



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Anthony Criscitiello, Beaufort County Director of Planning & Development TC
DATE: April 25, 2011
SUBJECT: Rezoning Request for St. Helena Station (PUD) from PUD to Rural

A. BACKGROUND:

Case No. ZMA-2011-05
Applicant: Beaufort County Planning Department
Property Owner: Gary Meyer
Property Location: North side of Sea Island Parkway (US 21) between Warsaw Island Road and Polowana Road, St. Helena Island
District/Map/Parcel: R300-015-0101
Property Size: 13.24 acres
Current Future Land Use Designation: Rural
Proposed Future Land Use Designation: No Change Proposed
Current Zoning District: Planned Unit Development (PUD)
Proposed Zoning District: Rural

B. SUMMARY OF REQUEST:

St. Helena Station was approved by Beaufort County in 1989, which was prior to the adoption of countywide zoning in 1990. The front ½ of the property was approved for general commercial uses and the rear ½ for residential development up to 12 du/ac. There is no specific master plan for the property.

Since 1989, there has been no development activity in this PUD. Section 106-7 of the County's Zoning and Development Standards Ordinance (ZDSO) states that PUDs approved before adoption of the current ZDSO (April 1999) are exempt from its provisions provided that more than 50 percent of the approved lots are platted and recorded or more than 50 percent of the

utilities and infrastructure completed as of January 1, 2010. This section also gives property owners the option of requesting an amendment to the PUD to extend this sunset date and/or negotiate a development agreement with the County.

The Planning staff met with the property owner in January 2011, to discuss the rezoning of older PUDs that have not developed. To date, the property owner has declined to submit an application for an amendment to this PUD to extend the buildout date and/or seek a development agreement with the County.

Section 106-491 of the ZDSO allows the Beaufort County Planning Department to initiate an amendment to the zoning map. Under this provision, and in compliance with Section 106-7, the Planning Department is requesting that St. Helena Station PUD be rezoned to the Rural zoning district, which is compatible with the zoning of the surrounding area and is consistent with the Comprehensive Plan.

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.

This property is designated Rural on the Future Land Use Map. Rural areas are located outside of the growth areas in the County. During the Comprehensive Plan's 20-year timeframe, it is expected that Rural areas will continue to develop with low-density residential and supporting small-scale commercial uses in addition to agricultural operations. The maximum gross residential density in rural areas is one dwelling unit per three acres. The approved density in the St. Helena Station PUD is 12 units/acre, which is clearly inconsistent with the current land use designation and zoning of surrounding properties.

The front half of the PUD is approved for unspecified general commercial uses. Currently, commercial development is permitted within the Corner's Area Community Preservation District, which is located approximately six-tenths of a mile to the east of the subject property, and within the Rural Business (RB) District, which is located approximately two-tenths of a mile to the east. The property could not be included in the RB District without a significant expansion of this district along the highway, including several intervening parcels.

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

Staff is requesting that the property be zoned to Rural, which is consistent with the zoning and use of surrounding properties. The Rural zoning district allows residential development at a density of one dwelling unit per three acres and small-scale commercial uses such as traditional shops and agricultural support services.

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

See response to item #2.

- 4. The suitability of the property for the uses that have been proposed.*

The property is a long, narrow parcel that abuts a marsh. It is suitable for low-density, rural development.

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

All surrounding properties are zoned Rural.

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

The property has remained undeveloped since it received PUD approval in 1989.

- 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 public interest will be served by ensuring that development of this property is consistent with the Beaufort County Comprehensive Plan.

- 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.*

The proposed rezoning did not trigger the need for a traffic impact assessment (TIA) since the request is for a less intensive district.

D. RECOMMENDATION:

Because the Beaufort County Planning Department is the applicant, staff did not make a recommendation.

E. SUBCOMMITTEE RECOMMENDATION:

The St. Helena Island Subcommittee met on April 20, 2011. Members present: Ms. LeGree and Mr. Hicks (Commission Chairman). Members absent: Mr. Brown, Mr. Petit, Mr. Semmler and Mr. Thomas. The Subcommittee did not have a quorum so there was no recommendation.

