

# COUNTY COUNCIL OF BEAUFORT COUNTY

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BEAUFORT, SOUTH CAROLINA 29901-1228  
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CHAIRMAN

D. PAUL SOMMERVILLE  
VICE CHAIRMAN

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DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA

### NATURAL RESOURCES COMMITTEE

Monday, December 6, 2010

2:00 p.m.

Executive Conference Room  
Administration Building

#### Committee Members:

Paul Sommerville, Chairman  
Jerry Stewart, Vice-Chairman  
Steven Baer  
Gerald Dawson  
Brian Flewelling  
William McBride  
Stu Rodman

Staff Support: Tony Criscitiello

#### 2:00 p.m. 1. CALL TO ORDER

2. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE STORMWATER UTILITY ORDINANCE, ARTICLE II, SECTION 99-108, GENERAL FUNDING POLICY (TO INCREASE THE SINGLE-FAMILY UNIT RATE) ([backup](#))
3. FUTURE LAND USE MAP AMENDMENT FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL SERVICE AREA TO COMMUNITY COMMERCIAL; APPLICANT: D. MALPHRUS ([backup](#)) ([map](#)) ([application](#))
4. ZONING MAP AMENDMENT/REZONING REQUEST FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL (R) TO COMMERCIAL SUBURBAN (CS) ZONING DISTRICTS; APPLICANT: D. malphrus ([backup](#)) ([map](#))
5. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX J - DALE COMMUNITY PRESERVATION (DCP), DIVISION 2 - DALE MIXED USE DISTRICT (DMD), SECTION 106-1357 - COMMERCIAL COMMUNICATION TOWERS; APPLICANT: JONATHAN L. YATES OF NEXSEN/PRUET ([backup](#))

A quorum of Council may be in attendance at all Committee meetings.  
Please silence your cell phone during the meeting.

Over

6. CONSIDERATION OF REAPPOINTMENTS AND VACANCIES

- Southern Corridor Review Board

7. EXECUTIVE SESSION

- Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property

8. ADJOURNMENT

County TV Rebroadcast	
Wednesday	9:00 a.m.
Thursday	1:00 a.m.
Friday	10:00 p.m.

2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE STORMWATER UTILITY ORDINANCE, ARTICLE II, SECTION 99-108, GENERAL FUNDING POLICY (TO INCREASE THE SINGLE-FAMILY UNIT RATE).

Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Ladson F. Howell, Staff Attorney

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading:  
Second Reading:  
Public Hearing:  
Third and Final Reading:

(Amending 2005/33)

**Sec. 99-108. General funding policy.**

(d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council. Each jurisdiction may have a different fee predicated upon the individual jurisdiction's revenue needs. The following stormwater service fee rates shall apply:

TABLE INSET:

Jurisdiction	Annual Stormwater Service Fee (\$/SFU/year)
City of Beaufort	\$44.43 <del>65.00</del>
Town of Bluffton	49.00
Town of Hilton Head Island	<del>50.76</del> <u>108.70</u>
Town of Port Royal	44.43
Unincorporated Beaufort County	50.00



## PLANNING DIVISION MEMORANDUM

**TO:** Natural Resources Committee of Beaufort County Council  
**FROM:** Anthony Criscitiello, Planning Director  
**DATE:** November 9, 2010  
**SUBJECT:** 1. Proposed Southern Beaufort County Future Land Use Map Amendment from Rural Service Area to Community Commercial (CC).  
2. Proposed Southern Beaufort County Zoning Map Amendment from Rural (R) to Commercial Suburban (CS).

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### EXCERPT OF PLANNING COMMISSION RECOMMENDATION from its draft November 1, 2010, meeting minutes:

Mr. Anthony Criscitiello, the County Planning Director, briefed the Commission. The request involves two amendments. The property is surrounded by the Jasper County Planned Development District and part of a large light industrial/industrial development in Jasper County. Beaufort County wants access to the property to be through internal roads and non-access to Highways 170 and 462. Beaufort County requested that a Transportation Impact Analysis be performed because of the proposed development.

**Applicant's Comments:** Mr. Andy Smith, the applicant's representative, noted that the applicant has owned the property for 20 years. It was a horse farm with three residential homes. The development vision is for commercial frontage. The developer will pay for widening Highway 462 and will submit a master plan of the development to Jasper County.

**Public Comments:** None were received since there were no public present in the audience.

Commission discussion included a confirmation that Highway 462 had been realigned, a confirmation on the proposed development, support by the Southern Beaufort County Subcommittee on the rezoning request, and the minimal impact of the rezoning to Beaufort County.

**Motion:** Mr. Thomas made a motion, and Mr. Sutler seconded the motion, **to recommend approval to County Council on the Future Land Use Map Amendment for R603-008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 170 and 462, Okatie, SC) from Rural Service Area to Community Commercial, in accordance with the staff recommendation that there be no access to Highways 170 and 462.** No further discussion occurred. The motion was **carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

**Motion:** Mr. Thomas made a motion, and Mr. Sutler seconded the motion, **to recommend approval to County Council on the Zoning Map Amendment/Rezoning Request for R603-**

008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 170 and 462, Okatie, SC) from Rural (R) to Commercial Suburban (CS) Zoning Districts, in accordance with the staff recommendation that there be no access to Highways 170 and 462. No further discussion occurred. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

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## STAFF REPORT:

### A. BACKGROUND:

Case No.	ZMA-2010-14 ZMA-2010-15
Applicant/Owner:	Dale Malphrus
Property Location:	Intersection of Highways 170 and 462, Okatie, SC
District/Map/Parcel:	R603-008-000-0632-0000
Property Size:	1.13 acres
Existing Future Land Use Designation:	Rural
Proposed Future Land Use Designation:	Community Commercial
Existing Zoning:	Rural (R)
Proposed Zoning:	Commercial Suburban (CS)

### B. SUMMARY OF REQUEST

The applicant is proposing two actions:

1. Amend the Comprehensive Plan Future Land Use Designation from **Rural** to **Community Commercial**.
2. Amend the Zoning and Development Standards Ordinance (ZDSO) from **Rural (R)** to **Commercial Suburban (CS)**.

The subject property is completely surrounded by a recently approved Jasper County PDD (Lowcountry Commerce Park) that allows commercial, retail, and light industrial uses. When Hwy 462 was realigned the 1.13 acre parcel was purchased from SCDOT to be part of the PUD. Only later was it discovered that the parcel was not in Jasper County but Beaufort County. Therefore, the applicant is seeking to bring the zoning for this 1.13 acre parcel (that provides the PDD with frontage on the west side of Hwy 170) in accord with the zoning provided the surrounding PDD. As a result, they are requesting a change in zoning from Rural to Commercial Suburban (CS).

The Future Land Use Map in the Beaufort County Comprehensive Plan shows this area as Rural. This designation is reserved for areas outside of the assigned “growth areas”. Because the Applicant is seeking to change the current Rural zoning to a zoning category that the Comprehensive Plan designates for “Growth Areas”, the Future Land Use Map of the Comprehensive Plan must also be amended.

### **C. ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT**

Section 106-494 of the ZDSO requires the following considerations when reviewing a proposed amendment to the Comprehensive Plan:

1. **Whether capital investments, population trends, land committed to development, density, use or other conditions have changed that justify the amendment.** The subject property is completely surrounded by a recently approved Jasper County PDD (Lowcountry Commerce Park) that allows commercial, retail, and light industrial uses. This parcel was purchased from SCDOT to be part of the PUD. Only later was it discovered that the parcel was not in Jasper County but Beaufort County. Therefore, the applicant is seeking to bring the zoning for this 1.13 acre parcel (standards, density, uses) in accord with the zoning provided the surrounding PDD.

2. **Whether the proposed amendment is consistent with the comprehensive plan’s goals and policies.**

While the amendment is not consistent with the Comprehensive Plan’s goals and Policies regarding the location of growth, the surrounding property is being developed under Jasper County’s PDD process. Land will be developed in a unified manner where all proposed developments are required to go through the Jasper County Master Plan process. This additional approval step, which does not exist under standard Jasper County zoning districts, allows for a collaborative process between the County and future developers of the property.

3. **Whether the proposed amendment is necessary to respond to state and or/federal legislation.** Not applicable.

4. **Whether the proposed amendment would result in development that is compatible with surrounding land uses.**

See # 1 above.

Additionally, there have been other approved developments in the vicinity of this proposal, such as Oldfield that is similar in scale with residential uses.

5. **Whether and to the extent to which the proposed amendment would affect the capacities of public facilities and services, including roads, utilities, law enforcement, fire, EMS, schools, parks and recreation, solid waste, and drainage facilities.**

The majority of the development is in Jasper County. However, the two Counties share several roads. While this portion of the property is small enough not to create significant traffic impacts to the surrounding system, and the surrounding PDD is designed with internal access (eliminating direct access to Hwy 170 or Hwy 462) the new trips added to SC 170 from the overall development will exacerbate the inability of the roadway to efficiently serve anticipated traffic volumes. At this time, there are no plans to increase the capacity along this section of SC 170.

The Beaufort County Traffic Engineer has requested that the parcel in question only be accessed internally, and not via Hwy 462 or Hwy 170.

**6. Whether, and to the extent to which, the proposed amendment would result in negative impacts to natural resources.**

A wetland delineation has been performed on the parcel and there are no wetlands or critical resources.

**D. STAFF RECOMMENDATION**

Staff recommends approval of the Comprehensive Plan amendment based on the fact that the surrounding property is being developed under Jasper County's PDD process. This approval step, which does not exist under standard Jasper County zoning districts, allows for a collaborative process between the County and future developers of the property.

Staff stipulates as a condition of the approval that the parcel in question only be accessed internally, and not via Hwy 462 or Hwy 170.

