2) TO ALLOW FOR MINOR MODIFICATIONS TO BILLBOARDS TO IMPROVE SAFETY STANDARDS DURING HURRICANES AND HIGH WIND EVENTS.

10. AN ORDINANCE REGARDING A ZONING MAP AMENDMENT / REZONING REQUEST FOR 3 PARCELS (R600 021 000 0003 0000; R600 021 000 002A 0000; R600 021 000 003A 0000) ON GRAVES ROAD FROM T2 RURAL TO C3 NEIGHBORHOOD MIXED-USE; APPLICANT: JUDY GRAVES, KEVIN GRAVES, JAN MCKIM

11. AN ORDINANCE REGARDING A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B TO REMOVE THE MAXIMUM LOT SIZE REQUIREMENT FOR MINOR RESIDENTIAL SUBDIVISIONS IN THE D3 GENERAL NEIGHBORHOOD (D3GN), THE D4 MIXED USE (D4MU); THE VILLAGE CENTER (D5VC), AND THE GATEWAY CORRIDOR (D5GC) DISTRICTS ON DAUFUSKIE ISLAND.

12. ZONING MAP AMENDMENT/REZONING REQUEST FOR 18.3 ACRES (R100 024 000 032A 0000, R100 024 000 0276 0000, R100 024 000 030C 0000, AND R100 024 000 033A 0000) AT THE INTERSECTION OF BAY PINES ROAD AND LAUREL BAY ROAD FROM T2 RURAL AND S1 INDUSTRIAL TO C4-COMMUNITY CENTER MIXED-USE DISTRICT; APPLICANT: ROBERT DEEB.

13. AN ORDINANCE REGARDING AN AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT.

### **BOARDS AND COMMISSIONS**

14. CONSIDERATION OF APPOINTMENT OF LYNNE HOOS FOR ZONING BOARD OF APPEALS

15. ADJOURNMENT



## **BEAUFORT COUNTY COUNCIL**

## **Agenda Item Summary**

Item Title:

APPROVAL OF MINUTES

#### **Committee:**

NATURAL RESOURCES

#### **Meeting Date:**

AUGUST 31, 2020

**Committee Presenter (Name and Title):** 

## **Issues for Consideration:**

CONSIDERATION OF APPROVAL OF MINUTES FROM

• AUGUST 10, 2020

**Points to Consider:** 

Funding & Liability Factors:

**Council Options:** 

APPROVE, MODIFY OR REJECT

**Recommendation:** 



County Council of Beaufort County Natural Resources Committee Meeting

> Chairman ALICE HOWARD

Vice Chairman GERLAD DAWSON

**Council Members** MICHAEL E. COVERT YORK GLOVER, SR. CHRIS HERVOCHON

County Administrator ASHLEY M. JACOBS

> Clerk to Council SARAH W. BROCK

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## **Natural Resources Committee Minutes**

## Monday, August 10, 2020 at 2:00 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05] THIS MEETING WILL CLOSED TO THE PUBLIC. CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING VIA EMAIL TO THE CLERK TO COUNCIL AT SBROCK@BCGOV.NET OR PO DRAWER 1228, BEAUFORT SC 29901. CITIZENS MAY ALSO COMMENT DURING THE MEETING THROUGH FACEBOOK LIVE

## PRESENT

Chairman Howard Vice Chairman Dawson Council Member Covert Council Member Glover Council Member Rodman Council Member Sommerville Council Member Passiment Council Member McElynn Council Member Flewelling Council Member Lawson

### ABSENT

**Council Member Hervochon** 

CALL TO ORDER

Chairman Howard called the meeting to order at 2:00 p.m.

## PLEDGE OF ALLEGIANCE

Chairman Howard led the Pledge of Allegiance.

## FOIA

Chairman Howard noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

## APPROVAL OF AGENDA

Motion: It was moved by Council Member Passiment, seconded by Council Member Dawson, to amend agenda to go into executive session to receive a legal briefing regarding item# 10, Pepperhall. The vote: Council Member Sommerville, Council Member McElynn, Vice Chairman Dawson, Council Member Passiment, Council Member Covert, Council Member Lawson, <u>Chairman Howard, Council Member Glover, Council Member Rodman, and Council Member Flewelling. The</u> <u>motion passed. 10:0</u>

**Motion:** It was moved by Vice Chairman Dawson, , seconded by Council Member Flewelling to amend agenda to reverse the order of item 8 and item 9. Approved by all without objection . The motion passed.

#### **APPROVAL OF MINUTES**

**Motion:** It was moved by Council Member Flewelling, seconded by Vice Chairman Dawson to approve minutes of the meeting held on July 6, 2020 and July 13, 2020. Approved by all without objection. The motion passed.

#### **ACTION ITEMS**

## APPROVAL OF AN ORDINANCE AUTHORIZING THE ABANDONMENT AND RELOCATION OF AN EASEMENT ON HUSPAH COURT NORTH

Discussion: Neil Desai spoke regarding the abandonment and relocation of the easement on Huspah Court. Beaufort County was granted a drainage easement recorded in Deed Book 2725, Pages 714-716. Beaufort County Stormwater staff have determined that the easement location does not correspond with the existing drainage ditch location. The current property owners desire to abandon the aforementioned drainage easement in exchange for a relocated drainage easement.

Council Member Dawson inquired as to problems with the drainage on Huspah Court North. He asked if this could be an ongoing issue.

Neil Desai stated the stream for the drainage canal is outside the easement, which was established years ago prior to verification of existing conveyance. What is needed is to abandoned the easement recorded in DB2725/714-716 and ok the relocated drainage easement will clear up easement location discrepancies.

**Motion:** <u>It was moved by Committee Vice-Chair Dawson, seconded by Council Member Flewelling, to approve the easement abandonment in exchange for the relocated easement. Approved without objection. The motion passed.</u>

# Approval of an Ordinance regarding a Text Amendment to The Community Development Code (CDC): Article 5, Section 5.3.20 Applicability– To Apply Architectural Standards and Guidelines to Two-Family (Duplex) Residential

Discussion: Rob Merchant stated Beaufort County Staff is requesting an amendment to Article 5, Section 5.3.20 of the Community Development Code (CDC), to require two-family residences (duplexes) to be subject to the Architectural Standards and Guidelines in Article 5, Division 5.3. Currently, the CDC exempts single-family and two-family residential uses from architectural requirements in the T2 and T3 Transect Zones, the Conventional Zones, Existing PUDs and in the Community Preservation Districts. This proposed amendment would change the text to only exempt single-family residential uses in those districts.

Council Member Flewelling stated he does not know where this item is going and inquired about the standards Planning and Zoning wishes to apply.

Rob Merchant stated there is concern about a neighborhood full of duplexes that can lead to issues within the community, such as parking.

Council Member Sommerville stated that duplexes have become more common and there is a need to have some control over the standards they use.

**Motion:** It was moved by Council Member Sommerville, seconded by Committee Vice-Chair Dawson, to move the proposal as written to county council for approval. Voting Yea: Committee Vice-Chair Dawson, Committee Chair Howard, Council Member Passiment, Council Member Sommerville, Council Member Glover, Council Member McElynn. Voting Nay: Council Member Flewelling, Council Member Rodman. The motion passed 8:2.

Consideration of an ordinance of the County Council of Beaufort County, South Carolina ("Council") establishing and adopting a Public Education Facilities Impact Fee ("Impact Fee") to be imposed on all new residential development in the Beaufort County School District for the service area South of the Broad River pursuant to ordinance no. \_\_\_\_\_: impact fee procedures, and the intergovernmental agreement between Beaufort County ("County"), and The Beaufort County School District to ensure that Public Education Facilities will be available and adequate to accommodate the need For Public Education Facilities expected to be generated from the school children in new residential developments in the school district for the service area South of the Broad River, based on the district's level of service standards and capital improvements plan, and to assign the costs of such public education facilities on a proportionate share basis to new residential development South of the Broad River service area.

Discussion: Colin McAweeney \* read presentation \*

Council Member Passiment asked if the developer would be required to have an impact fee for all schools that are surrounding the development.

Colin McAweeney responded the developer will pay the \$9,500 impact fee for the full service area.

Council Member Covert asked what parties will get an impact fee applied the builders.

Colin McAweeney stated the impact fee goes to any new housing unit. When the permit is pulled is when the fee will be charged.

Council Chairman Howard asked about the growth on Lady's Island and if the capacity is there for the schools.

Carol stated there are opportunities for growth within the schools.

Council Member Passiment asked could a developer request the fees to be waived.

Eric Greenway responded there are options already on the ordinance for affordable housing in which council would need to make a decision on this.

Council Member McElynn asked what other fees would impact single-family and multi-family homes.

Eric Greenway stated the homes would have to pay a transportation fee, library fee, parks and recreation fee for unincorporated Beaufort County and some municipalities, as well as a fire impact fee.

**Motion**: It was moved by Council Member Sommerville, seconded by Council Member McElynn, to approve the school impact fee as recommended by the school district and forward to council for approval. Voting Yea: Committee Vice-Chair Dawson, Committee Chair Howard, Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Lawson, Council Member McElynn. Voting Nay: Council Member Flewelling, Council Member Rodman, Council Member Glover. The motion passed 7:3.

## Impact Fee Update and Study for existing and proposed impact fees covering Transportation, Parks and Recreation, Libraries, Fire, Solid Waste, and EMS.

Colin McAweeney \* read presentation \*

Council Member Flewelling stated this needs to be deferred for another day.

Committee Chairman Howard stated that each fee needs to be looked into and voted separately.

Eric Greenway stated this issue has no rush; however, suggested doing a workshop on these fees.

Chairman Howard agreed to a workshop.

**Motion:** It was moved by Council Member Flewelling to wait until there is a meeting in person. The motion failed for lack of a second.

**Motion:** It was moved by Council Member Sommerville, seconded by Council Member Covert, to conduct a workshop and then move on to County Council. Adopted main motion without objections. The motion passed.

**Amendment to Motion:** It was moved by Council Member Passiment, seconded by Vice Chairman Dawson to hold the Impact Fee Workshop August 27, 2020 at 5:00 pm. Adopted amended motion without objection. The motion passed.

#### **DISCUSSION ITEMS**

## CONSIDERATION OF AN ORDINANCE REGARDING AN AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT

#### **EXECUTIVE SESSION**

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Sommerville, to go into executive session to discuss the development agreement with Pepperhall. Approved without objection. The motion passed.

#### Matter arising out of executive session

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Flewelling, to move to County Council an ordinance under first reading for an amendment to Okatie River/ Pepper Hall development agreement and engage Mr. Ben Johnson to help draft an ordinance by title only. Approved without objection. The motion passed.

#### **OKATIE RIVER IMPROVEMENT DISTRICT**

Chairman Howard deferred this item because it cannot be looked into without more details.

