



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Delores Frazier, AICP, Beaufort County Assistant Planning Director

DATE: December 27, 2011

SUBJECT: Rezoning Request for 8.29 acres at the Junction of Joe Frazier, Laurel Bay and Rug Rack Roads from Rural Zoning District with a Transitional Overlay (R-TO) to Commercial Suburban (CS) Zoning District

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2011-16
Applicant:	Timothy J. Schwartz
Property Owner:	Timmark General Partnership
Property Location:	Junction of Joe Frazier, Laurel Bay and Rug Rack Roads – Port Royal Island
District/Map/Parcel:	R100-024-0020 and 0416
Property Size:	8.29 acres
Current Future Land Use Designation:	Neighborhood Mixed Use
Proposed Future Land Use Designation:	No Change Proposed
Current Zoning District:	Rural with Transitional Overlay (R-TO)
Proposed Zoning District:	Commercial Suburban (CS)

B. SUMMARY OF REQUEST:

There is a self-storage business on these two properties that is nonconforming under the R-TO zoning district. The applicant would like to rezone these properties to Commercial Suburban (CS), which would make the use conforming. The applicant states that these properties have been used commercially since 1979. The properties were previously zoned General Commercial prior to 1999.

In 2010, the applicant applied for a rezoning to CS for the two parcels that are the subject of this application. The applicant was informed at the time that the County was in the early stages of drafting a new Form-Based Code (FBC), a process that involved both the City of Beaufort and the Town of Port Royal. The Burton/Laurel Bay region was identified at that time as a specific area of focus. Staff recommended denial of the rezoning request in anticipation of a Burton/Laurel Bay charrette that was to take place as part of the process to develop the FBC. County Council agreed with staff's request to postpone a rezoning action until the FBC was developed and, in the meantime, urged the applicant to apply for a Special Use Permit to bring the site into conformity. Council ultimately voted to deny the rezoning request.

Since that time (nearly a year ago), a draft FBC has been completed, and staff is reviewing it in anticipation of a public draft being released early next year. The County and its consultants have held three charrettes: one for Shell Point/Town of Port Royal, one south of the Broad River, and one for St. Helena/Lady's Islands. It has now been determined that the Burton/Laurel Bay charrette will likely be done by staff at some point in the future. In the meantime, the draft FBC contains new development standards for conventional (non-transect) zones that greatly improves existing standards for new development and allows conventional zones to, essentially, transition into transect zones over time.

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 requested change is consistent with the Comprehensive Plan and Future Land Use Map. The 2010 Beaufort County Comprehensive Plan states that the area in question is located within the region's "urban growth boundary," as well as the future growth area for the City of Beaufort, although the properties are not contiguous to the City of Beaufort.

The Future Land Use Map classifies this area as "Neighborhood Mixed-Use." In neighborhood mixed-use areas, residential is the primary use, with 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.

The property is currently zoned Rural with a Transitional Overlay (R-TO). Land zoned "Rural" outside of the County's growth boundary is intended to remain rural during the life of the Comprehensive Plan. Being zoned "Rural with a Transitional Overlay" means that the property is within the growth boundary and the County anticipates the property will be upzoned in conformance with the Comprehensive Plan, and developed when adequate infrastructure and services are available to accommodate more intense development.

Section 106-492(2) of the ZDSO requires that the applicant prove that adequate infrastructure and services are available to accommodate the proposed development of the site. At this time, the applicant is not proposing any additional development beyond the existing self-storage units.

Public water is available to the site and sewer is located 1,500 feet away, according to the applicant. Please see the response to item #8 below for transportation comments.

Since the last time this rezoning was considered, County Council adopted a Transfer of Development Rights (TDR) program for the unincorporated portions of Port Royal Island. The applicant's property falls within a designated "Receiving Area," meaning that a TDR overlay district must accompany any rezoning that increases residential density or commercial intensity potential. Future development of this site will require that one TDR be retired for every 5,000 additional square feet of commercial development beyond what is permitted in the underlying R-TO zoning district.

