



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

Thursday, November 7, 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 – October 7, 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. USE REGULATIONS, SEC. 106-1287. COMMERCIAL RETAIL, REGIONAL (ADDS STANDARDS TO ALLOW ADAPTIVE RE-USE OF SITES, ETC.); APPLICANT: DAVID TEDDER ([backup](#))
9. OTHER BUSINESS
 - A. Next Meeting – Monday, December 2, 2013, 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, October 7, 2013, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

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

Members Absent: Mr. Robert Semmler, Chairman

Staff Present:

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

CALL TO ORDER: Acting Chairman John Thomas called the meeting to order at approximately 6:01 p.m.

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

REVIEW OF MINUTES: The Commission reviewed their September 5, 2013, meeting minutes. No changes were noted. **Motion:** Ms. Diane Chmelik made a motion, and Ms. Mary LeGree seconded the motion, **to accept the September 5, 2013, minutes as written.** No discussion occurred. The motion **was carried unanimously** (FOR: Bihl, Chmelik, LeGree, Petit, Riley, and Stewart; ABSTAIN: Brown and Thomas).

CHAIRMAN’S REPORT: No comment.

PUBLIC COMMENT for items other than agenda items: None were received.

ZONING MAP AMENDMENT / REZONING REQUEST: R600-31-48 / 2 GOETHE ROAD, BLUFFTON, SC; FROM SUBURBAN TO COMMERCIAL SUBURBAN; OWNER-APPLICANT: GILBERTO MATEUS

Mr. Anthony Criscitiello briefed the Commission. This map amendment is consistent with the County’s Comprehensive Plan and the proposed zoning request is consistent with the surrounding area. A 7,840-square foot building can occupy the property if the existing home were removed. Staff recommended approval of this rezoning request and Southern Beaufort County Subcommittee recommended approval to the Planning Commission.

Applicant's Comment: Mr. Gilberto Mateus, the applicant, agreed with the staff recommendation.

Public Comment: Mr. William Godfrey owns an abutting property. There is a day care across the street from the property. He is concerned that the property's egress and ingress might affect the nearby day care center. Mr. Criscitiello noted that the situation would be addressed during future site development of the property to insure that the day care center would not be impacted.

Motion: Ms. Diane Chmelik made a motion, and Mr. Charles Brown seconded the motion, **to recommend approval to County Council of the Map Amendment / Rezoning Request for Southern Beaufort County Map Amendment for R600-040-000-001C-0000 (1 acre at 2 Goethe Road, Bluffton, SC) from Suburban to Commercial Suburban.** No discussion occurred. The motion was **carried unanimously** (FOR: Bihl, Brown, Chmelik, LeGree, Petit, Riley, Stewart, and Thomas).

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V. USE REGULATIONS, TABLE 106-1098. LIGHT INDUSTRY USES (ADDS LIGHT INDUSTRIAL AND WAREHOUSING / DISTRIBUTION AS ALLOWED USE IN COMMERCIAL REGIONAL DISTRICTS); APPLICANT: MICHAEL G. DAVIS / AGENT: MICHAEL KRONIMUS

Mr. Criscitiello briefed the Commissioners on the proposed amendments for the warehousing and distribution uses in regional commercial districts. The origin of the text amendment is to accommodate a property owner since the use currently was not allowed. The text amendment is consistent with the Comprehensive Plan. The Staff recommended approval for the use as limited instead of permitted as requested by the applicant. The Staff also added standards for the limited use.

Commission discussion included the limited standard that would allow the staff to review development plans at submission on a case-by-case basis, and concern that the change is across the board rather than property related.

Applicant's Comments: Mr. Michael Kronimus, the applicant's agent, explained that the applicant would like to expand his business and the existing standards do not allow the expansion in an existing building. When asked by Mr. Thomas if the staff recommendations were acceptable, Mr. Kronimus stated he was fine with the staff recommendations.

Motion: Ms. Mary LeGree made a motion, and Ms. Jennifer Bihl 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, Table 106-1098. Light Industry Uses, that adds light industrial and warehousing/distribution as a limited use in Commercial Regional Districts, as recommended by the Staff.** No further discussion occurred. The motion was **carried unanimously** (FOR: Bihl, Brown, Chmelik, LeGree, Petit, Riley, Stewart, and Thomas).

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

Mr. Criscitiello noted that Mr. Jason Mann of the Marine Corps Air Station Beaufort was in the audience and may wish to address the Commission on this topic.

Mr. Criscitiello briefed the Commissioners. He noted that Mr. Tedder's request would allow the applicant to fully utilize the building and the grounds he currently occupies that had been vacant for two years. The staff recommended a special use because of the unknown County-wide impact of this text amendment and a desire to maintain the light industrial zoning rather than morphing into Commercial Regional that is contrary to the Comprehensive Plan. Staff is not opposed to the applicant's request. The owner should be applauded for refurbishing an existing building. Staff did add qualifications to Mr. Tedder's request so that the Development Review Team (DRT) could evaluate, on a case-by-case basis, the merits of each adaptive reuse project. He cautioned the property was in the Airport Overlay District and noise abatement must be considered.

