



COUNTY COUNCIL OF BEAUFORT COUNTY  
**BEAUFORT COUNTY PLANNING DIVISION**  
Multi-Government Center • 100 Ribaut Road, Room 115  
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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Thursday, January 5, 2012, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**Members Present:**

Mr. Jim Hicks, Chair	Mr. Robert Semmler, Vice Chair	Ms. Diane Chmelik
Ms. Mary LeGree	Mr. Ronald Petit	Mr. Edward Riley III

**Members Absent:** Mr. E. Parker Sutler and Mr. John Thomas  
(Note: 1 Vacancy for Northern Beaufort County representation)

**Staff Present:**

Ms. Delores Frazier, Assistant Planning Director  
Ms. Barbara Childs, Admin. Asst. to Planning Director

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

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

**CHAIRMAN’S REPORT:** Chairman Hicks noted that there were two absences and no review of minutes at this meeting.

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

**PORT ROYAL ISLAND ZONING MAP AMENDMENT / REZONING REQUEST FOR R100 024 000 0020 0000 AND R100 024 000 0416 0000 (2 PARCELS TOTALING 8.29 ACRES AT THE INTERSECTION OF RUG RACK, LAUREL BAY, AND JOE FRAZIER ROADS IN BURTON, SC) FROM RURAL WITH TRANSITIONAL OVERLAY (R-TO) ZONING DISTRICT TO COMMERCIAL SUBURBAN (CS); OWNER: TIMMARK GENERAL PARTNERSHIP / APPLICANT: T. SCHWARTZ**

Ms. Delores Frazier noted that the applicant came in 2010 with a rezoning request. At that time the Planning Department was planning a charrette for the area and recommended that the applicant wait until then. Unfortunately, the staff had charrettes elsewhere, but not for the area. The applicant has returned for a rezoning. The future land use map shows the property is within the future growth area for the City of Beaufort. The area is intended for residential and supporting commercial businesses. The rezoning map shows the upzoning if the infrastructure can manage the upzoning. There is water to the site, and the applicant said there is sewer located

within ¼ mile of the property. The County Transportation Engineer noted unusual roadway alignments and access issues, with specific recommendations such as:

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

Also, County Council has adopted a Transfer of Development Rights (TDR) program around the U.S. Marine Corps Air Station and the property is within the designated receiving area. If applicant were to develop the property, they would have to purchase development rights.

Staff found the rezoning change was consistent with the neighboring area. The character of the area is rural, with suburban development along Laurel Bay Road. The neighboring military housing is suburban in nature. There is potential for residential development and several family compounds in the area. If commercial development occurs on the property, a buffer will be required to mitigate the adverse effect to the surrounding residential uses. Staff recommends approval of the rezoning request with the additions of a TDR overlay district and the three conditions recommended by the Traffic and Transportation Engineer.

Applicant Comments: Mr. Mark Carey is a partner in Timmark Partnership--the owner of the property. He noted that his partner, Mr. Tim Schwartz, had been dealing with the issue, but had a personal emergency and was unable to attend this meeting. Mr. Carey noted that the property was zoned commercial until 1999 when it was changed to rural. They continue to pay taxes as commercial. They were told to subdivide the land. They waited for the charrette but it had not occurred. They were denied their last rezoning request. They need the commercial zoning to refinance their property. The banks and insurance company require the zoning to match the usage. Mr. Cary said, in response to a Planning Commission query as to why a rezoning was reapplied for when a charrette was promised, he and Mr. Schwartz are following instructions. In response to another Planning Commission query whether they were aware of the TDR process of purchasing development rights should they develop their property, Mr. Cary indicated they understood.

#### Public Comments:

- Mr. Reed Armstrong, of the Coastal Conservation League, noted that the applicant can continue without the rezoning because the use was grandfathered. Rezoning in this area should conform to the future land use plans of the City of Beaufort per its 2009 Comprehensive Plan update. The area is within the City's neighborhood center and at first thought the rezoning might be appropriate. He asked the Commission to consider two points. First, a neighborhood center is for mixed use activity with retail services, civic uses and higher density housing; so the question is if the self-storage units fit into one of these uses the City has designated for the area. Second, if a neighborhood center should be anchored by a grocery store, then the neighborhood center should be at the 40,000-square foot Food Lion about a mile down the street from this property and not at this property. Guiding principles must be conformed to the City of Beaufort's growth plan. If the rezoning is recommended

then this property would be appropriate as a neighborhood center, and the Food Lion would become a non-conforming use in the City's growth plan.

- Mr. Donald Middleton, one of the landowners next to the property, is against the rezoning. Mr. Middleton indicated there was confusion as to why the rezoning was requested—to assist in a bank loan or develop the property. There are other commercial buildings not being used in the area. In a few years, the business might leave and another unused building will add to the neighborhood.
- Ms. Janie Middleton, mother of Donald Middleton, said the property is in a residential neighborhood. If a business is placed there, it will affect the neighborhood. There should not be another business on the property. She heard that they wanted to put a Dollar Store on the property. There would be too much traffic in the area from that business. If that does not happen, they might sell to someone else who would develop the property. They said they wanted to put security lights on the property—if the existing storage sheds are broken into, what about a dollar store?
- Mr. Donald Middleton mentioned the proposed charrette. He asked if the form-based code had been activated and was told that the code would occur sometime this year. He asked the Commission to consider the neighborhood.

Commission discussion included a clarification on the road accesses to the property, including potential redesign of the intersection; an explanation of the TDR overlay process; the 15% allowed expansion on the property; an explanation on the non-inclusion of the cell tower parcel; the 100-foot buffer requirement for commercial uses abutting residential uses; the 1999 rezoning of the area that was previously zoned commercial; a explanation of spot zoning; advice on considering what uses could occur with the proposed rezoning rather than what is currently on the property; a clarification on the special use process through the Zoning Board of Appeals; the potential for sale of the property to someone else who could place whatever is allowed in commercial suburban zoning; and the favorable vote of 3-2 by the Metropolitan Planning Commission regarding this rezoning request.

**Motion:** Mr. Semmler made a motion, and Mr. Petit seconded the motion, **to recommend approval to County Council on the Port Royal Island Zoning Map Amendment / Rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay, and Joe Frazier Roads in Burton, SC) from Rural with Transitional Overlay (R-TO) Zoning District to Commercial Suburban (CS) with the following conditions:**

- 1. Inclusion into the Transfer of Development Rights (TDR) overlay district; and**
- 2. Requiring the three conditions stated by the Traffic and Transportation Engineer:**
  - **Access to the site should be internal from Timmark Drive only, and there shall be no access to SC 116 (Laurel Bay Road);**
  - **Access may be permitted to Joe Frazier Road; however, SCDOT and Beaufort County driveway and access separation standards shall be met; and**
  - **A Traffic Impact Analysis is required for any development that generates 50 peak-hour trips or greater based on Section 106-367(g)(4) of the ZDSO.**

The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, and Semmler).

**OTHER BUSINESS – 2012 Election of Commission officers:**

- **Chairman: Mr. Petit nominated, and Ms. Chmelik seconded the nomination, Mr. Hicks for Chairman.** No other nominations were offered and the floor was closed to any other nominations. **The nomination for Mr. Hicks as Chairman was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, and Semmler).
- **Vice Chairman: Ms. Chmelik nominated, and Mr. Riley seconded the nomination, Mr. Semmler for Vice-chairman. Mr. Petit made a motion to close the nominations, and it was seconded. The nomination for Mr. Semmler as Vice Chairman was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, and Semmler).

**ADJOURNMENT: Motion:** Ms. Riley made a motion, and Mr. Sutler seconded the motion, to **adjourn** the meeting. The motion **was carried unanimously** (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas). The meeting adjourned at approximately 6:47 p.m.

**SUBMITTED BY:**

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Barbara Childs, Admin. Assistant to the Planning Director

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Jim Hicks, Beaufort County Planning Commission Chairman

**APPROVED: February 6, 2012**