



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

PLANNING COMMISSION
Monday, February 4, 2013
6:00 p.m.
Council Chambers, Administration Building
100 Ribaut Road, Beaufort, South Carolina

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting.

1. COMMISSIONER'S WORKSHOP – 5:30 P.M.
Planning Office, Room 115, County Administration Building
2. REGULAR MEETING - 6:00 P.M.
Council Chambers
3. CALL TO ORDER – 6:00 P.M.
4. PLEDGE OF ALLEGIANCE
5. REVIEW OF MINUTES
A. January 7, 2013 ([backup](#))
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. PUBLIC COMMENT AND RECOMMENDATION
 - A. Southern Beaufort County Future Land Use Map Amendment for R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 parcels totaling 113+/- acres north of U.S. 278 and west of Graves Road) from Community Commercial (approximately 21 acres fronting US 278) and Rural (for remainder of property) to Regional Commercial (approximately 65 acres front US 278) and Neighborhood Mixed-Use (approximately 48 acres at the rear of the properties); Owners/Applicants: Robert Graves, John Graves and Paul Graves (*Withdrawn by staff due to late submission by applicants*)
 - B. Southern Beaufort County Zoning Map Amendment / Rezoning Request for R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 parcels totaling 113+/- acres north of U.S. 278 and west of Graves Road) from Rural with Transitional Overlay (approximately 33 acres fronting US 278) and Rural (80 acres of the remainder of the properties) to Commercial Regional (approximately 65 acres fronting US 278) and Suburban (approximately 48 acres at the rear of the properties); Owners/Applicants: Robert



Graves, John Graves and Paul Graves (*Withdrawn by staff due to late submission by applicants*)

- C. 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](#))
- D. 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](#))

A. OTHER BUSINESS

- A. Next Meeting – Monday, March 4, 2013, at 6:00 p.m.

B. ADJOURNMENT



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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, January 7, 2013, in County Council Chambers, Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Jim Hicks, Chair	Mr. Robert Semmler, Vice Chair	Mr. Charles Brown
Ms. Diane Chmelik	Ms. Mary LeGree	Mr. Ronald Petit
Mr. Edward Riley III	Mr. E. Parker Sutler	Mr. John Thomas

Members Absent: None

Staff Present:

Mr. Anthony Criscitiello, County Planning Director
Ms. Barbara Childs, Admin. Asst. to County Planning Director

CALL TO ORDER: Chairman Hicks called the meeting to order at approximately 6:03 p.m.

PLEDGE OF ALLEGIANCE: Chairman Hicks led those assembled in the Chambers with the pledge of allegiance to the U.S.A. flag.

REVIEW OF MINUTES: Motion: Mr. Semmler made a motion, and Ms. Chmelik seconded the motion, to accept the October 1, 2012, Planning Commission meeting minutes, as written. No discussion occurred. The motion was carried (FOR: Chmelik, Hicks, Petit, Riley, Semmler, and Thomas; ABSTAINED: Brown, LeGree and Sutler).

CHAIRMAN’S REPORT: Chairman Hicks noted an agenda change—that the Graves’ map amendments/rezoning request were removed from tonight’s agenda by the staff because the application was incomplete since the traffic impact analysis study was missing. The Applicants have requested to present an update of their application. The Commission will not make a decision on these map amendments/rezoning request. With approval from the Commissioners, it would be to the Commissioners interest to hear the differences between the last applications and the revised applications. Chairman Hicks asked about the differences. Mr. Thomas made a motion, and Mr. Semmler seconded the motion, to allow the presentation by the Graves’ representatives at tonight’s meeting. No further discussion occurred. The motion was unanimously carried (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).

PUBLIC COMMENT ON NON-AGENDA ITEMS: No comments were received.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, TABLE 106-1098 – GENERAL USE TABLE AND SECTION 106-1292(3) – BOAT SALES AND SERVICE (TO ALLOW BOAT SALES IN COMMERCIAL SUBURBAN ZONING DISTRICTS); APPLICANT: FRANCES M. RABON

Mr. Criscitiello briefed the Commission on the application. He noted that the applicant asked him to visit the intended site (formerly Beaufort Glass on Highway 170) that is currently unoccupied. Mr. Criscitiello noted that boat repair, but not boat sales, did not make sense; so he encouraged the applicant to apply for a text amendment. He noted that the boat sales near the boat landing on Lady's Island off Highway 21 was a similar text amendment. Additional requirements were added by staff to the Zoning and Development Standards Ordinance (ZDSO) regarding this text amendment.

Chairman Hicks opened the floor for comments from the applicant. The applicant was not present at the meeting.

Discussion included the intended site being next to, but not including the former Beaufort Fun Park; clarification that the Commission had put limitations on the Lady's Island boat sales site to prevent a line of boats along the major road; specific sites should not be discussed with this text amendment since all commercial suburban districts would be affected by this text amendment; the requirements of adequate screening from the road; clarification that the applicant is currently engaged in boat sales and repairs elsewhere; the occupancy of a vacant building in a constructive way; the applicant being advised to discuss annexation into the Town of Port Royal which could not occur due to the abutting cemetery; and Town of Port Royal planning administration having no objections to the perceived upzoning per its ordinances.

