



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, October 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 – September 5, 2013 ([backup](#))
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. ZONING MAP AMENDMENT / REZONING REQUEST: R600-31-48 / 2 GOETHE ROAD, BLUFFTON, SC; FROM SUBURBAN TO COMMERCIAL SUBURBAN; OWNER-APPLICANT: GILBERTO MATEUS ([backup](#))
9. 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 ([backup](#))
10. 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](#))
11. OTHER BUSINESS
 - A. Next Meeting – Monday, November 4, 2013, at 6:00 p.m.
12. ADJOURNMENT





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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, September 5, 2013, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Ms. Mary LeGree
Mr. Randolph Stewart

Ms. Jennifer Bihl
Mr. Ronald Petit

Ms. Diane Chmelik
Mr. Edward Riley III

Members Absent: Mr. Charles Brown and Mr. John Thomas, Vice Chairman

Staff Present:

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

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:02 p.m.

PLEDGE OF ALLEGIANCE: Mr. Semmler 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 June 3, 2013, meeting minutes. No changes were noted. **Motion:** Ms. Diane Chmelik made a motion, and Ms. Mary LeGree seconded the motion, **to accept the June 3, 2013, minutes as written.** No discussion occurred. The motion **was carried unanimously** (FOR: Bihl, Chmelik, LeGree, Petit, Riley, Semmler, and Stewart).

CHAIRMAN’S REPORT: Mr. Semmler thanked those in the audience, especially those from Bluffton, for attending the meeting. As an aside, he noted that the Braves were ahead.

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

SOUTHERN BEAUFORT COUNTY MAP AMENDMENTS FOR R600-040-000-001C-0000 (310.72 ACRES AT THE SOUTHEAST CORNER OF BLUFFTON PARKWAY AND MALPHRUS ROAD); OWNER: SCRATCH GOLF LLC, APPLICANT/AGENT: MICHAEL KRONIMUS

- A. Future Land Use Map / Request from Regional Commercial and Rural to Regional Commercial; and**
- B. Zoning Map Amendment / Rezoning Request from Commercial Regional and Rural with a Transitional Overlay to Planned Unit Development (PUD).**

Note: Ms. Jennifer Bihl excused herself from the dais. Mr. Semmler noted that Ms. Bihl was the Transportation Engineer for the project.

Mr. Criscitiello briefed the Commissioners on the map amendments. The proposal is to change the Comprehensive Plan from Rural (290.72 acres) and Regional Commercial (20 acres) to Regional Commercial. The rezoning request is for a concept plan from Rural (290.72 acres) and Commercial Regional (20 acres) to Planned Unit Development (PUD). This change would permit two million square feet of commercial use, 500 dwelling units, and 700 hotel rooms. This is for a concept plan. If the concept plan is approved, a master plan must be approved by the Planning Commission and County Council. The development plan will be reviewed by the DRT. Mr. Criscitiello noted the capital investments on traffic improvements in Bluffton have occurred and development is expected. The traffic model must be applied to this project. 1,300 acres currently exist in Bluffton. Rezoning these 310 acres is not recommended, unless the PUD attracts new tourism and growth. Staff recommends a Traffic Impact Analysis and a Market/Economic Study be made prior to forwarding the request to County Council.

Applicant: Mr. Mike Kronimus of KRA Architecture noted that he has been working with the Planning staff on the project. The parcel is split zoned. There is no contract to buy the parcel. This is the owner's decision to market the property. The PUD would control the property for the owner, harboring it from the upcoming Development Code. Specific uses were chosen for the PUD to be congruent with the neighborhood. Specific numbers are required to run a trip generation of the traffic model. An economic study is impossible; though he is in agreement that it should be done.

Public Comment:

1. Mr. Reed Armstrong of the Coastal Conservation League can understand the applicant's desire is to have an open-ended approval for what he wants to do. The blank slate for the 310-acre property is not recommended. A project of this magnitude should have much more information to properly evaluate its potential impacts—traffic and compatibility impacts—with the surround community. He questioned the effects of this development on water quality because of the large amount of possible impervious surfaces. This probably would be the single largest commercial development in the County, if approved. He recommended Suburban zoning for the property.
2. Mr. Tabor Vaux, a citizen of Bluffton (and Beaufort County Councilman), thanked Mr. Semmler for allowing him to speak. In the meeting packet it states the applicant is asking for two million square feet of commercial space, 500 homes, and 700 hotel rooms. However, there is no Traffic Impact Analysis or a Market/Economic Study. How will it affect the natural resources—this property is nearer the river than most people know. The majority of this property borders Malphrus Road which currently has traffic problems. Allowing this development defeats the purpose of the Bluffton Parkway. He reminded them of a neighboring property that the County purchased to preserve the area. Mr. Vaux strongly urged denial of this development or anything like this south of the Bluffton Parkway. He then asked the audience who opposed to development to stand up (note: the majority of the audience stood up).

3. Mr. Mark Murray, a resident at 70 Foreman Hill Road, noted that Foreman Hill has traffic problems in the area. His quiet little community has turned into a highway. Our homes and lifestyle will be destroyed by this development. He has talked to many people in Heritage Lakes and the majority opposed this development.

Discussion by the Commission included:

- the surrounding area of residences, shopping areas, etc.;
- concern that the applicant is asking for a blank check, but not provided enough information since a theme park would be a complete disruption to the neighborhood;
- non-support of the list of 40 potential uses requested by the applicant;
- concern that the lack of information is insufficient to make a rezoning decision before marketing the property;
- supporting an individual's right to develop their own property and protecting neighboring property owners' assurance that the County will protect their land rights as well;
- concerns for needed stormwater drainage protection and traffic and economic studies; and
- concern that community uses such as public parks and spaces were not provided.

Applicant Response to the Commissioners discussion: Mr. Kronimus understands the Commissioners' concern; however, his request is a concept plan, per the existing ordinances. He is not asking for a blank check, but for control on the property. The applicant has taken two zonings (rural and commercial regional) and asked for a PUD instead, for the future development of the property. The applicant has combined all the uses for both zonings and watered the list down to 40 uses. Mr. Kronimus explained the three-part process for the property—concept, master plan, and development plan. There will be many more meetings after this. He is not asking for a thousand houses or 2 million square feet of commercial density. If approved, the next step would be to bring it to a developer and return with a master plan, based on the rules of the PUD. The existing use is a golf course that the County wants upzoned. The owner wants more control on his property. He is trying to open the door to allow growth to happen. Mr. Kronimus mentioned that he has rezoned several other developments in other states.

Further discussion by Commissioners included:

- keeping the existing Commercial Regional zoning rather than having 40 allowed uses in the PUD; and
- questioning the applicant's optimum uses/zoning if this rezoning were denied.

Mr. Semmler asked Mr. Criscitiello to explain to the Commissioners the decisions they may take regarding this rezoning request. Mr. Criscitiello noted that regardless of the Commission recommendation, the request must follow the process of moving on to the Natural Resources Committee of County Council, and then on to full Council. The Commission may:

- recommend denial of the request;
- recommend approval as submitted by the applicant, without staff work report that will create amendments to the Comprehensive Plan Future Land Use and Zoning maps; or

- recommend approval of the concept plan with a proviso of having a regional transportation model run to determine the traffic impact and a market feasibility study to determine the likelihood of the level of development the applicant is contemplating.

Mr. Criscitiello noted that if the golf course reverts to Rural zoning, then the uses are slim for this large parcel. He clarified that if the Commission recommended approval with a caveat that a market feasibility and traffic impact studies were needed, then once the two studies are in hand, then County Council can move forward. The Owner now may subdivide the property under rural zoning at a density of 1 unit per 3 acres. Mr. Criscitiello explained that the rezoning process gave County Council the final authority to approve or deny the request. When asked how the two studies were to be performed since there are no concrete uses with this concept plan, Mr. Criscitiello stated what will be used was provided by the applicant, i.e. two million square feet of commercial use, 500 homes and 700 hotel rooms.

Ms. Jennifer Bihl, as the applicant's representative, noted that the traffic model had been released in the past few days by Lowcountry Council of Governments (LCOG). She plans to run scenarios to obtain trip counts to gauge how traffic will affect the area.

Further discussion by Commission included what were the specific reasons for opposing the rezoning.

Public Comment: Mr. Richard Sweet, a Heritage Lakes resident, noted that after reading the proposal the applicant would have free rein. Even in the applicant's report, it was noted that the development would have a negative impact on the community. Mr. Sweet was concerned with the development reducing the property value of the surrounding residences. He noted increased traffic trips, especially in the evenings. He was concerned that casino activity would occur because of the proposed 700 hotel rooms. If approved, he felt that a casino would be developed there and it would destroy the surrounding communities. Why approve this rezoning if this development will harm the community?

Additional Commission discussion included the possibility of an economic impact study. Mr. Kronimus gave the numbers for the Planning staff to run economic and traffic studies. He can do the study but the actuality of the development may not occur as proposed. A concept plan requires a traffic impact analysis, but not an economic / market feasibility plan.

Mr. Semmler actually drove around the area. He has heard some good ideas. He noted the comments by the Towns of Hilton Head Island and Bluffton. He thinks the vision is great for economic development. Without knowing what the applicant wants to do, it is difficult to make a decision.

Motion: Ms. Chmelik made a motion, and Mr. Stewart seconded the motion, **to deny the Future Land Use Map Amendment for Southern Beaufort County Map Amendment for R600-040-000-001C-0000 (310.72 acres at the southeast corner of Bluffton Parkway and Malphrus Road) from Regional Commercial and Rural to Regional Commercial.** No

further discussion occurred. The motion **was carried unanimously** (FOR: Chmelik, LeGree, Petit, Riley, Semmler, and Stewart; ABSTAINED: Bihl).

Motion: Ms. Chmelik made a motion, and Mr. Petit seconded the motion, **to deny the Map Amendment / Rezoning Request for Southern Beaufort County Map Amendment for R600-040-000-001C-0000 (310.72 acres at the southeast corner of Bluffton Parkway and Malphrus Road) from Commercial Regional and Rural with a Transitional Overlay to Planned Unit Development (PUD).** No discussion occurred. The motion **was carried unanimously** (FOR: Chmelik, LeGree, Petit, Riley, Semmler, and Stewart; ABSTAINED: Bihl).

Note: Mr. Semmler recessed the meeting at approximately 7:12 p.m., and called the meeting back to order at 7:14 p.m. He also requested that Ms. Bihl return to the dias.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO: ARTICLE XII. SUBDIVISION DESIGN, DIVISION 3—TYPE OF SUBDIVISION; ARTICLE XIII. SUBDIVISION AND LAND DEVELOPMENT STANDARDS, DIVISION 2—STREET STANDARDS; AND ARTICLE XV. SIGNS, DIVISION 2—STANDARDS (ADDS ADDITIONAL REQUIREMENTS FOR SUBDIVISIONS, STREET DESIGNS AND SIGNS); APPLICANT: STAFF

Mr. Criscitiello briefed the Commissioners on the proposed amendments for the commercial subdivision standards.

Commission discussion included the inclusion of these standards into the proposed Development Code, and clarification on the proposed buffers and signage standards.

Public Comment: Walter Nestor of McNair Law Firm stated that he had worked closely with the Planning staff to create horizontal property regime where individual end users wanted to have individual landscaping and signage. The developer is allowed to sell off parcels, but requires a master development plan for traffic, landscape, and signage.

Motion: Mr. Petit made a motion, and seconded the motion, **to recommend approval to County Council of the text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO: Article XII. Subdivision Design, Division 3—Type of Subdivision; Article XIII. Subdivision and Land Development Standards, Division 2—Street Standards; and Article XV. Signs, Division 2—Standards that will include additional requirements for subdivisions, street designs, and signage).** Further discussion included agreement to these timely text amendments. The motion **was carried unanimously** (FOR: Bihl, Chmelik, LeGree, Petit, Riley, Semmler, and Stewart).

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, Chmelik, LeGree, Petit, Riley, Semmler, and Stewart).

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

- **Next Meeting:** Mr. Semmler noted that the next meeting was November 4, 2013.

ADJOURNMENT: Ms. Bihl made a motion, and Mr. Riley seconded he motion, to adjourn the meeting. The motion carried (FOR: Chmelik, LeGree, Petit, Riley, Semmler, and Stewart). Mr. Semmler adjourned the meeting at approximately 7:34 p.m.

SUBMITTED BY: _____

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: **October 7, 2013**



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Anthony Criscitiello, Beaufort County Planning Director TC
DATE: September 19, 2013
SUBJECT: Rezoning Request for a one acre parcel at the intersection of S.C. Highway 46 (Bluffton Road) and Goethe Road from Suburban (S) Zoning District to Commercial Suburban (CS) Zoning District

A. BACKGROUND:

Case No. ZMA-2013-06
Applicant / Owner: Gilberto Mateus
Property Location: North side of Goethe Road at the intersection of S.C. Hwy 46 (Bluffton Rd.) – Bluffton Township
District/Map/Parcel: R601-031-0048
Property Size: 1 acre
Current Future Land Use Designation: Regional Commercial
Proposed Future Land Use Designation: No Change Proposed
Current Zoning District: Suburban (S)
Proposed Zoning District: Commercial Suburban (CS)

B. SUMMARY OF REQUEST:

The applicant is requesting a rezoning for this parcel to permit commercial development.

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 2010 Beaufort County Comprehensive Plan designates the area north of Goethe Road to U.S. Hwy. 278, which includes this parcel, "Regional Commercial" (refer to the attached Future Land Use Map). Regional Commercial areas are intended to accommodate those commercial uses that, due to their size and scale, will attract shoppers and visitors from a large area of the

county and beyond. Typical uses include “big box” retail stores, chain restaurants, and supporting retail. The Future Land Use Map for southern Beaufort County is a result of a cooperative effort between Beaufort County, the Town of Hilton Head Island and the Town of Bluffton to develop a joint land use plan to address future residential densities and land uses in southern Beaufort County. The requested Commercial Suburban zoning district, while less intensive than Regional Commercial, is not inconsistent with the Future Land Use Plan given that the majority of parcels fronting S.C. Hwy. 46 (Bluffton Road) are currently zoned Commercial Suburban. The Commercial Suburban zoning district is intended to provide a limited number of retail, service and office uses intended to serve surrounding neighborhoods.

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

The parcel under consideration currently contains a single family home that fronts Bluffton Road and takes access from Goethe Road. It is at an intersection where this area transitions from commercial uses near and along S.C. Hwy. 46, to residential development on the west side of Goethe Rd., south to the Bluffton Pkwy. The proposed rezoning is consistent with the character of this area.

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

The properties to the west and north of the site are zoned Suburban and contain a single-family home used as a CPA office and a mobile home, respectively. The properties to the south, across Goethe Rd., are developed with commercial uses, including a daycare center and a heating/air conditioning business. The properties to the east, across S.C. Hwy. 46, are developed with commercial uses that are part of the Kitties Landing development. A commercial use on the proposed site would be consistent with the surrounding area.

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

The site does not contain any environmental features that would prohibit uses allowed in the Commercial Suburban district.

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

The Commercial Suburban zoning district permits retail, offices, services, and restaurants at a lesser intensity than what is allowed in the Regional Commercial district along U.S. Hwy. 278. The maximum allowable floor area ratio (FAR) for retail uses and restaurants in the Commercial Suburban district is 0.18. For this one acre parcel under consideration, that equates to a building no larger than 7,840 sq. ft. The property is also within the Highway Corridor Overlay District, which means that development of the site will undergo Corridor Review Board review for architecture, landscaping, lighting, and signage. It is unlikely, given the size of this parcel and its location at the intersection of S.C. 46 and Goethe Road, that commercial development under the Commercial Suburban zoning district will adversely affect nearby property.

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

The property currently contains a single-family residence.

7. *The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.*

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

8. *A traffic impact analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification.*

Given the size of the property, a TIA was not required with the rezoning application. Should the proposed development of the site trigger the need for a TIA (i.e. generate more than 50 peak hour trips), a TIA will be required during the development review process.

D. RECOMMENDATION:

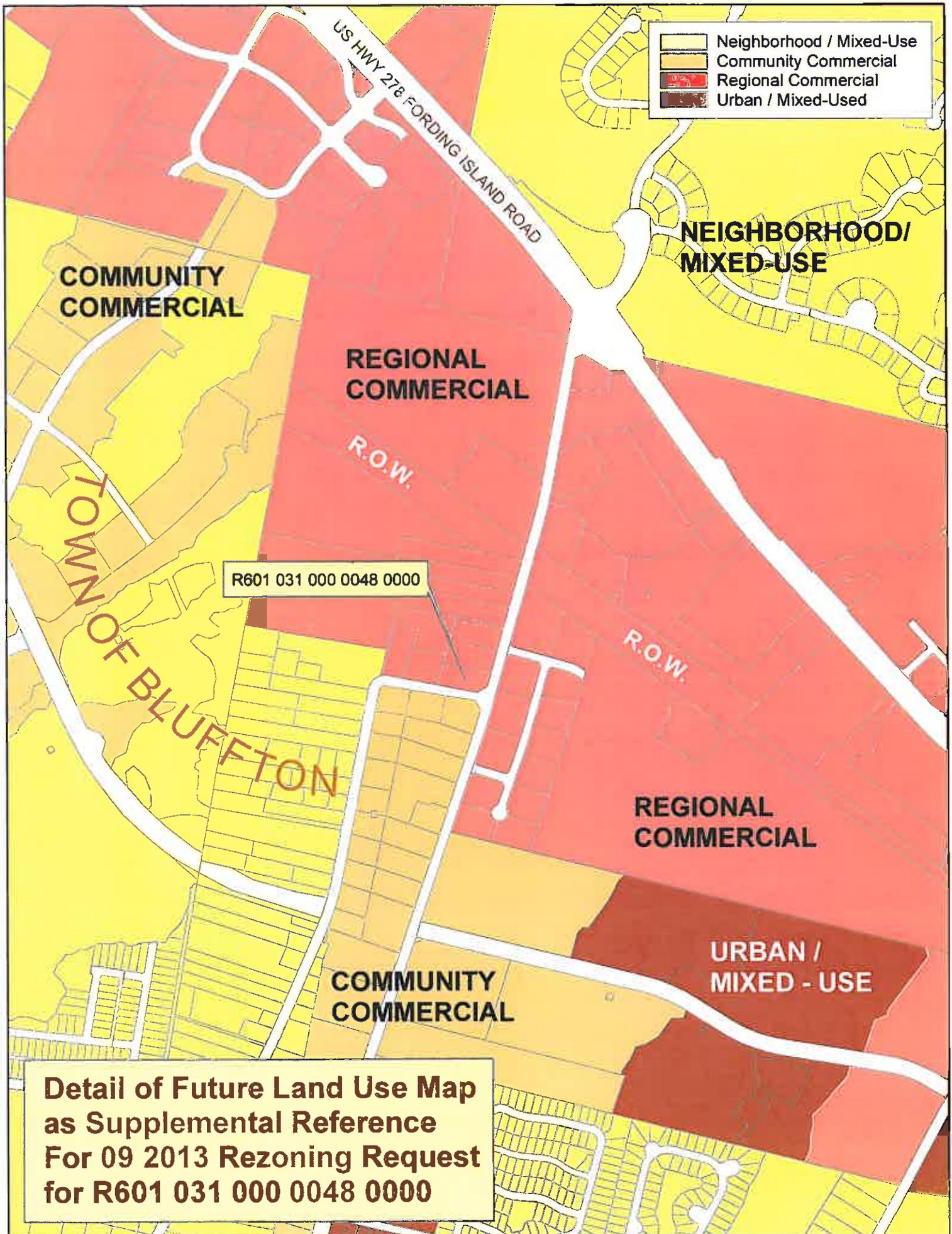
After review of the guidelines set forth in Section 106-492 of the ZDSO, staff recommends approval of this rezoning request from Suburban (S) to Commercial Suburban (CS).

E. SOUTHERN BEAUFORT COUNTY SUBCOMMITTEE RECOMMENDATION:

The Southern Beaufort County Subcommittee of the Beaufort County Planning Commission met on September 12, 2013, to consider this rezoning request. Members present: Ed Riley, Bob Semmler, and Randolph Stuart. Staff present: Delores Frazier. The applicant was not present. There were no comments from the public. Mr. Stuart asked if staff had received any comments from surrounding property owners and Ms. Frazier answered that only one phone call was received by staff asking for clarification. Mr. Stuart also asked if the Town of Bluffton had received notice of the application. Ms. Frazier answered that the Town had received the same packet of material as the subcommittee members, including an invitation to attend the subcommittee meeting. There being no further discussion, Mr. Stuart made a motion to forward the rezoning application to the Planning Commission with a recommendation of approval. The motion was seconded by Mr. Semmler and was carried unanimously (FOR: Riley, Semmler, Stuart).

F. ATTACHMENTS:

- Zoning Map
- Future Land Use Map
- Rezoning Application
- List of Property Owners Notified of Rezoning
- Notification Letter



**Detail of Future Land Use Map
as Supplemental Reference
For 09 2013 Rezoning Request
for R601 031 000 0048 0000**

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: 600 Tax Map Number: 31, Parcel Number(s): 48
Size of subject property: 2 Square Feet Acres (circle one)
Location: 2-Goethe Rd: Bluffton: SC 29910

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? COMMERCIAL SUBURBAN
(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.)

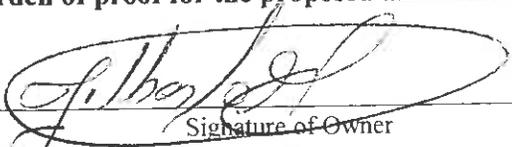
7. Is this property subject to an Overlay District? Check those which may apply:
 AOD - Airport Overlay District MD - Military Overlay District
 COD - Corridor Overlay District RQ - River Quality Overlay District
 CPOD - Cultural Protection Overlay District

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)

9. Explanation (continue on separate sheet if needed):

- This property is localited in a main road (46).
- It is a beautiful corner for comercial develop-ment.
- Some realtor and Builders proposed for Comercial dev.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.


Signature of Owner
Date: 8-13/13
Printed Name: Gilberto Mateus
Telephone Number: 843-816-0951
Address: 81 Heritage Lakes Dr. / Bluffton SC 29910
Email: Gil00003@gmail.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 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:

\$250.00

Receipt No. for Application Fee:

218068

**PROPERTY OWNERS NOTIFIED OF MAP AMENDMENT/REZONING REQUEST OF
R601-031-000-0048-0000 from Suburban to Commercial Suburban Zoning**

PIN_	Owner1	MailingAdd	City	State	ZIP
R601 31 0186	BASLER WAYNE G	POST OFFICE BOX 2049	KINGSPORT	TN	37662-2049
R601 31 0184	CRAM HANK	POST OFFICE BOX 600	BLUFFTON	SC	29910
R601 31 0082	DFF BLUFFTON LLC	1845 ST JULIAN PLACE	COLUMBIA	SC	29204
R601 31 37, 81 & R602 31 92-93	GODFREY WILLIAM J	1 GODFREY PLACE	BLUFFTON	SC	29910
R602 31 0084	GODFREY WILLIAM J INDIANA UNIVERSITY	POST OFFICE BOX 500	BLOOMINGTON	IN	47402
R601 31 032A	GOETHE HOWELL DENNIS	14 GOETHE ROAD	BLUFFTON	SC	29910
R601 31 0052	GOETHE RAY M	POST OFFICE BOX 1335	BLUFFTON	SC	29910-1335
R601 31 032E	GOODWIN MARLENE O	2396 KATIE BRIDGE ROAD	WALTERBORO	SC	29488
R600 31 032H	GRAVES BERTHA G	378 SAMS POINT ROAD	BEAUFORT	SC	29902
R602 31 0083	GRAVES PAUL B (LIFE ESTATE) Sr	1836 OMNI BOULEVARD	MT PLEASANT	SC	29466
R602 31 0089	HUDSON HERMAN E TRUSTEE HUDSON JOYCE	3830 MARSHFIELD ROAD	JOHNS ISLAND	SC	29455
R600 31 032J	KERSEY PROPERTIES LLC	POST OFFICE BOX 120	BLUFFTON	SC	29910
R601 31 0048	MATEUS GILBERTO & AGUILERA MARY	81 HERITAGE LAKES DRIVE	BLUFFTON	SC	29910
R601 31 0178	MONTANAS ACQUISITON LLC	10 COTTINGHAM ROAD	BLUFFTON	SC	29910
R601 31 0177	POWER GROUP LLC	14 ROSEBUD DRIVE	BLUFFTON	SC	29910
R601 31 0185	SAXON REAL ESTATE INC	POST OFFICE BOX 607099	ORLANDO	FL	32860
R601 31 0176	SCOTT'S REAL PROPERTIES LLC	1462 JACKSON ROAD	AUGUSTA	GA	30909
R600 31 0041	SEWELL ERNEST M	6 GOETHE ROAD	BLUFFTON	SC	29910-4972
R601 31 0042	SHAPIRO RENEE L	POST OFFICE BOX 2628	BLUFFTON	SC	29910
R600 31 134 & R601 31 32B	SMITH ROSALIND G REX E MARK E RAY M	171 SAWMILL CREEK ROAD	BLUFFTON	SC	29910
R601 31 0179	SS & K LLC	POST OFFICE BOX 6958 SUITE 203	HILTON HEAD ISLAND	SC	29938
R601 31 0187	T J INVESTMENTS LLC	9 KITTIES LANDING	BLUFFTON	SC	29910
R601 31 0189	ULMER ASSOCIATES	5624 FOSTER STORE ROAD	LIBERTY	NC	27298
R601 31 0188	YI SUK HYON	POST OFFICE BOX 6299	HILTON HEAD ISLAND	SC	29938



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

August 4, 2013

RE: Notice of Public Meetings to Consider a Southern Beaufort County Map Amendment/Rezoning Request for R601-031-000-0048-0000 (1 acre at the northwest corner of Goethe and Bluffton Roads in Bluffton), to be rezoned from Suburban (S) to Commercial Suburban (CS); Owners: Gilberto Mateus and Mary Aguilera

Dear Property Owner:

In accordance with the Beaufort County Zoning & Development Standards Ordinance, Section 106-402, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a rezoning proposal can be adopted. You are invited to attend the following meetings and public hearings to provide comments on the subject proposed map amendment in your neighborhood. A map of the property involved is on the back of this letter.

1. The **Southern Beaufort County Subcommittee** of the Beaufort County Planning Commission – Thursday, September 12, 2013 at 5:30 p.m. at the Rotary Community Center at the Oscar Frazier Community Park, 11 Recreation Court, Bluffton, SC, Bluffton, SC.
2. The **Beaufort County Planning Commission** (public hearing) – Monday, October 7, 2013, at 6:00 p.m. in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. The **Natural Resources Committee** of the County Council – Tuesday, November 5, 2013, at 2:00 p.m. in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
4. **Beaufort County Council** – generally meets second and fourth Mondays at 5:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please call (843) 255-2140 to verify the exact dates and locations.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at 843-255-2140.

Sincerely,

Delores Frazier
Assistant Planning Director

Attachments:

- Map on back of letter
- Directions to Oscar Frazier



MEMORANDUM

To: Beaufort County Planning Commission
From: Anthony J. Criscitiello, Planning & Development Director *T.C.*
Date: September 24, 2013
Subject: Proposed Amendments to the Zoning and Development Standards Ordinance (ZDSO)

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2013-05
Applicant: Michael G. Davis / Agent: Michael Kronimus
Proposed Text Change: Amendment to add Light Industry, and Warehousing/Distribution as allowed uses in the Commercial Regional Zoning District

B. SUMMARY OF REQUEST:

The applicant is proposing to amend Table 106-1098 (General Use Table) so that Light Industry uses, and Warehousing/Distribution are permitted in the Commercial Regional District as follows (deletions are shown as ~~strike-through~~ and additions are shown underlined). The origin of this text amendment is derived from the applicant's specific client's need to utilize an existing building in a Commercial Regional District for small assembly and custom manufacturing of household amenities.

ARTICLE V. USE REGULATIONS

TABLE 106-1098. GENERAL USE TABLE [Excerpt]

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 <u>Y</u>	N	L	Y	Y	N	N	L	N	106-1359	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: 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
STORAGE														
Warehousing /distribution	N	N	N Y	N	L	Y	Y	N	N	N	N	106-1366	Storage, wholesale, and distribution of manufactured products, supplies and equipment. This use excludes bulk storage of materials that are flammable, explosive, toxic or create hazardous conditions, and that are defined as business storage uses, above.	

C. ANALYSIS:

The proposed amendments are consistent with the goal of the Comprehensive Plan for Commercial Land Uses, i.e., “where appropriate, small non-retail commercial uses such as contractor’s offices, small assembly facilities, and light industrial operations that do not

adversely impact surrounding retail uses are encouraged.” This amendment to the ZDSO would directly implement the Article IV Sections of the Comprehensive Plan by allowing commercial regional uses to complement surrounding light industrial land uses where the districts may abut each other.

The problem with use-based codes like our current ZDSO is that a light-industrial use may be excluded from a zoning district that makes perfect sense to include; but is unavailable unless a map amendment to another district is attempted. This has led to spot zoning in some instances. The text amendment is the only alternative to this problem. The better alternative is to have form-based zoning districts. Additional limited standards are proposed by staff to address potential adverse impacts from outdoor loading and storage areas.

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-493 of the ZDSO, staff recommends a modification to the requested text amendment as follows: changes are shown as underlined for additions and ~~strike-through~~ for deletions:

TABLE 106-1098. GENERAL USE TABLE [Excerpt]

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 <u>L</u>	N	L	Y	Y	N	N	L	N	106-1359	[no changes proposed]
STORAGE													
Warehousing/ distribution	N	N	N <u>L</u>	N	L	Y	Y	N	N	N	N	106-1366	[no changes proposed]

Sec. 106-1359. Light Industry.

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

- (1) A setback of at least 100 feet from the district boundary shall be required for all uses having such a boundary.
- (2) Operators of this use shall ensure that no residentially zoned district receives levels of noise beyond 70 decibels between 6:00 a.m. and 7:00 p.m. The maximum receiving noise between 7:01 p.m. and 5:59 a.m. shall be 55 decibels.
- (3) No use shall produce vibration levels that are received at residential property lines.
- (4) No use shall produce noxious or nuisance-oriented emissions.

(5) No light industry use shall exceed a maximum square footage of 200,000 square feet of floor area per building.

(b) *Reports/studies required.* All applications for this use shall include an environmental impact assessment.

(c) *Research and development district.* In the research and development district, light industrial uses shall be permitted only where it is a pilot plant or manufacturing facility that produces products developed at the research facility and occupies no more than 40 percent of the floor area. The manufacturing facility shall be built of the same materials and be in the same architectural style as the research and development facilities.

(d) *Rural business district.* Limited standards for light industrial uses within rural business districts are as follows:

(1) This use is limited to 5,000 square feet of floor area.

(2) The following uses are not permitted as part of this use:

a. Mini-warehouses (NAICS 53113);

b. Heavy truck, recreational vehicle and mobile homes sales (NAICS 441222, 441229, 44121, 45393); and

c. Heavy truck rental (NAICS 53212).

(e) Commercial regional district. Limited standards for light industrial uses within commercial regional districts are as follows:

(1) Outdoor loading areas shall be located to the rear of the principal structure and screened from adjacent roads and properties.

(2) Loading and unloading of goods and supplies shall not interfere with the on-site circulation of vehicles and pedestrians.

Sec. 106-1366. Warehousing/distribution.

(a) *Limited/special standards for this use in all applicable districts.* Limited/special standards for warehousing/distribution uses in all applicable districts are that there shall be no bulk storage of materials that are toxic, flammable, explosive, or create hazardous conditions.

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

(c) *Additional standards for research and development district.* In the research and development district, light warehousing shall be permitted only where it is an accessory use to the primary research facility and occupies no more than ten percent of the floor area. The warehouse shall be built of the same materials and be in the same architectural style as the research and development facilities.

(d) Additional standards for commercial regional district.

(1) The use shall have direct access onto an arterial or major collector road.

(2) Outdoor storage and loading areas shall be located to the rear of the principal structure to the maximum extent practicable and be screened from adjacent roads and properties.

9. Explanation (continue on separate sheet if needed): amend land use table to allow for the addition of Light Industry land uses and further allow for Warehousing / distribution land uses in the CR District as it applies to the subject property. The land use table in Section 106-1098 is proposed to be amended accordingly. The proposed amendments are supported by the surrounding light industrial land uses, the existing building as it was designed / approved and built as well as supported by the existing road and utility infrastructure that is in place to support the subject property. @

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.

Michael G. Davis Signature of Owner August 1, 2013 Date
Printed Name: Michael G. Davis Telephone Number: 843-384-1751

Address: 18 Knightsbridge Lane, Hilton Head, SC 29928

Email: hhidavis@aol.com

Agent (Name/Address/Phone/email): Michael Kronimus ~ KRA, Inc. 2 Verdier Plantation Rd., Bluffton, SC

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 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 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: 218067

Rev. 1/5/13

ZTA 05
FILE NO: 2013-05 // Initiated by: STAFF OWNER
(Circle One)



MEMORANDUM

To: Beaufort County Planning Commission
From: Tony Criscitiello, Planning Director
Subject: Proposed Amendment to the ZDSO
Date: September 26, 2013

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 A1 (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

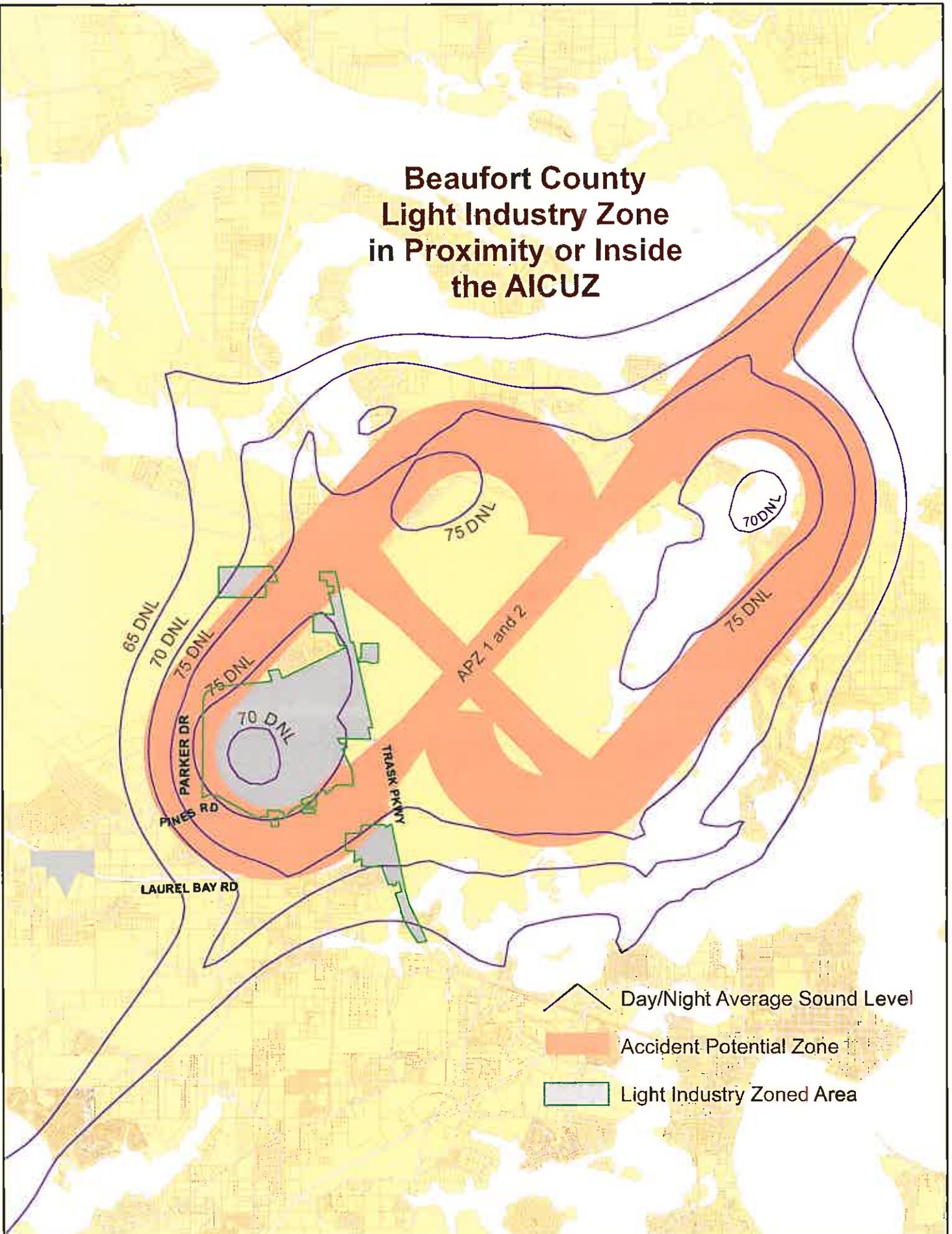
EXCERPT FROM TABLE 106-1098. GENERAL USE TABLE

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+
30	<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
40	<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 ⁵	30 ⁵	N	N
48	Utilities	Y	Y	Y	Y ²	Y ³	Y ⁴	N
49	Other transportation, communication and utilities	Y	Y	Y	25 ⁵	30 ⁵	N	N
50	<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 ¹	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 ²	Y ³	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 ²	Y ²	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.