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AGENDA NATURAL RESOURCES COMMITTEE

Monday, March 4, 2013

2:00 p.m.

Executive Conference Room
Administration Building

Committee Members:

Brian Flewelling, Chairman
Cynthia Bensch, Vice Chairman
Gerald Dawson
William McBride
Jerry Stewart
Laura Von Harten
Tabor Vaux

Staff Support: Tony Criscitiello

1. CALL TO ORDER – 2:00 P.M.
2. ST. HELENA ISLAND ZONING MAP AMENDMENT / REZONING REQUEST FOR R300-018-000-0290-0000 (6.55 ACRES, A PORTION OF 74.72 ACRES; SOUTH OF SEASIDE ROAD) FROM RESOURCE CONSERVATION (RC) TO RURAL (R); OWNER: MCFE LLP, APPLICANT: J. BENNETT MCNEAL, AGENT: DAVID GASQUE ([backup](#))
3. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, AMENDMENT TO APPENDIX I. LADY'S ISLAND COMMUNITY PRESERVATION AREA, DIVISION 2., LADY'S ISLAND EXPANDED HOME BUSINESS DISTRICT, SECTION 2.5B., LIMITED AND SPECIAL USE STANDARDS FOR GAS-CONVENIENCE MARTS; DIVISION 3., NEIGHBORHOOD ACTIVITY CENTER, SECTION 3.5, LIMITED AND SPECIAL USE STANDARDS FOR GAS-CONVENIENCE MARTS; AND DIVISION 5, VILLAGE CENTER, SECTION 5.5, LIMITED AND SPECIAL USE STANDARDS FOR GAS-CONVENIENCE MARTS, TO INCREASE THE MAXIMUM SIZE OF CONVENIENCE CENTERS IN THESE DISTRICTS FROM 2,500 TO 4,000 SQUARE FEET ([backup](#))
4. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Northern Corridor Review Board
 - B. Rural and Critical Lands Board
 - C. Southern Corridor Review Board
5. EXECUTIVE SESSION
 - A. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
6. ADJOURNMENT





MEMORANDUM

TO: Natural Resources Committee of Beaufort County Council

FROM: Anthony Criscitiello, Planning & Development Director

DATE: February 11, 2013

SUBJECT: Rezoning Request for 6.49 acres off of Seaside Road on St. Helena Island from Resource Conservation (RC) Zoning District to Rural (R) Zoning District

Excerpt of PLANNING COMMISSION RECOMMENDATION from its February 4, 2013, draft meeting minutes:

Mr. Criscitiello briefed the Commission. He noted the 6.4-acre island portion of the parcel was being rezoned from Resource Conservation to Rural, since the island is connected by a bridge in anticipation of development of the island. Staff is in concurrence with the request.

Public Comment: None were received.

Applicant's Comment: None were received.

Discussion by the Commission included:

- the soil percolation of the island (Mr. Bennett McNeal, the applicant, stated the soil perk was good or if needed he would use a force-main system);
- a private driveway to the island; and
- the St. Helena Island Subcommittee recommending approval of the rezoning with a caveat for sufficient access for emergency vehicles (Mr. McNeal noted he had met with the fire department and there would be no issue; however, Mr. Criscitiello noted that the criteria was not germane to the rezoning issue).

Motion: Mr. Semmler made motion, and Mr. Thomas seconded motion, **to forward a recommendation of approval to County Council on the St. Helena Island Zoning Map Amendment / Rezoning Request for 6.55 acres, the island portion of the 74.72 acres of R300-018-000-0290-0000 that is south of Seaside Road, from Resource Conservation (RC) zoning to Rural (R) zoning.** No further discussion occurred. The motion was carried **unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, and Thomas).

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2012-08

Applicant/Owner: Bennett McNeal / MCFE LLP

Property Location: East side of Seaside Road, approximately 2 miles south of U.S. Hwy 21 (Sea Island Pkwy), St. Helena Island

District/Map/Parcel: R301-018-0290 (portion)

Property Size: 6.49 acres, a portion of 74.7 acres total

Current Future Land Use Designation: Rural

Proposed Future Land Use Designation: No Change Proposed

Current Zoning District: Resource Conservation (RC)

Proposed Zoning District: Rural (R)

B. SUMMARY OF REQUEST:

This property is split-zoned between Rural (approximately 68.17 acres) and Resource Conservation (approximately 6.49 acres). The applicant would like to rezone the RC portion of the property to Rural because it is connected to the rest of the parcel via a causeway.