There were no comments from the general public; however, the owner of St. Helena Station PUD, Mr. Gary Meyer, told the Subcommittee that he was surprised to hear about the ZDSO requirement to sunset existing PUDs. He felt that with all of the development on Fripp, Harbor and Dataw Islands there needed to be additional commercial development along US 21 to provide services. His attorney, Mr. Tom Holloway of Harvey & Battey, said that they would like for this rezoning to be tabled at the Planning Commission and that they be allowed to go back to staff and work out a solution that would be amenable to all parties.

F. ATTACHMENTS:

- Location Map
- Master Plan for the St. Helena Station PUD
- Future Land Use Map
- Zoning Map

Location Map for Zoning Amendment of Undeveloped PUD



COOSAW RIVER

MORGAN RIVER

St. Helena Island

St. Helena Station

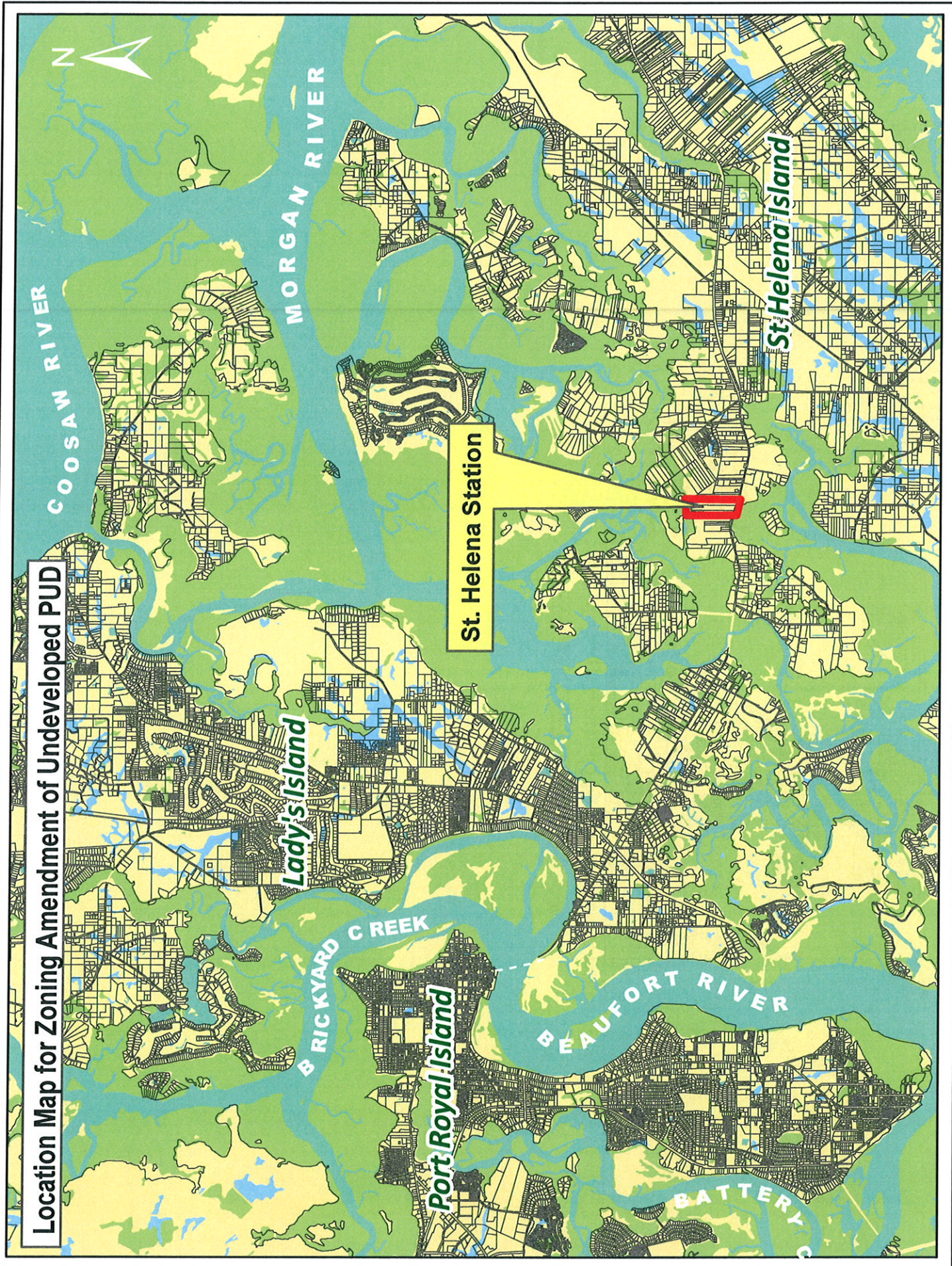
Lady's Island

B RICKYARD CREEK

Port Royal Island

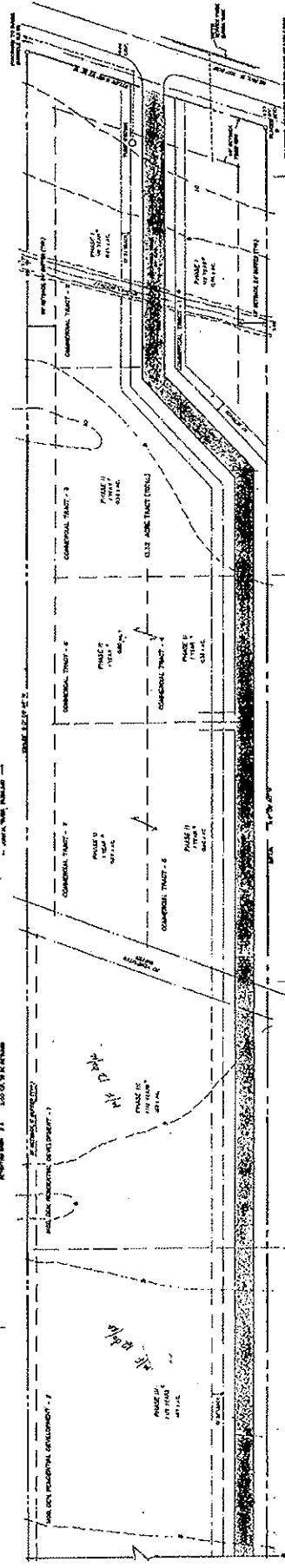
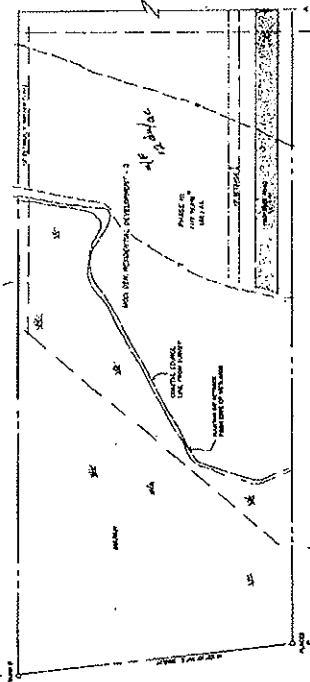
BEAUFORT RIVER