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

The applicant's property is located at the congruence of several roadways and sits adjacent to a cluster of existing and vacant commercial establishments, which include a barber shop, car repair, a daycare center, and a pizza shop. The location is logical for neighborhood commercial uses and the requested rezoning is consistent with this character.

The character of the larger surrounding area is a mixture of rural and suburban residential development with a few small commercial establishments located along Laurel Bay Road. Residential homes (single-family and family compounds) occupy the properties bordering the parcel to the south, southeast and southwest. Though not immediately adjacent to the site, the Laurel Bay military housing development is located northwest of the property. This area is gated and is suburban in character.

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

The proposed Commercial Suburban (CS) zoning is consistent with the CS district located at the gate to the Laurel Bay military housing development. The existing use of the property (self-storage units) is a permitted use in the CS district; which, if the rezoning is approved, would make the property conforming. The site is surrounded on all sides except for the northwest corner by R-TO districts. One of the parcels under consideration "wraps" a parcel that is currently zoned R-TO and contains a cellular tower.

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

The property already contains a commercial use (a self-storage business) that is permitted in the proposed Commercial Suburban district. The site does not contain any environmental features that would prohibit other uses allowed in the CS district.

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

Much of the surrounding properties are currently being utilized for residential purposes. This zoning change could have an adverse affect on these properties, as it may afford additional opportunities for commercial development in this area. However, these potential impacts can be

mitigated because the ZDSO requires a 100-ft bufferyard between commercial development in the CS zoning district and adjoining rural properties.

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

The applicant states that several commercial businesses have operated from this property since 1979. Currently, a nonconforming storage business is located on the site.

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 rezoning request was reviewed by the County's Traffic & Transportation Engineer, who noted that the unusual roadway alignments and intersections existing in the immediate area create concerns for safe access to the property with any additional development. Several conditions are recommended in Section D below.

D. RECOMMENDATION:

After review of the guidelines set forth in Section 106-492 of the ZDSO, staff recommends approval of this rezoning request from Rural with Transitional Overlay District to Commercial Suburban District with the addition of a TDR (Transfer of Development Rights) Overlay District as required by Section 106-3303 of the ZDSO, subject to the following conditions:

1. Access to the site should be internal from Timmark Drive only. There shall be no access to SC 116 (Laurel Bay Road).
2. Access may be permitted to Joe Frazier Road; however, SCDOT and Beaufort County driveway and access separation standards shall be met.
3. A Traffic Impact Analysis is required for any development that generates 50 peak-hour trips or greater based on Section 106-367(g)(4) of the ZDSO.

E. BEAUFORT – PORT ROYAL METROPOLITATION PLANNING COMMISSION MEETING

Members Present: Jim Hicks & Robert Semmler, Beaufort County representatives; Joe DeVito & James Crower, Town of Port Royal representatives; and Alan Dechovitz, City of Beaufort representative. (Note: 1 vacancy – City of Beaufort representative).

Staff Present: Delores Frazier, Beaufort County Assistant Planning Director
Libby Anderson, City of Beaufort Planning Director
Linda Bridges, Town of Port Royal Planning Administrator

Summary of Meeting:

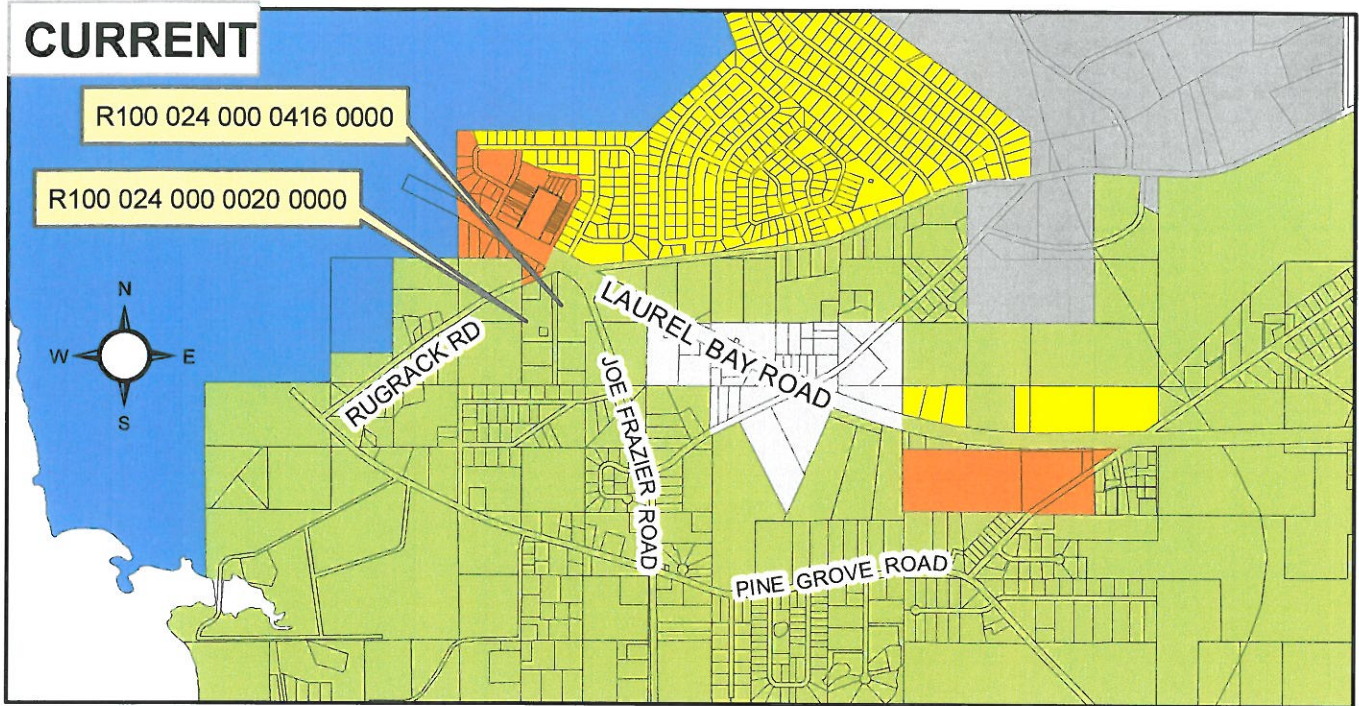
The Beaufort – Port Royal Metropolitan Planning Commission, which has taken the place of the Port Royal Island Subcommittee, met on December 19, 2011, to consider this request. Staff gave the presentation. The applicant was not present, nor was a representative at the meeting to speak on behalf of the applicant. There were a number of residents from the surrounding area in attendance. One spokesman addressed the Commission on behalf of these residents. His major concerns were that some of the residents did not receive notification letters, and that the rezoning could increase property taxes in the area. Staff provided him a copy of the mailing list. Mr. Hicks noted that the staff recommended denial of this request a year ago because they anticipated a charrette for the area. That charrette did not occur, and there is no timeframe for conducting one in the future. Mr. Dechovitz (City of Beaufort member) wanted to know how the area was treated in the City’s Comprehensive Plan. Libby Anderson, City of Beaufort Planning Director, showed a copy of the City’s Future Land Use Map, which indicated a future Neighborhood Center in the vicinity of the applicant’s property. Mr. Dechovitz explained that he believed the center was actually developing around the Food Lion shopping center, about a quarter of a mile to the east, and that the proposed rezoning amounted to stripping commercial development along Laurel Bay Road.

Motion: It was moved by Mr. Semmler, and seconded by Mr. Hicks, to recommend the Planning Commission approve the staff’s recommendation. The motion passed 3 to 2 (FOR: Crower, Hicks and Semmler. AGAINST: DeVito and Dechovitz).