#### **BOARDS AND COMMISSIONS**

#### Consideration of the appointment of Lynne Hoos or Thomas Gasparini to the Zoning Board of Appeals.

Chairman Howard deferred this item until the next Natural Resource meeting.

#### **CITIZEN COMMENTS**

Sea Island Corridor Coalition submitted a letter regarding the Community Development Code for Architectural Standards and Guidelines.

Home Builders Association submitted a letter regarding the home builders impact fees. Brian Cooley submitted comment about the builder's impact fee Mr. Quinn submitted comment about the builder's impact fee. Account Manager of Port Royal submitted a comment in reference to internet infrastructure.

#### **ADJOURNMENT**

The meeting adjourned at 5:45 p.m.

Ratified by Committee:

## NEXSEN PRUET

Nicole A Scott Special Counsel

August 13, 2020

### VIA EMAIL ONLY

Ms. Alice Howard Chairman, Natural Resources Committee Beaufort County Council 100 Ribaut Road Beaufort, SC 29902

RE: Oyster Cove Campground

Dear Ms. Howard:

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

I am writing on behalf of my client, K& R Development, LLC, which respectfully requests to appear before the Natural Resources Committee on August 31, 2020.

K & R Development, LLC, owns property in the Callawassie neighborhood and desires to develop the property as a primitive campground as permitted under the Beaufort County Community Development Code. There are several issues related to the approval process; the pending common pleas action against the Planning and Zoning Director; an appeal before the Board of Zoning Appeals; and an appeal filed with the Planning Commission that should be brought to the committee's attention.

Myrtle Beach Raleigh

I and my client appreciate your consideration of this request.

Respectfully submitted Nicole A Scott

cc: K& R Development, LLC (via email)

205 King Street Suite 400 (29401) PO Box 486 Charleston, SC 29402 www.nexsenpruet.com **T** 843.720.1701 F 843.414.8221 E NScott@nexsenpruet.com Nexsen Pruet, LLC **Attorneys and Counselors at Law** 







**COUNTY COUNCIL OF BEAUFORT COUNTY** PURCHASING DEPARTMENT 106 Industrial Village Road, Bldg 2 Post Office Drawer 1228 Beaufort, South Carolina 29901-1228 SELECTION COMMITTEE MEMBER AGREEMENT CONFIDENTIALITY, FAIR COMPETITION, AND CONFLICT OF INTEREST DISCLOSURE

RFP or RFQ # 07142 Title: SOLOCO Realma

## 1. Confidentiality

As a selection committee member working with the Beaufort County Procurement Department, I understand that All information related to this procurement process is closed to public review or disclosure until a contract is awarded or the project is terminated or abandoned. I understand that any unauthorized disclosure of confidential information will compromise the fairness of the procurement process.

Therefore, I agree:

- a) that all information provided to me during the procurement process will be kept confidential and held in strictest confidence during the procurement process (except for discussion of the information with other evaluators, the Procurement Director, or to the extent I am legally required to disclose the information):
- b) in the event that I have reason to believe that the confidentiality of this information has been breached, I will notify the Procurement Director immediately;
- c) to hold any materials marked as "trade secret" in strictest confidence even after the conclusion of the procurement process unless directed otherwise by the Procurement Director.

## 2. Fair Competition

I recognize that giving all interested vendors an equal competitive playing field is essential to obtaining the best value for the County, and inspiring public confidence in the procurement process.

Therefore, I agree:

- a) not to have any direct or indirect contact or discussions with any party who submits a proposal outside of the meetings or scheduled as part of the procurement process;
- b) not to inadvertently convene a meeting of the committee by discussing submissions with other committee or panel members;
- c) to notify the assigned Procurement staff immediately if any person who is not a member of the evaluation team or the Procurement Department contacts or attempts to contact me about this **RFP/RFQ**;
- d) to notify the assigned Procurement staff immediately if I become aware of any attempt to collude or prevent competition in bidding or proposals by any means whatever;

- e) to evaluate all submitted proposals fairly, objectively, and in accordance with the criteria provided in the RFP/RFQ;
- f) not to discriminate against any proposer on the grounds of race, color, national origin, or sex.

#### 3. Conflict of Interest

All selection committee members must make full disclosure of any and all potential conflicts of interest in regard to this RFP/RFQ. They must recuse themselves from participation on the committee in the event of a disqualifying conflict of interest. Conflicts of interest occur when the personal, financial, professional or other interest of the committee member prevents the member from acting objectively, in the best interest of the selection committee and the County, and from carrying out his or her duties in an impartial manner. This includes any situation where: any (a) member of the selection committee, (b) member of his or her immediate family, (c) his or her business partner, or (d) an organization that employs or is about to employ (i) the selection committee member, (ii) an immediate family member, or (iii) his or her business partner, has a financial or other interest in, or stands to receive a tangible personal benefit from, any action, decision or disclosure of confidential information in a procurement. A conflict of interest may also exist when a conflict would be reasonably perceived by the public or when the reasonable potential for improper influence exists. This is true even if a committee member believes that he or she can remain impartial.

I hereby attest that I have disclosed all potential conflicts of interest directly or indirectly presented by the review, evaluation, or approval of the above-referenced RFP/RFQ. (If none, write "None".)

Further, I agree:

- a) that if I should detect or develop any conflict of interest, which is not listed above, I shall immediately notify the Procurement Department and, if requested, withdraw myself from the selection committee; and
- b) that I will not solicit or accept gratuities, favors, or anything of monetary value from potential contractors or known parties to subcontracts.

County Employee: \_\_\_\_Yes \_\_\_\_No.

I understand that, as a County employee, if I violate any part of this agreement I am in violation of the County's Civil Service Policies and Code of Ethics. I understand these violations are grounds for disciplinary action including but not limited to termination.

If not a County Employee, I understand that if I violate any part of this agreement I am required to return all documents immediately and that I will no longer be on the selection committee.

Date: August 18,2020

**Printed Name** 

## **EVALUATION CRITERIA**

EVALUATOR: Lise Wagner	DATE: Aug. 18, 2020
RF# 071420	TITLE: Director of Planning Building Services, Rasper County
OFFEROR: Development Strateg	ies Survices, gasper County 1

		POINT RANGEPOINTS ASSIGNED		
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	<u>0-25 Points</u>	<i>i</i> @	
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	10	
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	0-20 Points	10	
4.0	Experience working in Communities That have Regional Housing Trust Funds.	<u>0-20 Points</u>		
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	<u>0-10 Points</u>	10	
	TOTAL POINTS:	100 Points	50	

## **EVALUATION CRITERIA**

EVALUATOR: Lisa Magner
RF87#: 071420
OFFEROR: ASAKura Robinson

Aug. 18,20 DATE: TITLE: Director of Planning Building Services, Lasper County!

		POINT RANGEPOI	NTS ASSIGNED
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	0-25 Points	20
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	15
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	0-20 Points	
4.0	Experience working in Communities That have Regional Housing Trust Funds.	<u>0-20 Points</u>	15
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	0-10 Points	8
	TOTAL POINTS:	100 Points	73



## COUNTY COUNCIL OF BEAUFORT COUNTY PURCHASING DEPARTMENT 106 Industrial Village Road, Bldg 2 Post Office Drawer 1228 Beaufort, South Carolina 29901-1228

SELECTION COMMITTEE MEMBER AGREEMENT

CONFIDENTIALITY, FAIR COMPETITION, AND CONFLICT OF INTEREST DISCLOSURE

## RFP or RFQ <u># 071420</u>

## Title: Beaufort county Regional Harsing Trust Fund, south caroling

## 1. Confidentiality

As a selection committee member working with the Beaufort County Procurement Department, I understand that **All** information related to this procurement process is closed to public review or disclosure until a contract is awarded or the project is terminated or abandoned. I understand that any unauthorized disclosure of confidential information will compromise the fairness of the procurement process.

Therefore, I agree:

- a) that all information provided to me during the procurement process will be kept confidential and held in strictest confidence during the procurement process (except for discussion of the information with other evaluators, the Procurement Director, or to the extent I am legally required to disclose the information);
- b) in the event that I have reason to believe that the confidentiality of this information has been breached, I will notify the Procurement Director immediately;
- c) to hold any materials marked as "trade secret" in strictest confidence even after the conclusion of the procurement process unless directed otherwise by the Procurement Director.

## 2. Fair Competition

I recognize that giving all interested vendors an equal competitive playing field is essential to obtaining the best value for the County, and inspiring public confidence in the procurement process.

Therefore, I agree:

- a) not to have any direct or indirect contact or discussions with any party who submits a proposal outside of the meetings or scheduled as part of the procurement process;
- b) not to inadvertently convene a meeting of the committee by discussing submissions with other committee or panel members;
- c) to notify the assigned Procurement staff immediately if any person who is not a member of the evaluation team or the Procurement Department contacts or attempts to contact me about this RFP/RFQ;
- d) to notify the assigned Procurement staff immediately if I become aware of any attempt to collude or prevent competition in bidding or proposals by any means whatever;

- e) to evaluate all submitted proposals fairly, objectively, and in accordance with the criteria provided in the RFP/RFQ;
- f) not to discriminate against any proposer on the grounds of race, color, national origin, or sex.

#### 3. Conflict of Interest

All selection committee members must make full disclosure of any and all potential conflicts of interest in regard to this RFP/RFQ. They must recuse themselves from participation on the committee in the event of a disqualifying conflict of interest. Conflicts of interest occur when the personal, financial, professional or other interest of the committee member prevents the member from acting objectively, in the best interest of the selection committee and the County, and from carrying out his or her duties in an impartial manner. This includes any situation where: any (a) member of the selection committee, (b) member of his or her immediate family, (c) his or her business partner, or (d) an organization that employs or is about to employ (i) the selection committee member, (ii) an immediate family member, or (iii) his or her business partner, has a financial or other interest in, or stands to receive a tangible personal benefit from, any action, decision or disclosure of confidential information in a procurement. A conflict of interest may also exist when a conflict would be reasonably perceived by the public or when the reasonable potential for improper influence exists. This is true even if a committee member believes that he or she can remain impartial.

I hereby attest that I have disclosed all potential conflicts of interest directly or indirectly presented by the review, evaluation, or approval of the above-referenced RFP/RFQ. (If none, write "None".)

None

Further, I agree:

- a) that if I should detect or develop any conflict of interest, which is not listed above, I shall immediately notify the Procurement Department and, if requested, withdraw myself from the selection committee; and
- b) that I will not solicit or accept gratuities, favors, or anything of monetary value from potential contractors or known parties to subcontracts.

County Employee: Yes X No.

I understand that, as a County employee, if I violate any part of this agreement I am in violation of the County's Civil Service Policies and Code of Ethics. I understand these violations are grounds for disciplinary action including but not limited to termination.

