



PLANNING DIVISION MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Anthony Criscitiello, Planning Director
DATE: August 26, 2010
SUBJECT: Proposed Port Royal Island Zoning Map Amendment / Rezoning Request from Rural w/ Transitional Overlay (R-TO) and Rural Residential w/ Transitional Overlay (RR-TO) to Commercial Suburban (CS)

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2010-13
Applicant/Owner: Timothy Schwartz, Mark Carey
Property Location: Corner of Rug Rack Road and Laurel Bay Road
Burton, South Carolina
District/Map/Parcel: R100-024-0020 and R100-024-0416
Property Size: Total 8.29 acres
Current Future Land Use Designation: Neighborhood Mixed Use
Proposed Future Land Use Designation: No Change
Current Zoning District: Rural w/ Transitional Overlay (R-TO) and
Rural Residential w/ Transitional Overlay (RR-TO)
Proposed Zoning District: Commercial Suburban (CS)

B. SUMMARY OF REQUEST

The applicants, Timothy Schwartz and Mark Carey are seeking to rezone two properties from Rural w/ Transitional Overlay (R-TO) and Rural Residential w/ Transitional Overlay (RR-TO) to Commercial Suburban (CS). In 2007 the applicants met with staff to discuss a similar action. However, the parcel in question was much larger (encompassing the two parcels in question, as well as two additional parcels). The applicant's request would have resulted in a significant "split zoning". Staff

recommended the applicant's further subdivide the specific area in question. They have done so.

The two parcels are bounded by Rug Rack Road, Laurel Bay Road, and Joe Frazier Road; and are situated at the point where the three thoroughfares converge. When combined, they total 8.29 acres.

The 2007 Beaufort County Comprehensive Plan states that the area in question is within the region's "urban growth boundary" as well as the future growth area for the City of Beaufort. On the Future Land Use Map the area is envisioned as "Neighborhood Mixed-Use". Parcel R100-024-0020 is zoned Rural w/ Transitional Overlay (R-TO). Parcel R100-024-0416 is "split zoned". The majority of the parcel is zoned Rural w/ Transitional Overlay (R-TO). The northeast corner (<1 acre) is zoned Rural Residential with Transitional Overlay.

Timmark Drive, a private dirt road that runs "north-south", and is accessed via Rug Rack Road provides secondary (or internal) access to each parcel. The roadway also provides the primary means of access to a .11 acre parcel that is completely surrounded by Parcel R100-024-0020, and currently houses a cellular tower. The .11 acre parcel is not owned by the applicant. In addition to Timmark Drive, a private dirt road runs "east-west", and is accessed from Joe Frazier Road. This roadway terminates into Timmark Drive just north of the parcel containing the cellular tower.

The applicants state that commercial businesses have operated on both properties since 1979. Currently, both parcels are occupied by storage facilities (storage units).

Finally, the applicants were informed that Beaufort County is in the early stages of drafting a new multi-jurisdictional zoning code. This process involves both the City of Beaufort and the Town of Port Royal. The Burton / Laurel Bay region has been identified as a specific area of focus. A public charrette process will commence in the near future, with hopes of establishing specific growth areas. At this time detailed visioning will take place to determine the intensity and character of the Laurel Bay area, including the site in question.

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 the following:

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

The requested change is consistent with the Comprehensive Plan and Future Land Use Map. The site is located within the region's "urban growth boundary", as well as the future growth area for the City of Beaufort. It is anticipated that Port Royal Island will continue to urbanize over time.

The Future Land Use Map classifies this area as “Neighborhood Mixed-Use”. In neighborhood mixed-use areas, “residential is the primary use, with some supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets.” While all of these characteristics are commendable, they are intentionally vague and difficult to achieve without a more specific vision and form-based ordinance.

The applicant’s property is centrally located at the congruence of several prominent corridors, and sits adjacent to a cluster of existing commercial establishments. The location seems logical for commercial uses. However, the existing commercial in this area is obsolete. Additionally, there are existing vacant Commercial Suburban properties available in the area. The district is underdeveloped and has yet to mature as it was originally envisioned. A fresh perspective regarding the future of this area is needed. This type of detailed visioning will take place in the very near future at the Burton / Laurel Bay charrette, and the results will be codified into the new multi-jurisdictional Form Based Code.

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

The character of the surrounding area is a mixture of rural and suburban residential development with a few small commercial establishments located along Laurel Bay Road. Residential homes also occupy the properties bordering the parcel to the south, southeast, and southwest. These parcels contain a mixture of single family and family compound type development.

Though not immediately adjacent to the site, the Laurel Bay military housing development is located northwest of the property. This area is gated, and reflects a suburban residential character. Three small scale subdivisions are located on the north side of Laurel Bay Road. Each reflects a suburban residential character.

The requested rezoning will permit commercial uses on the site. This action will extend the rather limited commercial area that already exists. This is in keeping with the general character of this area. However, the upcoming charrette process will afford the opportunity to establish a more specific vision for this place. It is premature to rezone a property without knowing the vision or future regulations that will characterize the area.

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

See # 2 above.

Additionally, the applicant's parcel "wraps" a parcel that is currently zoned Rural Transitional and contains a cellular tower. This applicant has not expressed any interest in rezoning the property. If the requested rezoning is approved, it will create a doughnut-hole, in which the smaller parcel is no longer contiguous to its existing zoning district.

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

See # 1 above.

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

Much of the surrounding property is currently being utilized for residential purposes. This zoning change could have an adverse affect on these properties, as it would afford commercial opportunities outside of the existing commercial district, and without the benefits of the upcoming visioning process.

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

The applicants state that several commercial businesses operate from this property, and have done so for many years. These businesses include two storage facilities.

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 landowner has existing businesses on the property. Additionally, maintaining the current zoning is more likely to result in compatible development than a change in zoning. Such a change should account for upcoming visioning and changes to the ordinance.

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.

Future traffic considerations must be taken into account. Absent some sort of intervention, current modeling predicts that Joe Frazier Road will fail in 10-15 years. The proposal would allow more intense development along Joe Frazier Road.

D. STAFF RECOMMENDATION

After review of the guidelines set forth in section 106-492 of the ZDSO, the staff recommends denial of this request for the following reasons:

1. There is vacant Commercial Suburban property available. The district is underdeveloped and has yet to mature as it was originally envisioned. A fresh perspective regarding the future of this area is needed.
2. This type of detailed visioning will take place during the Burton / Laurel Bay charrette that is part of the multi-jurisdictional Form-Based Code process. Participants will determine the location of future growth areas, their character, and their intensity. The results of this effort will be codified into the new multi-Form-Based Code.
3. The applicant's parcel "wraps" a parcel that is currently zoned Rural with a Transitional Overlay and contains a cellular tower. The requested rezoning will create a doughnut-hole, in which the smaller parcel (with the cellular tower) is no longer contiguous to its existing zoning district.

E. PORT ROYAL ISLAND SUBCOMMITTEE RECOMMENDATION from its August 19, 2010 meeting:

F. ATTACHMENTS:

- Map of site
- Applications
- List of Property Owners Notified