BATTERY CREEK





TOPOGRAPHIC MAP

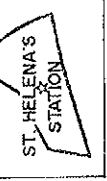


NOTES:
 1. THIS PLAN IS A PRELIMINARY PLAN.
 2. THE PROPERTY IS SUBJECT TO THE EASEMENTS AND RIGHTS OF THE STATE OF MISSISSIPPI.
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STIVERS ENGINEERING, INC.
 1115 SOUTH GARDNER STREET
 MEMPHIS, TENNESSEE 38104
 TELEPHONE: 901-525-1111
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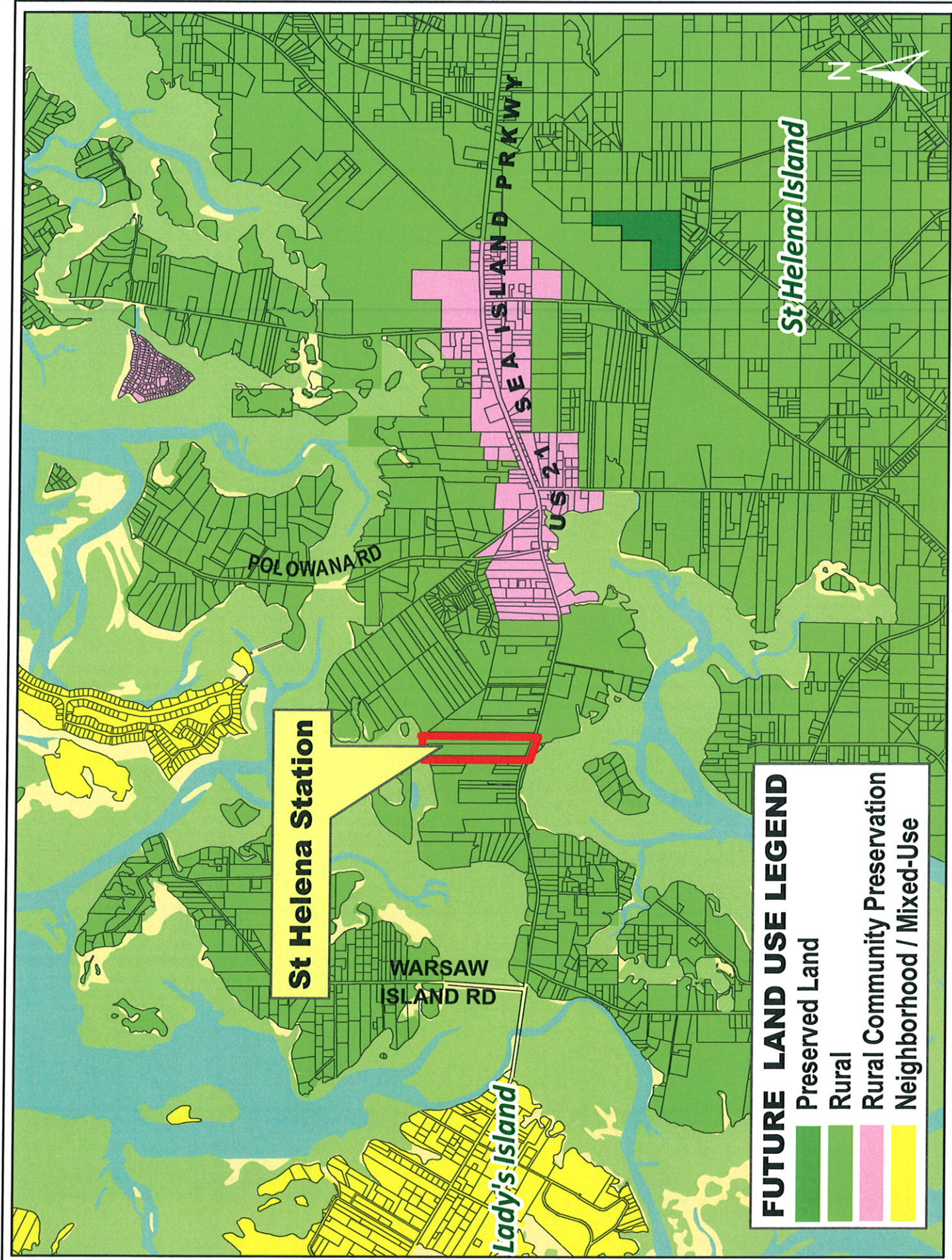


PROFESSIONAL ENGINEER
 STATE OF MISSISSIPPI
 LICENSE NO. 10000
 REGISTERED PROFESSIONAL ENGINEER



ST. HELENA'S STATION
 1115 SOUTH GARDNER STREET
 MEMPHIS, TENNESSEE 38104
 TELEPHONE: 901-525-1111
 TELEFAX: 901-525-1112

NO.	REVISION	DATE
1	ISSUED FOR PERMITTING	11/15/00
2	ISSUED FOR PERMITTING	11/15/00
3	ISSUED FOR PERMITTING	11/15/00
4	ISSUED FOR PERMITTING	11/15/00
5	ISSUED FOR PERMITTING	11/15/00
6	ISSUED FOR PERMITTING	11/15/00
7	ISSUED FOR PERMITTING	11/15/00
8	ISSUED FOR PERMITTING	11/15/00
9	ISSUED FOR PERMITTING	11/15/00
10	ISSUED FOR PERMITTING	11/15/00



FUTURE LAND USE LEGEND

- Preserved Land
- Rural
- Rural Community Preservation
- Neighborhood / Mixed-Use