Public Comment: None was received.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend to County Council approval of the staff proposed Text Amendments in Articles V, Table 106-1098 and Section 106-1292(3) that will allow boat sales in Commercial Suburban district with certain requirements.** The motion was carried **unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

SOUTHERN BEAUFORT COUNTY FUTURE LAND USE MAP AMENDMENT FOR R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 PARCELS TOTALING 113+/- ACRES NORTH OF U.S. 278 AND WEST OF GRAVES ROAD) FROM COMMUNITY COMMERCIAL (APPROXIMATELY 21 ACRES FRONTING US 278) AND RURAL (FOR REMAINDER OF PROPERTY) TO REGIONAL COMMERCIAL (APPROXIMATELY 65 ACRES FRONT US 278) AND NEIGHBORHOOD MIXED-USE (APPROXIMATELY 48 ACRES AT THE REAR OF THE PROPERTIES); OWNERS/APPLICANTS: ROBERT GRAVES, JOHN GRAVES AND PAUL GRAVES (*Withdrawn by staff due to incompleteness*)

--AND--

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R603-021-000-007B-0000, R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000 (7 PARCELS TOTALING 113+/- ACRES NORTH OF U.S. 278 AND WEST OF GRAVES ROAD) FROM RURAL WITH TRANSITIONAL OVERLAY (APPROXIMATELY 33 ACRES FRONTING US 278) AND RURAL (80 ACRES OF THE REMAINDER OF THE PROPERTIES) TO COMMERCIAL REGIONAL (APPROXIMATELY 65 ACRES FRONTING US 278) AND SUBURBAN (APPROXIMATELY 48 ACRES AT THE REAR OF THE properties); Owners/Applicants: Robert Graves, John Graves and Paul Graves (*Withdrawn by staff due to incompleteness*)

Informational Presentation Only:

Chairman Hicks noted that there would be no presentation by staff because staff was awaiting the traffic impact analysis from the applicant. However, the applicant's representative has requested time at this meeting to provide an overview of their clients' modified plan.

Mr. Jim Scheider, the applicant's representative, extended thanks to the Planning staff and Chairman Hicks, for allowing the presentation to occur. The Graves Family has sought for years to rezone the properties. They have worked hard and thoughtfully to do what we all think is the most important endeavor—to protect the Okatie River. They have removed the acres along the Okatie River that will be on a separate track in discussion with the County. This month's presentation will be on land use. Next month's presentation will be on traffic only. Essentially, this is a change from rural property to commercial. Mr. Scheider introduced Ms. Jennifer Bihl, their traffic engineer; Mr. Milt Rhodes, their land planner; and Messers. Robert and Lane Graves, two of the three applicants. Tonight's purpose is to show what they have done in concert with the County to scale down the application in relation to land uses. Concerns voiced by staff and the Commissioners such as big box stores, protection of the Okatie, and controlling the proliferation on the property were heard. They have a workable concept plan to present.

Mr. Milt Rhodes thanked Commission. He noted that Rural-Transitional Overlay zoning was placed on the properties when Highway 278 was not over capacity. The Graves Family is interested in high-quality, long-lasting development. In his power point presentation he noted the 300-foot buffer along the Okatie River, called the river protection tract, is not included in the application. The northern end of the property contains a 48-acre suburban tract that will utilize traditional neighborhood design. The 65-acre commercial tract along Highway 278—includes current rural-transitional overlay and part of suburban zonings. The properties will contain form-based code districts T5 main street and transition to T3, with T1 for river protection tract. The Future Land Use (FLU) and Zoning maps will be upzoned. Mr. Rhodes discussed the comments from the municipalities and how the new plan addressed those comments. He stated that the applicants must meet traffic impacts concerns and stormwater regulations. Connectivity, caps on development, and frontage roads will have to be worked out. The applicant is asking to use the existing standards. They are proposing 700,000 square feet of commercial space, 240 residential units, and a 20% transfer component between commercial and residential uses. The individual commercial buildings will not exceed 75,000 square feet. Any other zoning would not work for this property.

Mr. Scheider noted that the applicants have scaled down to 700,000 from 1 million square feet of commercial space, and has limited the size of commercial buildings. If approval is granted by the Commission and County Council, a development agreement will be entered into by the applicants.

Mr. Rhodes noted the differences between the original request and the modified, downsized proposed development.

Chairman Hicks noted that rezoning must be approved outright by the Commissioners. When approved for Commercial Regional the allowable uses according to the current zoning and development standards ordinance (ZDSO) relate to the property, regardless of what has been presented. Until a development agreement is issued/agreed upon, the caveats presented are not part of the rezoning issue. Chairman Hicks reminded Mr. Scheider that development agreements are part of the Natural Resources Committee process, not the Planning Commission process.

Mr. Scheider noted that they have had a development agreement drafted for some time and are prepared for to discuss that agreement at another time. He thanked the Commission for their time.

Discussion included clarification of the Okatie River along the west of the properties

Chairman Hicks noted that the Commission will review and vote on the rezoning request at their February 2013 meeting. He noted that the traffic analysis will be presented then, and that stormwater input was not required at the next meeting. He asked the Commissioners if there was any other information needed for the rezoning request. No comment was received by the Commissioners.

OTHER BUSINESS: None were noted.

ADJOURNMENT: Mr. Sutler made a motion, and Mr. Thomas seconded the motion, to adjourn meeting. There were no objections to ending the meeting. Chairman Hicks adjourned the meeting at approximately 6:57 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Jim Hicks, Beaufort County Planning Commission Chairman

APPROVED: February 4, 2013, as written



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Anthony Criscitiello, Planning & Development Director *T.C.*

DATE: January 28, 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

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: Beaufort County Planning Commission

From: Anthony J. Criscitiello, Planning & Development Director ^{TJC}

Date: January 28, 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)

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 sq. ft. to 4,000 sq. ft.

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 sq. ft. building allowed by the present ordinance. Further investigation found that the six existing convenience stores on the island average 2,712 sq. ft., which is in line with the national average size of 2,768 sq. ft. for such stores. However, new stores being built average 2,800 sq. ft. of sales area and another 1,900 sq. ft. for non-sales areas for a total of 4,700 sq. ft. (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 sq. ft. to 4,000 sq. ft. 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.