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# Staff Review

**To:** McClellanville Planning Commission  
**From:** Kathryn S. Basha, Zoning Administrator  
**Date:** December 9, 2024  
**Re:** Re-approval and revision of subdivision of TMS 764-00-00-166, Fair Oaks Phase II

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## Background

TMS 764-00-00-166 (aka the Sullivan tract) is the “parent tract” for the Fair Oaks Subdivision. The subdivision approved by the Planning Commission in November of 2005 was initially provided access via Mimosa Tree Drive off Society Road. The original six (6) lots from Phase I and an additional four (4) lots from Phase II all front on Beulah Drive. In addition to the remaining lots in Phase II, Phase III will create ten (10) lots on the other side of the Tupelo Canal/ditch. (**Reference Attachment 1**).

The tract is zoned Residential (R) outside the historic district. The current tract, minus the ten (10) lots already platted, is 24.04 acres in land area. The area of Phase II proposed for subdivision is vacant and primarily located within Flood Zone AE11. Phase III is separated from the lots fronting Beulah Drive by the existing (Tupelo) canal, which has been determined by SCDHEC/OCRM to be a critical wetland.

The owner, Jeri Nickerson, is requesting re-approval of Phase II. Phase II was originally approved to create Lots 7-19 for a total of twelve (12) lots. Four of the Phase II lots have already been recorded and are accessed by an extension of Beulah Drive. The applicant is requesting approval to create six (6) additional lots in Phase II (**Reference Attachment 2**), reducing the total number of lots in that phase to a total of ten (10) lots.

Per Section 10.3.3 “Creating Additional Lots” of the Town’s Zoning and Land Development Ordinance, the Planning Commission must approve any subdivision of land resulting in the creation of additional lots. Applicants proposing a subdivision that creates three (3) or more lots from a tract of land are required to submit a preliminary plan for consideration by the Planning Commission prior to preparation and submission of a final plat. The subject application is a revised preliminary plan for Phase II.

### Standards for Approval

Per Section 10.3.3(b)(4), No subdivision of a proposed development shall be approved by the Planning Commission unless the application demonstrates that:

- (a). The proposed development meets all requirements of the Town's Zoning and Land Development regulations, and any other applicable state and federal requirements;
- (b). Definite provisions have been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development;
- (c). It has been confirmed that a public sewage system is not available to the proposed subdivision and the proposed systems(s) for sewage disposal has been approved by the SCDHEC;
- (d). All areas of the proposed development which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions;
- (e). The applicant has taken every effort to assure the timely provision of required design improvements, open space, utilities and other facilities and services;
- (f). The applicant has designed the subdivision to minimize any adverse impacts on sensitive natural resources; and
- (g). Adequate access will be provided to all proposed lots.

### Analysis

1. **Lot Size and Dimensions:** Per Section 11.3(a), *"All lots shall meet the minimum area and width requirements for the zoning district within which they are located"*. The Residential (R) zoning district requires all lots created to be a minimum of **1.0 acre in land area** and **120' in lot width**.
  - All proposed lots meet the minimum lot area requirement.
  - The minimum width of lots is measured at the front setback line. The Town's Zoning and Land Subdivision ordinance does not have a provision to allow for a reduction in lot widths due to frontage on cul-de sacs. However, dimensions for the lot frontage at the property lines are provided and it appears they will meet the minimum requirement at the front setback. This will be confirmed prior to approval of a final plat.
2. **Yards:** The Residential (R) zoning district requires a 40' minimum front and rear yard for each lot. The regular shaped lots proposed appear to exceed 200-feet in depth which will allow for adequate building envelopes (building area) after meeting yard requirements.
3. **Access:** Per Section 11.4.1 Frontage, *"...Lots may front on a private street or private access easement in lieu of a public street when approved by the Planning Commission and in accord with standards in Section 11.5"*.
  - An original road, perpendicular to Beulah Drive, has been eliminated as frontage for Lots 11, 12, and 13. While Lots 11 and 13 will front on the cul-de sac for Beulah Drive, the applicant is proposing that Lot 12 will be accessed directly from Society Road.
  - The applicant must secure an encroachment permit for access to Lot 12 from Society Road prior to final plat approval.