**E. ANALYSIS OF ZONING AMENDMENT**

Section 106-492 of the ZDSO states that a Zoning Map Amendment may be approved if the weight of the findings describe and prove the following:

1. **The change is consistent with the County's Comprehensive Plan and the purposes of the ZDSO.** Regarding the Comprehensive Plan, see items 1 and 4 under the comprehensive plan amendment analysis. The Commercial Suburban zoning district provides for a limited number of retail, service, and office uses that serve the surrounding neighborhood. It is less intense than a Commercial Regional district, which contains typical highway service uses that are geared to the region.
2. **The change is consistent with the character of the neighborhood.** See items 1 and 4 under the comprehensive plan amendment analysis.
3. **The extent to which the proposed zoning and use of the property is consistent with the zoning and use of nearby properties.** See items 1 and 4 under the comprehensive plan amendment analysis.
4. **The suitability of the property for the uses for which it has been proposed.** See item 1 under the comprehensive plan amendment analysis.



5. **Allowable uses in the proposed district would not adversely affect nearby property.** See items 1 and 4 under the comprehensive plan amendment analysis.
6. **The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.** N/A.
7. **The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.** See items 1 and 4 under the comprehensive plan amendment analysis.
8. **A traffic impact analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification.** Even though the property is small enough not to create significant traffic impacts to the surrounding system, staff requests that the applicant provide a traffic impact assessment to Beaufort County once more detailed plans are developed. See item 5 under the comprehensive plan amendment analysis.

**F. STAFF RECOMMENDATION**

Staff recommends approval of the Comprehensive Plan amendment based on the fact that the surrounding property is being developed under Jasper County’s PDD process and the (CS) zoning district is the most similar in terms of regulations, intensity, and uses. Furthermore, the parcel is in the Corridor Overlay District. This will allow Beaufort County to collaborate with future developers regarding proposals that front Hwy 170.

Staff stipulates as a condition of the approval that the applicants complete a TIA once they develop more detailed plans and that the parcel in question only be accessed internally. This parcel should be analyzed as part of the overall project.

**G. SOUTHERN BEAUFORT COUNTY SUBCOMMITTEE RECOMMENDATION**

The Southern Beaufort County Subcommittee of the Beaufort County Planning Commission met on Thursday, October 14, 2010, at 5:30 p.m. in the Large Meeting Room of the Bluffton Library.

Present at the meeting:

Subcommittee: Mr. John Thomas, acting chair; Mr. Ed Riley and Mr. Parker Sutler.

Staff: Mr. Brian Herrmann, County Community Planner

Others: Mr. Malphrus, representing his father Mr. Dale Malphrus, the applicant

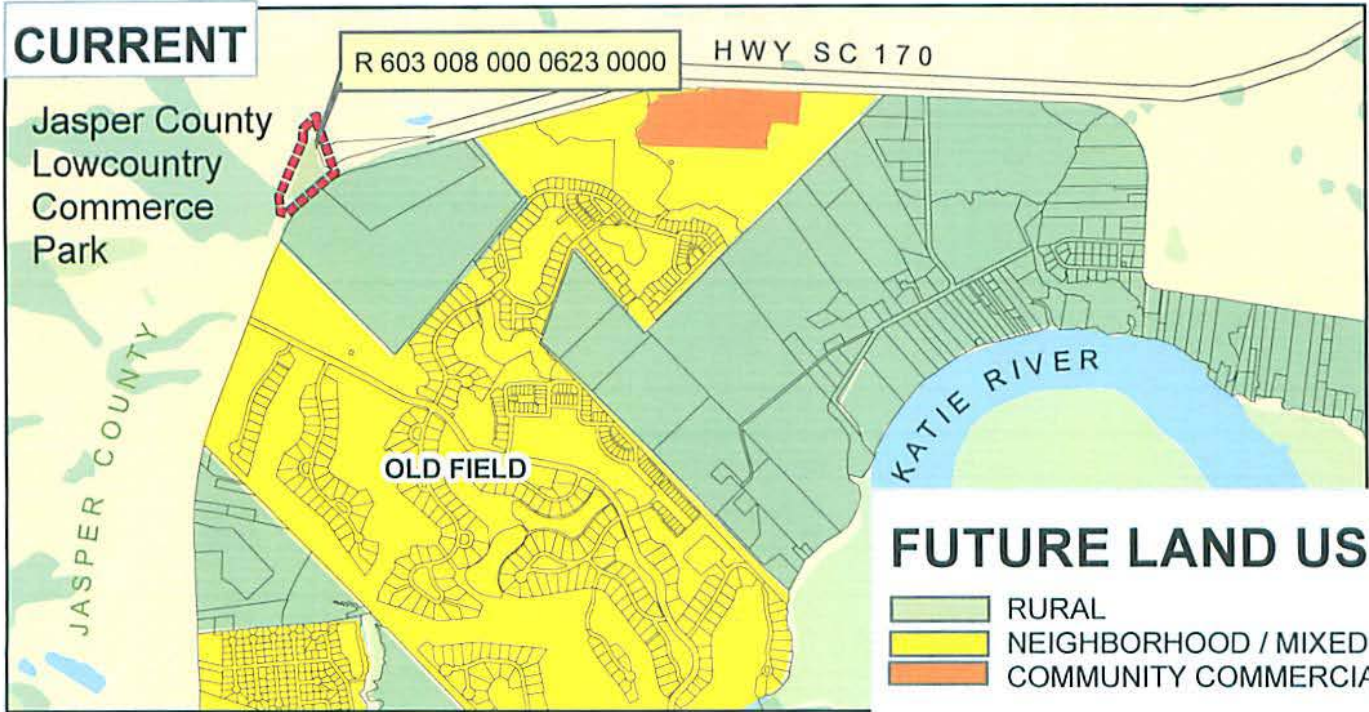
After a brief discussion, Mr. Sutler made a motion, and Mr. Thomas seconded the motion, to forward to the Planning Commission a recommendation of approval of both the future land use and zoning map amendments for R603-008-000-0632-0000, with the condition of no curb cuts or direct access to Highways 170 or 462, as recommended by the staff. The motion

was carried unanimously (FOR: Riley, Sutler, and Thomas). *Note: Mr. Malphrus did not provide comment during the meeting.*

#### **H. ATTACHMENTS**

- Future Land Use Map
- Zoning Map
- Applications
- Notification Letters
- Property Owners Notified

# CURRENT



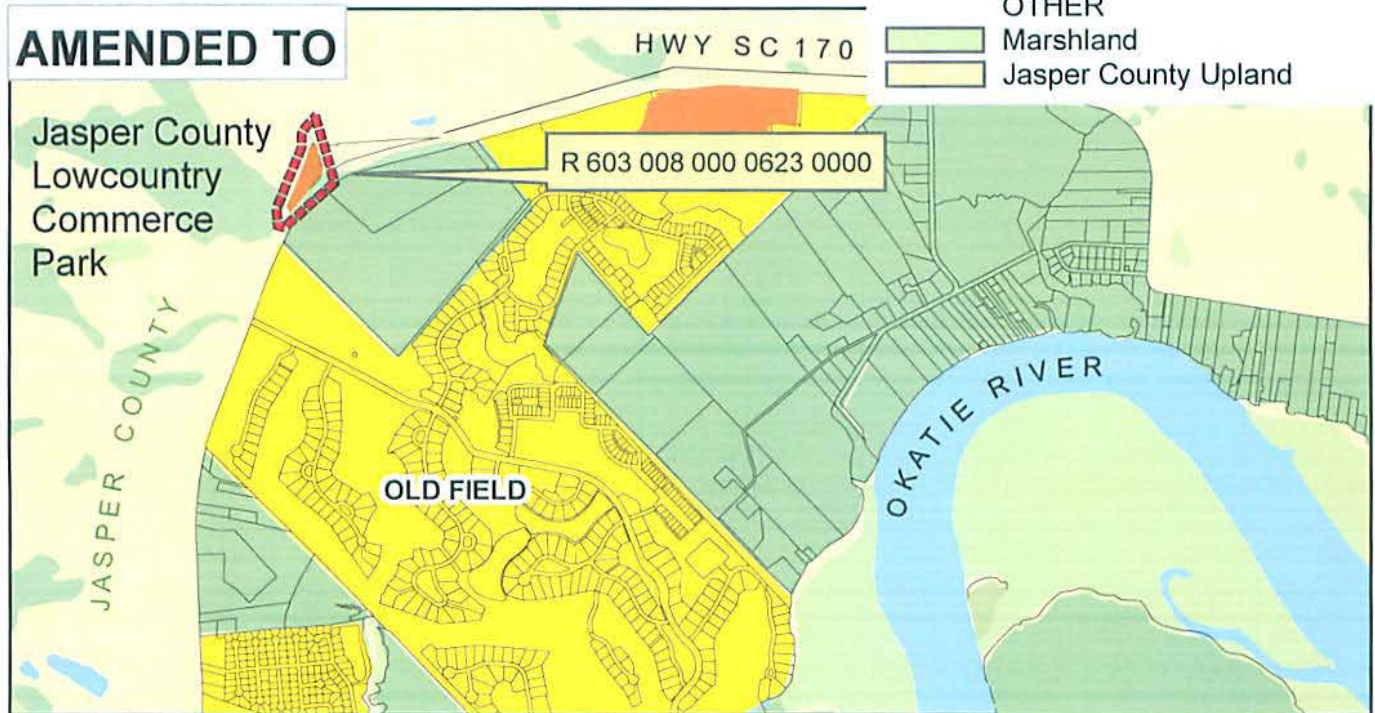
## FUTURE LAND USES

- RURAL
- NEIGHBORHOOD / MIXED USE
- COMMUNITY COMMERCIAL

### OTHER

- Marshland
- Jasper County Upland

# AMENDED TO



## FUTURE LAND USE MAP

R 603 008 000 0623 0000

FROM RURAL TO COMMUNITY COMMERCIAL



BEAUFORT COUNTY, SOUTH CAROLINA  
PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT  
OR FUTURE LAND USE MAP AMENDMENT APPLICATION

TO: The Chairman & Members of Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):  
 Future Land Use Map Designation                       Comprehensive Plan Text Amendment
  
2. Give exact information to locate the property for which you propose a map change:  
Tax District Number: \_\_\_\_\_, Tax Map Number: \_\_\_\_\_, Parcel Number(s): \_\_\_\_\_  
Size of subject property: 1.13 acres                      Square Feet/Acre(s) (circle one)  
Location: Intersection of Hwy 170 + Hwy 962  
→ Portion of TMS # R603-008-000-0016-0000
  
3. How is this property presently designated on the Future Land Use Map? (Check one)  
Priority Investment Areas:    Transitional Investment Area:  
 Community Preservation/CP     Transitional Areas  
 Regional Commercial  
 Research & Development    Classifications:  
 Residential/Light Commercial     Incubator Development  
 Rural Investment Areas:     Park & Conservation Easement  
 Resource Conservation     Military Property & County Airports  
 Rural Service Areas     Military Planning Areas  
 Planned Unit Development/PUD
  
4. What new Future Land Use Map designation do you propose for this property?  
Community Commercial (Under Item 10 explain the reason(s) for your map amendment request.)
  