St Helena Station

St Helena Island

Lady's Island

POLOWAN RD

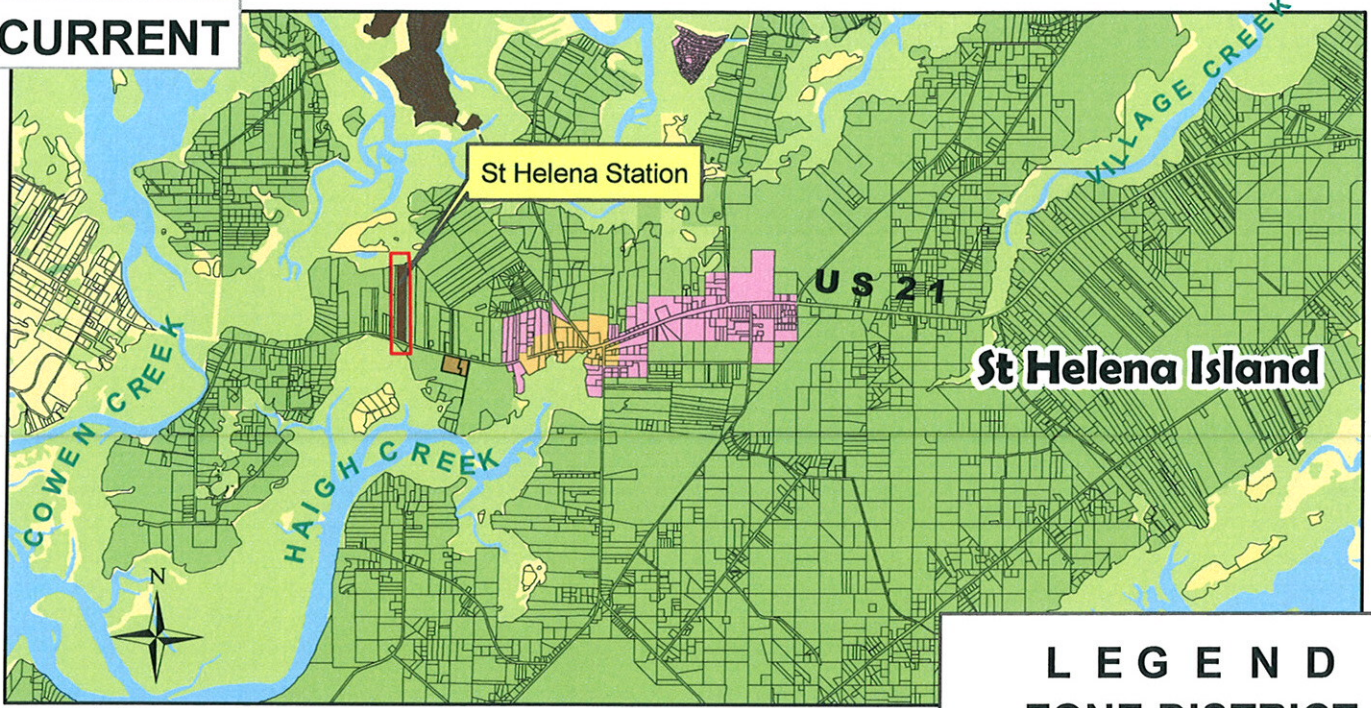
WARSAW ISLAND RD

SEA ISLAND PRK WY

US 21



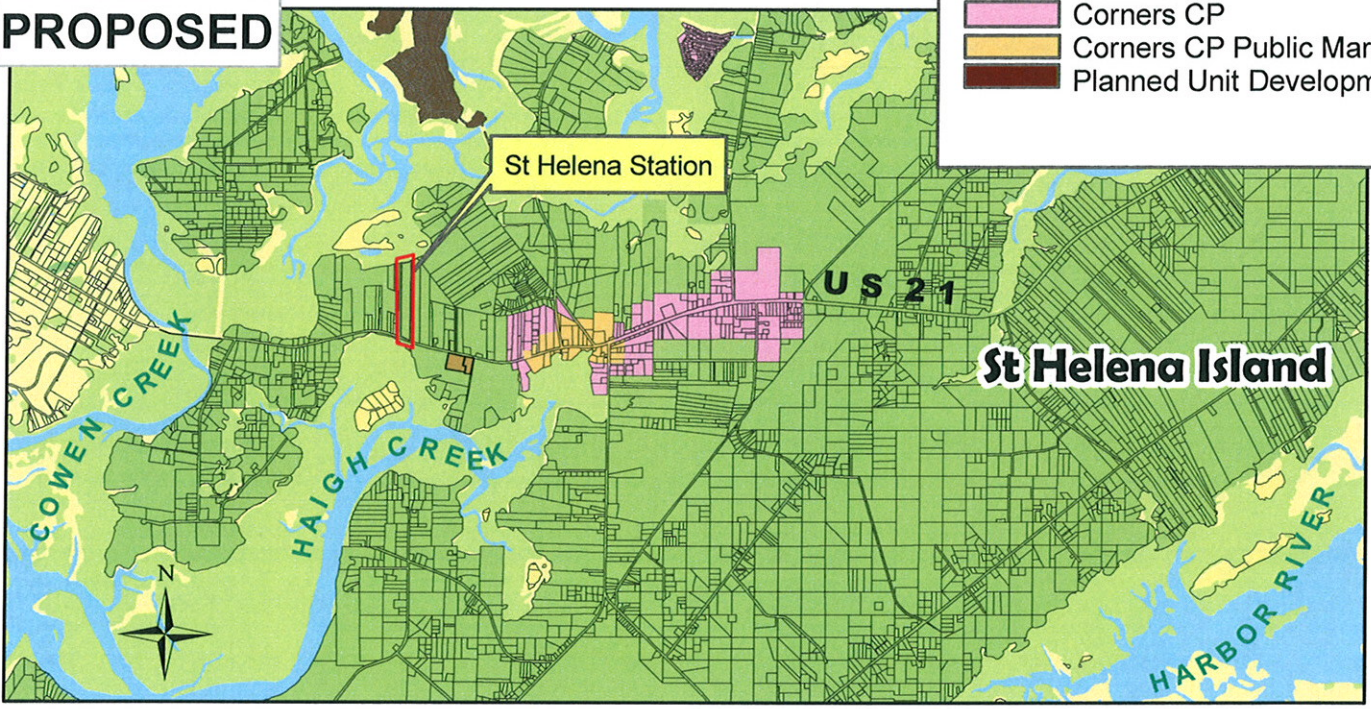
CURRENT



LEGEND ZONE DISTRICT

- Resource Conservation
- Rural
- Rural Business
- Corners CP
- Corners CP Public Market
- Planned Unit Development

PROPOSED



REZONING AMENDMENT

300 015 000 0101 0000 St Helena Station
FROM Planned Unit Development [PUD] TO Rural [R]

PROPERTY OWNERS NOTIFIED OF ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD) REZONING FROM PUD TO RURAL

PIN_	Owner1	MailingAdd	City	State	ZIP
R300 15 90 & 91	BEAUFORT COUNTY OPEN LAND TRUST	PO BOX 75	BEAUFORT	SC	29901
R300 016 000 0028 0000	CARTER VONDELL	1300 ARMY NAVY DR PH 1	ARLINGTON	VA	22202
R300 015 000 0149 0000	CHISHOLM DAVID L % GEORGE CHISOLM MD	PO BOX 2749	ORLANDO	FL	32802