If not a County Employee, I understand that if I violate any part of this agreement I am required to return all documents immediately and that I will no longer be on the selection committee.

Committee Member Signature

Date: 8/25/2020

Jennifer B. pay Printed Name

## **EVALUATION CRITERIA**

EVA	LUATOR: UMNIGER RAY	_ DATE:_0/25/	2020
RFP#: 071420		_ TITLE: Beau fort a. Regional flousing trust fund	
OFFI	EROR: AGUKUra, Robinson		
		POINT RANGEPOINT	S ASSIGNED
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	0-25 Points	25
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	20
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	<u>0-20 Points</u>	20
4.0	Experience working in Communities That have Regional Housing Trust Funds.	0-20 Points	[A]
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	<u>0-10 Points</u>	0
	TOTAL POINTS:	100 Points	85

## **EVALUATION CRITERIA**

. . . .

EVALUATOR: Jennifer Ray	DATE: 8/25/2020
RFP#: 071420	TITLE: BEAMfort Co. Regional Housing Thist Fund
OFFEROR: Olvelopment Strategies	Housing that Fund

		POINT RANGEPOINT	<u>IS ASSIGNED</u>
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	<u>0-25 Points</u>	20
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	20
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	<u>0-20 Points</u>	15
4.0	Experience working in Communities That have Regional Housing Trust Funds.	0-20 Points	
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	<u>0-10 Points</u>	10
	TOTAL POINTS:	100 Points	75



## COUNTY COUNCIL OF BEAUFORT COUNTY PURCHASING DEPARTMENT 106 Industrial Village Road, Bldg 2 Post Office Drawer 1228 Beaufort, South Carolina 29901-1228

SELECTION COMMITTEE MEMBER AGREEMENT

CONFIDENTIALITY, FAIR COMPETITION, AND CONFLICT OF INTEREST DISCLOSURE

RFP or RFQ # OTUZO SOLOCO Title:

## 1. Confidentiality

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Therefore, I agree:

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- c) to hold any materials marked as "trade secret" in strictest confidence even after the conclusion of the procurement process unless directed otherwise by the Procurement Director.

#### 2. Fair Competition

I recognize that giving all interested vendors an equal competitive playing field is essential to obtaining the best value for the County, and inspiring public confidence in the procurement process.

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- b) not to inadvertently convene a meeting of the committee by discussing submissions with other committee or panel members;
- c) to notify the assigned Procurement staff immediately if any person who is not a member of the evaluation team or the Procurement Department contacts or attempts to contact me about this RFP/RFQ;
- d) to notify the assigned Procurement staff immediately if I become aware of any attempt to collude or prevent competition in bidding or proposals by any means whatever;

- e) to evaluate all submitted proposals fairly, objectively, and in accordance with the criteria provided in the RFP/RFQ;
- f) not to discriminate against any proposer on the grounds of race, color, national origin, or sex.

#### 3. Conflict of Interest

All selection committee members must make full disclosure of any and all potential conflicts of interest in regard to this RFP/RFQ. They must recuse themselves from participation on the committee in the event of a disqualifying conflict of interest. Conflicts of interest occur when the personal, financial, professional or other interest of the committee member prevents the member from acting objectively, in the best interest of the selection committee and the County, and from carrying out his or her duties in an impartial manner. This includes any situation where: any (a) member of the selection committee, (b) member of his or her immediate family, (c) his or her business partner, or (d) an organization that employs or is about to employ (i) the selection committee member, (ii) an immediate family member, or (iii) his or her business partner, has a financial or other interest in, or stands to receive a tangible personal benefit from, any action, decision or disclosure of confidential information in a procurement. A conflict of interest may also exist when a conflict would be reasonably perceived by the public or when the reasonable potential for improper influence exists. This is true even if a committee member believes that he or she can remain impartial.

I hereby attest that I have disclosed all potential conflicts of interest directly or indirectly presented by the review, evaluation, or approval of the above-referenced RFP/RFQ. (If none, write "None".)

NUME

Further, I agree:

- a) that if I should detect or develop any conflict of interest, which is not listed above, I shall immediately notify the Procurement Department and, if requested, withdraw myself from the selection committee; and
- b) that I will not solicit or accept gratuities, favors, or anything of monetary value from potential contractors or known parties to subcontracts.

County Employee: Ves \_\_\_\_No.

I understand that, as a County employee, if I violate any part of this agreement I am in violation of the County's Civil Service Policies and Code of Ethics. I understand these violations are grounds for disciplinary action including but not limited to termination.

If not a County Employee, I understand that if I violate any part of this agreement I am required to return a) documents immediately and that I will no longer be on the selection committee.

**Committee Member Signature Printed Name** 

Date:

22

## **EVALUATION CRITERIA**

EVALUATOR: ERIC Greening	DATE: 8/24 20
RFP#: 071420	TITLE: RHTF (SOLOCO)
OFFEROR: ASAKURA ROOMSON	

		POINT RANGEPOIN	TS ASSIGNED
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	0-25 Points	- 70
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	22
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	0-20 Points	18
4.0	Experience working in Communities That have Regional Housing Trust Funds.	0-20 Points	/8
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	0-10 Points	8
	TOTAL POINTS:	100 Points	86

## **EVALUATION CRITERIA**

EVALUATOR ERIC Greening	DATE: 8/24/20
EVALUATOR ERIC Greening REP#: 071420	TITLE: RIFTE (SOLOCO)
OFFEROR: DEVELOPMENT ST	

		POINT RANGEPOIN	ITS ASSIGNED
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	0-25 Points	20
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	18
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	0-20 Points	/8
4.0	Experience working in Communities That have Regional Housing Trust Funds.	0-20 Points	18
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	0-10 Points	9
	TOTAL POINTS:	100 Points	83.

NINTY SOLL	COUNTY COUNCIL OF BEAUFORT COUNTY	
	PURCHASING DEPARTMENT	Item 8.
8	106 Industrial Village Road, Bldg 2	
El and	Post Office Drawer 1228	
	Beaufort, South Carolina 29901-1228	
	SELECTION COMMITTEE MEMBER AGREEMENT	
CONFIDEN	TIALITY, FAIR COMPETITION, AND CONFLICT OF INTEREST DISCLOSURE	

RFP or RFQ # UTHU Regional Housing Trust Fund (Beaufort County) Title:

## 1. Confidentiality

As a selection committee member working with the Beaufort County Procurement Department, I understand that **All** information related to this procurement process is closed to public review or disclosure until a contract is awarded or the project is terminated or abandoned. I understand that any unauthorized disclosure of confidential information will compromise the fairness of the procurement process.

Therefore, I agree:

- a) that all information provided to me during the procurement process will be kept confidential and held in strictest confidence during the procurement process (except for discussion of the information with other evaluators, the Procurement Director, or to the extent I am legally required to disclose the information);
- b) in the event that I have reason to believe that the confidentiality of this information has been breached, I will notify the Procurement Director immediately;
- c) to hold any materials marked as "trade secret" in strictest confidence even after the conclusion of the procurement process unless directed otherwise by the Procurement Director.

## 2. Fair Competition

I recognize that giving all interested vendors an equal competitive playing field is essential to obtaining the best value for the County, and inspiring public confidence in the procurement process.

Therefore, I agree:

- a) not to have any direct or indirect contact or discussions with any party who submits a proposal outside of the meetings or scheduled as part of the procurement process;
- b) not to inadvertently convene a meeting of the committee by discussing submissions with other committee or panel members;
- c) to notify the assigned Procurement staff immediately if any person who is not a member of the evaluation team or the Procurement Department contacts or attempts to contact me about this RFP/RFQ;
- d) to notify the assigned Procurement staff immediately if I become aware of any attempt to collude or prevent competition in bidding or proposals by any means whatever;

- e) to evaluate all submitted proposals fairly, objectively, and in accordance with the criteria provided in the RFP/RFQ;
- f) not to discriminate against any proposer on the grounds of race, color, national origin, or sex.

## 3. Conflict of Interest

All selection committee members must make full disclosure of any and all potential conflicts of interest in regard to this RFP/RFQ. They must recuse themselves from participation on the committee in the event of a disqualifying conflict of interest. Conflicts of interest occur when the personal, financial, professional or other interest of the committee member prevents the member from acting objectively, in the best interest of the selection committee and the County, and from carrying out his or her duties in an impartial manner. This includes any situation where: any (a) member of the selection committee, (b) member of his or her immediate family, (c) his or her business partner, or (d) an organization that employs or is about to employ (i) the selection committee member, (ii) an immediate family member, or (iii) his or her business partner, has a financial or other interest in, or stands to receive a tangible personal benefit from, any action, decision or disclosure of confidential information in a procurement. A conflict of interest may also exist when a conflict would be reasonably perceived by the public or when the reasonable potential for improper influence exists. This is true even if a committee member believes that he or she can remain impartial.

I hereby attest that I have disclosed all potential conflicts of interest directly or indirectly presented by the review, evaluation, or approval of the above-referenced RFP/RFQ. (If none, write "None".)



Further, I agree:

- a) that if I should detect or develop any conflict of interest, which is not listed above, I shall immediately notify the Procurement Department and, if requested, withdraw myself from the selection committee; and
- b) that I will not solicit or accept gratuities, favors, or anything of monetary value from potential contractors or known parties to subcontracts.

County Employee: Yes KNo.

I understand that, as a County employee, if I violate any part of this agreement I am in violation of the County's Civil Service Policies and Code of Ethics. I understand these violations are grounds for disciplinary action including but not limited to termination.

If not a County Employee, I understand that if I violate any part of this agreement I am required to return all documents immediately and that I will no longer be on the selection committee.

harlette F Meore

Date: 0/25/2020

Committee Member Signature

Charlotte L'Moore

**Printed Name** 

Item 8.

