



Item Number: 9b
Meeting Date: 1/13/2026
Item Type: Third Reading

Agenda Request Form
Georgetown Planning
Commission

DEPARTMENT: Planning Department

ISSUE UNDER CONSIDERATION:

Ordinance No. 25-49 — An ordinance to amend the Magic Oaks Flexible Design District (FDD), located on Hwy 17 directly south of the Hammock Shops, to remove a kayak launch and relocate an amenity center. TMS# 04-0158-060-00-00. **Council District 2.**

CURRENT STATUS:

The property is currently sitting vacant with the original house still in the center of the property. There has been property maintenance in the form of under brushing and the removal of some non-protected trees. The property is split zoned between FDD (8.3 ac) and CP (approximately 10.73 ac). Recently, a preliminary subdivision plat was reviewed to subdivide out the Conservation Preservation area to be put in a conservation easement.

POINTS TO CONSIDER:

BACKGROUND: Magic Oaks was brought to the Planning Commission back in February of 2024 for a recommendation to be rezoned from GC, GR, & CP to an FDD. The commission recommended a favorable vote of 5-1 to approve the rezoning request (minutes attached). It was then heard through three readings of Council and was approved to be rezoned to a FDD (8.3 acres) and CP (10.73 acres) by Ordinance No. 24-06 on April 23, 2024.

In addition, the Future Land Use (FLU) map was voted (5-1) to be changed from Conservation Preservation to Medium Density Residential & Conservation Preservation through Ordinance No. 24-05. [**Reminder:** this FLU map designation was later changed from Medium Density Residential to Residential (RES), and Conservation Preservation to Conservation/Agriculture (ConAg) with the adoption of the 2025 Land Use Element of the Comprehensive Plan.]

PROPOSED AMENDMENTS: The applicant filed a request for a major change to the FDD (subject to Sec. 631.132 of the Zoning Ordinance) to amend the Magic Oaks Flexible Design District (FDD) to alter the development in the following ways:

- Donation of Marsh Lands - Approximately 10.16 acres of marsh lands are to be deeded to the State of South Carolina. This can be reviewed by staff as a minor change.
- Removal of Kayak Launch - Access to the kayak launch through the adjoining property owner was not able to be achieved and therefore the kayak launch has been removed from the plans and the property was added to new lots #17 & #18. This is a **major change** based on Sec. 631.1324.
- Dry Pond / Swales - Due to water quality storage requirements, Magic Oaks has

incorporated dry stormwater retention in order to meet current State and County regulations. This can be reviewed by staff as a minor change pending Stormwater approval.

- Relocation of Amenity Center - The amenity center has been relocated from the left side of the Reese and Sis Hart Memorial Pavilion to the right side in order to reduce the impacts to a 22" laurel oak and a 32" live oak. This rearrangement also places a 48" live oak on community property. This is a **major change** based on Sec. 631.1324.

POINTS TO CONSIDER:

1. The Magic Oaks FDD is located at 10798 Hwy 17 in Pawleys Island. The approved FDD allows for a single-family subdivision of twenty-seven (27) new residential lots.
2. The FDD zoning district has the intent to: "provide opportunities to create more desirable environments for single or mixed use developments through the application of flexible and diversified land development standards under a comprehensive review process, while protecting the natural and human environments" (also see Benefits in the Magic Oaks FDD project development summary).
3. Lot sizes range from 8,000 sq. ft. to 15,800 sq. ft. Proposed lots along the marsh are keeping in line with the size of adjacent marsh-front parcels to the north and south. A voluntary 50' coastal wetlands protection buffer has been provided by the developer to help protect the natural resources of the marsh/inlet.
4. Dimensional Standards for the Magic Oaks FDD are as follows:

<u>Setbacks:</u>	<u>Min Lot Area:</u>	<u>Min Lot Width:</u>	<u>Max Height:</u>
*Front – 20'	8,000 sq. ft.	**60'	35'
Sides – 10'			
Rear – 15'			

*There is a mandatory 90' setback off U.S. Hwy 17 (Section 409 of the Zoning Ordinance). The FDD gives flexibility in the positioning of the proposed homes/structures to reduce the impact on the larger trees located throughout the site, as well as provide a larger buffer from the adjoining commercial uses near Hwy 17. **Lots 15 and 16 will utilize squared off property lines for yard and setback requirements to save a 52" grand oak tree in a common/open area.