- Beulah Drive has been constructed and platted as two individual lots under the ownership of the developer. Applicant should confirm whether that is the plan for the remainder of Beulah Drive.
  - The proposed preliminary plan identifies a future access easement across Lot 9 to the residual acreage to be developed as Phase III. The applicant needs to provide a cross section of the proposed access easement on the preliminary plan to demonstrate conformance with the requirements of Section 11.5.2.
4. Single Terminus Roads: Section 11.4.4 states that “*where possible, a single point of ingress/egress may be required by the Planning Commission to provide a secondary point of access for emergency vehicles if the length of the primary access road exceeds 800 feet in length*”. The Planning Commission approved a modification of this standard with the original subdivision approval in 2005.
- The applicant has provided an intermediate turn around approximately 250 feet from the entrance to Beulah Road that also provides access to Phase III as a way for emergency vehicles to turn around and is proposing a turn-around at the terminus of Beulah Drive.
  - The applicant will need to provide the street profile and cross section of Beulah Drive, including the radius of the proposed turnaround (or cul-de sac) to ensure it can accommodate emergency vehicles.
5. Road Construction: Per the ordinance, “*Local and private roadways shall be designed with a minimum two-foot (2’) wide shoulder section, with stabilized shoulders of gravel or sodded grass*”.
- The cross section of Beulah Drive should demonstrate it is designed with a travelway width adequate to accommodate safe walking and cycling for residents of the proposed lots. Again, the applicant will need to provide the street profile and cross section of Beulah Drive.
  - The final section of Beulah Drive with the cul-de sac must be fully constructed and accessible prior to approval of the final plat.
6. Road Maintenance: Section 11.5.6 requires that a system or means be established to provide for continued maintenance of roads and storm drainage systems. The maintenance agreement must be adequately described to potential purchasers and be recorded.
- The applicant has provided Staff with copies of the subdivision covenants and restrictions to understand the ownership and maintenance agreements for roads within the subdivision. The applicant should be asked to verify what provisions are in place for maintenance of the road so that it is not reduced in width by overgrowth.
7. Drainage: Per Section 11.8.3 of the Ordinance, drainage easements shall be provided so that hazards to properties within the proposed subdivision are minimized and neighboring properties will not be adversely affected by the increased run-off created by development.
- No additional drainage easements are proposed for the balance of the lots in Phase II that are the subject of this approval.
  - Section 10.6.1(b)(3) requires that a preliminary subdivision plan depict contours for proposed grading and in the absence of this information, Staff cannot tell whether development of the proposed lots will establish runoff that could adversely impact surrounding lots or if all drainage will be directed to the existing ditches. The applicant has provided a copy of the approved stormwater pollution permit issued by SCDHEC (Now DES) in 2009 for the entire subdivision.

8. Non-vehicular Accessibility: Per Section 11.7.2, pedestrian paths, trails and bikeways are encouraged throughout the community. Unfortunately, this subdivision does not have any direct connection to the Town's sidewalk system, and it is unlikely that sidewalks will be developed along Society in the near future.
  - In reviewing the original subdivision concept plan in 2005, the Planning Commission discussed a potential park area at the western edge of the parent tract. Ideally a trail connection from the potential park area would be established to connect from the western end of Phase III along the Tupelo Canal to Pinckney Street, providing bike/ped access to the village for future residents.
9. Utilities: Without a public water/sewer system in the village, all lots in the subdivision are/will be served with onsite systems. The Town defers to SCDHEC requirements for onsite well and septic disposal systems. Currently Section 10.6.1(b)(5) a. requires copies of approval by the Department of Health and Environmental Control for individual sewage disposal and water supply systems as part of the preliminary subdivision submission package. The process for SCDHEC/DES approval has changed since the ordinance was written and the agency no longer provides feasibility evaluations for subdivisions. As a result, SCDES approval of well and septic locations/systems for each lot is required prior to issuance of a zoning permit to allow construction.

### **Staff Recommendation**

The proposed subdivision plan addresses the requirements of the Zoning and Land Development Ordinance and Staff supports approval of the preliminary plan. However, Staff recommends that the Planning Commission provide approval with the following conditions:

1. The applicant will request Planning Commission approval for a modification to Section 11.3(a) should the proposed lots fronting on the cul-de sacs not be able to meet the minimum width requirement.
2. The applicant will provide clarification as to the intended responsibility and maintenance schedule for Beulah Drive in the long term.
3. The plan shall be revised to include profiles and cross sections for the extension of Beulah Drive and the proposed access easement to demonstrate compliance with Section 11.5.2 and the ability to accommodate emergency vehicles.
4. Cross sections of access streets be designed with a travelway width adequate to accommodate safe walking and cycling for residents of the proposed lots.
5. Detailed construction plans for Beulah Drive will be submitted and approved by the Town prior to construction and construction will be completed prior to approval of the final plat Phase II or each lot therein.
6. The applicant will provide a copy of the grading plan approved by SCDHEC in 2009 for land disturbance prior to approval of the final plat for Phase II or any lots therein.
7. The applicant will provide copies of an approved encroachment permit by SCDOT prior to approval of the final plat. The applicant must secure an encroachment permit for access to Lot 12 from Society Road prior to final plat approval.