5. Do you own all of the property proposed for this amendment?  Yes     No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a list of all owners of the business.
  
6. If this request involves a proposed text change in the Beaufort County Comprehensive Plan, the section(s) affected are: \_\_\_\_\_  
(Under Item 10 explain the proposed text change and reasons for the change.)
  
7. The following sections of the Beaufort County ZDSO should be addressed by the applicant and attached to this application form: Section 106-494, Standards for Comprehensive Plan amendments.

8. Explanation (continue on separate sheet if needed): \_\_\_\_\_

Please see Attached

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

D. Dale Malphrus  
Signature of Owner

9-21-2010  
Date

Printed Name: Dale Malphrus

Telephone Number: 843-379-5700

Address: 426 Red Oaks Lane, Ridgeland, SC 29936

Agent (Name/Address/Phone):

APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES OF THEIR SUBMITTAL TO THE PLANNING DEPARTMENT.

THIS APPLICATION WILL BE REVIEWED BY THE PLANNING STAFF FOR COMPLETENESS PRIOR TO THE REVIEWS BY THE PLANNING COMMISSION AND COUNTY COUNCIL. ATTACHED ARE FIGURE 106-491 FOR THE ENTIRE REVIEW PROCEDURE AND A LIST OF THE APPLICABLE MEETING SCHEDULES.

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

APPLICATION FEES: \$250.00 FOR PUDS AND \$50.00 FOR ALL OTHER APPLICATIONS.

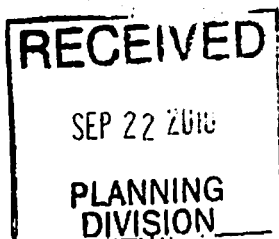
FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:



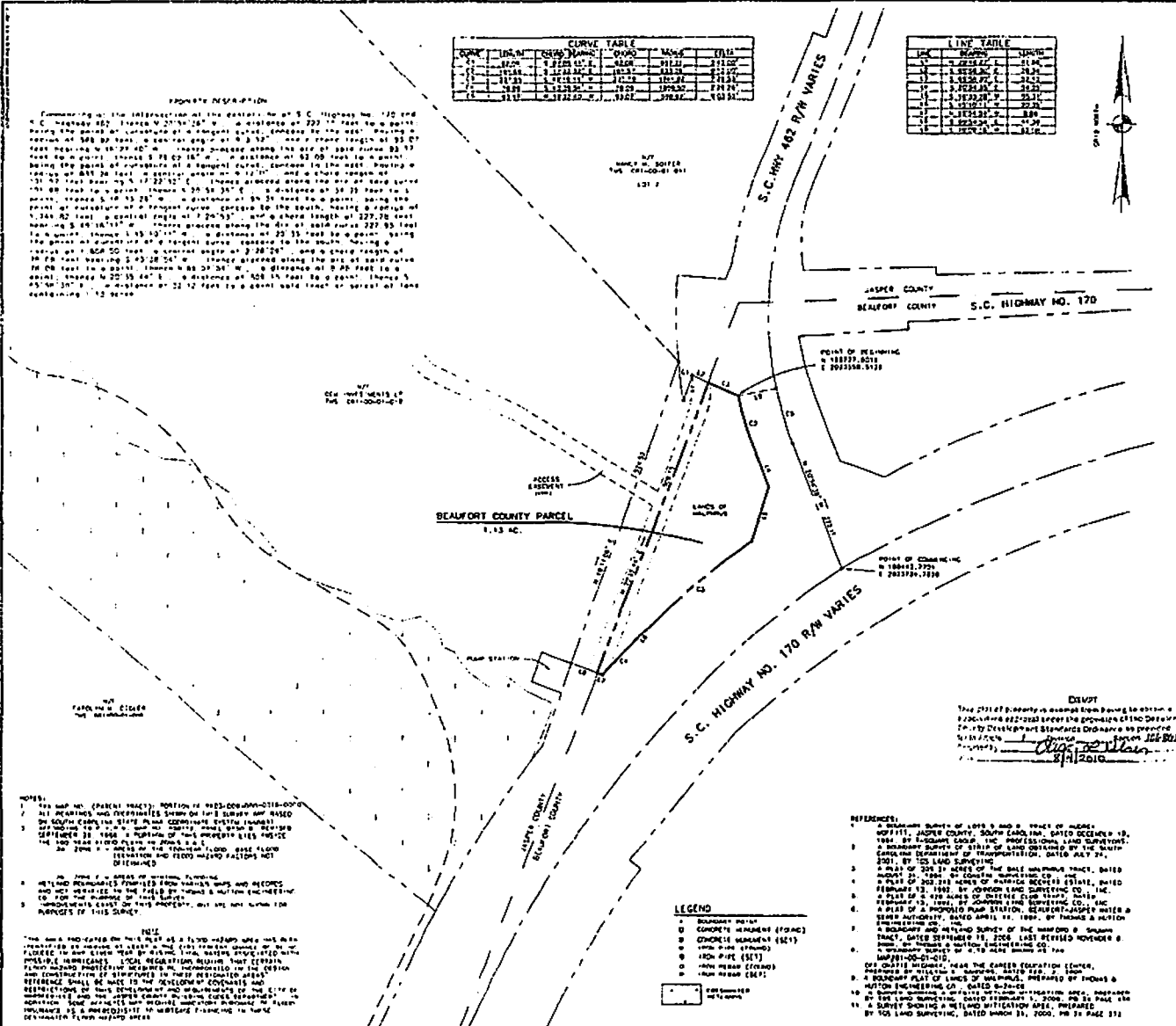
The Property is located in Beaufort County at the junction of South Carolina Highway 170 to the south east and South Carolina Highway 462. The property was purchased from SCDOT when Hwy 462 was realigned and is therefore a stranded 1.13 acre parcel in Beaufort County on the west side of Hwy 170. The subject property is completely surrounded by a recently approved Jasper County PUD (Lowcountry Commerce Park) that allows commercial, retail, and light industrial uses. The Lowcountry Commerce Park PDD will be a new center for economic growth and development within Jasper and Beaufort County. Having an ideal location at the intersection of S.C. 170 and S.C. 462, the predominant focus for the property is to create a development which establishes a "gateway" to growth on S.C. 462.

The Property is owned by a privately held, family owned contractor who has been in the development business since 1940. The goal of this property is to provide a high quality, mixed use development that raises the quality of life and development standards in the area while anticipating the future needs for commerce and services. The intent of the developer is to establish a framework for the future development of the property that will create an economical, environmental and socially positive impact for current and future residents of Beaufort County. The Developer is aware that the Lowcountry has become the recognized hotspot for new business investment and offers the natural beauty, world class cultural activities and historic significance that make the area a highly desirable destination. With the Lowcountry's fast-growing population, a technically skilled workforce, efficient access to the global marketplace, gentle weather and abundant amenities, it is easy for businesses to recruit talented employees.

The surrounding property when developed under the PDD process will be developed in a unified manner where all proposed developments are required to go through the Jasper County Master Plan process. This additional approval step, which does not exist under standard Jasper County zoning districts, allows for a collaborative process between the County and future developers of the property. Each Master Plan shall be developed in a manner which strives to protect critical natural resources by creatively mixing and locating uses in an appropriate fashion. We have provided the Jasper County PUD and Development Agreement document to the Planning Department for review.

The Property is situated in a portion of Beaufort County that is fortunate enough to have ample existing water, sewer and transportation infrastructure, this Property will not require some of the expensive infrastructure expansion that other properties may. The surrounding property proposes to provide additional infrastructure connectivity thus allowing for additional transportation route options and alleviating some of the demand on Okatie Hwy. (S.C. Hwy. 170). Likewise, the new internal water and sewer infrastructure that will be constructed as part of this project will be linked in a similar manner, all of which will provide for increased redundancy of the systems. Therefore, there will be a more efficient, reliable and economical infrastructure system within Beaufort County.

Based on the allowed uses of the surrounding property we are requesting the zoning change to a Suburban Commercial to align the allowed uses with the adjacent property. The surrounding property has designed internal access to eliminate direct access to Hwy 170 or Hwy 462. Even though the property is small enough not to create significant traffic impacts to the surrounding system, we have provided a traffic impact assessment to the planning department for review. A wetland delineation has been performed and there are no wetlands on this parcel.