## **EVALUATION CRITERIA**

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EVA	ALUATOR: Charlotte Moore	DATE: 8/25	12020
RFP	071420	TITLE:	
OFF	EROR: AGAKIYA		
		POINT RANGEPOINTS	
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.	0-25 Points	20
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	0-25 Points	20
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	0-20 Points	15
4.0	Experience working in Communities That have Regional Housing Trust Funds.	0-20 Points	15
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	<u>0-10 Points</u>	5
	TOTAL POINTS:	100 Points	75

## EVALUATION CRITERIA

FVA	LUATOR: Charlotte Moore	DATE:_	8/25/2	2020
RFP	#: 071420	TITLE:_		
OFF	EROR: Development E	strateg	nies	
		POINT RAN	GEPOINTS A	SSIGNED
1.0	Experience, Qualifications, Availability, and References of the Project Director/Principal in-charge and the team.		oints	20
2.0	Experience, Qualifications, Availability, and References of prior regional housing trust fund development.	<u>0-25 P</u>	oints _	20
3.0	Experience, Qualifications, Availability, and References of prior Regional Housing Trust Fund administration.	<u>0-20 P</u>	Points _	15
4.0	Experience working in Communities That have Regional Housing Trust Funds.	<u>0-20</u> F	Points _	10
5.0	Cost effectiveness and Reasonableness of offeror's proposed fee.	<u>0-10</u>	Points	5
	TOTAL POINTS:	100	Points	70



## COUNTY COUNCIL OF BEAUFORT COUNTY PURCHASING DEPARTMENT

106 Industrial Village Road Post Office Drawer 1228 Beaufort, South Carolina 29901-1228

## TO: Councilwoman Alice Howard, Chairman, Natural Resources Committee

FROM: Dave Thomas, CPPO, Purchasing Director

## SUBJ: Recommendation of Contract Award for RFQ #071420 Regional Housing Trust Fund Service for Beaufort County

DATE: August 25, 2020

**BACKGROUND:** On July 14, 2020, Beaufort County received four (4) qualifications/proposals for the Regional Housing Trust Fund consulting services. This service includes opportunity to submit a proposal to prepare a Regional Housing Trust Fund Implementation Strategy for the Beaufort/Jasper Region including the City of Beaufort, Town of Bluffton, Town of Hardeeville, Town of Hilton Head Island, The Town of Port Royal, and the Town of Yemassee. The service contract is for one (1) year of consulting services which is estimated to end on August 1, 2021. The evaluation committee, consisting of Matt Davis, Deputy City Manager of Hardeeville; Eric Greenway, Beaufort County Planning and Zoning Director; Jennifer Ray, Town of Hilton Head Island Deputy Director of Community; Michael Saba, Contractor; Victoria Smalls, Community Development Coordinator, Town of Bluffton evaluated the qualification statements for the following firms: ADP Urban Planning and Management, Development Strategies Inc., Asakura Robinson Consulting Group LLC, and Nada Consulting Group. After reviewing the written submittals, the committee elected to interview Asakura Robinson Consulting Group LLC and Development Strategies, Inc.

Please see below the two (2) firms that submitted proposals and were interviewed for this project, then their final ranking:

FIRMS FINAL RANKING:	<u>Cost:</u>
<ol> <li>Asakura Robinson Consulting Group LLC</li> <li>Development Strategies, Inc.</li> </ol>	\$ 120,968.00 \$ 107,500.00

\*All firms are self-performing this project.

**<u>FUNDING</u>**: Funding is from multiple jurisdictions in the following amounts:

Beaufort County	50%	<b>\$60,484</b>
Hilton Head Island	20%	\$24,194 🗸

Bluffton	12%	<b>\$14,516</b>
Jasper County	8%	\$9,677 ✓
Hardeeville	4%	\$4,839 ✓
City of Beaufort	4%	\$4,839 ✓
Port Royal	4%	\$4,839 ✓
Yemassee	<1%	\$1,000 🗸

Beaufort County's portion will be \$60,484.00 and was previously allocated by the County Council.

FOR ACTION: Natural Resources Committee meeting on August 31, 2020 at 3:30 p.m.

**<u>RECOMMENDATION</u>**: The Purchasing Department recommends that the Natural Resources Committee approve the contract award to Asakura Robinson Consulting Group LLC in the amount of \$120,968.00 for the aforementioned Regional Housing Trust Fund Implementation Services from the funding source listed above.

CC: Ashley M. Jacobs, County Administrator Raymond Williams, Interim CFO, Finance Eric Greenway, Planning and Zoning Department Director

Attached: Final Ranking Summary



MEMORANDUM

То:	Natural Resources Committee, Beaufort County Council
From:	Robert Merchant, AICP, Deputy Community Development Director
Date:	August 31, 2020
Subject:	Text Amendment to The Community Development Code (CDC): Article 5, Section 5.6.50.E(2) To Allow for Minor Modifications to Billboards to Improve Safety Standards During Hurricanes and High Wind Events.

А.	BACKGROUND:	
	Case No.	ZTA 2020-05
	Applicant:	Bo Hodges, Adams Outdoor Advertising
	Proposed Text Change:	Amend the Community Development Code (CDC): Article 5,
		Section 5.6.50.E(2) To Allow for Minor Modifications to
		Billboards to Improve Safety Standards During Hurricanes and
		High Wind Events.

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

**Background:** The applicant, Adams Outdoor Advertising, is proposing to amend the Section 5.6.50.E to allow for modifications to existing billboards to make the structures more resistant to high winds.

Beaufort County has prohibited new billboards since the early 1990s. The billboards that remain in the unincorporated County are non-conforming uses. Billboard companies are permitted to change the content, or sign face, of the billboard, but other improvements to the billboard are limited to cosmetic changes (cleaning and painting). The rationale of these limitations on improvements is that once these billboards outlive their useful life they are removed and not replaced.

The applicant is proposing to amend the ordinance to allow modifications to billboards that would make them more resistant to high winds. The changes would remove the solid sign panel and replace it with a steel framework overlaid with a vinyl sign face. During a hurricane, the vinyl would blow off the hurricane frame and leave the main structure intact. While this would reduce the possibility of a projectile during a high wind event, it would also prolong the life of the billboard by reducing the chance of the actual billboard structure from being damaged or destroyed.

**Staff Recommendation:** It is staff's position that the main aim of this amendment is to prolong the life of the billboard which is not consistent with the County's policies concerning billboards over the last 30 years. Staff recommends denial of the amendment.

Planning Commission Recommendation: The Beaufort County Planning Commission at its August 4, 2020 meeting voted 5-4 to recommend that County Council approve the proposed amendment.

## C. ATTACHMENTS:

• Proposed changes to the CDC (see highlighted section)

#### 5.6.50 Off-Premise Sign Standards

- A. Commercial Off-Premise Signs. New commercial off-premise signs prohibited.
- B. Non-Commercial Off-Premise Signs.
  - 1. Location.
    - a. Non-commercial off-premise signs may be placed on any premises where the placement of commercial on-premise signs are allowed.
    - No portion of any noncommercial off-premise sign shall be located within 300 feet of any other off-premise sign on the same side of the street or highway, or any residence (singlefamily or multi-family).
  - 2. **Standards.** Noncommercial off-premise signs shall meet the standards in Section 5.6.120 (Freestanding Sign Type).
- C. Directional Signs.
  - Location. In order to provide information and directional aid to the general public, directional signs may be erected within 300 feet of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on the major traveled thoroughfare.
  - 2. Standards. Directional signs shall meet the standards in Section 5.6.90 (Directional Sign Type).
- D. Directory Listings.
  - 1. **Location.** Directory listing signs may be placed at strategic locations along major highways in order to provide pertinent County area information to tourists and visitors.
  - Content. Directory listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like.
  - 3. **Standards.** Directory listings shall meet the standards in Section 5.6.120 (Freestanding Sign Type).
- E. Maintenance Standards For Off-Premise Signs. All off-premise signs must be structurally safe and maintained in a good state of repair, including but not limited to the following standards:
  - 1. The sign face must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.
  - 2. Commercial off-premise signs may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when originally permitted. Minor modification to the sign face to improve hurricane safety, ie "hurricane frames" may be performed as long as the sign foundation is not included so as to improve the structural integrity of the billboard structure in the hurricane safety modification. Upon determination by the Code Enforcement Department and notice to the permittee that a sign has become dilapidated or structurally unsound, such sign shall be removed within 20 days, unless an appeal of such determination has been previously filed with the ZBOA. Such sign shall, thereafter, be removed within 20 days of disposition of such appeal in favor of the council, its agencies, departments, and/or officials. Any structural or other substantive maintenance to a sign shall be deemed an abandonment of the sign, shall render the prior permit void and shall result in removal of the sign without compensation. Costs and expenses of such removal shall be paid by the owner of such sign.
  - 3. Extension, enlargement, replacement, rebuilding, adding lights to an un-illuminated sign, changing the height of the sign above ground, or re-erection of the sign are prohibited.

## ORDINANCE 2020 / \_\_\_

## TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 5, SECTION 5.6.50.E(2) TO ALLOW FOR MINOR MODIFICATIONS TO BILLBOARDS TO IMPROVE SAFETY STANDARDS DURING HURRICANES AND HIGH WIND EVENTS.

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2020.

## COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_ Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

#### 5.6.50 Off-Premise Sign Standards

- A. Commercial Off-Premise Signs. New commercial off-premise signs prohibited.
- B. Non-Commercial Off-Premise Signs.
  - 1. Location.
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    - b. No portion of any noncommercial off-premise sign shall be located within 300 feet of any other off-premise sign on the same side of the street or highway, or any residence (singlefamily or multi-family).
  - 2. **Standards.** Noncommercial off-premise signs shall meet the standards in Section 5.6.120 (Freestanding Sign Type).
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  - Location. In order to provide information and directional aid to the general public, directional signs may be erected within 300 feet of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on the major traveled thoroughfare.
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  - 1. **Location.** Directory listing signs may be placed at strategic locations along major highways in order to provide pertinent County area information to tourists and visitors.
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  - 3. Extension, enlargement, replacement, rebuilding, adding lights to an un-illuminated sign, changing the height of the sign above ground, or re-erection of the sign are prohibited.

Item 9.

ests - 2020 - 0413L	Page I
OFFICE OF THE COUNTY ATTORNEY	
Post Office Drawer 1228 · Beaufort, SC 29901	
102 Industrial Village Road, Building #1 843.255.2055 (O) • 843.255.9414 (F)	
LEGAL REVIEW REQUEST FORM Form Number: 2020 - 0413L	
Originally submitted on: <u>8/19/2020</u> 12:16:52 F	'M
Select Type: Ordinance/Resolution	—
Document Title:	
Department: Community Development  Requester's Name: DIANE MCMASTER	
Ph: Em:	
Date Needed by: 8/24/2020	
Is this item being presented to Council or Committee?   Yes O No Meeting date: <u>8/31/2020</u> (If Yes, please provide meeting date)	
Description of Document or Any Concerns: (DC ARTICLE 5, SECTION 5.6.50E(2) TO ALLOW FOR MINOR MODIFICATIONS TO IMPROVE SAFETY STANDAR DURING HURRICANES AND HIGH WIND EVENTS	DS
Is the County receiving a reimbursement or any compensation? O Yes O No	
If applicable, please provide the total value amount of the contract: Amount BELOW \$50,000.00 Amount \$50,000 to \$99,999 Amount \$100,000 and above	
Has the item been approved by Council Committee?   Yes O No O N/A	
Which and When Committee PLANNING COMMISSION Meeting 8/4/2020	
Date: Please upload a copy of the minutes where approval was received:	e
Has the item been approved by full Council? $\bigcirc$ Yes $$ $$ $$ No $$ $$ N/A	
Attachments:	
Billboard Amendment Ordinance.docx     ZTA 2020-05 Billboard Amendment - Nat.Res.08.31.2020.docx       38.71 KB	
2020-08-19T12:21:17 2020-08-19T12:21:33	
Insert more attachments	
LEGAL DEPARTMENT USE ONLY- INITIAL REVIEW Attachments:	
Click here to attach a file Click here to attach a file	
Insert more attachments	
Approved O n Hold Send to Finance	
O Disapproved Additional Documents Requested	
Comments:	
The amendment does not appear to impose any financial obligation upon the County; however it is this	

department's policy to forward to finance any mattters which will appear before Council or Committees of Council so the finance department is aware of the future agenda item and so it can have an opportunity to weigh in on the matter. For that reason this submission is being sent to finance.