R300 016 000 0009 0000	CLAY BESSIE LORDUM SARAH ETAL %BESS	120-30 238 ST	CAMBRIA HEIGHTS	NY	11411
R300 015 000 101A 0000	CORNER MART INC (THE)	4855 OCCIDENTAL RD	SANTA ROSE	CA	95401
R300 015 000 0113 0000	DESAI JITENDRA M SMITA J TRUSTEES	PO BOX 4236	BEAUFORT	SC	29903
R300 015 000 0103 0000	HEYWARD KENNETH J	2 HIDDEN LAKE COURT	MT LAUREL	NJ	08054-4840
R300 15 102 & 103A	HUBICKEY ALEXANDER G	667 SEA ISLAND PKWY	ST HELENA ISLAND	SC	29920
R300 015 000 0101 0000	MICHAEL J MYERS EXEMPTION TRUST	7 SHEFFIELD CT	BEAUFORT	SC	29907
R300 015 000 0105 0000	ORANGE GROVE PLANTATION INC	PO BOX 1087	BEAUFORT	SC	29901
R300 016 000 0225 0000	REYNOLDS EDMUND HRS OF HAMILTON SADI	PO BOX 905	SAINT HELENA ISLAND	SC	29920
R300 15 104 & 231	SIMMONS ROSA G	PO BOX 22944	HILTON HEAD ISLAND	SC	29925
R300 16 31 & 69	TRASK JOHN M JR	PO BOX 1087	BEAUFORT	SC	29901