C. ANALYSIS: Section 106-492 of the ZDSO states that a zoning map amendment may be approved if the weight of the findings describe and prove:

1. *The change is consistent with the County’s Comprehensive Plan and the purposes of the ZDSO.*

The Resource Conservation (RC) district is intended for coastal islands that are not accessible by land, as well as other publically owned, environmentally sensitive parcels. The gross allowable density for the RC district is 1 dwelling per 10 acres. The applicant maintains that the “island” portion of this parcel should not be designated RC because it is connected to the main parcel via a causeway. The rest of the parcel is zoned Rural, which permits a gross density of 1 dwelling per 3 acres. A 2011 aerial of the property (see attached) confirms that a causeway exists; therefore, the island does not technically meet the definition of a RC district. The request to rezone this portion of the parcel from RC to Rural is consistent with the Comprehensive Plan and the ZDSO.

2. *The change is consistent with the character of the neighborhood.*

All surrounding properties are zoned Rural.

3. *The extent to which the proposed zoning and use of the property are consistent with the zoning and use of nearby properties.*

All surrounding properties are zoned Rural.

4. *The suitability of the property for the uses to which it has been proposed.*

The 6.49-acre portion of the property zoned RC can be developed with a single-family residence provided well and septic permits can be obtained. Before subdividing this portion into two lots, which may be permitted if rezoned to Rural, it must be determined that the causeway provides sufficient access for emergency equipment.

5. *Allowable uses in the proposed district would not adversely affect nearby property.*

The Rural zoning district permits single-family dwellings and agricultural uses. These uses are permitted on all nearby properties.

6. *The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.*

The property is undeveloped.

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.*

The restriction of RC zoning (1 dwelling per 10 acres) is unreasonable given that this portion of the property is connected to the mainland portion via a causeway.

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.*

A TIA was not required because the requested Rural zoning may result in only one more home being built on this property.

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-492 of the ZDSO, staff recommends approval of this rezoning request from Resource Conservation (RC) and Rural (R) for the subject portion of the parcel subject to the following condition:

The 6.49-acre rezoned portion of the property shall not be subdivided unless the causeway can provide sufficient access for emergency equipment as determined by the Lady's Island/St. Helena Island Fire District.

**E. LADY'S ISLAND/ST. HELENA ISLAND SUBCOMMITTEE
RECOMMENDATION:**

The Subcommittee met on January 16, 2013, to consider the proposed rezoning. The applicant, Mr. Bennett McNeal, and his representative, Mr. David Gasque, were in attendance. No members of the public were present. Mr. Petit made a motion to forward the rezoning application to the Planning Commission with a recommendation of approval subject to the condition recommended by staff. The motion was seconded by Mr. Semmler and was carried unanimously (FOR: LeGree, Petit, Semmler).

F. ATTACHMENTS:

- Zoning Map
- Future Land Use Map/Aerial Map
- Rezoning Application



MEMORANDUM

To: Natural Resources Committee of Beaufort County Council

From: Anthony J. Criscitiello, Planning & Development Director

Date: February 11, 2013

Subject: Proposed Amendments to the ZDSO – Lady’s Island Expanded Home Business District (LIEHB), Neighborhood Activity Center District (NAC), and Village Center District (VC)

Excerpt of PLANNING COMMISSION RECOMMENDATION from its February 4, 2013, draft meeting minutes:

Mr. Criscitiello briefed the Commission on the rationale for the request. He noted that the proposed increase would more easily allow such stores to meet the community needs. The Lady’s Island Community Preservation Committee and the Planning staff felt that such an increase in size was meritorious.