35

ltem 9.

Thomas J. Keaveny 11:55:49 AM Legal Staff 8/25/2020

Date / Time

Insert a subsequent legal review

FINANCE DEPARTMENT USE ONLY - INITIAL REVIEW		
■ Approved ○ Disapproved ○ N/A		
Comments:		
No funding requirements		
raymond.williams	8/25/2020	12:23:01 PM
Finance Date/Time		te/Time

Insert Finance Review Section
Item 10.

OUNTY SOUL OF	FICE OF THE COUNTY ATTORNEY	
	t Office Drawer 1228 · Beaufort, SC 29901	
1769	102 Industrial Village Road, Building #1 843.255.2055 (O) · 843.255.9414 (F)	
	LEGAL REVIEW REQUEST FORM	
	Form Number:2020 - 0388L	
	Originally submitted on: 7/23/2020 2:03:33 P	M
elect Type: Ordinance/Resolution	$\diamond$	
Document Title:	ests to change the zoning of 3 parcels making up 4.2 acres at the north en	d
Department: Community Developm	ent Requester's Name: Eric Greenway, Director	
h: <sup>843-255-4123</sup>	Em: egreenway@bcgov.net	
	LIII	
Date Needed by: 7/31/2020		
this item being presented to Cour	cil or Committee?   Yes   No  Meeting date: 8/10/2020	
(If Yes, please provide meeting d	nte)	
Description of Document or Any Co	icerns:	
he applicant requests to change th	e zoning of 3 parcels making up 4.2 acres at the north end of Graves Road	
0	es are currently zoned T2 Rural (see attached map). The applicant seeks (	3
ieignbornood wixed-ose zoning to	match the zoning of the surrounding area.	
	nent or any compensation? O Yes I No	
	l value amount of the contract: ) 9	
f applicable, please provide the tot Amount BELOW \$50,000.0 Amount \$50,000 to \$99,99	l value amount of the contract: ) 9 <i>y</i> e	
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Item 10.

Insert a subsequent legal review

FINANCE DEPARTMENT USE ONLY - INITIAL REVIEW			
Approved      Disapproved      N/A			
Comments:			
This rezoning request does not require funding			
raymond.williams	8/4/2020	8:54:17 AM	
Finance	D	Date/Time	
Insert Finance Review Section			

#### ORDINANCE 2020 / \_\_\_

#### ZONING MAP AMENDMENT/REZONING REQUEST FOR 3 PARCELS (R600 021 000 0003 0000; R600 021 000 002A 0000; R600 021 000 003A 0000) ON GRAVES ROAD FROM **T2 RURAL TO C3 NEIGHBORHOOD MIXED-USE**

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_\_ Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

# **Existing Zoning**



## MEMORANDUM

TO:Natural Resources Committee, Beaufort County CouncilFROM:Noah Krepps, Beaufort County Community Development DepartmentDATE:August 31, 2020SUBJECT:Zoning Map Amendment/Rezoning Request for 3 parcels (R600 021 000 0003<br/>0000; R600 021 000 002A 0000; R600 021 000 003A 0000) on Graves Road<br/>from T2 Rural to C3 Neighborhood Mixed-Use; Applicant: Judy Graves, Kevin<br/>Graves, Jan McKim

#### **STAFF REPORT:**

A. BACKGROUND:	
Case No.	ZMA-2020-02
Owner/Applicant:	Judy D. Graves; Linda D. Graves and William Kevin Graves; and Janice Anne G. McKim
<b>Property Location:</b>	North end of Graves Road adjacent to Okatie River
District/Map/Parcel:	R600 021 000 0003 0000; R600 021 000 002A 0000; R600 021 000 003A 0000
<b>Property Size:</b>	4.2 acres
<b>Current Future Land Use</b>	
Designation:	Rural
<b>Current Zoning District:</b>	T2 Rural
<b>Proposed Zoning District:</b>	C3 Neighborhood Mixed-Use (C3NMU)

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

The applicant requests to change the zoning of 3 parcels making up 4.2 acres at the north end of Graves Road along the Okatie River. The properties are currently zoned T2 Rural (see attached map). The applicant seeks C3 Neighborhood Mixed-Use zoning to match the zoning of the surrounding area.

#### **C. EXISTING ZONING:**

All three parcels are currently zoned T2 Rural, which permits residential development at a density of one dwelling unit per 3 acres in addition to agricultural uses and limited retail.

**D. PROPOSED ZONING:** The Neighborhood Mixed Use (C3) zoning district provides for moderate density residential development, averaging under three units per acre. Densities by use range from 2.6 dwelling units per acre for single family detached and attached, to 12

units per acre for multi-family with a maximum of 80 units. It also allows for limited office/service uses and gas stations.

- E. COMPREHENSIVE PLAN FUTURE LAND USE MAP: The parcels are designated as Rural. The Comprehensive Plan states that these areas, situated outside of designated growth areas, should retain their rural character with low-density residential development, supporting small-scale commercial development, and agricultural uses. Future development in rural areas should be similar to the type and mix of land uses currently found in the Sheldon area, St. Helena Island, and along the SC-170 corridor between McGarvey's Corner and the Broad River Bridge. The maximum gross residential density in rural areas is one dwelling unit per three acres. Rural areas should not be targeted with the development of major public infrastructure or the extension of public sewer service, except where a documented health, safety, and/or welfare condition warrants such an expansion.
- **F. ZONING MAP AMENDMENT ANALYSIS:** Section 7.3.40 of the Community Development Code (CDC) states that a zoning map amendment may be approved if the proposed amendment:
  - 1. Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code:

The proposed amendment is not consistent with the future land use map of the Beaufort County Comprehensive Plan, but the parcels are adjacent to an area of Neighborhood/Mixed-Use future land use designation. This designation is consistent with the proposed C3NMU zoning.

2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances:

The proposed amendment is not in conflict with the Community Development Code or Code of Ordinances.

- 3. Addresses a demonstrated community need: N/A
- 4. Is required by changing conditions: N/A
- 5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land.

The proposed amendment is compatible with existing uses surrounding the land subject to the application. Adjacent properties are zoned C3NMU and are currently single-family developed lots or still vacant land. Berkeley Hall, a private, single-family golf community is located across Graves Road from the subject parcels.

6. Would not adversely impact nearby lands.

Properties located to the south of these parcels are zoned C3NMU and would not be adversely impacted by amending the zoning of this parcel. There is also a private, single-family golf community located to the east of the proposed amendment that would not be adversely impacted by the amendment.

7. Would result in a logical and orderly development pattern. See item 6 above.

8. Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

All three parcels are abutting the Okatie River. There should be no adverse impacts assuming that applicable local, state, and federal environmental protection requirements are met with any future development of the parcels.

9. Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)
The proposed recently is located in close provimity to willities and public facilities

The proposed rezoning is located in close proximity to utilities and public facilities.

#### G. STAFF RECOMMENDATION: Staff recommends approval.

**H. PLANNING COMMISSION RECOMMENDATION:** At the July 6, 2020 meeting of the Beaufort County Planning Commission the Commission a recommendation to approve the proposed rezoning was defeated with three members voting for and four members voting against.

#### I. ATTACHMENTS:

- Zoning Map (existing and proposed)
- Location Map

# **Existing Zoning**



# **Proposed Zoning**







#### **BEAUFORT COUNTY COUNCIL**

#### Agenda Item Summary

#### Item Title:

Zoning Map Amendment/Rezoning Request for 3 parcels (R600 021 000 0003 0000; R600 021 000 002A 0000; R600 021 000 003A 0000) on Graves Road from T2 Rural to C3 Neighborhood Mixed-Use; Applicant: Judy Graves, Kevin Graves, Jan McKim

#### Council Committee:

Natural Resources

#### Meeting Date:

Augsut 31, 2020

Committee Presenter (Name and Title):

Rob Merchant

Issues for Consideration:

The applicant requests to change the zoning of 3 parcels making up 4.2 acres at the north end of Graves Road along the Okatie River. The properties are currently zoned T2 Rural (see attached map). The applicant seeks C3 Neighborhood Mixed-Use zoning to match the zoning of the surrounding area.

#### Points to Consider:

C. EXISTING ZONING:

All three parcels are currently zoned T2 Rural, which permits residential development at a density of one dwelling unit per 3 acres in addition to agricultural uses and limited retail.

D. PROPOSED ZONING: The Neighborhood Mixed Use (C3) zoning district provides for moderate density residential development, averaging under three units per acre. Densities by use range from 2.6 dwelling units per acre for single family detached and attached, to 12

units per acre for multi-family with a maximum of 80 units. It also allows for limited office/service uses and gas stations.

Funding & Liability Factors:

None

**Council Options:** 

Approve the rezoning or Deny the rezoning.

Recommendation:

Staff recommends approval of the rezoning and Planning Commission recommends denial of the rezoning.

Item	11.

	FICE OF THE COUNTY ATTORNEY st Office Drawer 1228 · Beaufort, SC 29901 102 Industrial Village Road, Building #1 843.255.2055 (O) · 843.255.9414 (F)
	LEGAL REVIEW REQUEST FORM
	Form Number: 2020 - 0385L
Select Type: Ordinance/Resolutio	
Document Title:	To The Community Development Code (CDC): Article 5, Section 5.3.20 Appli
Department: Community Developm	nent Requester's Name: Eric Greenway, Director
Ph:	Em: egreenway@bcgov.net
Date Needed by: 7/30/2020 Is this item being presented to Cou (If Yes, please provide meeting of	ncil or Committee?   Yes   No Meeting date: 8/10/2020
Description of Document or Any Co	
If applicable, please provide the tot Amount BELOW \$50,000.0 Amount \$50,000 to \$99,99 Amount \$100,000 and abo Has the item been approved by Con Has the item been approved by full Attachments: ZTA 2020-04 Daufuskie Island	200 99 ove uncil Committee? O Yes O No O N/A Council? O Yes O No O N/A
Maximum Lot Size - Plan.comm.07.06.2020.pdf 2.29 MB	Amendment.pdf 457.89 KB
2020-07-23T13:37:43	2020-07-23T13:38:22
Insert more attachments	. DEPARTMENT USE ONLY- INITIAL REVIEW
Attachments:	
Click here to attach a file	Click here to attach a file Click here to attach a file 2020-07-23T13:37:51
Comments: I do nto beleive this proposed amo	□ Send to Finance I Documents Requested endmnet triggers any finance concerns but I'm recommending it go through will appear before a committee of council.
Thomas J. Keaveny	7/28/2020
1:26:36 PM	
Legal Staff	Date / Time

ltem 11.

