

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, March 3, 2014 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 December 2, 2013 (backup)
- 6. CHAIRMAN'S REPORT
- 7. PUBLIC COMMENT ON NON-AGENDA ITEMS
- 8. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, TABLE 106-1098 TO ALLOW CONTRACTOR'S OFFICE WITH EXTERIOR STORAGE IN COMMERCIAL SUBURBAN DISTRICTS; APPLICANT: DARRELL SNYDER / AGENT: LILLIAN THOMAS (backup)
- 9. OTHER BUSINESS
 - A. Next Meeting Monday, April 7, 2014, at 6:00 p.m.
- 10. ADJOURNMENT









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The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, December 2, 2013, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Ms. Jennifer Bihl Ms. Diane Chmelik, Acting Chairman Ms. Mary LeGree Mr. Ronald Petit Mr. Edward Riley III Mr. Randolph Stewart

Members Absent: Mr. Charles Brown; Mr. Robert Semmler, Chairman; and Mr. John Thomas,

Vice-Chairman

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director

Ms. Barbara Childs, Admin. Asst. to Planning Director

SELECTION OF ACTING CHAIRMAN: Mr. Anthony Criscitiello noted the absence of the Chairman and Vice-Chairman and asked that the Commissioners present at the meeting select an acting Chairman for tonight's meeting. **Motion:** Mr. Ronald Petit made a motion, and Ms. Mary LeGree seconded the motion, **to nominate Ms. Diane Chmelik to act as tonight's temporary meeting Chairman.** Ms. Chmelik accepted the nomination. No further nominations were offered and the nominations were closed. The motion **was carried unanimously** (FOR: Bihl, Chmelik, LeGree, Petit, Riley, and Stewart). Ms. Chmelik took the gavel and Chairman's seat.

CALL TO ORDER: Acting Chairman Diane Chmelik called the meeting to order at approximately 6:02 p.m.

PLEDGE OF ALLEGIANCE: Ms. Chmelik led those assembled in the Council Chambers with the pledge of allegiance to the flag of the United States of America.

REVIEW OF MINUTES: The Commission reviewed their November 7, 2013, meeting minutes. No changes were noted. **Motion:** Ms. Mary LeGree made a motion, and Mr. Ed Riley seconded the motion, **to accept the November 7, 2013, minutes as written.** No discussion occurred. The motion **was carried** (FOR: Bihl, Chmelik, LeGree, Petit, Riley, and Stewart).

CHAIRMAN'S REPORT: None was offered.

PUBLIC COMMENT on non-agenda items: None were received.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V. USE REGULATIONS, SECTION 106-1287. COMMERCIAL RETAIL, REGIONAL (ADDS STANDARDS TO ALLOW ADAPTIVE RE-USE OF LIGHT INDUSTRIAL PROPERTIES); APPLICANT: DAVID TEDDER

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners. He noted that this is a continuation of the November 7, 2013, meeting because the applicant asked for a postponement of the Commissioners' recommendation. The Marine Corps representatives, Mr. Tedder, and Mr. Criscitiello met to discuss the text amendments. Mr. Criscitiello noted that the staff recommendation stands as was presented at the October 7, 2013, Commission meeting to make the adaptive reuse of light industrial properties as a special use, rather than an allowed use. The staff felt that the Zoning Board of Appeals (ZBOA) and the Development Review Team (DRT) should review the merits of such adaptive reuses on a case-by-case basis. The staff made the text amendment recommendation to keep the light industrial properties from morphing into commercial regional uses. The staff must consider the long-term implications and ramifications of such adaptive reuses, county-wide. The applicant's specific property in question is within the Airport Overlay District where noise abatement issues must be addressed.

Commission discussion included a clarification on the text amendment being compatible to the Air Installation Compatibility Use Zone (AICUZ).