Discussion by the Commission included allowing an inclusion of a fast food entity in the gas convenience store, the need to include various services in the gas convenience stores that led to the logical increase of the building size, whether the increase was desirable despite the buffer and setback standards not changing, the older convenience stores languishing without the increased upgrades in size, the text amendment affecting only certain zoning districts of the Lady’s Island Community Preservation, comparing a past project with this request, querying if the car wash next to Beaufort Academy counted toward the gas convenience store building footprint, noting that the sizes of the property and the building must meet current development standards, and allowing convenience stores to be large enough to be destination spots for the consumers.

Public Comment: Mr. Bennett McNeal asked what areas this amendment affected, wondering if his property on Lady’s Island was included. He asked if he could apply for a gas convenience store on his property. (Chairman Hicks noted that convenience stores would be allowed in the Expanded Home Business district of which part of Mr. McNeal’s property is zoned. Chairman Hicks cautioned Mr. McNeal on whether such placement would affect the rest of his property.)

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to forward a recommendation of approval to County Council on the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix I. Lady’s Island Community Preservation Area that are to increase the maximum size of convenience centers in the following zoning districts from 2,500 to 4,000 square feet:**

- **Division 2., Lady’s Island Expanded Home Business District, Section 2.5B., Limited and Special Use Standards for Gas-Convenience Marts;**
- **Division 3., Neighborhood Activity Center, Section 3.5, Limited and Special Use Standards for Gas-Convenience Marts; and**

- **Division 5, Village Center, Section 5.5, Limited and Special Use Standards for Gas-Convenience Marts.**

No further discussion occurred. The motion **was carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, and Thomas).

STAFF REPORT:

ZDSO Section(s) – Appendix I, Limited and Special Use Standards for gas-convenience marts in the Expanded Home Business District (Section 2.5(B)(7)), Neighborhood Activity Center (Section 3.5), and Village Center (Section 5.5)

Summary of Proposed Amendments – The proposed amendments would increase the maximum floor area of a gas-convenience store in these districts from 2,500 square feet to 4,000 square feet

Source of Proposed Amendments – Lady’s Island Community Preservation Committee

Justification – The Lady’s Island Community Preservation Committee met on January 7, 2013. The agenda included a convenience store chain’s request for the committee to review possible sites on Lady’s Island for a new store. During this review, it was pointed out that the size of the average new convenience store exceeds the 2,500 square feet building allowed by the present ordinance. Further investigation found that the six existing convenience stores on the island average 2,712 square feet, which is in line with the national average size of 2,768 square feet for such stores. However, new stores being built average 2,800 square feet of sales area and another 1,900 square feet for non-sales areas for a total of 4,700 square feet (average) for new stores. This increase in size is attributed to retailers recognizing the importance of creating destinations within their stores that require extra space for coffee islands, food service areas, financial kiosks, etc. (source: National Association of Convenience Stores (NACS) State of Industry data). The Community Preservation Committee unanimously recommended an increase in the maximum size of new convenience stores in the Expanded Home Business District (LIEHB), Neighborhood Activity Center (NAC) and Village Center (VC) be increased from 2,500 square feet to 4,000 square feet to better accommodate emerging trends in this industry.

Proposed Amendment: (proposed deletions to the text are shown as ~~strike-through~~ and proposed additions to the text are underlined)

APPENDIX I. LADY'S ISLAND COMMUNITY PRESERVATION AREA

DIVISION 2. LADY'S ISLAND EXPANDED HOME BUSINESS DISTRICT (LIEHB)

Sec. 2.5. Limited and special use standards.

B. *Gas-convenience marts.*

- (7) ~~The portion of the principal structure dedicated to sales-related uses~~ gross floor area of the principal structure shall not exceed ~~2,500~~ 4,000 square feet.

DIVISION 3. NEIGHBORHOOD ACTIVITY CENTER (NAC)

Sec. 3.5. Limited and special use standards.

GAS-CONVENIENCE MARTS

- ~~The portion of the principal structure dedicated to sales-related uses~~ gross floor area of the principal structure shall not exceed ~~2,500~~ 4,000 square feet.

DIVISION 5. VILLAGE CENTER (VC)

Sec. 5.5. Limited and special use standards.

GAS-CONVENIENCE MARTS

- ~~The portion of the principal structure dedicated to sales-related uses~~ gross floor area of the principal structure shall not exceed ~~2,500~~ 4,000 square feet.