Insert a subsequent	legal	review
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FINANCE DEPARTMENT USE ONLY - INITIAL REVIEW		
Approved O Disapproved O N/A		
Comments:		
No funding requirements.		
raymond.williams	8/4/2020	8:46:50 AM
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Insert Finance Review Section		



### MEMORANDUM

To:Natural Resources Committee, Beaufort County CouncilFrom:Robert Merchant, AICP, Deputy Community Development DirectorSubject:Text Amendment To The Community Development Code (CDC): Appendix B<br/>(Daufuskie Island Community Development Code), Sections B.1.50, B.1.60, B.1.70, and<br/>B.1.80 to Eliminate Maximum Lot Size Requirement for Minor Subdivisions

#### A. BACKGROUND: Case No. Applicant: Proposed Text Change: Text Amendment to the Community Development Code (CDC): Appendix B to remove the maximum lot size requirement for minor residential subdivisions in the D3 General Neighborhood (D3GN), the D4 Mixed Use (D4MU); the Village Center (D5VC), and the Gateway Corridor (D5GC) districts on Daufuskie Island.

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

**Background:** In January 2019, Beaufort County Council adopted a revised code for Daufuskie Island that mirrored the transect zones in the Community Development Code. The plan was developed by the Daufuskie Island Council with the assistance of two consultants from Savannah. One of the goals in the Daufuskie Island Code is to develop walkable communities at the ferry landings to facilitate growth, economic development and quality of life on the island. Therefore, the Code applied mixed use, moderate density transect zones to two areas of the island, one near Freeport Landing extending into the center of the island; and a much smaller area near the County boat landing (see attached map). The existing character of these areas is rural residential and very similar to other areas of the island outside of the master planned communities.

**Maximum Lot Size Requirement:** Traditional zoning ordinances usually have minimum lot size requirements that limit the overall density of a given zoning district. However, the D3 General Neighborhood, D4 Mixed Use, Village Center, and Gateway Corridor Districts have a maximum lot size requirement instead for the purposes of promoting rather than discouraging density.

This creates a challenge to property owners simply wanting to subdivide one or two lots in keeping with the existing rural residential character of the area. In addition, public sewer, which should serve higher density development, is not within reach to most of the parcels with maximum lot size requirements.

**Recommended Solution:** Planning staff is recommending to keep the maximum lot size requirement, but only make it applicable to major subdivisions (5 or more lots). This would remove the burden for small subdivisions while insuring that larger developments that will have an impact on the character of the area, will develop at the intended density.

**<u>Planning Commission Action</u>**: On Monday, July 6, the Beaufort County Planning Commission voted to recommend the staff recommendation to County Council.

#### ORDINANCE 2020 / \_\_\_

#### TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B (DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE), SECTIONS B.1.50, B.1.60, B.1.70, AND B.1.80 TO ELIMINATE MAXIMUM LOT SIZE **REQUIREMENT FOR MINOR SUBDIVISIONS**

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2020.

#### COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_ Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

#### Division D.1: Transect Zones D3 General Neighborhood





#### Key

---- ROW / Property Line

Building Area

Setback (Distance from Front	15' min., 50' max.	á
Side Street	10' min., 50' max.	Ō
Side:		
Side, Main Building	7 1/2' min.	Θ
Side, Ancillary Building	5' min.	
Rear		
Rear, Main Building	15' min.	D
Rear, Ancillary Building	5' min.	
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
Lot Size (43,560 SF Max	(imum)	
Width	100' max.	θ
Depth	200' max.	Ĝ

regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses

Maximum lot size does not apply to minor residential subdivisions meeting the requirements of Section 6.1.30.A

D. Building Form		
Building Height		
Main Building	2 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level <sup>1</sup>	18" min.	0
Upper Floors(s) Ceiling	8' min. clear	Ó
Footprint		
Maximum Lot Coverage <sup>2</sup>	30% of lot area	
Miscellaneous		
Loading docks, overhead doors, may not be located on street-fac		ies
Notes		
<sup>1</sup> Buildings located in a flood haza be built above base flood elevati Beaufort County Building Codes	on in accordance with	ed to
<sup>2</sup> Lot coverage is the portion of a	a lot that is covered by	any
and all buildings including access	ory buildings.	

E. Gross Density<sup>1</sup> Gross Density 3.0 d.u. per acre

<sup>1</sup>Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

Item 11.





#### Key

- ---- ROW / Property Line
- --- Setback Line

Facade Zone

**Building Area** 

Setback (Distance from	<b>ROW/Property Li</b>	ne
Front	15' min., 30' max.	0
Side Street	10' min., 30' max.	Ô
Side:		
Side, Main Building	7 1/2' min.	Θ
Side, Ancillary Building	5' min.	
Rear:		
Rear, Main Building	15' min.	D
Rear, Ancillary Building	5' min.	•
Lot Size (20,000 SF Max	kimum)	
Width	100 ft. max.	e
Depth	200 ft. max.	G

#### Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint Exceeding 10,000 square feet.

Maximum lot size does not apply to minor residential subdivisions meeting the requirements of Section 6.1.30.A

D. Building Form	
Building Height	
Main Building	2 stories max.
Ancillary Building	2 stories max.
Ground Floor Finish Level: <sup>1</sup>	18" min.
Ground Floor Ceiling:	18" min.
Upper Floor(s) Ceiling	8' min.
Ground Floor lobbies and Commo	
buildings may have a 0" to 6" grou	ind floor finish level.
Footprint	
Maximum Lot Coverage <sup>2</sup>	30% of lot area
Notes	
Buildings located in a flood hazard	d zone will be required to
be built above base flood elevation	n in accordance with
Beaufort County Building Codes.	
<sup>2</sup> Lot coverage is the portion of a l	ot that is covered by any
And all buildings, including accesso	ory buildings.
E. Gross Density	
Base site area less than 5 ac.	8.0 d.u. per acre
Base site area greater than 5 ac.	4.0 d.u. per acre
'Gross Density is the total numbe	r of dwelling units on a

site divided by the Base Site Area (Division 6.1.40.F)





#### Key

- ---- ROW / Property Line
- --- Setback Line

Building Area Facade Zone

Setback (Distance fro	m ROW/Property Li	ne)
Front	5' min., 20' max.	4
Side Street	5' min., 20' max	0
Side:		Ô
Main Building	7 1/2' min.	-
Ancillary Building	5' min.	
Rear		
Main Building	15' min.	D
Ancillary Building	5' min.	-
Lot Size (20,000 SF M	aximum)	
Width	100' max.	e
Depth	200' max.	Ġ
Miscellaneous		

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 20,000 square feet.

Maximum lot size does not apply to minor residential subdivisions meeting the requirements of Section 6.1.30.A

Building Height		
Main Building	$2 \frac{1}{2}$ stories max.	C
Ancillary Building	2 stories max.	
Ground Floor Finish Level:		G
Residential	18" min.	
Commercial	6" max.	
Ground Floor Ceiling:	10' min.	0
Upper Floor(s) Ceiling	8' min.	Ő
Ground Floor lobbies and com	mon areas in multi-unit	
buildings may have a 0" to 6" gi	round floor finish level.	
Footprint		
Maximum Lot Coverage <sup>2</sup>	30% of lot area	
Miscellaneous		
Loading docks, overhead doors	, and other service entrie	es
may not be located on street-fa	icing facades.	
Notes		
Buildings located in a flood haz	ard zone will be required	to

Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

<sup>2</sup>Lot coverage is the portion of a lot that is covered by any and all buildings, including accessory buildings.

E. Gross Density		
Gross Density <sup>1</sup>	8.0 d.u. per acre	

<sup>1</sup>Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

53





#### Key

- ---- ROW / Property Line
- --- Setback Line

Building Area Facade Zone

	om ROW/Property Lin	1e)
Front	15' min., 30' max.	4
Side Street	10' min., 30' max	Ō
Side:		Ó
Main Building	7 ½' min.	
Ancillary Building	5' min.	
Rear		
Main Building	15' min.	D
Ancillary Building	5' min.	-
Lot Size (20,000 SF M	laximum)	
Width	100' max.	9
Depth	200' max.	Ġ
Miscellaneous		
When evicting a discont by	uldings and in front of the	

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 20,000 square feet.

Maximum lot size does not apply to minor residential subdivisions meeting the requirements of Section 6.1.30.A

D. Building Form		
D. Building Form		
Building Height		
Main Building	2 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level:		Ð
Residential	18" min.	•
Commercial	6" max.	
Ground Floor Ceiling:	10' min.	0
Upper Floor(s) Ceiling	8' min.	Ŏ
Ground Floor lobbies and common areas in multi-unit		
buildings may have a 0" to 6" ground floor finish level.		
Footprint		0
Maximum Lot Coverage <sup>2</sup>	30% of lot area	
Miscellaneous		
Loading docks, overhead doors, and other service entries		
may not be located on street-facing facades.		
Notes		
<sup>1</sup> Buildings located in a flood hazard zone will be required to		
be built above base flood elevation in accordance with		
Beaufort County Building Codes.		
<sup>2</sup> Lot coverage is the portion of a lot that is covered by any		
and all buildings, including accessory buildings.		
E. Gross Density		

Gross Density<sup>1</sup> 4.0 d.u. per acre <sup>1</sup>Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)



#### **BEAUFORT COUNTY COUNCIL**

Agenda Item Summary

Item Title:

xt Amendment to the Community Development Code (CDC): Appendix B to remove the maximum lot size requirement for minor residential subdivisions in the D3 General Neighborhood (D3GN), the D4 Mixed Use (D4MU); the Village Center (D5VC), and the Gateway Corridor (D5GC) districts on Dauluskie Islan

#### Council Committee:

Natural Resources

#### Meeting Date:

Augsut 31, 2020

#### Committee Presenter (Name and Title):

Rob Merchant

#### Issues for Consideration:

Background: In January 2019, Beaufort County Council adopted a revised code for Daufuskie Island that mirrored the transect zones in the Community Development Code. The plan was developed by the Daufuskie Island Council with the assistance of two consultants from Savannah. One of the goals in the Daufuskie Island Code is to develop walkable communities at the ferry landings to facilitate growth, economic development and quality of life on the island. Therefore, the Code applied mixed use, moderate density transect zones to two areas of the island, one near Freeport Landing extending into the center of the island outside of the master planned communities. Maximum Lot Size Requirement: Traditional zoning ordinances usually have minimum lot size requirements that limit the overall density of a given zoning district. However, the D3 General Neighborhood, D4 Mixed Use, Village Center, and Gateway Corridor Districts have a maximum lot size requirement instead for the purposes of promoting rather than discouraging density. This creates a challenge to property owners simply wanting to subdivide one or two lots in keeping with the existing rural residential character of the area. In addition, public sewer, which should serve higher density development, is not within reach to most of the parcels with maximum lot size requirements.