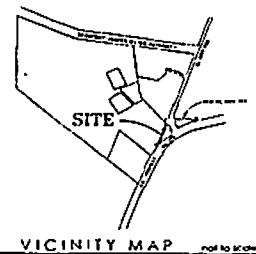


**CURVE TABLE**

CHORD	INS. N	CHORD BEARING	CURVE	CHORD	CHORD
31.11	270° 15' 30"	N 0° 12' 15" W	R	31.11	311.72
31.11	270° 15' 30"	N 0° 12' 15" W	R	31.11	311.72
31.11	270° 15' 30"	N 0° 12' 15" W	R	31.11	311.72

**LINE TABLE**

LINE	INS.	BEARING	LENGTH
1	1.53	S 89° 45' 00" W	1.53
2	1.53	S 89° 45' 00" W	1.53
3	1.53	S 89° 45' 00" W	1.53



**VICINITY MAP** (NOT TO SCALE)

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**THOMAS & HUTTON**  
SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS LICENSE NO. 3079

HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SAID SURVEY AND REPORT HAS BEEN PREPARED AND THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND WELLS HAS EXCEEDED THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

THOMAS & HUTTON  
SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS LICENSE NO. 3079

**BOUNDARY PLAT**

**LANDS OF MALPHRUS**

BEAUFORT COUNTY, SOUTH CAROLINA

Prepared for  
**DTG HOLDINGS LLC.**

BEAUFORT COUNTY SC. 000

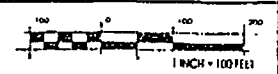
04/03/2016

DATE: 04/29/2016 03:45:39 PM

PLAT # 2016-0000000000000

**THOMAS & HUTTON**  
Engineering | Surveying | Planning | GIS | Consulting

50 Park of Commerce Way  
PO Box 2727  
Savannah, GA 31402-2727  
p 912.234.5300 f 912.234.2950



BEAUFORT COUNTY, SOUTH CAROLINA  
PROPOSED ZONING/DEVELOPMENT STANDARDS ORDINANCE  
ZONING MAP/TEXT AMENDMENT APPLICATION

TO: The Chairman & Members of Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):  
 Zoning Map Designation/Rezoning                      ( ) Zoning/Development Standards Text
  
2. Give exact information to locate the property for which you propose a change:  
Tax District Number: \_\_\_\_\_, Tax Map Number: \_\_\_\_\_, Parcel Number(s): \_\_\_\_\_  
Size of subject property: 1.13 Square Feet Acres (circle one)  
Location: \_\_\_\_\_  
→ Portion of TMS # 2603-008-000-0014-0000
  
3. How is this property presently zoned? (Check one)  
 Urban/U                       Community Preservation/CP                       Light Industrial/LI  
 Suburban/S                       Commercial Regional/CR                       Industrial Park/IP  
 Rural/R                       Commercial Suburban/CS                       Transitional Overlay/TO  
 Rural Residential/RR                       Research & Development/RD                       Resource Conservation/RC  
 Planned Unit Development/PUD
  
4. What new zoning do you propose for this property? Commercial Suburban/CS  
(Under Item 10 explain the reason(s) for your rezoning request.)
  
5. Do you own all of the property proposed for this zoning change?  Yes ( ) No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
  
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: \_\_\_\_\_  
(Under Item 10 explain the proposed text change and reasons for the change.)
  
7. Is this property subject to an Overlay District? Check those which may apply:  
 AOD - Airport Overlay District                       MD - Military Overlay District  
 COD - Corridor Overlay District                       RQ - River Quality Overlay District  
 CPOD - Cultural Protection Overlay District
  
8. The following sections of the Beaufort County ZDSO should be addressed by the applicant and attached to this application form:  
a. Section 106-492, Standards for zoning map amendments.  
b. Section 106-493, Standards for zoning text amendments.



9. Explanation (continue on separate sheet if needed): \_\_\_\_\_

Please See Attached.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.



Signature of Owner

9-21-2010

Date

Printed Name: Dale Malphrus

Telephone Number: 843-379-5700

Address: 426 Red Oaks Lane, Ridgeland, SC 29936

Agent (Name/Address/Phone):

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA IN WHICH YOUR PROPERTY LIES. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE (3) WEEKS PRIOR TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PUD APPLICANTS WILL BE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT 470-2724 FOR APPLICABLE APPLICATION FEES.

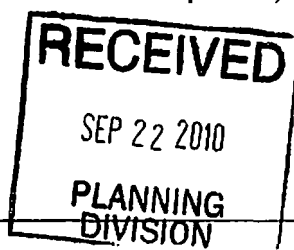
FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:



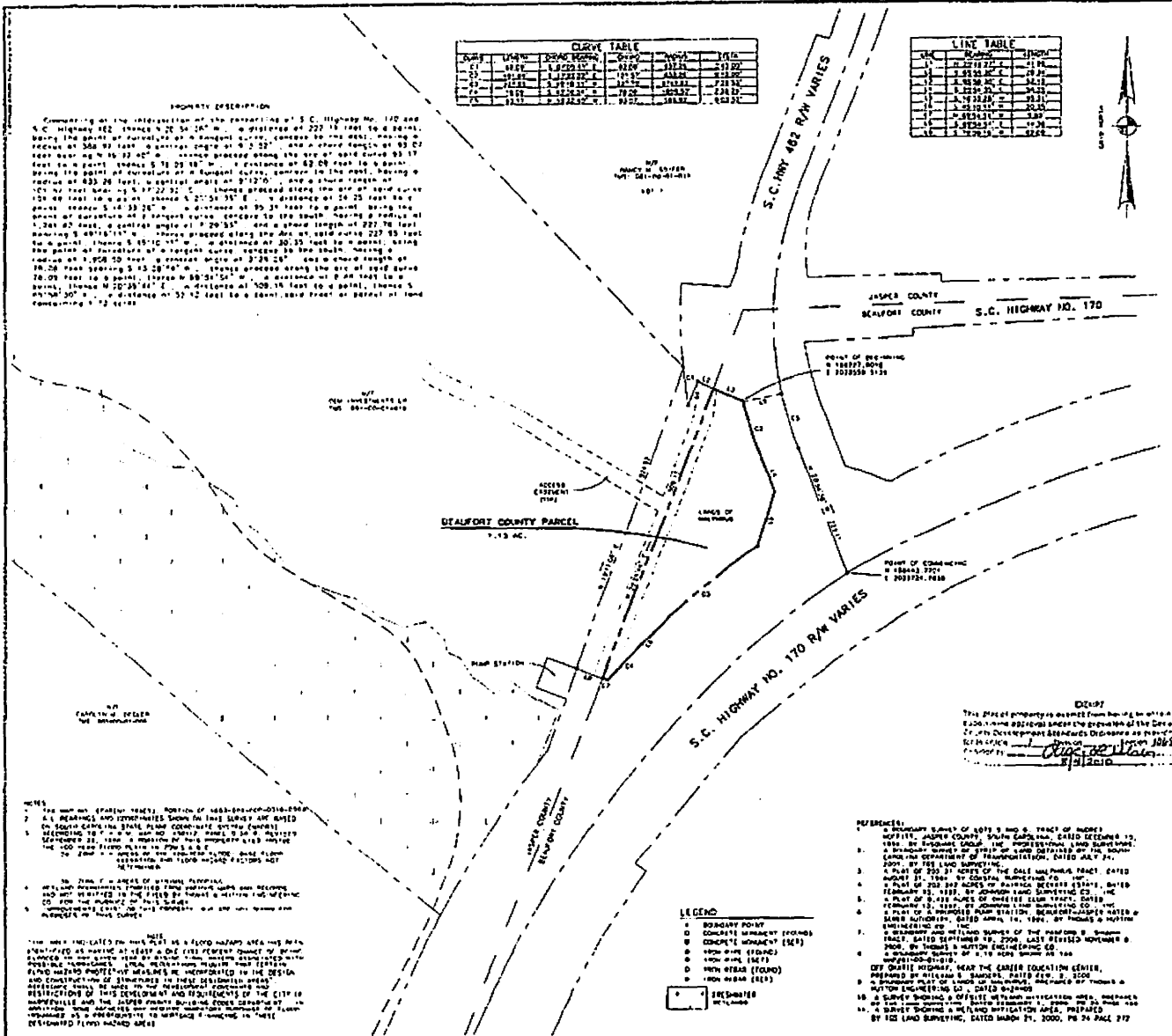
The Property is located in Beaufort County at the junction of South Carolina Highway 170 to the south east and South Carolina Highway 462. The property was purchased from SCDOT when Hwy 462 was realigned and is therefore a stranded 1.13 acre parcel in Beaufort County on the west side of Hwy 170. The subject property is completely surrounded by a recently approved Jasper County PUD (Lowcountry Commerce Park) that allows commercial, retail, and light industrial uses. The Lowcountry Commerce Park PDD will be a new center for economic growth and development within Jasper and Beaufort County. Having an ideal location at the intersection of S.C. 170 and S.C. 462, the predominant focus for the property is to create a development which establishes a “gateway” to growth on S.C. 462.

The Property is owned by a privately held, family owned contractor who has been in the development business since 1940. The goal of this property is to provide a high quality, mixed use development that raises the quality of life and development standards in the area while anticipating the future needs for commerce and services. The intent of the developer is to establish a framework for the future development of the property that will create an economical, environmental and socially positive impact for current and future residents of Beaufort County. The Developer is aware that the Lowcountry has become the recognized hotspot for new business investment and offers the natural beauty, world class cultural activities and historic significance that make the area a highly desirable destination. With the Lowcountry’s fast-growing population, a technically skilled workforce, efficient access to the global marketplace, gentle weather and abundant amenities, it is easy for businesses to recruit talented employees.

The surrounding property when developed under the PDD process will be developed in a unified manner where all proposed developments are required to go through the Jasper County Master Plan process. This additional approval step, which does not exist under standard Jasper County zoning districts, allows for a collaborative process between the County and future developers of the property. Each Master Plan shall be developed in a manner which strives to protect critical natural resources by creatively mixing and locating uses in an appropriate fashion. We have provided the Jasper County PUD and Development Agreement document to the Planning Department for review.

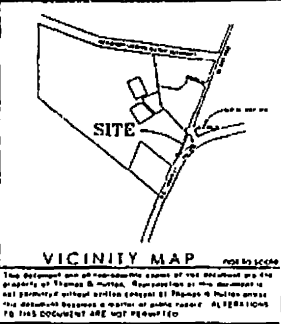
The Property is situated in a portion of Beaufort County that is fortunate enough to have ample existing water, sewer and transportation infrastructure, this Property will not require some of the expensive infrastructure expansion that other properties may. The surrounding property proposes to provide additional infrastructure connectivity thus allowing for additional transportation route options and alleviating some of the demand on Okatie Hwy. (S.C. Hwy. 170). Likewise, the new internal water and sewer infrastructure that will be constructed as part of this project will be linked in a similar manner, all of which will provide for increased redundancy of the systems. Therefore, there will be a more efficient, reliable and economical infrastructure system within Beaufort County.