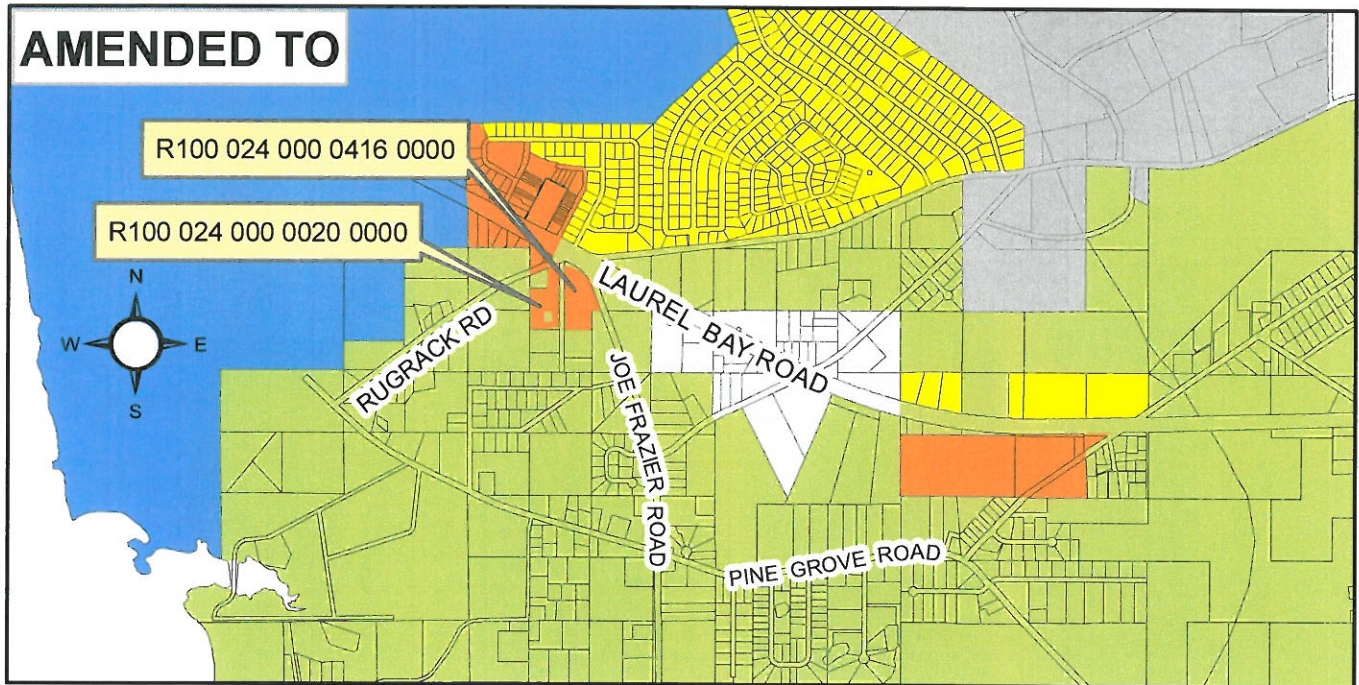
F. ATTACHMENTS:

- Zoning Map
- Rezoning Application

CURRENT



AMENDED TO



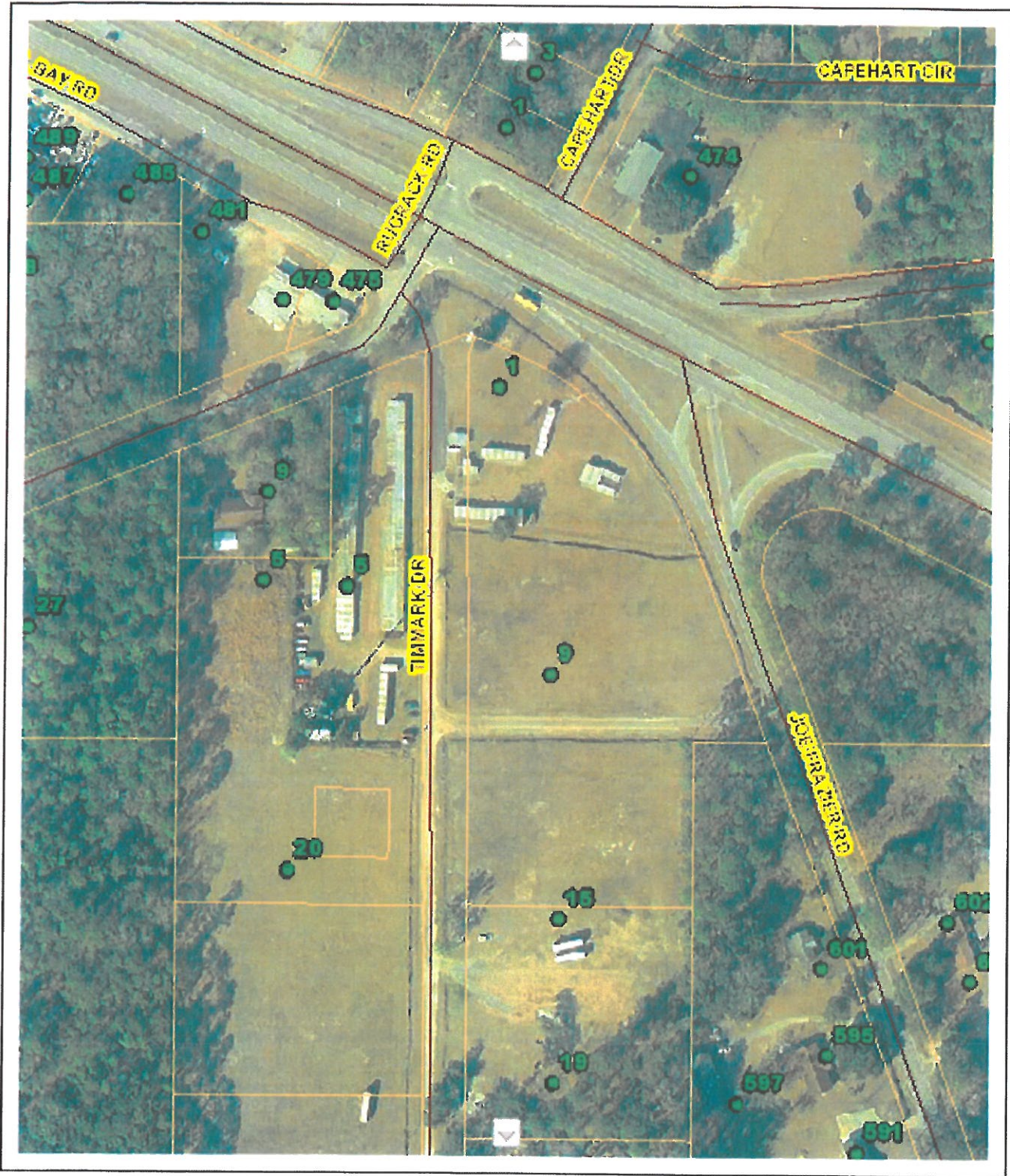
R100 024 000 0020 0000 & R100 024 000 0416 0000

LEGEND

- Rural Transitional Overlay
- Suburban
- Commercial Suburban
- Military
- Light Industry
- Industrial Park

REZONING AMENDMENT FROM RURAL TRANSITIONAL OVERLAY TO COMMERCIAL SUBURBAN





BEAUFORT COUNTY GIS WEB SITE/DATA USE POLICY

The information contained on this web site is made available to the public 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.