Discussion included clarifying the adaptive reuse of the property, noise consideration near the Air Station Beaufort, giving kudos for the reuse of the property, affirming the County-wide affect of the text amendment as a special use, concerns regarding traffic impact and ingress-egress issues, requiring a traffic impact analysis (TIA), and setting a time limit to prevent loud noise during late night hours.

Applicant's Comments: Mr. David Tedder, the applicant's agent, is helping the family that has redeveloped the property already. A temporary permit was issued by the County. Flea market is mentioned in one area of the ZDSO; but, there are no good standards just for flea markets. An adaptive reuse with a limited standard seemed appropriate. Limited use standards allow for 10% of retail use in light industrial districts, but special use standards require additional review by the Zoning Board of Appeals. There are three light industrial sections north of the Broad River—the Commerce Park, the area on Shanklin Road, and near Yemassee. He also added a limitation of the adaptive reuse occurring with 1000 feet of an arterial road. The special use will require a Community Impact Analysis (CIA). He recommended limited use with a Traffic Impact Analysis (TIA) being required if there were a 10% increase in traffic trips per day, to allow for flexibility. He questioned imposing the burden of a TIA if it were not necessary. Outdoor sales are prohibitive with only four permits per year per business—it would not work for a flea market. The property has a shared parking agreement with the drive-in theater next door, and is across from the Air Station and the Greenline business (at the southwest corner of Highway 21 and Parker Drive). Air Incompatibility Use Zone (AICUZ) requirements are not problematic. Mr. Tedder does not believe the Zoning Board of Appeal (ZBOA) review is required. If it is an allowable use, then the expansion should be an allowable use also. He noted the percentage he suggested for structural additions could be discussed with staff. Mr. Tedder asked that his

recommended language regarding stormwater calculation be returned to the existing ZDSO language. He urged a limited use, not the staff recommended special use.

Discussion by Commissioners included clarifying a parking agreement with the drive-in theater, clarifying Mr. Tedder's proposal, clarifying Mr. Tedder's request to return to limited instead of special use, and noting that Mr. Tedder's proposed text removed the staff's ability to analyze each project on a case-by-case basis.

Public Comment: Mr. Jason Mann, the U.S. Marine Corps Air Station Beaufort community planner, asked that the Commission table a decision so that he can further analyze the text amendment since he had experienced sequestration furloughing and may experience the Federal government shut-down. He believed he would have adequate time to complete his review before the next Commission meeting on November 7. Mr. Criscitiello asked if Mr. Tedder would agree to next Commission meeting and Mr. Tedder did agree with tabling the Commission recommendation until their November 7, 2013, Commission meeting.

Further Commission discussion included recommending that the staff and the applicant meet to discuss limited versus special uses, agreeing with posting the Commission recommendation until the November meeting, noting that the text amendment impacted county-wide versus site specific, and discussing the appropriateness of limited versus special uses.

Motion: Mr. Stewart made a motion, and Mr. Petit seconded the motion, **to postpone the Commission recommendation to County Council on the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use regulations, Sec. 106-1287. Commercial Retail, Regional, that adds standards to allow adaptive re-use of sites, etc., until the November 7, 2013, Commission meeting.** The motion was carried **unanimously** (FOR: Brown, Bihl, Chmelik, LeGree, Petit, Riley, Stewart, and Thomas).

OTHER BUSINESS:

- **Discussion on eliminating Planning Commission subcommittee meetings:**

Mr. Criscitiello noted that the additional work on the staff was difficult. When responding to the needs of the citizens, then the Commission may move their meetings to meet their needs. Mr. Semmler stated that media and citizens were not provided an opportunity to comment on the earlier rezoning before this Commission meeting, but the Southern Beaufort County Subcommittee did meet but there were no comments received then.

Discussion included recommending that the Commission meet in Southern Beaufort County on an as needed basis to accommodate the public, noting that the Commission subcommittees were proposed by the Commission and are not mandated by state law, recommending the reinstatement of subcommittee meetings on a case by case basis, and support to eliminate the Planning subcommittee meetings.

Mr. Criscitiello noted that the Staff was willing to work with the Commission.

Motion: Mr Petit made a motion, and Mr. Riley seconded the motion, **to eliminate the subcommittees effective immediately, with the proviso that the Commission is able to reinstitute the subcommittees as needed in the future.** No further discussion occurred. The motion **was carried unanimously** (FOR: Bihl, Brown, Chmelik, LeGree, Petit, Riley, Stewart, and Thomas).

Mr. Riley asked the staff constraints regarding the Community Preservation Districts. Mr. Criscitiello noted that certain CP districts like Lady's and St. Helena Islands desire regular interaction with the Planning staff. The remainder CP committees are virtually defunct due to inactivity.

- **Next Meeting:** November 7, 2013.