5. The plans for these 27 single-family lots shows a Gross Density of 3.42 units per acre, and a Net Density of 4.06 units per acre. This net density meets density standards to be classified as Residential (RES) per our Land Use Regulations and the Comprehensive Plan (see attached Density Ranges from the Land Use Element, pg.69).
6. The surrounding zoning includes General Commercial (GC) to the west along Hwy 17, a commercial Planned Development to the north and south, also some other single-family residential to north and south (zoned GR), and an area of Pawleys salt-water marsh zoned Conservation Preservation to the east (see Zoning & Aerial Maps).
7. The property is located in Flood Zones VE, AE, and X. Houses built closer to the marsh that are eastward of the Limit of Moderate Wave Action (LiMWA) line will be within a Coastal A Zone, which has stricter building code standards and height requirements that must be met during construction. Elevation Certificates will be required for each house

in or near a regulated flood zone.

8. No Traffic Impact Analysis (TIA) study was warranted for this development because it didn't meet the threshold of 500 ADT. 27 home sites x 10 ADT = 270 ADT.
9. Buffers were not required for single-family residential property per Chart 2 of Sec. 1201.9, however, the developer has shown a proposed 50' Coastal Wetland Protection Buffer listed on the site plan to limit structures near the salt marsh (see notes on Plan). Also the developer has provided a wetlands determination report and provided a 10' wetland buffer to all freshwater wetlands on site.
10. A tree survey was provided and it listed numerous protected trees and several grand trees on this tract. A variance from the Zoning Board of Appeals (ZBA) would need to be granted to remove any grand trees. The applicant plans on saving more tree canopy than the minimum requirements of Sec. 1301.13 (Pres of Tree Canopy) to beautify the development. The plan shows approximately 49 protected trees to be saved or 1,034" measured at DBH. This exceeds our new Tree Regulations requirements.
11. All lots will have frontage and driveway access from a newly created 50' private right-of-way street. The applicant intends for the development to be gated. A SCDOT encroachment permit will be needed for ingress/egress off U.S. Hwy 17.
12. All stormwater will be designed to at least the 25-year storm event. Stormwater will be contained onsite in underground retention systems, stormwater ponds, and storm drainage outflow pipes to the inlet. Stormwater permits and approvals have gone through multiple revisions since the initiation of this development and are still under review. Magic Oaks will not utilize the existing drainage feature to the south, which is located on private property.
13. Staff received several letters regarding this request. See correspondence attached.
14. Major amendments to an FDD must be heard and voted on through three (3) readings by County Council. The final plat for this major subdivision development will need to be approved by the Planning Department prior to any land disturbance or permits.

STAFF CONCLUSION: The 2024 rezoning to a FDD eliminated multi-family, townhomes, and commercial uses on this property. Residential marsh front lots will be consistent in size with adjacent residential lots along the water's edge. The removal of the kayak launch and the relocation of the amenity center are considered Major Changes (Article VI, Section 631.132) and requires a public hearing from the Planning Commission and three (3) readings of County Council to be reapproved. The proposed changes do not increase the density of the project and support the preservation of existing trees and wetlands. Further, the plan complies with the current Future Land Use designations of RES and CON/AG.

With approval of these FDD amendments, staff still recommends and will monitor the following conditions:

1. Signage for the development will comply with the zoning ordinance allowance for subdivisions;
2. Parking for the amenities area will be a pervious surface; and,
3. Final approvals and/or permits from SCDES, SCDOT, GTC Stormwater, GTC Public Works, Midway Fire, and GCWSD.

Planning Commission: PC recommended approval of the Magic Oaks FDD major amendment request with a vote of 5-1. There were several people that spoke in opposition, mainly stating stormwater, trees, fill, legal and bulkhead/docks related concerns. Opposition letters submitted to the Planning Dept. are attached.

FINANCIAL IMPACT:

N/A

OPTIONS:

1. Recommend FDD amendment approval as recommended by PC.
2. Recommend an amended approval.
3. Defer action.
4. Deny request
4. Remand to PC for further study.

STAFF RECOMMENDATIONS:

Recommendation to approve major amendment to the Magic Oaks FDD as recommended by Planning Commission.

ATTORNEY REVIEW:

Yes

ATTACHMENTS:

1. rze2025-00100 ap packet
2. rze2025-00100 site plans packet
3. Opposition Letters on Magic Oaks
4. Ordinance No. 25-49

STATE OF SOUTH CAROLINA)

COUNTY OF GEORGETOWN)

00, TO REMOVE THE KAYAK LAUNCH AND RELOCATE THE AMENITY CENTER.

BE IT ORDAINED BY THE COUNTY COUNCIL MEMBERS OF GEORGETOWN COUNTY, SOUTH CAROLINA, IN COUNTY COUNCIL

AMENITY CENTER, AS REFLECTED ON THE ATTACHED LAND PLAN DATED 10/21/25.

DONE, RATIFIED AND ADOPTED THIS 13 DAY OF

(SEAL)

Clint R. Elliott
Chairman, Georgetown County Council

ATTEST:

First Reading: December 2, 2025

Second Reading: December 9, 2025