#### Points to Consider:

See above and attached staff report.

Funding & Liability Factors:

None

Council Options:

Approve the amendment as drafted, Approve the amendment with conditions, Deny the amendment.

#### Recommendation:

Planning staff is recommending to keep the maximum lot size requirement, but only make it applicable to major subdivisions (5 or more lots). This would remove the burden for small subdivisions while insuring that larger developments that will have an impact on the character of the area, will develop at the intended density.

Item 12.

	JRE YOU ARE USING INTERNET EXP formation via the Purchasing Contract	LORER AS YOUR BROWSER Review Form, please do NOT submit it here via
,,	this request. Thank you	
	Legal Review Process Instru	uctions
OF	FICE OF THE COUNTY AT	TORNEY
Po	st Office Drawer 1228 · Beaufor	t, SC 29901
1769	102 Industrial Village Road, Buil	-
	843.255.2055 (O) • 843.255.94	114 (F)
	LEGAL REVIEW REQUEST FO	RM
		Form Number: 2020 - 0387L
	Originally su	bmitted on: 7/23/2020 1:45:36 PM
Select Type: Ordinance/Resolutio		
<u>select type.</u>		
Document Title. Zoning Map Amen	dment/Rezoning Request for 18.3	acres (R100 024 000 032A 0000, R100 02
Department: Community Developn	nent Requester's N	lame: Eric Greenway, Director
Ph: <sup>843-255-4123</sup>	Em: egreenw	ay@bcgov.net
Date Needed by: 7/31/2020		
Is this item being presented to Cou	ncil or Committee? 💿 Yes 🔘 No	Meeting date: 8/10/2020
(If Yes, please provide meeting o	late)	
Description of Document or Any Co	ncerns:	
		000 032A 0000, R100 024 000 0276 0000,
	-	ection of Bay Pines Road and Laurel Bay
ROAD FROM 12 RULAI AND ST INDUSTR	al to C4-Community Center Mixed-	Use District; Applicant: Robert Deeb.
Is the County receiving a reimburse	ment or any compensation? O Y	es 🖲 No
If applicable, please provide the tot Amount BELOW \$50,000.0 Amount \$50,000 to \$99,99 Amount \$100,000 and abo	00 99	
Has the item been approved by Cou	uncil Committee? O Yes 🔍 No	○ <sub>N/A</sub>
has the item been approved by cot		⊖ N/A
Has the item been approved by full	Council? O Yes 🔍 No 🛛 O	N/A
Attachments:		
Bay Pines Rd StaffRpt to	AIS Bay Pines Rezoning	Click here to attach a file
PlanComm_04-06-20.pdf 930.29 KB	Amendment.pdf 455.84 KB	
2020-07-23T13:47:51	2020-07-23T14:03:21	
Insert more attachments		
	DEPARTMENT USE ONLY- INITIAL	REVIEW
Attachments:		
Click here to attach a file	Click here to attach a file	Click here to attach a file
Incost more attacking to		
<ul> <li>Insert more attachments</li> <li>Approved</li> <li>On Hold</li> </ul>		
PP	Documents Requested	<ul> <li>Send to Finance</li> <li>Do Not Send to Finance</li> </ul>
	Documents nequested	
Comments:		

Item 12.

7/28/2020

Thomas J. Keaveny 1:08:17 PM Legal Staff

Date / Time

Insert a subsequent legal review

ltem 12.

#### ORDINANCE 2020 / \_\_\_

# ZONING MAP AMENDMENT/REZONING REQUEST FOR 18.3 ACRES (R100 024 000 032A 0000, R100 024 000 0276 0000, R100 024 000 030C 0000, AND R100 024 000 033A 0000) AT THE INTERSECTION OF BAY PINES ROAD AND LAUREL BAY ROAD FROM T2 RURAL AND S1 INDUSTRIAL TO C4-COMMUNITY CENTER MIXED-USE DISTRICT; APPLICANT: ROBERT DEEB.

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2020.

#### COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council





# MEMORANDUM

TO: Natural Resources Committee, Beaufort County Council
FROM: Robert Merchant, AICP, Beaufort County Community Development Department
DATE: August 31, 2020
SUBJECT: Zoning Map Amendment/Rezoning Request for 18.3 acres (R100 024 000 032A 0000, R100 024 000 030C 0000, and R100 024 000 033A 0000) at the Intersection of Bay Pines Road and Laurel Bay Road from T2 Rural and S1 Industrial

to C4-Community Center Mixed-Use District; Applicant: Robert Deeb.

#### **STAFF REPORT:**

#### A. BACKGROUND:

Case No.	ZMA-2020-02
Owner/Applicant:	Regent Equipment Rentals and Sales, Inc.; Lake Moultrie Construction, Inc.; and N. Etheleen and Lowell Landon (Representative Robert M. Deeb)
Property Location:	Located at the northeast corner of the Bay Pines Road/Laurel Bay Road intersection.
District/Map/Parcel:	R100 024 000 032A 0000, R100 024 000 0276 0000, R100 024 000 030C 0000, and R100 024 000 033A 0000
Property Size:	18.3 acres
Current Future Land Use Designation:	Light Industrial and Neighborhood Mixed Used
C	c c
Current Zoning District:	S1 Industrial and T2 Rural

Proposed Zoning District: C4-Community Center Mixed-Use (C4-CCMU)

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

The applicant seeks to change the zoning of 4 parcels making up 18.3 acres at the northeast corner of Bay Pines Road and Laurel Bay Road. Three of the properties are currently zoned S1 – Industrial. The easternmost parcel is zoned T2 Rural (see attached map). The applicant seeks C4 Community Center Mixed-Use zoning to facilitate the development of multi-family workforce housing on the site.

#### C. EXISTING ZONING:

Three parcels making up 8.3 acres are currently zoned S1 Industrial. While S1 Industrial permits office, manufacturing, industrial, warehousing and limited retail, it does not permit residential development. The easternmost 10 acres is zoned T2 Rural, which permits residential development at a density of one dwelling unit per 3 acres in addition to agricultural uses and limited retail.

#### **D. PROPOSED ZONING:**

The Community Center Mixed Use (C4) Zone provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood. These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area. The district also permits multi-family development with a density of 12 dwelling units per acres and maximum height of 3 stories.

#### E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:

The western most 8.3 acres are designated as Light Industrial. The Comprehensive Plan states that uses in this category should include, but are not be limited to, business parks, research and development centers, product assembly, distribution centers, cottage industries, and light and heavy industrial uses. The remaining 10 acres is designated as Neighborhood Mixed-Use. In neighborhood mixed-use areas, residential is the primary use, with some supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets. The maximum gross residential density is approximately two dwelling units per acre. No more than 5% to 10% of the land area should consist of commercial development. Commercial uses providing neighborhood retail and services are limited to collectors and arterials and within master planned mixed-use developments.

#### F. AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ):

The project is located outside of the AICUZ and therefore is not subject to the restrictions in the MCAS Airport Overlay Zone. The AICUZ is the area designated by MCAS where there are higher decibel levels and potential for accidents due to military aircraft operations.

#### G. NORTHERN BEAUFORT COUNTY REGIONAL PLAN:

The proposed parcel is located within the growth boundary as put forth in the Northern Beaufort County Regional Plan. The regional plan and the intergovernmental agreement that implements the plan require that all increases in zoning in unincorporated Beaufort County located within the growth boundary explore options to annex into the appropriate municipality – in this case the City of Beaufort. The intergovernmental agreement states the following:

The county shall encourage any landowner who seeks an increase in densities/intensities under current zoning on lands that are not contiguous to a municipality but within the growth boundary, to explore ways to annex the land. If annexation is not feasible, following the procedures outlined in Section G (below) the County will consult with the Planning Staffs of the City of Beaufort and the Town of Port Royal to determine the following: a. Whether the proposed zoning amendment or planned unit development is consistent with the Comprehensive Plan of the municipality in whose future growth area the proposed development is located; and b. Whether the proposed zoning amendment or planned unit development is consistent with the Northern Beaufort County Regional Plan.

This report has been sent to the City of Beaufort staff. Beaufort County staff will consult with City staff to determine whether annexation is feasible and whether this rezoning is consistent with the Northern Regional Plan.

#### H. ZONE MAP AMENDMENT REVIEW STANDARDS:

In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code; Approximately 8.3 acres is designated Light Industrial in the Beaufort County Comprehensive Plan. Staff believes that this site is better suited for mixed-use rather than solely industrial development given its location at a major intersection. The proposed C4-CCMU zoning district allows a mixture of residential, commercial and light industrial land uses and would, therefore, not render existing development on the site non-conforming. The remaining 10 acres is designated Neighborhood Mixed-Use. While this designation recommends a maximum gross density of 2 dwelling units per acre, it does recommend higher densities for workforce and affordable housing.
- 2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances; The proposed rezoning does not conflict with the CDC or Code of Ordinances.
- 3. Addresses a demonstrated community need; The applicant proposed to develop affordable housing on the site, which has been documented in the Housing Needs Assessment to be a community need.
- 4. Is required by changed conditions; The MCAS Airport Overlay District corresponds with the 2013 AICUZ developed for the F35B Joint Strike Fighter. The 2013 AICUZ greatly limits the amount of land in proximity of the MCAS Air Station and Laurel Bay that could be developed to support the needs for military personnel and their families. Since this site is situated outside of the MCAS Airport Overlay District but in proximity to the bases, it should be considered for the development of affordable housing.
- 5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land; The site is located approximately 1mile east of the entrance to Laurel Bay. The immediate area is a mixture of residential, institutional, and light industrial uses. Across Laurel Bay Road is a 32-unit townhouse development. Approximately ½ mile east is another affordable multi-family housing development called Magnolia Park, in addition to a Food Lion and a Dollar General.
- 6. **Would not adversely impact nearby lands;** The site adjoins several single family houses along Laurel Bay Road and Edward Court. The Community Development Code would require a minimum 20-foot wide vegetated buffer between multi-family and single-family development.
- 7. Would result in a logical and orderly development pattern; See 5 and 6 above.
- 8. Would not result in adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual. Approximately 40% of the site is cleared for an existing laydown and storage yard.
- 9. Would result in development that is adequately served by public facilities (e..g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal,

ZMA 2020-02 – Bay Pines Zoning Amendment – S1 and T2R to C4CCMU

schools, parks, police, and fire and emergency medical facilities): The site is located within the growth area of northern Beaufort County. It is in close proximity to pubic sewer and water, schools, fire and ems. It is served by a network of streets and multi-use paths that connect it to MCAS Beaufort and Laurel Bay.