ADJOURNMENT: Ms. Chmelik made a motion, and Mr. Petit seconded the motion, to adjourn the meeting. The motion was carried unanimously (FOR: Bihl, Brown, Chmelik, LeGree, Petit, Riley, Stewart, and Thomas). Mr. Thomas adjourned the meeting at approximately 6:58 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

John Thomas, Beaufort County Planning Commission Vice-Chairman

APPROVED: November 7, 2013, as written

FOR YOUR INFORMATION: The October 7, 2013, video link is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=2&clip_id=1202



MEMORANDUM

To: Beaufort County Planning Commission
From: Anthony Criscitiello, Planning Director *TC*
Subject: Proposed Amendment to the ZDSO
Date: October 31, 2013

Excerpt of PLANNING COMMISSION RECOMMENDATION from its October 7, 2013, draft meeting minutes:

Mr. Criscitiello noted that Mr. Jason Mann of the Marine Corps Air Station Beaufort was in the audience and may wish to address the Commission on this topic.

Mr. Criscitiello briefed the Commissioners. He noted that Mr. Tedder's request would allow the applicant to fully utilize the building and the grounds he currently occupies that had been vacant for two years. The staff recommended a special use because of the unknown County-wide impact of this text amendment and a desire to maintain the light industrial zoning rather than morphing into Commercial Regional that is contrary to the Comprehensive Plan. Staff is not opposed to the applicant's request. The owner should be applauded for refurbishing an existing building. Staff did add qualifications to Mr. Tedder's request so that the Development Review Team (DRT) could evaluate, on a case-by-case basis, the merits of each adaptive reuse project. He cautioned the property was in the Airport Overlay District and noise abatement must be considered.

Discussion included clarifying the adaptive reuse of the property, noise consideration near the Air Station Beaufort, giving kudos for the reuse of the property, affirming the County-wide affect of the text amendment as a special use, concerns regarding traffic impact and ingress-egress issues, requiring a traffic impact analysis (TIA), and setting a time limit to prevent loud noise during late night hours.

Applicant's Comments: Mr. David Tedder, the applicant's agent, is helping the family that has redeveloped the property already. A temporary permit was issued by the County. Flea market is mentioned in one area of the ZDSO; but, there are no good standards just for flea markets. An adaptive reuse with a limited standard seemed appropriate. Limited use standards allow for 10% of retail use in light industrial districts, but special use standards require additional review by the Zoning Board of Appeals. There are three light industrial sections north of the Broad River—the Commerce Park, the area on Shanklin Road, and near Yemassee. He also added a limitation of the adaptive reuse occurring with 1000 feet of an arterial road. The special use will require a Community Impact Analysis (CIA). He recommended limited use with a Traffic Impact Analysis (TIA) being required if there were a 10% increase in traffic trips per day, to allow for flexibility. He questioned imposing the burden of a TIA if it were not necessary. Outdoor sales

are prohibitive with only four permits per year per business—it would not work for a flea market. The property has a shared parking agreement with the drive-in theater next door, and is across from the Air Station and the Greenline business (at the southwest corner of Highway 21 and Parker Drive). Air Incompatibility Use Zone (AICUZ) requirements are not problematic. Mr. Tedder does not believe the Zoning Board of Appeal (ZBOA) review is required. If it is an allowable use, then the expansion should be an allowable use also. He noted the percentage he suggested for structural additions could be discussed with staff. Mr. Tedder asked that his recommended language regarding stormwater calculation be returned to the existing ZDSO language. He urged a limited use, not the staff recommended special use.

Discussion by Commissioners included clarifying a parking agreement with the drive-in theater, clarifying Mr. Tedder’s proposal, clarifying Mr. Tedder’s request to return to limited instead of special use, and noting that Mr. Tedder’s proposed text removed the staff’s ability to analyze each project on a case-by-case basis.

Public Comment: Mr. Jason Mann, the U.S. Marine Corps Air Station Beaufort community planner, asked that the Commission table a decision so that he can further analyze the text amendment since he had experienced sequestration furloughing and may experience the Federal government shut-down. He believed he would have adequate time to complete his review before the next Commission meeting on November 7. Mr. Criscitiello asked if Mr. Tedder would agree to next Commission meeting and Mr. Tedder did agree with tabling the Commission recommendation until their November 7, 2013, Commission meeting.

Further Commission discussion included recommending that the staff and the applicant meet to discuss limited versus special uses, agreeing with posting the Commission recommendation until the November meeting, noting that the text amendment impacted county-wide versus site specific, and discussing the appropriateness of limited versus special uses.

Motion: Mr. Stewart made a motion, and Mr. Petit seconded the motion, **to postpone the Commission recommendation to County Council on the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use regulations, Sec. 106-1287. Commercial Retail, Regional, that adds standards to allow adaptive re-use of sites, etc., until the November 7, 2013, Commission meeting.** The motion was carried unanimously (FOR: Brown, Bihl, Chmelik, LeGree, Petit, Riley, Stewart, and Thomas).