Applicant's Comments: Mr. David Tedder, the applicant, acknowledged that this was a revisit from the October 7, 2013, Commission meeting. Mr. Tedder noted that the operator and owner of the Flea Market was sitting in the audience, Katherine Lowe. He proceeded that the (existing) original ordinance says if you have exterior sales, you are considered to be a commercial retail, regional use—which is the applicant's desire. Another existing standard states that you can only apply for outdoor sales four times a year, and that is not feasible for a flea market. The site had been unproductive for three years. The site is peculiarly situated for a flea market. He noted the three areas of light industrial in Beaufort County. The Zoning and Development Standards Ordinance (ZDSO) restricts no more than 5% of retail sales in light industrial districts. Large industrial prospects have been not been attracted to these areas. He asked if the site has been "dark" (unused) for long periods of time, why not allow remove the retail sales restriction. If there is an area that is not in the AICUZ for adaptive reuses, why go before the ZBOA as special use? He noted the various discussions with staff and the USMC representatives regarding limited and special uses standards. He stated why not have a limited use for up to 60% of retail space within an existing building; if a higher percentage is involved then the special use would apply. Mr. Tedder believes the use is compatible with the Comprehensive Plan. He suggested using berms or roofed outdoor sales to provide noise abatement. He believes USMC concerns are burdensome. Mr. Tedder's client has been in operation for six months under a temporary permit and has not received any complaints traffic, noise, etc. He noted his major recommendations are the 60% retail use in existing buildings as limited use, special use standards, traffic impact analysis (TIA) standards, differing standards if properties are within and outside of the Airport Overlay District, using the date of the text amendment adoption as the cut-off date for existing structures on light industrial properties, and limiting operational days to Friday through Sunday. He has given his changes to the USMC representative.

Commission discussion included a clarification of the staff recommendation regarding the AICUZ, a clarification of the applicant's text amendment regarding the 60% of retail sales in an existing building and the standards for special and limited uses, the outdoor sales being special use, the text amendment being non-site specific, the proposed County ordinance being a form-based Code where the use of the building is germane, the rebuild criteria if the building were burnt down, the use of the Institute of Transportation Engineers (ITE) manual rather than requiring a TIA if the estimated trips

are within 10% of the figures in the manual. Mr. Criscitiello stated he would prefer input from the County Traffic Engineer regarding the need for a TIA for each adaptive reuse project.

Public Comment: Mr. Jason Mann, the U.S. Marine Corps Air Station Community Plans Liaison Officer, thanked the Commission for the opportunity to give his comments. The Airport Overlay District is hugely successful and lauded by the Department of Defense on partnering with the local community. The Air Station is pro-public safety and pro-health, not anti-flea market or antidevelopment. He noted that the F35B aircraft will be at the Air Station. There is also a training center on the base. There will be continual noise when the new aircraft and the training center come into effect. He explained that the existing Day-Night Average Sound Level (DNL) would increase greatly. Overhead noise will not be reduced by berms and setbacks that Mr. Tedder suggested. Outdoor activity will be affected severely by the anticipated overhead noise from the Air Station activities that may triple the current activity. Adoption of the proposed text amendment erodes the protection previously afforded the Air Station by the County. The Air Station, per the Department of Navy AICUZ guidance, is compelled to oppose open air flea markets/commercial outdoor sales in the Airport Overlay District due to potential public health and safety issues. Permitting such uses in the Airport Overlay District was triggered by a specific property owner. The potential impact of the text amendment County-wide is unknown. The County is setting itself up for conflict with the Air Station in the permitting process. The Air Station is trying to avoid a "death by a thousand cuts" where a series of decisions that slowly erode the protection that the County provided earlier but are not consistent with that earlier intended protection to the Air Station. He noted anticipated operation activities would include massive increases and higher volume.

Mr. Mann's response to Commission queries included: Mr. Tedder noted a reality show was filming at the flea market property; light industrial uses are compatible with the AICUZ; the grandfathered use of the neighboring drive-in theater could not be addressed; the statistics of decibel and safety problems in other communities; and a clarification on the AICUZ in relation to the specific property involved.

Mr. Tedder addressing Mr. Mann's concerns included: clarifying the overhead flights in relation to the property involved and the tower across from Air Station being 150 feet high; noting that the County animal shelter was across from applicant's site; noting that the Joint Land Use Study (JLUS) limiting weekend flying; comparing the flying noise to rock concert noise; the unfair comparison of Beaufort to Oceana that was impacted by residential development; the disbelief that Beaufortonians would protest the flying noises since most people are former military or work with the military; we need to learn to live together; commercial regional businesses would not settle in the industrial park with is not near the major arterial road; he would be willing to limited hours/days of operation for the flea market; the existing County ordinance suggests the berms and setbacks for noise attenuation; and the outdoor activities such as day care on the military base that would also be affected by the jet noises.

Further Commission discussion included adjusting the verbiage for appropriateness County-wide and to cover the two concerns—the applicant and the Air Station; the varying venues for additional public discussion, such as Natural Resources Committee and full Council; the Airport Overlay District does have many allowed uses despite this proposed text amendment for adaptive reuse on light industrial properties.

Public Comment: Mr. Joe Barth, owner of the drive-in movie theater next door, said it seemed logical to have the flea market. He is concerned with the upcoming Air Station activities and how it will affect his business—whether he should stay at the location.