Legend	
— County Outline	— State Hwy
• Address Points	— US Hwy
— Streets	— Interstate
— Canals	— Water
— Parks	
☒ Traffic Cameras	
— Solis Layer	



BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE 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): PUD Master Plan Change
 Zoning Map Designation/Rezoning Zoning & Development Standards Ordinance Text

2. Give exact information to locate the property for which you propose a change:
Tax District Number: R100, Tax Map Number: 024, Parcel Number(s): 0020 0416
Size of subject property: 8 +/- Square Feet Acres (circle one)
Location: 5 RUGRACK ROAD

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

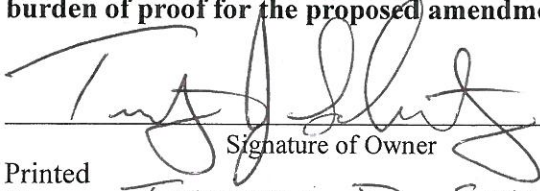
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: _____
(Under Item 10 explain the proposed text change and reasons for the change.)

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 (see attached sheets) 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): 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 _____ Date 11-15-11
Printed Name: TIMOTHY S. SCHWARTZ Telephone Number: 843-263-3400
Address: 24 SEAGULL DRIVE, BEAUFORT, SC 29907
Email: NDISC@LIVE.COM
Agent (Name/Address/Phone/email): _____

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 WHERE YOUR PROPERTY IS LOCATED. 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.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



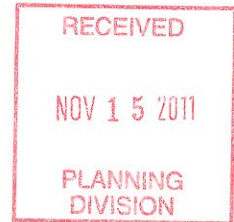
Date Posting Notice Issued:

Application Fee Amount Received: \$250⁰⁰

Receipt No. for Application Fee: 111149

ZMA
16

TIMMARK G.P.
TIMOTHY J. SCHWARTZ
30 Robert Smalls Parkway, Ste. 1
Phone: (843) 263-3400
Fax: (843) 521-5052
ndisc@live.com



November 15, 2011

Beaufort County
Planning Department

RE: 5 Rug Rack Road, Zoning Change

9. Explanation.

The property was previously zoned "commercial" until the County did a large County-wide rezoning in 1999.

The property has had a least one commercial business operating on it continually for 32 years. It has been zoned commercial property (prior to 1999), been used as commercial property and it is requested the zoning go back to commercial zoning.

The contiguous property owned by the Middleton family was zoned Suburban Commercial and was/is used as residential. The 10 acres zoning was recently re-zoned to Rural zoning for their residential use.

Our property is on the intersection of a four lane State highway with two intersecting; two lane State highways.

Our property has been used commercially since 1979 and it is respectfully requested the zoning be changed back to a commercial zoning being, Suburban Commercial.

During the first preliminary meeting with the Beaufort County Planning Department, I was told to sub-divide the property because it would not be recommended for the entire property to be rezoned. The property is now sub-divided. Rezoning the front/highway portion with the businesses on it; "commercial suburban", will still allow acreage of Rural zoning between the Suburban Commercial and Mr. Landon's Rural Residential properties.

Thank you for your consideration in this matter,



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

December 7, 2011

RE: Notice of Public Meetings to Consider a Port Royal Island Map Amendment/Rezoning Request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (totaling 8.29 acres at the junction of Joe Frazier, Laurel Bay and Rug Rack Roads, with both parcels separated by Timmark Drive); zoned from Rural Zoning District with Transitional Overlay (R-TO), to Commercial Suburban (CS) Zoning District; Owner: Timmark General Partnership / Applicant: T. Schwartz

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. You are invited to attend the following meetings and public hearings to provide comments on the referenced proposed map amendment in your neighborhood. A map of the properties is attached to this letter.

1. The **Beaufort-Port Royal Metropolitan Planning Commission** (acting as a subcommittee of Beaufort County Planning Commission for the unincorporated parts of Port Royal Island and Lady's Island): **Monday, December 19, 2011, at 5:30 p.m.** at City of Beaufort Council Chambers (second floor of City Hall), 1911 Boundary Street, Beaufort, SC 29902.
2. The **Beaufort County Planning Commission** of Beaufort County Council: **Thursday, January 5, 2012, at 6:00 p.m.** in the Beaufort County Council Chambers, 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, February 6, 2012, at 2:00 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 5:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC., or at the Beaufort County Library, Hilton Head Island Branch, 11 Beach City Road, Hilton Head Island, SC. County Council must meet three times prior to making a final decision on this case. Please contact the County Planning Department at (843) 255-2140 for specific dates, times and location.

December 7, 2011

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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,



Delores Frazier
Assistant Planning Director

Attachment: Map of the Affected Properties

PROPERTY OWNERS NOTIFIED OF REZONING REQUEST FOR R100-24-20 -416

(8.46 ACRES AT CORNER OF RUG RACK, LAUREL BAY AND JOE FRAZIER ROADS) FROM RURAL TO COMMERCIAL SUBURBAN

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 24 0397	BRANCH BANKING AND TRUST COMPANY	2301 LUCIEN WAY STE 395	MAITLAND	FL	32751
R100-24A-41, -42, -6B	CITY OF BEAUFORT	1911 BOUNDARY STREET	BEAUFORT	SC	29902
R100 24 0026	CORBIN LUTHER E JR--TRUSTEE	POST OFFICE BOX 973	BEAUFORT	SC	29901-0973
R100 24A 1	FIRST UNITED PENTECOSTAL CHURCH	484 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100 24A 0039	GENTRY REVOCABLE MARITAL TRUST AGREEMENT	2847 ROYAL OAKS DRIVE	BEAUFORT	SC	29902
R100-24-44 & -45, 314 TO -318	LONDON LOWELL N ETHELEEN	573 JOE FRAZIER ROAD	BEAUFORT	SC	29906
R100-24A-43 & -45	LONDON'S LP	573 JOE FRAZIER ROAD	BEAUFORT	SC	29906
R100 24 020C	LAPSLEY MARK C LEANOR A	6 EDGEWOOD COURT	HILTON HEAD ISL	SC	29926
R100 24 019A	LAUREL BAY TOWNHOMES OWNERS ASSOCIAT	6815 OAKMONT DRIVE	BEAUFORT	SC	29906
R100 24A 0119	LBL OF BEAUFORT LLC	215 BURROUGHS AVENUE	BEAUFORT	SC	29902
R100 24A 0102	MARTIN CECIL W JR	52 TANGLEWOOD	BEAUFORT	SC	29906
R100 24 020B	MCCARTHY KAREN M PATRICK L	4 WOLCOTT ROAD	FREDERICKSBURG	VA	22405
R100 24 020D	MCCARTHY PATRICK L KAREN G	4 WOLCOTT ROAD	FREDERICKSBURG	VA	22405
R100 24 0385	MENNE JANICE MCCARTHY KAREN MENNE JA	2920 STARMOUNT DRIVE	VALRICO	FL	33594
R100 24 020A	MIDDLETON DONALD	9 RUG RACK ROAD	BURTON	SC	29902
R100 24 0027	MIDDLETON JOHN I & ROSA HRS OF MIDDLE	595 JOE FRAZIER ROAD	BURTON	SC	29906
R100 24 006C	PEEPLS WM JOINER	367 GENEVA DRIVE	EARLY BRANCH	SC	29916
R100 24 6	PORT ROYAL OIL CO INC	485 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100 24A 0040	ROGERS LYNN M	5 CAPEHART DRIVE CAPEHART S/D	BEAUFORT	SC	29906
R100 24 0021	SMALLS HRS OF J W % VIRGINIA LIVINGS	18 RUG RACK ROAD	BEAUFORT	SC	29906
R100 24 006D	SPORTS CAR CENTRE LTD	485 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100-24-20, -415 TO -418	TIMMARK GENERAL PARTNERSHIP	30 ROBERT SMALLS PARKWAY	BEAUFORT	SC	29906
R100 24 0019	TRASK HAROLD E JR	8 FIR TREE LANE	ASHEVILLE	NC	28803