



PLANNING DIVISION MEMORANDUM

TO: The Beaufort County Planning Commission
FROM: Anthony Criscitiello, Planning Director
DATE: October 22, 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).

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 who is 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