Based on the allowed uses of the surrounding property we are requesting the zoning change to a Suburban Commercial to align the allowed uses with the adjacent property. The surrounding property has designed internal access to eliminate direct access to Hwy 170 or Hwy 462. Even though the property is small enough not to create significant traffic impacts to the surrounding system, we have provided a traffic impact assessment to the planning department for review. A wetland delineation has been performed and there are no wetlands on this parcel.



STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	S 89° 52' 30" W	1.222317	111° 00'	1.222317
2	S 89° 52' 30" W	1.222317	111° 00'	1.222317
3	S 89° 52' 30" W	1.222317	111° 00'	1.222317
4	S 89° 52' 30" W	1.222317	111° 00'	1.222317
5	S 89° 52' 30" W	1.222317	111° 00'	1.222317
6	S 89° 52' 30" W	1.222317	111° 00'	1.222317
7	S 89° 52' 30" W	1.222317	111° 00'	1.222317
8	S 89° 52' 30" W	1.222317	111° 00'	1.222317
9	S 89° 52' 30" W	1.222317	111° 00'	1.222317
10	S 89° 52' 30" W	1.222317	111° 00'	1.222317

LINE NO.	BEARING	DISTANCE
1	S 89° 52' 30" W	1.222317
2	S 89° 52' 30" W	1.222317
3	S 89° 52' 30" W	1.222317
4	S 89° 52' 30" W	1.222317
5	S 89° 52' 30" W	1.222317
6	S 89° 52' 30" W	1.222317
7	S 89° 52' 30" W	1.222317
8	S 89° 52' 30" W	1.222317
9	S 89° 52' 30" W	1.222317
10	S 89° 52' 30" W	1.222317



**THOMAS & HUTTON**  
 ENGINEERS  
 1000 W. BROADWAY  
 SAVANNAH, GA 31402-2727  
 P 912.234.5300 F 912.234.2950

REGISTERED PROFESSIONAL ENGINEER  
 LICENSE NO. 10000

REGISTERED PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 10000

**BOUNDARY PLAT**  
**LANDS OF MALPHRUS**  
 JASPER COUNTY, SOUTH CAROLINA

prepared for  
**DTG HOLDINGS LLC.**

DEPARTMENT OF REVENUE  
 1000 W. BROADWAY  
 SAVANNAH, GA 31402-2727  
 P 912.234.5300 F 912.234.2950

**THOMAS & HUTTON**  
 ENGINEERS & SURVEYORS  
 1000 W. BROADWAY  
 SAVANNAH, GA 31402-2727  
 P 912.234.5300 F 912.234.2950

DATE: 07-22-10  
 LPO: [Signature]  
 SHEET 1 OF 1



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

October 1, 2010

**RE: Notice of Public Meetings to Consider a Southern Beaufort County Map Amendment/Rezoning Request for R603-008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 462 and 170/Okatie Highway, across from Oldfield Subdivision); from Rural (R) to Commercial Suburban (CS) Zoning District; Applicant: Dale Malphrus**

Dear Property Owner:

In accordance with the Beaufort County Zoning & Development Standards Ordinance, Section 106-402, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a rezoning proposal can be adopted. As an property owner within 500 feet of the property being considered for rezoning, you are invited to attend the following meetings and public hearings to provide comment on the subject proposed map amendment/rezoning request in your neighborhood. A map of the property is on the back of this letter.

1. **The Southern Beaufort County Subcommittee** of the Beaufort County Planning Commission – Thursday, October 14, 2010 at 5:30 p.m. at the Bluffton Library Large Meeting Room, 120 Palmetto Way, Bluffton, SC.
2. **The Beaufort County Planning Commission** (public hearing) – Monday, November 1, 2010, at 6:00 p.m. in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. **The Natural Resources Committee** of the County Council – Monday, December 6, 2010 at 4:00 p.m. in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
4. **Beaufort County Council** – generally meets second and fourth Mondays at 4:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please call (843) 255-2140 to verify the exact dates and locations.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at (843) 255-2140.

Sincerely,

Brian Herrmann  
Community Planner

Attachment: Map Showing Current and Proposed Zonings



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

October 1, 2010

Mr. Dale Malphrus  
426 Red Oaks Lane  
Ridgeland SC 29936

**RE: Your Southern Beaufort County Map Amendment/Rezoning Request for R603-008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 462 and 170/Okatie Highway, across from Oldfield Subdivision); from Rural (R) to Commercial Suburban (CS) Zoning District**

Dear Mr. Malphrus:

Upon review of the subject application, I have determined that your application is completed and will process it accordingly. However, the parcel identification number of your property is officially R603-008-000-~~0623~~-0000. The Beaufort County Assessor's office earlier advised you to temporarily use R603-008-000-016-0000 for your property; but, it has officially assigned your property the new number of R603-008-000-0623-0000.

In accordance with the Beaufort County Zoning & Development Standards Ordinance, Section 106-402, public hearings are required by the Beaufort County Planning Commission and the Beaufort County Council before a rezoning proposal can be adopted. We have notified by mail all property owners within 500 feet of your property, inviting them to attend the following meetings and public hearings to provide comment on your proposed map amendment/rezoning request. A copy of that letter is attached for your information.

Sincerely,

Brian Herrmann  
Community Planner

Attachment: Notification Letter to Adjoining Property Owners

**PROPERTY OWNERS NOTIFIED OF REZONING REQUEST  
for R603-008-000-0623-0000 (1.13 acres at the northwest corner of SC Highways 462 and 170)  
from Rural (R) to Commercial Suburban (CS)**

Tax Map #081-00-01-011  
DTG Holdings, LLC  
Post Office Box 21299  
Hilton Head, SC 29925

Tax Map #081-00-01-028  
Malphrus Construction  
Post Office Box 21299  
Hilton Head, SC 29925

Tax Map #081-00-01-027  
BJWSA  
6 Snake Road  
Okatie, SC 29909

Tax Map #081-00-03-001  
Beaufort Jasper Career Education Center  
80 Lowcountry Drive  
Ridgeland, SC 29936

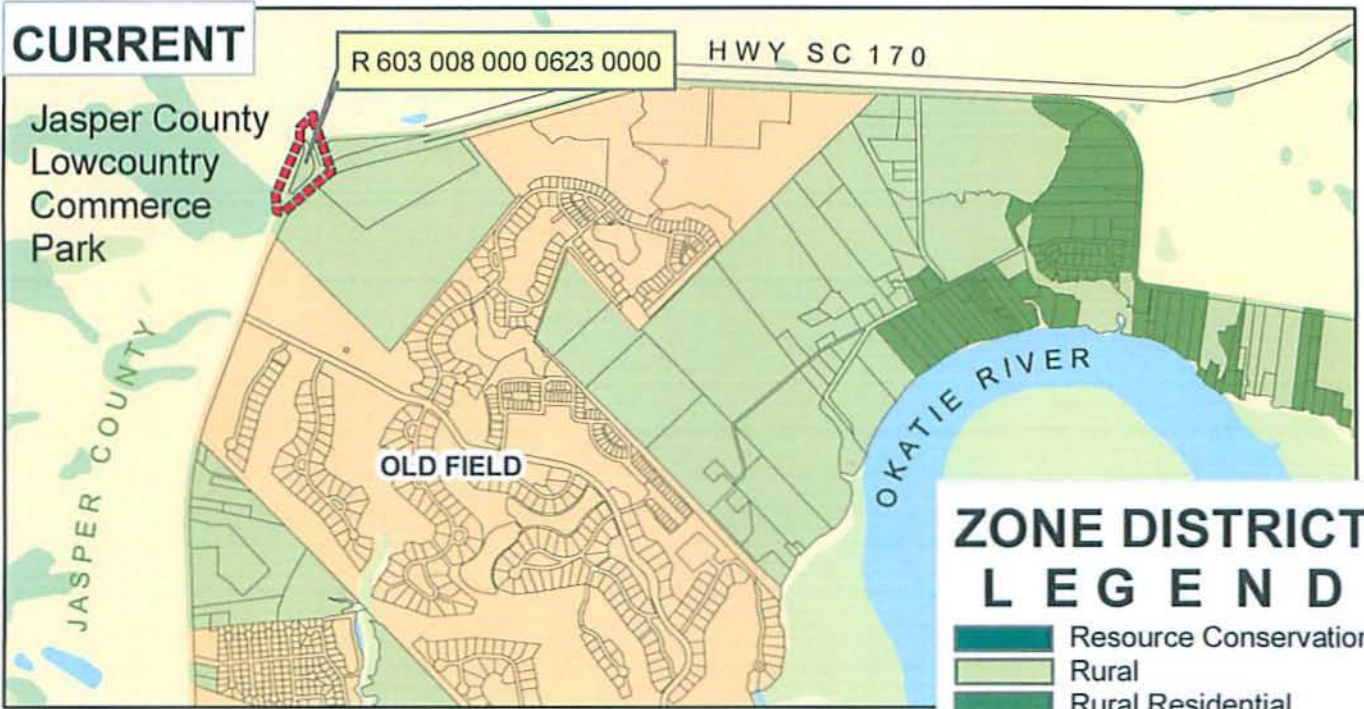
Tax Map #081-00-01-010  
OEM Investments, LP  
63 Camp St. Marys' Road  
Okatie, SC 29909

R603-008-000-0005-0000  
Old Field LLC  
c/o Crescent Resources I  
400 S. Tryon Street, Suite 1300  
Charlotte NC 28285-0107

R603-008-000-0001-0000  
Dorothy R & Grace E Cooler  
34 Old Cooler Circle  
Okatie SC 29909