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2013-07

Applicant: David Tedder

Proposed Text Change: Amendment to Sec. 106-1287 (Limited and Special Use Standards for Regional Commercial Retail Uses) to allow regional retail uses in the Light Industrial zoning district as an adaptive reuse

B. SUMMARY OF REQUEST:

The applicant is requesting an amendment to the Limited and Special Use Standards section of the ZDSO to allow regional commercial retail uses, including outdoor retail uses such as flea markets, to be administratively approved for properties within the Light Industrial (LI) district that are developed but have been vacant for at least two years. The applicant states that the proposed changes are necessary to avoid the creation or continuation of blight caused by vacant properties. Currently, the LI district restricts regional commercial retail uses to no more than 5 percent of the floor area of an LI project, and requires that access to these uses be from a development's interior streets.

The applicant is proposing the following text amendments, shown as ~~strike-through~~ for deletions and underlined for additions:

Article 5. Use Regulations **Division 2. Limited and Special Use Standards**

Sec. 106-1287. Commercial retail, regional

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for regional commercial retail uses in all applicable districts are as follows:

- (1) These uses may constitute no more than five percent of the total permitted floor area of the project in which they are located.
- (2) The access to these uses shall be from the development's interior streets. The uses shall not have frontage on arterial or collector streets.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.

(c) *Limited standards for regional commercial retail uses within rural business districts.* Limited standards for regional commercial retail uses within rural business districts are as follows:

- (1) This use is limited to 3,500 square feet of floor area.
- (2) Drive-through facilities are not permitted as part of this use.
- (3) The following uses are not permitted as part of this use: vehicular sales, rental and service uses (NAICS 441); and hospitals and medical facilities (NAICS 621, 622, 623, 624).

(d) Limited standards for adaptive re-use: regional commercial retail uses in the Light Industrial zoning district. Limited standards for regional commercial retail establishments utilizing developed site uses which have been unoccupied by an operating business for more than two years are as follows:

- (1) It is the intent of this section to allow adaptive re-use of sites developed in conformity with allowable uses for the Light Industrial district, but which have become vacant

and remained vacant for more than two years, thereby avoiding the creation or continuation of a blighted area.

- (2) The permitted floor space size limitations of 106-1287(a)(1) shall not be applicable; existing structures can be fully utilized for all uses qualifying as commercial retail, regional, and may utilize the permitted access to the site, notwithstanding 106-1287(a)(2), provided that:
- (i) Adequate parking is provided on-site or through shared parking, with on-site individual parking spaces delineated;
 - (ii) The site is located within 1,000 feet of an arterial road, and traffic impacts as measured by trips per day will not exceed by more than 10% the traffic impact of the former permitted use on the site;
 - (iii) The proposed use does not violate the Land Use Compatibility Recommendations of the United States Navy for the Accident Potential or Noise Zones, if the site is within such a zone;
 - (iv) Structural additions shall not increase the existing floor space by more than 15%; if more than a 15% increase is proposed, the application will be treated as a special use; and
 - (v) Any increase over 5% in the total existing impervious surface on the site will require a resubmission of stormwater calculations and appropriate mitigation measures as determined by reference to the Beaufort County Storm Water Manual.
- (3) Retail uses having exterior sales (flea markets, farmers markets, etc.) which are within a site with fencing and buffers shall be allowed to operate year-round, without limitation as to the number of outdoor sales events, provided that:
- (i) The outdoor sales area is located at least 50 feet from the public road servicing the site;
 - (ii) A permanent structure with a roof is provided for at least 50% of the spaces to be used for sales in the outdoor sales area;
 - (iii) There are clearly marked pedestrian paths of at least ten feet in width between the outdoor sales area and the existing structure within which interior retail sales will occur; and
 - (iv) Operating hours will not extend beyond 11:00 p.m.

C. ANALYSIS:

Other than the former 84 Lumber site on U.S. Hwy. 21 at Parker Drive, it is unclear how many other properties would be eligible to take advantage of the “adaptive reuse” provisions being proposed. In the case of the 84 Lumber property, which is zoned Light Industrial (LI), an existing 34,450 sq. ft. building plus another 33,600 sq. ft. of outdoor space under cover are being used as the site of Beaufort Liquidators, a discount outlet warehouse and retail store with a weekend outdoor flea market. This business was issued a zoning permit in January of this year to

operate a wholesale business with accessory retail space (retail space limited to 10,000 sq. ft. within the main building). The proposed amendment would permit the expansion of retail space within the building, as well as permit the outdoor space to be used for a flea market.

Regional retail commercial uses are those uses due to their size and scale that will attract shoppers and visitors from a larger area of the county and outside the county. Typical uses include “big box” retail stores. The proposal to permit vacant light industrial buildings to be used for regional commercial retail, especially with some of the “conditions” proposed, does not appear to result in any obvious negative impacts. If the text amendment is approved, vacant buildings that have been unable to be used for light industrial purposes may be used for retail purposes, thus keeping them open and maintained.

It should be noted; however, that the Beaufort County Comprehensive Plan (2010) identifies the need to ensure a sufficient quantity of suitably located land zoned for non-retail commercial uses to promote the region’s economic diversity. The Plan also notes that the region lacks suitable vacant industrial buildings that can be used. Without knowing exactly how many properties could take advantage of this adaptive reuse proposal, staff recommends that regional commercial retail uses in LI zones only be allowed as a Special Use instead of by right as proposed. This will allow staff and the Zoning Board of Appeals (ZBOA) to monitor the implementation of this provision to ensure that light industrial areas are not transitioning to regional commercial ones without due consideration of the Future Land Use Plan.

Allowing outdoor retail uses, which may include flea markets and vehicle sales, is also proposed by the applicant. The unincorporated county has a limited amount of property zoned Light Industrial (LI), most of which is located within the Airport Overlay District for MCAS-Beaufort (see attached map). The Overlay District outlines the Air Installation Compatible Use Zone (AICUZ) for MCAS-Beaufort, and is designed to minimize incompatible development within noise and accident potential zones.

The county adopted, via Resolution, a Joint Land Use Study (JLUS) for the AICUZ in 2004, in partnership with the City of Beaufort, Town of Port Royal, MCAS-Beaufort, and Lowcountry Council of Governments. The goal of the JLUS was to encourage land uses within the AICUZ that are compatible with the operations of MCAS-Beaufort. Incompatible uses are those which:

- Are noise sensitive – if located in a Noise Zone.
- Involve a high concentration of people – if located in any Accident Potential Zone.
- Interfere with safe air operations.

The Department of the Navy’s list of suggested compatible land uses for both noise and accident potential zones was adopted as Appendix D of the JLUS. Outdoor retail sales, such as flea markets, are not specifically listed; however, other retail uses are deemed generally compatible within noise zones provided “measures to achieve NLR [Noise Level Reduction] of 25, 30 or 35 must be incorporated into [the] design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted” (see attached excerpt from JLUS).

Staff believes that outdoor retail sales as part of an adaptive reuse within the AICUZ should be evaluated through the Special Use process.

In addition to allowing regional commercial retail uses on developed light industrial sites that have been unoccupied for more than two years, the applicant proposes several additional standards:

1. The site must be located within 1,000 ft. of an arterial road.

The applicant has provided no rationale for this standard, nor submitted an analysis of how many properties could be eligible for the proposed adaptive reuse provision using this standard.

2. Traffic impacts from the new use will not exceed by more than 10% the traffic impact of the former permitted use.

A traffic impact analysis (TIA) would be required for the proposed use if undergoing the Special Use Permit process. Otherwise, no TIA is required for a Zoning (Change of Use) Permit.

3. The new use will not violate the U.S. Navy's recommendations for uses that are compatible with Accident Potential and Noise Zones if the site is within such a zone.

Appendix AI (Airport Overlay District/MCAS-Beaufort) already regulates uses and densities within APZs and Noise Zones based on the Department of the Navy's recommendations.

4. Structural additions shall not increase the floor space by more than 15% without approval of a Special Use Permit.

This provision may allow expansions that are in conflict with Appendix A1 (Airport Overlay District/MCAS-Beaufort), which prohibits the expansion of any structure that does not meet the prescribed noise level reduction requirements. This provision is also not necessary if the entire project were subject to a Special Use Permit.

5. An increase over 5% in impervious surface will require re-review of the stormwater management system for the site.

All increases in impervious surfaces for commercial projects are subject to review by the County Engineer for stormwater compliance.

6. Retail uses having exterior sales (e.g. flea markets) shall be allowed to operate year-round and must provide at least 50% of its spaces under a roofed structure.

Staff recommends that exterior sales only be permitted as part of a Special Use Permit.

D. STAFF RECOMMENDATION:

Section 106-493 of the ZDSO lists seven standards (below), any of which is cause for a Zoning Text Amendment.

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. (N/A)**
- 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. (N/A)**

3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses. (N/A)
4. It is necessary to respond to state and/or federal legislation. (N/A)
5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards. (See above analysis)
6. It addresses a new use, changing conditions, and/or clarifies existing language. (N/A)
7. It clarifies the ordinance or makes adjustments to account for interpretation. (N/A)

After review of these standards, staff recommends a modification to the requested text amendment as follows (modifications to the applicant's proposed amendments are **bold and underlined** for additions and ~~bold and struck through~~ for deletions):

Sec. 106-1287. Commercial retail, regional

(d) Limited Special Use standards for adaptive re-use: regional commercial retail uses in the Light Industrial zoning district. ~~Limited-Special Use~~ standards for regional commercial retail establishments utilizing developed site uses which have been unoccupied by an operating business for more than two years are as follows:

- (1) It is the intent of this section to allow adaptive re-use of sites developed in conformity with allowable uses for the Light Industrial district, but which have become vacant and remained vacant for more than two years, thereby avoiding the creation or continuation of a blighted area.
- (2) The permitted floor space size limitations of 106-1287(a)(1) shall not be applicable; existing structures can be fully utilized for all uses qualifying as commercial retail, regional, and may utilize the permitted access to the site, notwithstanding 106-1287(a)(2), provided that:
 - (i) ~~Adequate parking is provided on site or through shared parking, with on-site individual parking spaces delineated~~ Parking shall meet the requirements of Article XIII, Division 5 (Parking and Loading Standards);
 - (ii) The site is located within 1,000 feet of an arterial road, and traffic impacts as measured by trips per day will not exceed by more than 10% the traffic impact of the former permitted use on the site as determined by a traffic impact analysis (TIA); and
 - (iii) The proposed use and any proposed structural addition shall ~~does not violate the Land Use Compatibility Recommendations of the United States Navy for the Accident Potential or Noise Zones, conform with the Airport Overlay District for MCAS-Beaufort (Appendix A1) if the site is within such a zone that overlay district;~~
 - (iv) ~~Structural additions shall not increase the existing floor space by more than 15%; if more than a 15% increase is proposed, the application will be treated as a special use; and~~

~~(v) Any increase over 5% in the total existing impervious surface on the site will require a resubmission of stormwater calculations and appropriate mitigation measures as determined by reference to the Beaufort County Storm Water Manual.~~

(3) Retail uses having exterior sales (flea markets, farmers markets, vehicle sales, etc.) which are within a site with fencing and buffers shall be allowed to operate year-round, without limitation as to the number of outdoor sales events, provided that:

(i) The outdoor sales area is located at least 50 feet from the public road servicing the site;

(ii) A permanent structure with a roof is provided for at least 50% of the spaces to be used for sales in the outdoor sales area;

(iii) There are clearly marked pedestrian paths of at least ten feet in width between the outdoor sales area and the existing structure within which interior retail sales will occur; and

(iv) Operating hours will not extend beyond 11:00 p.m.; and

(v) Such uses are permitted within the Airport Overlay District for MCAS-Beaufort, provided that, through the Special Use process, the Zoning Board of Appeals (ZBOA) determines that noise impacts within the airport Overlay District are not deleterious to the health and safety of people visiting or participating in said activities or events.

E. ATTACHMENTS:

- Excerpts from ZDSO General Use Table
- Zoning Map showing Light Industrial Zones and MCAS-Beaufort Overlay Zone
- Excerpts from Lowcountry Joint Land Use Study (2004)
- Copy of application for Zoning Text Amendment

ARTICLE V. USE REGULATIONS

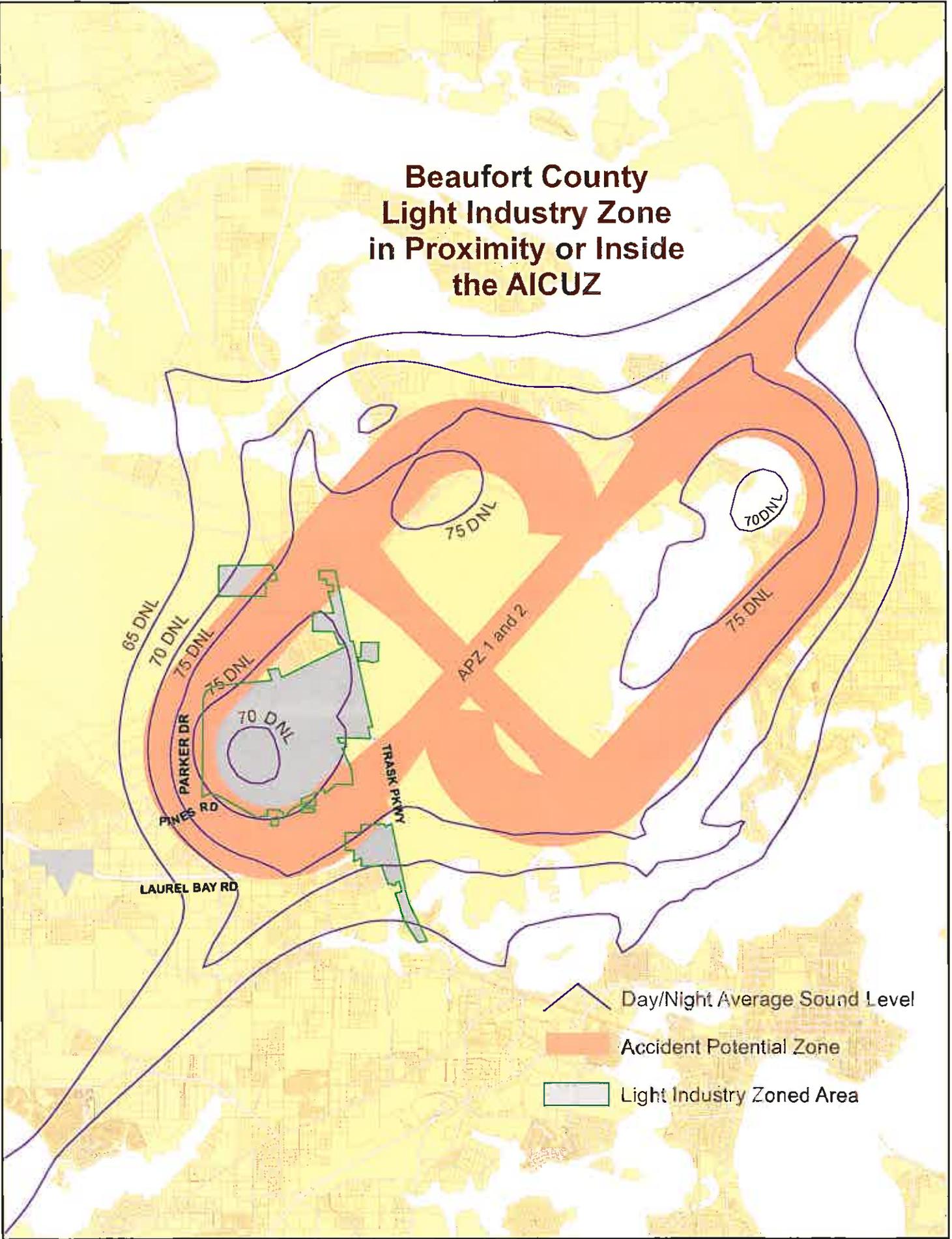
EXCERPT FROM TABLE 106-1098. GENERAL USE TABLE

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
COMMERCIAL USES													
Commercial retail, regional	N	N	Y	N	N	L	N	N	N	L	N	106-1287	<p>These uses include all retail uses in neighborhood commercial, but which exceed the service character and scale of neighborhood commercial, above. Any retail use having exterior sales or storage shall be considered regional commercial, even if its scale does not require that. In addition to the types of retail uses listed in neighborhood commercial above, the following uses shall be permitted:</p> <ol style="list-style-type: none"> 1. All miscellaneous retail not included in neighborhood commercial, above [see note]* 2. Clothing and accessory stores 3. Furniture stores 4. Paint, glass, wall paper specialty stores 5. Greenhouses (retail only with garden supplies) 6. Repair shops and related services 7. Vehicular sales, rental and service uses, listed elsewhere in this table

*[Note: Neighborhood Commercial uses include grocery stores, variety stores, pharmacies, hardware stores, liquor stores, and garden centers.]

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
INDUSTRIAL USES													
Light industry	N	N	N	N	L	Y	Y	N	N	L	N	106-1359	<p>Incubator development, light manufacturing, processing, assembly, or finishing operations in enclosed buildings, with limited exterior storage. The following uses shall be classified as light industry:</p> <ol style="list-style-type: none"> 1. Any light industrial use not requiring more than 10 percent of its gross floor area for exterior storage 2. Any light industrial use that does not exceed 200,000 sq. ft. of gross floor area 3. Building, development and general contracting 4. Special trade contractors 5. Food products 6. Textiles and apparel 7. Fuel dealers 8. Furniture and fixtures 9. High tech industry 10. Lumber and other building materials 11. Printing and publishing 12. Office and computing machines 13. Electric and electronic equipment 14. Instruments and related products 15. Transportation services 16. Wholesale trade, durable and nondurable, except farm products 17. Recreational equipment rental 18. Heavy truck, recreational vehicle and mobile home sales 19. Heavy truck rental 20. Trucking and warehousing 21. Other allowable uses under light industrial in general use table 106-1098

Beaufort County Light Industry Zone in Proximity or Inside the AICUZ



**TABLE 2 - AIR INSTALLATIONS COMPATIBLE USE ZONES
SUGGESTED LAND USE COMPATIBILITY IN NOISE ZONES (Continued)**

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 (DNL or CNEL)		Noise Zone 2 (DNL or CNEL)		Noise Zone 3 (DNL or CNEL)		
SLUCM NO.	LAND USE NAME	< 55	55- 64	65 - 69 <i>C</i>	70 -74 <i>B</i>	75- 79 <i>A</i>	80 -84	85+
<i>30</i>	<i>Manufacturing (continued)</i>							
31	Rubber and misc. plastic products; manufacturing	Y	Y	Y	Y ²	Y ³	Y ⁴	N
32	Stone, clay and glass products; manufacturing	Y	Y	Y	Y ²	Y ³	Y ⁴	N
33	Primary metal products; manufacturing	Y	Y	Y	Y ²	Y ³	Y ⁴	N
34	Fabricated metal products; manufacturing	Y	Y	Y	Y ²	Y ³	Y ⁴	N
35	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	Y	Y	25	30	N	N
39	Miscellaneous manufacturing	Y	Y	Y	Y ²	Y ³	Y ⁴	N
<i>40</i>	<i>Transportation, communication and utilities.</i>							
41	Railroad, rapid rail transit, and street railway transportation	Y	Y	Y	Y ²	Y ³	Y ⁴	N
42	Motor vehicle transportation	Y	Y	Y	Y ²	Y ³	Y ⁴	N
43	Aircraft transportation	Y	Y	Y	Y ²	Y ³	Y ⁴	N
44	Marine craft transportation	Y	Y	Y	Y ²	Y ³	Y ⁴	N
45	Highway and street right-of-way	Y	Y	Y	Y ²	Y ³	Y ⁴	N
46	Automobile parking	Y	Y	Y	Y ²	Y ³	Y ⁴	N
47	Communication	Y	Y	Y	25 ³	30 ³	N	N
48	Utilities	Y	Y	Y	Y ²	Y ³	Y ⁴	N
49	Other transportation, communication and utilities	Y	Y	Y	25 ³	30 ³	N	N
<i>50</i>	<i>Trade</i>							
51	Wholesale trade	Y	Y	Y	Y ²	Y ³	Y ⁴	N
52	Retail trade - building materials, hardware and farm equipment	Y	Y	Y	Y ²	Y ³	Y ⁴	N
53	Retail trade - shopping centers	Y	Y	Y	25	30	N	N
54	Retail trade - food	Y	Y	Y	25	30	N	N

**TABLE 2 - AIR INSTALLATIONS COMPATIBLE USE ZONES
SUGGESTED LAND USE COMPATIBILITY IN NOISE ZONES (Continued)**

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 (DNL or CNEL)		Noise Zone 2 (DNL or CNEL)		Noise Zone 3 (DNL or CNEL)		
SLUCM NO	LAND USE NAME	< 55	55-64	65-69 <i>C</i>	70-74 <i>B</i>	75-79 <i>A</i>	80-84	85+
<i>50</i>	<i>Trade (Continued)</i>							
55	Retail trade – automotive, marine craft, aircraft and accessories	Y	Y	Y	25	30	N	N
56	Retail trade – apparel and accessories	Y	Y	Y	25	30	N	N
57	Retail trade – furniture, home, furnishings and equipment	Y	Y	Y	25	30	N	N
58	Retail trade – eating and drinking establishments	Y	Y	Y	25	30	N	N
59	Other retail trade	Y	Y	Y	25	30	N	N
<i>60</i>	<i>Services</i>							
61	Finance, insurance and real estate services	Y	Y	Y	25	30	N	N
62	Personal services	Y	Y	Y	25	30	N	N
62.4	Cemeteries	Y	Y	Y	Y ²	Y ³	Y ^{4,11}	Y ^{6,11}
63	Business services	Y	Y	Y	25	30	N	N
63.7	Warehousing and storage	Y	Y	Y	Y ³	Y ⁴	Y ⁴	N
64	Repair Services	Y	Y	Y	Y ²	Y ³	Y ⁴	N
65	Professional services	Y	Y	Y	25	30	N	N
65.1	Hospitals, other medical fac.	Y	Y ¹	25	30	N	N	N
65.16	Nursing Homes	Y	Y	N ¹	N ¹	N	N	N
66	Contract construction services	Y	Y	Y	25	30	N	N
67	Government Services	Y	Y ¹	Y ¹	25	30	N	N
68	Educational services	Y	Y ¹	25	30	N	N	N
69	Miscellaneous	Y	Y	Y	25	30	N	N
<i>70</i>	<i>Cultural, entertainment and recreational</i>							
71	Cultural activities (& churches)	Y	Y ¹	25	30	N	N	N
71.2	Nature exhibits	Y	Y ¹	Y ¹	N	N	N	N
72	Public assembly	Y	Y ¹	Y	N	N	N	N
72.1	Auditoriums, concert halls	Y	Y	25	30	N	N	N
72.11	Outdoor music shells, amphitheaters	Y	Y ¹	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	Y	Y	Y ¹	Y ¹	N	N	N
73	Amusements	Y	Y	Y	Y	N	N	N
74	Recreational activities (include golf courses, riding stables, water rec.)	Y	Y ¹	Y ¹	25	30	N	N
75	Resorts and group camps	Y	Y ¹	Y ¹	Y ¹	N	N	N
76	Parks	Y	Y ¹	Y ¹	Y ¹	N	N	N
79	Other cultural, entertainment and recreation	Y	Y ¹	Y ¹	Y ¹	N	N	N

25, 30, or 35

The numbers refer to Noise Level Reduction levels. Land Use and related structures generally compatible however, measures to achieve NLR of 25, 30 or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.

DNL	Day-Night Average Sound Level.
CNEL	Community Noise Equivalent Level (Normally within a very small decibel difference of DNL)
Ldn	Mathematical symbol for DNL.

NOTES FOR TABLE 2 - SUGGESTED LAND USE COMPATIBILITY IN NOISE ZONES

1.
 - a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.
 - b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.
 - c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.
 - d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

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: _____, Tax Map Number: _____, Parcel Number(s): _____
Size of subject property: _____ Square Feet / Acres (circle one)
Location: _____
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? _____
(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: 106-1287, Commercial Retail, Regional
(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] Signature of Owner / Applicant August 21, 2013 Date

Printed Name: DAVID FEDDER Telephone Number: 843-521-4222

Address: POB 1282, Beaufort SC 29901-1282

Email: dave@fedderlawoffice.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: N/A
Application Fee Amount Received: \$250.00
Receipt No. for Application Fee: 218071



Rev. 4/11 ZIA 07
FILE NO: 2013 // Initiated by: STAFF/OWNER
(Circle One)