Motion with no second: Mr. Randolph Stewart made a motion, and no second was received, to recommend the following: a limited use for existing structures only as long as 60% is for retail use, each adaptive reuse project to be subject to staff/traffic engineering approval, require special use permitting for outdoor sales, require outdoor sales only Friday through Sunday from 7:00 a.m. through 8:00 p.m., and such adaptive reuses of existing buildings are to be effective as of the adopted date of the proposed ordinance.

Discussion included Mr. Criscitiello noting that the special use was for outdoor sales within the Airport Overlay District, that the standards in Mr. Stewart's motion were acceptable to Mr. Criscitiello, that outside the Airport Overlay District it would be limited use if 60% of the building were for retail use and special use if more than 60%, a clarification of the motion verbiage, and supporting special use only per the staff recommendation, Mr. Stewart withdrawing his motion since there was no second to his motion, noting that special use permits go with the land, that the applicant was operating under a temporary permit until Council made a decision on this text amendment, the Air Station's main concern being outdoor sales in the AICUZ, that the adaptive reuse function was to encourage using existing unoccupied light industrial buildings, concern with when limited and special use standards are used when the percentage of retail sales within an existing building occurs, and a clarification of the requested text amendments by the applicant and the staff.

Main Motion: Mr. Ronald Petit made a motion, and Mr. Ed Riley seconded the motion, to recommend approval to County Council of the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use Regulations, Section 106-1287. Commercial Retail, Regional that adds standards to allow adaptive re-use of light industrial properties, as recommended by the Planning staff. Further discussion included clarification of the motion. The motion was carried unanimously (FOR: Bihl, Chmelik, LeGree, Petit, Riley, and Stewart).

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE VII, SEC. 106-1912. WATER DEPENDENT USES (ADDS STANDARDS TO ALLOW COMMERCIAL DOCKS FOR MARICULTURE USE); APPLICANT: FRANK ROBERTS

Mr. Anthony Criscitiello briefed the Commission. The text amendment is consistent with the Comprehensive Plan. Mariculture is considered a rural use in the existing ordinance. We are broadening the application for commercial mariculture uses in the Fishing Village Overlay District and areas that are abutting to small tidal creeks.

Applicant's Comments: Mr. Frank Roberts, the applicant, is the owner and operator of Lady's Island Oyster Farm. He noted that he grows his own oysters in racks in the Coosaw River and his market is the single oyster market. 99% of his product goes to Charleston. He introduces the seeds to the environment, rather than taking wild oysters. He explained his process that begins in the Coosaw River and his processing area is on Trask Parkway. Food and Drug Administration (FDA) have time and temperature restrictions to move the oysters to a controlled temperature environment. The ability to process the oysters at the dock will allow him to meet the FDA requirements and bring

a superior to market quicker. His is the first oyster mariculture operation in Beaufort County. His uses a small boat, his operation is small, and he does not affect the environment. It takes him 15 minutes to move the seeds from the grow out area to the processing area. His goal is not to warehouse on the land, but to process and ship to the markets as quickly as possible.

Commission discussion included a clarification of his existing operation, the text amendment would allow him to use a dock that will reduce his processing time from the grow out area to the processing area, giving kudos to the operator for his business, stating that the County Council give provide incentives to his type of business, and wondering if abutting property owners had comments. No abutting property owners were present at the meeting.

Public Comment: None were received.

Motion: Mr. Petit made a motion, and Mr. Stewart seconded the motion, to recommend approval to County Council to the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article VII, Sec. 106-1912. Water dependent uses to add standards to allow commercial docks for mariculture use, as recommended by the Planning staff. The motion was carried unanimously (FOR: Bihl, Chmelik, LeGree, Petit, Riley, and Stewart).

OTHER BUSINESS: None were discussed.

ADJOURNMENT: Ms. Chmelik adjourned the meeting, with no objections from the Commissioners present, at approximately 7:46 p.m.

SUBMITTED BY:	
	Barbara Childs, Admin. Assistant to the Planning Director
	Diane Chmelik, Acting Beaufort County Planning Commission Chairman
APPROVED:	January 6, 2014, as written

Note: The video link of the December 2, 2013, Planning Commission meeting is: http://beaufort.granicus.com/MediaPlayer.php?view_id=2&clip_id=1286



MEMORANDUM

To:

Beaufort County Planning Commission

From:

Anthony J. Criscitiello, Planning & Development Director T.c.

Date:

February 24, 2014

Subject: Proposed Amendment to the Zoning and Development Standards Ordinance (ZDSO)

STAFF REPORT:

A. BACKGROUND:

Case No.