R603-008-000-0623-0000  
Dale Malphrus  
426 Red Oaks Lane  
Ridgeland SC 29936

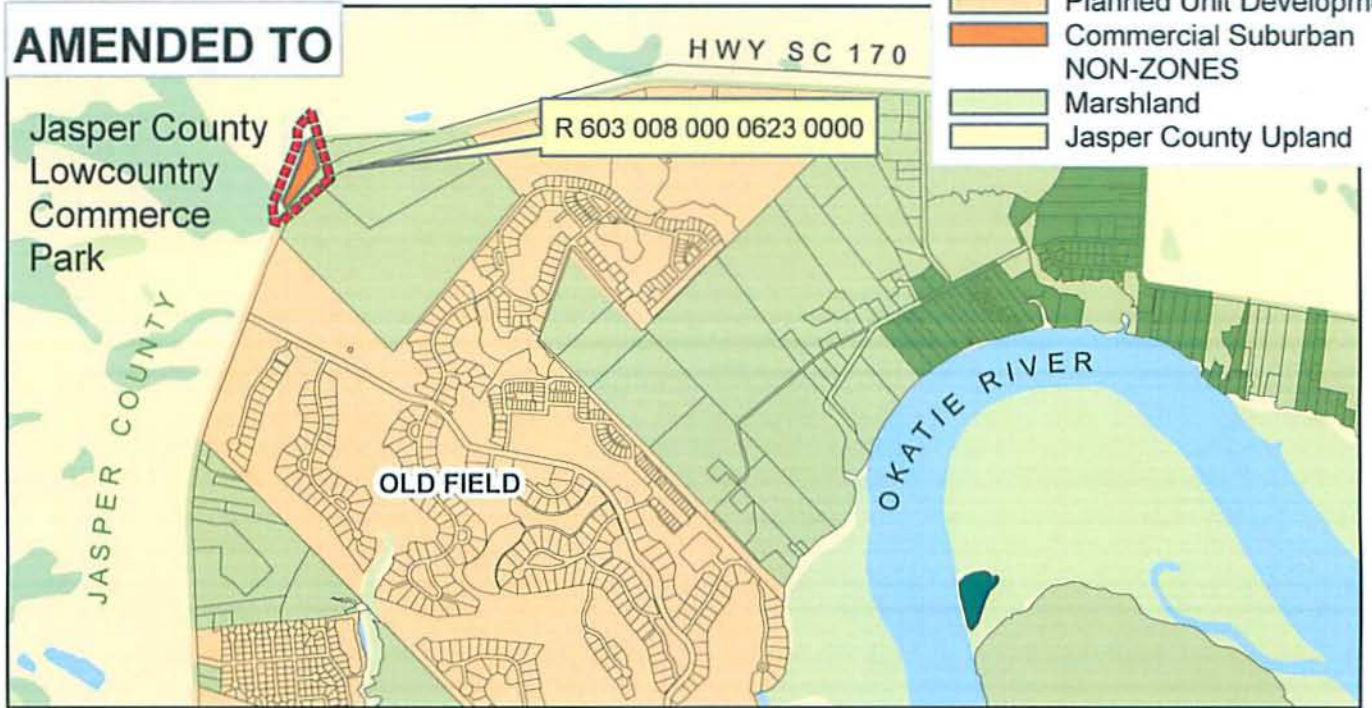
# CURRENT



## ZONE DISTRICT LEGEND

- Resource Conservation
- Rural
- Rural Residential
- Planned Unit Development
- Commercial Suburban
- NON-ZONES
- Marshland
- Jasper County Upland

# AMENDED TO



## REZONING AMENDMENT

R 603 008 000 0623 0000

FROM RURAL [R] TO COMMERCIAL SUBURBAN [CS]





## PLANNING DIVISION MEMORANDUM

**To:** Natural Resources Committee of Beaufort County Council  
**From:** Anthony Criscitiello, Planning Director *T.C.*  
**Subject:** Proposed Amendment to the ZDSO, Dale Community Preservation Mixed Use District (DMD), to Allow Commercial Communication Towers as a Special Use in DMD  
**Date:** November 19, 2010

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### **EXCERPT OF PLANNING COMMISSION RECOMMENDATION from its draft November 1, 2010, meeting minutes:**

Mr. Anthony Criscitiello, the County Planning Director, briefed the Commission. Mr. Criscitiello recommended an additional amendment to Section 106-1357(d)(8) that addresses additional standards for commercial communication towers—change the first sentence to read: “New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county.” This text amendment request would allow for maximum cell coverage in Dale. The Community Preservation (CP) Committee requested that the applicant select a property where the property owner lived on the property to afford the economic benefit to the owner.

**Applicant’s Comments:** Mr. Jonathan Yates, the applicant, noted that the Dale Community was not adequately wired for wireless infrastructure. He met with the Dale community at the Dale CP and the Northern Beaufort County Subcommittee meetings. The Dale community is at a disadvantage without wireless use. His tower will be designed with four (4) co-location opportunities for other wireless companies to use. The text amendment will allow applicants to go through the Development Review Team (DRT) process for a special use request before the Zoning Board of Appeals (ZBOA).

#### **Commission discussion included:**

- whether there were sufficient sites in the Dale CP District for such towers;
- the rationale for the community request that on-site ownership be a primary consideration;
- supporting wireless reception in the Dale community;
- which other areas in Beaufort did not receive wireless service; and
- thanking Mr. Yates for attending both the Dale CP and the Northern Subcommittee meetings to discuss his text amendment request.

**Motion:** Mr. Semmler made a motion, and Mr. Riley seconded the motion, to recommend to County Council approval of the following Text Amendments to the Zoning and Development Standards Ordinance (ZDSO) that adds special use standards allowing commercial communication towers in the Dale Community Preservation Mixed-Use District (DMD):

- **Appendix J. Dale Community Preservation (DCP), Division 2. Dale Mixed Use District (DMD), Section 2.4/Table 1. Land Uses; and**
- **Appendix J. Dale Community Preservation (DCP), Division 2. Dale Mixed Use District (DMD), Section 2.5 Limited and special use standards.**



**Additionally, recommend including the change recommended by the Planning Director for Article V. Use Regulations, Section 106-1357. Commercial communication towers, subparagraph (d)(8) – Additional standards for all towers by changing the first sentence of the subparagraph to read: “New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county.”**

No further discussion occurred.

Public Comments: None were received.

The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

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**STAFF REPORT:**

**A. BACKGROUND:**

**Case No.** ZTA-2010-12

**Applicant:** Jonathan L. Yates

**Proposed Text Change:**

Change Appendix J. Section 2.4 (Permitted activities) of Division 2 – Dale Mixed Use District (DMD) to allow Commercial Communication Towers to be added as a Special (S) Use in Table 1. Land Uses. Commercial Communication Towers would be permitted in the Dale Mixed Use District pursuant and subject to the requirements of ZDSO Section 106-1357 Commercial Communication Towers.

**Affected Zoning and Development Standards Ordinance (ZDSO) sections:**

- Appendix J. Division 2. Dale Mixed Use District (DMD). Sec. 2.4. Permitted activities, Table 1 LAND USES.
- Appendix J. Division 2. Dale Mixed Use District (DMD). Sec. 2.5. Limited and special use standards. NONRESIDENTIAL USES.
- Article V. Use Regulations, Section 106-1357. Commercial communication towers, subparagraph (d)(8) – Additional standards for all towers (*recommended by Planning Commission at its November 1, 2010, meeting*)

**B. SUMMARY OF REQUEST:**

Mr. Yates wishes to allow for the placement of appropriate commercial communication towers pursuant to the requirements of Sec. 106-1357 – Commercial Communication Towers within the Dale CP Mixed Use District (DMD). He believes the current ban presents a scenario whereby the citizens of Dale are underserved by wireless coverage when compared to nearby communities.

**C. ANALYSIS:**

Section 106-493 of the ZDSO conveys 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those that are applicable to this text change request.

**Sec. 106-493. Standards for zoning text amendment.**

A zoning ordinance text amendment may be approved if:

1. It would implement a new portion of the comprehensive plan or amendment.

(Not Applicable)

2. It would implement and better achieve the comprehensive plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.

In the Economic Development Section of the 2007 Beaufort County Comprehensive Plan Recommendation 9-2: *Developing Business Climate Target Industries* states, "Beaufort County should take the following steps to recognize and encourage growth in the County's existing and emerging industries, as well as attract the type of business that can sustain the economy well into the future:

- o Ensure that all business locations have the ability to offer broadband and wireless Internet capabilities."

In the Community Facilities Element of the 2007 Beaufort County Comprehensive Plan the following statement is made in regard to the future needs of the Emergency Medical Services Department, "more wireless transmission locations ("hot spots") are needed throughout the County so that the EMT's can provide patient care reports and billing information to the headquarters when out in the field."

With the advent of Smartphones and "notebook" computers, the above statements support a county-wide effort to increase the necessary infrastructure to utilize these devices.

3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

(Not Applicable)

4. It is necessary to respond to state and/or federal legislation.

(Not Applicable)

5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.

The proposed text amendment would provide additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards. Commercial Communication Towers are a Special (S) or Limited (L) use in every other zoning district with the exception of the Resource Conservation (RC) district and certain Community Preservation districts. Were this change to occur, the uses permitted in the DMD would remain consistent with those permitted throughout the majority of Beaufort County.

6. It addresses a new use, changing conditions, and/or clarifies existing language.

(Not Applicable)

7. It clarifies the ordinance or makes adjustments to account for interpretation.

(Not Applicable)

**D. STAFF RECOMMENDATION:**

Staff agrees with the applicant's request and recommends approval for the following reasons:

- a. On September 20, 2010, the staff, the applicant, the Dale CP Committee, and at least 25 members of the Dale Community met at the Dale Community Center to discuss and vote on the amendment. After a detailed discussion of nearly one hour, the Committee unanimously voted to approve the text amendment as proposed. During the discussion the community asked the applicant if he would consider siting the tower on a parcel that is owned by a member of the community who resides on the land. The applicant committed to doing this, "so long as the technical aspects of the site are manageable."
- b. This measure would implement and better achieve the comprehensive plan's goals and objectives.
- c. This amendment provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.

The proposed amendment (see page 4 of this staff report) is shown as **bold and underlined** for additions and ~~strike-through~~ for deletions.

**E. NORTHERN BEAUFORT COUNTY SUBCOMMITTEE RECOMMENDATION:**

The Northern Beaufort County Subcommittee of Beaufort County Planning Commission met on October 19, 2010, at 6:30 p.m. at the Davis Early Childhood Learning Center (formerly known as Davis Elementary School) cafeteria.