#### I. METROPOLITAN PLANNING COMMISSION:

The Metropolitan Planning Commission reviewed this proposed rezoning at their March 16, 2020 meeting. At that meeting, the MPC unanimously recommended approval of the rezoning.

- J. STAFF RECOMMENDATION: Staff recommends approval of the proposed zoning map amendment.
- **K. PLANNING COMMISSION RECOMMENDATION:** At the July 6 meeting of the Beaufort County Planning Commission, the Commission voted unanimously to recommend approval of the proposed rezoning.

#### L. ATTACHMENTS

- Zoning Map (existing and proposed)
- Location Map





Item 12.



Agenda Item Summary

Item Title:

ing Map Amendment/Rezoning Request for 18.3 acres (R100 024 000 032A 0000, R100 024 000 0276 0000, R100 024 000 030C 0000, and R100 024 000 033A 0000) at the Intersection of Bay Pines Road and Laurel Bay Road from T2 Rural and S1 Industrial to C4-Community Center Mixed-Use District; Applicant: Robert Deeb

Council Committee:

Natural Resources

Meeting Date:

August 31, 2020

Committee Presenter (Name and Title): Rob Merchant

Issues for Consideration:

Points to Consider:

See above and attached staff report.

Funding & Liability Factors:

None

**Council Options:** 

Approve the rezoning or Deny the rezoning.

Recommendation:

Staff and Planning Commission recommend approval of the rezoning.



#### **BEAUFORT COUNTY COUNCIL**

#### **Agenda Item Summary**

#### Item Title:

#### AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT

#### **Committee:**

Natural Resources Committee

#### **Meeting Date:**

July 13, 2020 @ 2:00PM

#### Committee Presenter (Name and Title):

Eric Greenway, Planning and Zoning Director

#### **Issues for Consideration:**

The proposed DA Amendment amends and restates certain sections of the original Development Agreement in order to more clearly detail each party's obligations and rights as far as the construction of Graves and the Park Access Road are concerned as well as clarifying the details associated with creation of the Improvement District.

#### **Points to Consider:**

Does the County Council desire to adopt the amended Development Agreement?

Does the County Council agree to use the Improvement District to cover the fees paid by the owner to establish the district? The original DA stated that the owner has agreed for the County to be able establish the improvement district which may have implied the county would assume the costs for creating the district.

#### Funding & Liability Factors:

1.1 million per year until the County has fully reimbursed the owner. It is assumed the funding the source will be TAG revenue but that will be more fully determined in each budget cycle.

#### **Council Options:**

Adopt the amended Development Agreement. Deny the adoption of the amended Development Agreement. The original obligations will still be in effect

#### **Recommendation:**

Staff, based on the property owner's /developer's need for a more specific commitment, for financing purposes, regarding the County's desire to pursue the funding of the improvements and the need for more specificity to the details of the Neighborhood Improvement District recommends that the resolution be adopted by the County Council.

#### AN ORDINANCE

APPROVING AN AMENDMENT TO THAT CERTAIN PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AND ROBERT L. GRAVES EFFECTIVE FEBRUARY 1, 2019, AND RECORDED IN THE BEAUFORT COUNTY REGISTER OF DEEDS OFFICE IN BOOK 3735, PAGE 1 ON FEBRUARY 4, 2019

WHEREAS, Beaufort County ("County") and Robert L. Graves ("Property Owner") entered into that certain Pepper Hall and Okatie River Park Joint Development Agreement effective February 1, 2019, and recorded in the Beaufort County Register of Deeds Office on February 4, 2019, in Book 3735, Page 1 (the "Development Agreement") pursuant to the South Carolina Development Agreement Act, S.C. Code of Laws 6-31-10, et seq., as amended (the "Act") and the Beaufort County Community Development Code (the "CDC"); and

**WHEREAS**, the Development Agreement sets forth the terms and conditions for a mutually binding, public-private partnership<sup>1</sup> to allow the County and the Property Owner to work together to protect and preserve the natural environment and to secure for Beaufort County citizens a quality, well-planned and well-designed development and a stable and viable tax base; to provide an unprecedented opportunity to secure quality planning and growth in the public and private sectors; and to enhance and provide public access to the Okatie River Park for public benefit; and

**WHEREAS**, the Development Agreement provides for, among other things, the construction of certain road improvements necessary to access the Okatie River Park; and

**WHEREAS**, pursuant to the Development Agreement, the County will pay for the design, permitting, and the construction costs of the road improvements; and

**WHEREAS**, the County has identified a funding source for approximately \$2.2 million of the road improvement costs and anticipates appropriating \$1.1 million in each of the Fiscal years 2021 and 2022 for this purpose; and

**WHEREAS**, the Development Agreement provided that the County may establish an improvement district for the assessment and collection of revenue to provide a mechanism for the County to recover the cost of the construction of the road improvements; and

**WHEREAS**, Property Owner and County desire to clarify and implement certain provisions of the Development Agreement regarding the construction and funding for the cost of certain road improvements and the establishment of an improvement district by executing an amendment to the Development Agreement (the "Amendment"); and

<sup>&</sup>lt;sup>1</sup> See Section IV.D. of the Development Agreement.

**NOW, THEREFORE, BE IT ORDAINED**, by the County Council of Beaufort County, South Carolina, in a meeting duly assembled, as follows:

#### SECTION 1. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance. In addition to the recitals set forth above, which the County Council hereby adopts as findings of fact, the County Council specifically finds that the Amendment attached hereto as Exhibit "A" and incorporated herein by reference, complies with the Act, the Comprehensive Plan, and the CDC.

#### SECTION II. DEVELOPMENT AGREEMENT

The terms of the Amendment are hereby approved in accordance with the Act and the CDC. The Amendment shall be effective upon approval of this Ordinance after third reading, execution by both parties and recording in the Beaufort County Register Deeds Office as required under the Act.

#### SECTION III. EXECUTION

The County Administrator is authorized to execute and deliver the Amendment on behalf of the County, and any and all other necessary documents or instruments incidental to the approval of this Ordinance and the Amendment.

#### SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its approval following third reading by the County Council

**ENACTED** and **APPROVED**, in meeting duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

2

#### BEAUFORT COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_

Joe Passiment, Chairman of Beaufort County Council, Beaufort County, South Carolina

[SEAL]

Attest:

By: \_\_\_\_

Sarah Brock, Clerk to Beaufort County Council, Beaufort County, South Carolina

First Reading:	June 8, 2020
Second Reading:	, 2020
Public Hearing:	, 2020
Third Reading:	, 2020

#### [EXHIBIT A FOLLOWS ON NEXT PAGE]

3

#### EXHIBIT A

#### AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT

# STATE OF SOUTH CAROLINA ) ) CERTIFIED COPY OF ORDINANCE NO. \_\_\_\_\_ COUNTY OF BEAUFORT )

I, the undersigned, being the duly qualified and acting Clerk to County Council of Beaufort County, South Carolina (the "County"), do hereby certify that attached hereto is a copy of Ordinance No. \_\_\_\_\_\_ enacted by the County Council of the County at a meeting duly called and held on \_\_\_\_\_\_\_, 2020, at which a quorum was present and acting throughout, which Ordinance has been compared by me with the original thereof, and that such copy is a true, correct and complete copy thereof, and that such Ordinance has been duly enacted, including the required number of readings, and has not been modified, amended or repealed and is in full force and effect on and as of the date hereof in the form attached hereto.

In witness whereof, I have hereunto set my hand as of the \_\_\_\_ day of \_\_\_\_\_, 2020.

Sarah Brock, Clerk to Beaufort County Council, Beaufort County, South Carolina



#### **BEAUFORT COUNTY COUNCIL**

#### **Agenda Item Summary**

#### Item Title:

APPOINTMENT TO BOARDS AND COMMISSION BEAUFORT COUNTY TRANSPORTATION COMMITTEE

#### **Committee:**

NATURAL RESOURCE COMMITTEE

#### **Meeting Date:**

AUGUST 31, 2020

Committee Presenter (Name and Title):

#### **Issues for Consideration:**

CONSIDERATION OF THE APPOINTMENT

• LYNNE HOOS

**Points to Consider:** 

Funding & Liability Factors:

#### **Council Options:**

APPROVE, MODIFY, OR REJECT

**Recommendation:** 

Item 14.



#### COUNTY COUNCIL OF BEAUFORT COUNTY County Boards, Agencies, Commissions, Authorities and Committees



County Council of Beaufort County selects citizens for service on Council appointed Boards, Agencies, Commissions, Authorities and Committees from a roster of individuals who have either volunteered or have been recommended for appointment. The Clerk to Council uses this form to keep an up-to-date roster of volunteers and to provide Council basic information about each volunteer.



#### LYNNE S HOOS

AUGUST 8, 2010

I AM APPLYING FOR THE VACATED POSITION ON THE ZONING BOARD OF APPEALS

I AM INTERESTED IN THE COMMUNITY MAINTAINING IT'S CHARACTER AND ENVIRONMENT, WHILE EMBRACING THE GROWTH THE COMMUNITY IS EXPERIENCING

GENERAL INFORMATION: RETIRED AND LIVING IN SUN CITY MOVED TO BEAUFORT FROM WILMETTE, ILLINOIS IN 1998 MOVED TO SUN CITY HILTON HEAD IN 2009.

WORK HISTORY REAL ESTATE BROKER AND APPRAISER, EVANSTON, IL 1970 TO 1998 REAL ESTATE BROKER, BEAUFORT, SC 1998 UNTIL RETIREMENT 2004

EDUCATION: NORTHWESTERN UNIVERSITY 1966 TO 1970 BA EDUCATION

**VOLUNTEER BOARD EXPERIENCE SINCE 1979** 

RECENT EXPERIENCE 2015 PROPERTY UTILIZATION TASK FORCE, SUN CITY HILTON HEAD 2017 BEAUFORT COUNTY SENIOR LEADERSHIP PROGRAM 2018 TO PRESENT, PRESIDENT, OKATIE CREEK DUPLICATE BRIDGE CLUB, SUN CITY

#### CLERK TO COUNCIL COUNTY COUNCIL OF BEAUFORT COUNTY

APPLICATION FOR POSITION ON THE ZONING BOARD OF APPEALS AUGUST 8, 2020

LYNNE HOOS

77