ZTA 2014-01

Applicant:

Darrell Snyder

Proposed Text Change:

Text Amendment to Permit a Contractor's Office with Exterior

Storage in the Commercial Suburban (CS) Zoning District

B. SUMMARY OF REQUEST:

The applicant is proposing to amend Table 106-1098 (General Use Table) so that contractors' offices with exterior storage are permitted in the Commercial Suburban (CS) District as shown below (deletions are shown as strike through and additions are shown underlined). This amendment was initiated because the applicant has rented property that is zoned CS to a general construction company that is using the property as an office and to store equipment, trucks, construction vehicles and materials on the site. In the ZDSO, this type of business, with exterior storage, is listed under "building, development and general contracting," which is only permitted in the Light Industrial (LI), Industrial Park (IP), and Rural Business (RB) districts.

ARTICLE V. USE REGULATIONS

106-1098. GENERAL USE TABLE [Excerpt]

			Pri	ority A	reas				Rural Areas				
Land Use	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC	Additional Standards (See Section)	Use Definition
COMMERCIA	L USI	ES											
Office	L	L	Y	Y	L	Y	L	N	N	L	N	106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:

				Finance, banks, trusts, savings and lending
	ļ			2. Security, commodity brokers and investment services
				3. Insurance carriers, agents, brokers, and services
				4. Real estate services
				5. Professional and technical services
				6.Business services
				7. Health services
				8. Social services (except care facilities)
		:		9. Educational services, such as business schools, technological, and trade schools (excluding public and private schools defined as institutional)
				10. Civic and social organizations
				11. Agricultural support and services (offices only)
				12. Governmental offices
				13. Parking lots
				14. Contractor's office without including those with exterior
				storage

C. ANALYSIS:

Section 106-493 of the ZDSO lists 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those applicable to the text change request.

Sec. 106-493. Standards for zoning text amendment.

A zoning ordinance text amendment may be approved if:

1. It would implement a new portion of the comprehensive plan or amendment.

(Not Applicable)

2. It would implement and better achieve the comprehensive plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.

(Not Applicable)

3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

(Not Applicable)

4. It is necessary to respond to state and/or federal legislation.

(Not Applicable)

5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.

The County's Commercial Suburban (CS) district was established for the purpose of providing for a limited number of retail, office and service uses intended to serve and blend in with surrounding neighborhoods. The attached zoning maps show the locations of CS districts in the County. Section 106-961(b) of the ZDSO states that the standards established for the CS district are intended to "ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area."

The proposed amendment would open the CS district to uses with exterior storage needs that are light industrial rather than neighborhood commercial in character. This would be in conflict with the purpose of the CS district as established by the ZDSO.

6. It addresses a new use, changing conditions, and/or clarifies existing language.

(Not Applicable)

7. It clarifies the ordinance or makes adjustments to account for interpretation.

(Not Applicable)

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-493 of the ZDSO, staff recommends denial of the requested text amendment.

BEAUFORT COUNTY, SOUTH CAROLINA PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

	ndersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance O) 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: 100 , Tax Map Number: 0031 , Parcel Number(s): 014 Size of subject property: 1.91 acces Square Feet / Acres (circle one) Location: 390 Por(15 Island Galeway
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 () Rural Residential/RR () Rural Business/RB () Research & Development/RD () Resource Conservation/RC () Planned Unit Development/PUD
4.	What new zoning do you propose for this property? text ammendment change to the (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 9 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. c. Sections 106-2441 and 106-2442, General and Special Considerations for Planned Unit Developments (PUDs) d. Section 106-2450, Traffic Impact Analysis (for PUDs)
Rev.	4/11 FILE NO:// Initiated by: STAFF / OWNER (Circle One)

Beaufort County, SC, Proposed Zoning/Development Standards Ordinance Map/Text Amendment Application Page 2 of 2
9. Explanation (continue on separate sheet if needed): To continue operations as we have done so over the past several
as we have done so over the past several
months; to allow exterior Storage of equipment and vehicles.
and vehicles.
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 Printed Name: Davrell Snyder Number: 843.322-1978
Signature of Owner Date
Name: Darrell Snyder Number: 843.322-1978
Address: 390 Parris Island Gateway Beaufort SC 29906
Email: d3390pi@yahoo.com
Agent (Name/Address/Phone/email): Lillian Thomas 390 Paris Island Gatewa
843.441.2187 too lillian@lather construction. com
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 ALI 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 NOOF FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDS) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE SUBCOMMITTEE MEETING DATE
PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15 COPIES TO THE PLANNING DEPARTMENT. CONSULT THE 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: #250
(place received stamp below) Application Fee Amount Received: # 250 000
RECEIVED Receipt No. for Application Fee: 28082
AECEIVED
JAN 28 2014 27A 2014/01
Rev. 4/1 PLANNING FILE NO: // Initiated by: STAFF OWNER (Circle One)