Present at the meeting:

Subcommittee: Mr. Robert Semmler, Acting Chair; Ms. Mary LeGree; and Mr. Ed Riley  
Staff: Mr. Brian Herrmann, County Community Planner  
Others: Mr. Jonathan Yates, applicant; County Councilman Paul Sommerville; and the Dale Community Preservation (CP) Committee Chair

Mr. Yates gave a presentation to the Subcommittee. Mr. Herrmann noted that Mr. Yates' presentation basically covered the staff report. Councilman Sommerville asked if the Dale CP Committee had reviewed the request. The Dale CP Committee chair confirmed that the Committee recommended approval of the text amendment. After a brief discussion, Mr. Riley made a motion, and Ms. LeGree seconded the motion, to forward to the Planning Commission a recommendation of approval of the text amendments. The motion was carried unanimously (FOR: LeGree, Riley and Semmler).

**F. ATTACHMENTS:**

- Copy of application for ZDSO Text Amendment
- Map of Dale Mixed Use District (DMD) (for reference only)

**DIVISION 2. DALE MIXED USE DISTRICT (DMD)**

**Sec. 2.4. Permitted activities.**

The permitted uses are restricted to residential uses and consumer-oriented businesses catering primarily to the needs of the local population. For the purpose of this section, the allowable uses in the DMD zoning district and are controlled by the land use development standards of this section, the Beaufort County Comprehensive plan, the ZDSO, and the chart of permitted uses (Table 1). The following are descriptions of permitted uses, permitted accessory uses and structures for DMD districts:

TABLE 1. LAND USES

<i>Land Use</i>	<i>Use Definition</i>	<i>Use Permission</i>
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	L
<b><i>Industrial Uses</i></b>		
<b><u>Commercial communication towers</u></b>	<b><u>A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Speculation towers are prohibited.</u></b>	<b><u>S</u></b>

**Sec. 2.5. Limited and special use standards.**

**RESIDENTIAL USES**

The affordable housing density bonuses allowed in section eight of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities within the Dale CP Districts.

*Accessory Dwelling*

- This use is limited to 50 percent of the floor area (heated) of the primary structure.

**INDUSTRIAL USES**

**Commercial Communication Towers**

- **This use must comply with the standards set forth in Section 106-1357.**

## ARTICLE V. USE REGULATIONS

### DIVISION 2. LIMITED AND SPECIAL USE STANDARDS

#### *Subdivision VIII. Industrial\**

##### Sec. 106-1357. Commercial communication towers.

The purpose of this section is to provide service to the public while minimizing the number of towers, and the individual impact of towers, in Beaufort County.

- (a) *Collocation.* Procedures for collocation of commercial communication towers are as follows:
- (1) All new applications for this use shall provide a collocation study to demonstrate that there is not a suitable collocation site that can serve needs of the user. Placement on water towers or other tall structures shall be fully considered prior to making an application. Existing uses shall be required to demonstrate cooperation in that there is not an undue proliferation of towers.
  - (2) All new towers shall provide for collocation. This means the tower shall have additional location points and the design of the ground structures shall be such that modular expansion is feasible. The following collocation standards shall also apply:
    - a. All structures less than 125 feet in height shall make provision for at least two locations.
    - b. Towers between 125 feet and 200 feet in height shall have at least four locations.
    - c. When a tower is proposed within two miles of an existing tower, the applicant will be expected to prove that there is no technologically and structurally suitable space available within the search ring. The applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts etc., that alternative towers are not available for use within the search ring. The proposed tower, if approved, must be either camouflaged or stealth in design.
- (b) *Maximum height.* Maximum height shall be as follows:
- (1) For towers with provisions for one to three locations, 125 feet.
  - (2) For towers with provisions for four to five locations, 200 feet.
  - (3) In the rural district, where the tower is located on a property with a conservation easement in place, such locations shall only be approved where the location of the structure will be completely screened at least one mile in sight distance, from roads or riverways having visual access of the subject property. In the rural district, the required resource protection plan shall show how harvesting of the buffer will be done so as to retain the screening of the tower.
- (c) *Lighting.* Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All towers 150 feet or taller shall be lighted. All commercial

communication towers approved by Beaufort County and by the South Carolina State Historic Preservation Office prior to the adoption of this amendment [Ord. No. 2007/1] and operating in conformance with those approvals shall be deemed to be lawful nonconforming uses and structures and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this section shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.

(d) *Additional standards for all towers.* Additional standards for all towers are as follows:

- (1) No structure shall adversely affect any historic structure or site.
  - (2) A 50-foot forested buffer shall be provided around all sites. For camouflage and stealth towers, the DRT may approve a buffer modulation based on site design. If a forested buffer does not exist, a new buffer shall be planted in accordance with section 106-1680.
  - (3) A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.
  - (4) A sign of no more than two square feet shall be mounted in an easily noticeable location, no more than four feet above the ground, providing tower identification and an emergency notification number.
  - (5) If disputed evidence occurs before the DRT or ZBOA, the county may hire, at the developer's expense, a communications expert or engineer of its own choosing to assist in determining the facts.
  - (6) When any tower is abandoned for 60 days, it shall be removed by the landowner and the site restored within six months.
  - (7) Speculation towers are prohibited.
  - (8) New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless specifically provided for in a specific community preservation district (CPD), and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county. The expansion or replacement of existing towers in a community preservation area shall require a special use permit and are limited to 150 feet in height.
  - (9) The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 50 feet.
  - (10) No tower shall be located within 500 feet, plus one foot for each foot of height of the proposed tower, of the OCRM critical line. All towers shall comply with the airport overlay district standards.
- (e) *Reports/studies required.* All applications for this use shall include a community impact statement including a visual impact analysis.

(Ord. No. 99-12, § 1 (03.244), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2004/32, 10-4-2004; Ord. No. 2007/1, 1-8-2007)

**BEAUFORT COUNTY, SOUTH CAROLINA**  
**PROPOSED ZONING/DEVELOPMENT STANDARDS ORDINANCE**  
**ZONING MAP/TEXT AMENDMENT APPLICATION**

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):  
( ) Zoning Map Designation/Rezoning (✓) Zoning/Development Standards Text

2. Give exact information to locate the property for which you propose a change:  
Tax District Number: \_\_\_\_\_, Tax Map Number: \_\_\_\_\_, Parcel Number(s): \_\_\_\_\_  
N/A Size of subject property: \_\_\_\_\_ Square Feet/Acres (circle one)  
Location: \_\_\_\_\_

3. How is this property presently zoned? (Check one)

( ) Urban/U	( ) Community Preservation/CP	( ) Light Industrial/LI
( ) Suburban/S	( ) Commercial Regional/CR	( ) Industrial Park/IP
N/A ( ) Rural/R	( ) Commercial Suburban/CS	( ) Transitional Overlay/TO
( ) Rural Residential/RR	( ) Research & Development/RD	( ) Resource Conservation/RC
	( ) Planned Unit Development/PUD	

4. What new zoning do you propose for this property? \_\_\_\_\_  
N/A (Under Item 10 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? ( ) Yes ( ) No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.  
N/A

6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: Appendix J - Dale Community Preservation (DCP)) Division 2 - Dale Mixed Use District (DMD) and Section 106-1357 Commercial Communication Towers  
(Under Item 10 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:

( ) AOD - Airport Overlay District	( ) MD - Military Overlay District
N/A ( ) COD - Corridor Overlay District	( ) RQ - River Quality Overlay District
( ) CPOD - Cultural Protection Overlay District	

8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:

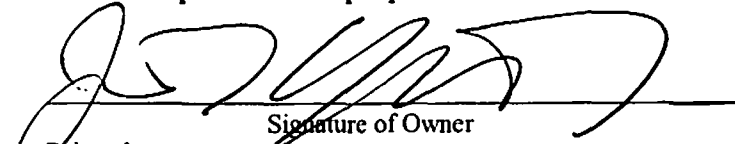
- a. Section 106-492, Standards for zoning map amendments.
- ⓑ. Section 106-493, Standards for zoning text amendments.

See attached Exhibit A

**RECEIVED**  
JUN 28 2010  
PLANNING  
DIVISION

9. Explanation (continue on separate sheet if needed): This request for text amendment is to allow for Commercial communication towers to be added as a permitted activity under Section 2.4 of Division 2- Dale Mixed Use District (DMD). Commercial communication towers would be permitted in the DMD pursuant and subject to the requirements of Section 106-135.7 Commercial communication towers.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

  
Signature of Owner

06.24.10  
Date

Printed Name: Jonathan L. Yates

Telephone Number: (843) 720-1768

Address: Nexsen Pruet, LLC, 205 King St, Suite 406, Charleston, SC 29401

Email: JYates@nexsenpruet.com

Agent (Name/Address/Phone):

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA IN WHICH YOUR PROPERTY LIES. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE (3) WEEKS PRIOR TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PUD APPLICANTS WILL BE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT 470-2724 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)

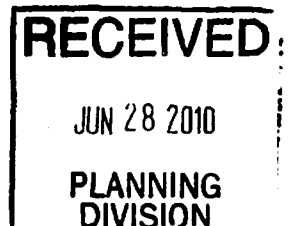
Date Posting Notice Issued:

Application Fee Amount Received:

\$850.00

Receipt No. for Application Fee:

Receipt #111106





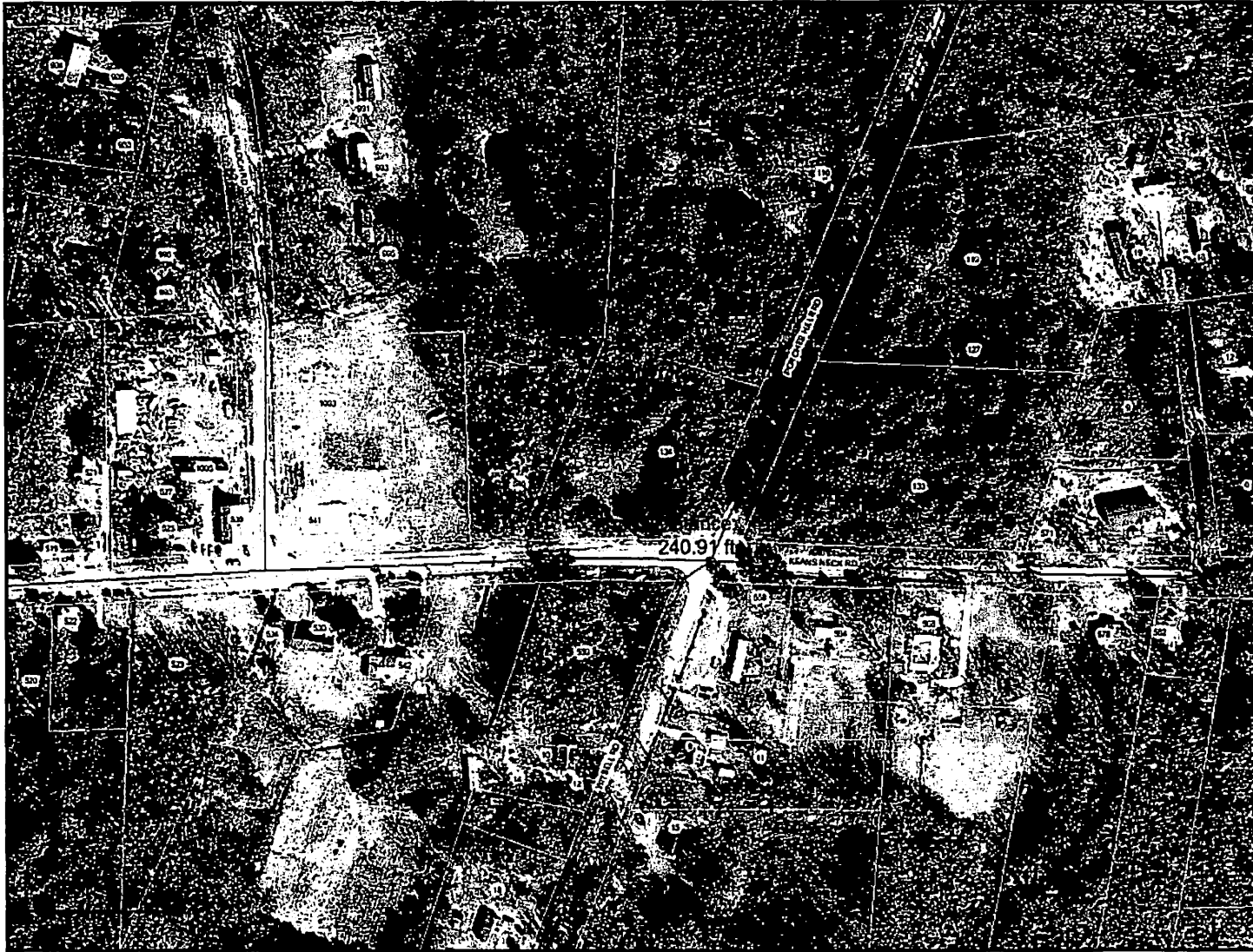
## Exhibit A

The proposed text amendment meets the requirements of **Sec. 106.493. Standards for zoning text amendment**. The purpose for the request is to allow for the placement of appropriate commercial communication towers pursuant to the requirements of **Sec. 106-1357. – Commercial Communications Towers** in the Dale Mixed Use District (“DMD”). Presently, commercial communication towers are not a permitted activity under **Sec. 2.4** of the DMD ordinance. We feel that this might have been a simple omission that occurred upon the creation of the DMD. Unfortunately, this omission has led to the residents of the DMD being unable to enjoy the same wireless coverage as their fellow residents throughout Beaufort County and the rest of the state of South Carolina. Not only have the residents of the DMD been deprived of adequate and competitive access for voice and advanced data in their homes, but in addition, they are unable to effectively access emergency services and first responders. In the United States, approximately 300,000 calls per day are placed to 911 services from a wireless device. In addition, wireless communications are being implemented in ambulances to communicate important medical data as a patient is being transported to an emergency room. Finally, many law enforcement agencies are using mobile data terminals that assist officers in making informed, on the spot decisions to help keep our streets and neighborhoods safer. In 2010, it is not fair that these good people be deprived of services available to most people through out the United States.

In **Sec. 106-1357. – Commercial Communications Towers** (“Beaufort County Tower Ordinance”), Beaufort County has provided the regulatory frame work for the placement of appropriate commercial communication towers. The Beaufort County Tower Ordinance is one of the most comprehensive and well crafted tower ordinances in the state of South Carolina. The Beaufort County Tower Ordinance has ensured the proper placement of commercial communication towers in Beaufort County and allowed for the provision of wireless services with the most protection to individual residents. The Beaufort County Tower Ordinance will ensure that the placement of any commercial communication tower in the DMD will meet the highest standards possible and provide the greatest benefit to the residents of the DMD.

This request for text amendment will provide additional flexibility in meeting the ordinance’s objectives without lowering the ordinance’s general standards. In addition, this request for text amendment will address a new use and changing conditions as it provides for effective wireless service into the DMD which has become an essential need of every community in the 21<sup>st</sup> century. This request for text amendment is consistent with both state and federal legislation promoting effective wireless coverage through out the United States.

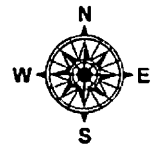
This request is essential for the future health, safety, and welfare of the residents of the DMD.



- ⦿ Address Points
- ▬ streets
- ▭ Parcels
- ▭ County Outline
- ▭ Water
- ▭ Military Installation
- 2006 North West Quadrant Aerial
- 2006 North East Quadrant Aerial



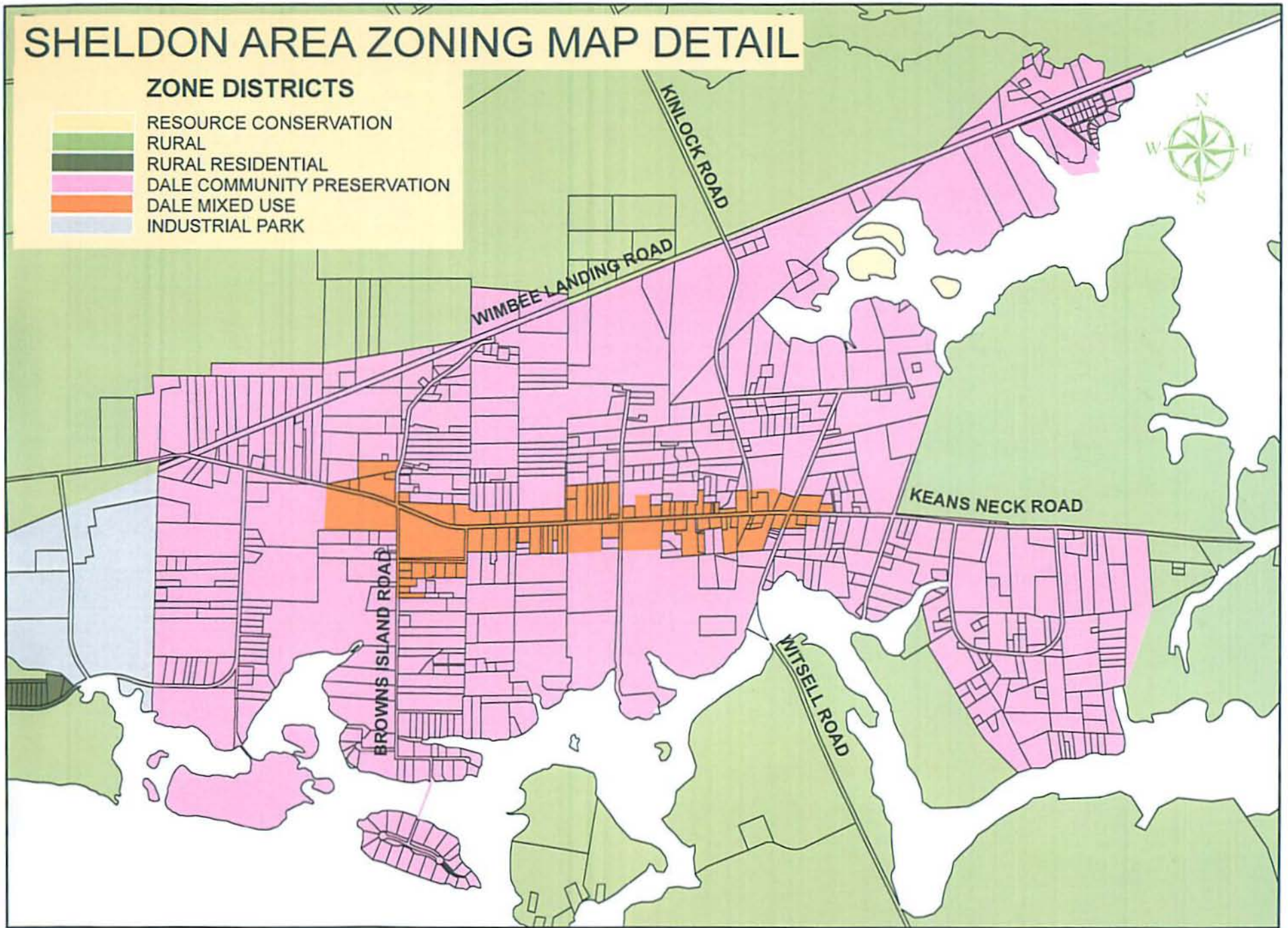
The information contained on this map is made available as a service of the Beaufort County GIS Department. This data is intended for general reference purposes only. Although the Beaufort County GIS Department strives to maintain/obtain the most accurate data possible, some errors and inconsistencies may still exist within the maps and data contained on this site. Therefore, Beaufort County makes this service, as well as all the data and information pertaining to this service, available to the public AS IS WITHOUT WARRANTY OF ANY KIND. It is the responsibility of the users of this data to contact the necessary public entity for verification of the information obtained from this site.



# SHELDON AREA ZONING MAP DETAIL

## ZONE DISTRICTS

- RESOURCE CONSERVATION
- RURAL
- RURAL RESIDENTIAL
- DALE COMMUNITY PRESERVATION
- DALE MIXED USE
- INDUSTRIAL PARK



REFERENCE ATTACHMENT FOR THE ZONING TEXT AMENDMENT TO  
THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO)