

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902
Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, October 18, 2021, 5:00 P.M.

City Hall, Council Chambers, 2nd Floor – 1911 Boundary Street, Beaufort, SC

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83720099296?pwd=ekZ1cVdRaFpPV21aQUlsanQ1MUxMZz09>

Password: 319651

Meeting ID: 837 2009 9296

Call in Phone #: 1+929 205 6099

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

I. Call to Order

II. Pledge of Allegiance

III. Review Commission Meeting Minutes:

A. September 20, 2021 Meeting Minutes

IV. Questions Relating to Military Operations

V. Review of Projects for the City of Beaufort:

A. None

VI. Review of Projects for the Town of Port Royal:

A. Town of Port Royal – Review and Adopt Port Royal 2030, Comprehensive Plan.

VII. Review of Projects for Beaufort County:

A. Beaufort County – Rezoning of approximately 2 acres at 2706 Trask Parkway, also identified as R100 020 000 0020 0000. The parcel is zoned T2 Rural Neighborhood (T2RN). The proposal is to rezone the parcel to C4 Community Center Mixed Use (C4CCMU). Approximately .5 acres of the property is within the MCAS AICUZ overlay. The applicant is Oleksiy Naumenko.

VIII. Discussion

IX. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.



Metropolitan Planning Commission Meeting Minutes – September 20, 2021

1. CALL TO ORDER 0:92

A meeting of the Metropolitan Planning Commission was held in person on September 20 2021, at 5:05 pm.

2. ATTENDEES

Members in attendance: Michael Tomy (Chairman), Judy Alling (Vice-Chair), Sue Cosner, Caroline Fermin, Jason Hinchler and Wendy Zara.

Staff in attendance: Julie A. Bachety (City of Beaufort Administrative Assistant of Community and Economic Development) and Noah Krepps (Town of Port Royal Director of Planning)

3. REVIEW OF MINUTES 1:07

Motion: Ms. Cosner made a motion to adopt the July 29, 2021 meeting minutes as corrected; seconded by Mr. Hinchler. The motion passed unanimously.

Disclaimer: All Metropolitan Planning Commission Meeting minutes are recorded and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at tguldner@cityofbeaufort.org

4. QUESTIONS RELATING TO MILITARY OPERATIONS 1:26

None.

5. REVIEW OF PROJECTS OF TOWN OF PORT ROYAL 2:16

A. Town of Port Royal - Review and Adopt Port Royal 2030 Comprehensive Plan.

Mr. Krepps gave an overview of the Town of Port Royal's 2030 Comprehensive Plan. No motion was made; just a discussion.

B. Town of Port Royal - Rezoning Request. Rezone approximately 5.18 acres at 1251 Lady's Island Drive, also identified as District 110, Map 9, Parcels 180. The parcel is zoned T4 Neighborhood Center (T4NC). The proposal is to rezone the parcel to T4-Neighborhood Center - Open (T4NC-O). The applicant is Care RSL Port Royal Propco, LLC.

Motion: Ms. Zara made a motion to deny the rezoning request of the Mobley Tract; seconded by Ms. Cosner. The motion passed unanimously.

6. **ADJOURN**

43:90

Ms. Zara made a motion to adjourn the meeting; seconded by Ms. Alling. The motion passed unanimously. The meeting ended at 5:50 pm.

Chair

Date of approval

Resolution 2021-

A RESOLUTION OF THE METROPOLITAN PLANNING COMMISSION TO RECOMMEND ADOPTION OF AN UPDATE TO THE TOWN OF PORT ROYAL COMPREHENSIVE PLAN AS REQUIRED UNDER SOUTH CAROLINA CODE OF LAWS, SECTION 6-29-510(E)

WHEREAS, the Metropolitan Planning Commission (MPC) recognizes the importance of planning for the future growth and development of the Town of Port Royal; and,

WHEREAS, the Town of Port Royal solicited input from the public, and from that input developed a vision for the Town's future; and,

WHEREAS, the MPC, working in concert with Town staff and other stakeholders, developed Port Royal 2030 as a guide for the Town's future growth and development, by examining existing and future conditions, best planning practices, and input from stakeholders; and,

WHEREAS, Port Royal 2030 contains recommendations in the form of goals, objectives, and action steps as well as the Future Land Use Plan; and,

WHEREAS, achieving the Town's vision for the future will be accomplished through the implementation of Port Royal 2030; and,

NOW THEREFORE, BE IT RESOLVED by the Metropolitan Planning Commission that the request for a recommendation to Port Royal Town Council for adoption of Port Royal 2030, the comprehensive plan for the Town of Port Royal, including the Future Land Use Plan map, plan text, and all plan recommendations, is hereby APPROVED.

MICHAEL TOMY, CHAIRMAN

Attest:

NOAH KREPPS, PLANNING DIRECTOR



MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Juliana Smith, Beaufort County Planning and Zoning Department
DATE: October 18, 2021
SUBJECT: Zoning Map Amendment/Rezoning Request for 2 acres (R100 020 000 0020 0000) at 2706 Trask Parkway from T2 Rural Neighborhood to C4 Community Center Mixed Use; Applicant: Oleksiy Naumenko.

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2021-04
Owner/Applicant: Oleksiy Naumenko
Property Location: 2706 Trask Parkway
District/Map/Parcel: R100 020 000 0020 0000
Property Size: 2 acres
Current Future Land Use Designation: Community Commercial
Current Zoning District: T2 Rural Neighborhood, AICUZ Accident Potential Zone 2
Proposed Zoning District: C4 Community Center Mixed Use

B. SUMMARY OF REQUEST: The applicant seeks to change the zoning of a 2-acre lot at 2706 Trask Parkway. The property is currently zoned T2 Rural Neighborhood (see attached map), where approximately 0.5 acre is in the AICUZ Accident Potential Zone 2. The applicant seeks C4 Community Center Mixed Use zoning to facilitate the continued use of a previously grandfathered, nonconforming gas station. Two inoperative pumps are on site along with an associated convenience store and liquor store that are both operating.

The business was previously known as “Dobb’s Store” and was operational for many decades until 2018, at which point the store was closed. The applicant purchased the property in April 2019 and was issued a zoning permit (Z-37907) with the condition that the business be reestablished within a year, or no later than May of 2020. If it was not opened by that time, the use would not be re-permitted. The business was not reestablished and the zoning permit lapsed in May 2020. As a result, the applicant seeks C4 Community Center Mixed Use zoning to reestablish the gas station.

C. EXISTING ZONING: The property is currently zoned T2 Rural Neighborhood (T2RN), which does not permit general retail uses. T2RN is intended to protect the rural character of existing communities and neighborhoods, to minimize nonconforming lots, and to provide owners of small, clustered rural lots flexibility in the use of their land. The district is not intended to promote tract development or to encourage rezoning.

D. PROPOSED ZONING: The Community Center Mixed Use (C4CCMU) district provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood. These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They blend with the surrounding areas, rather than threaten the character of the area. The C4CCMU would allow for a little over 20,000 square feet of commercial development on this property. Gas stations are a conditional use in C4CCMU.

E. COMPREHENSIVE PLAN FUTURE LAND USE MAP: All 2 acres of the lot are designated Community Commercial on the Future Land Use Map. The Comprehensive Plan states that future development in Community Commercial areas should be compatible with and serve nearby residential areas, such as a shopping district anchored by a grocery store, should connect into existing pedestrian systems, and should avoid strip patterns.

F. MARINE CORPS AIR STATION: The approximate 0.5 acre portion of the property where the gas station is currently sited is in the AICUZ Accident Potential Zone 2 (APZ-2), which has a measurable potential for accidents and is an area normally beyond APZ-1. It is also in the 80-85 decibel Day-Night Average Sound Level (DNL) noise contour, the loudest AICUZ DNL zone. General retail is not permitted in the APZ-2, except for single use freestanding retail. The Marine Corps Air Station (MCAS) has been provided a copy of the rezoning request. Their letter is attached. MCAS reports concerns about a gas station being sited in the APZ-2 district and object to the rezoning request.

G. ZONING MAP AMENDMENT REVIEW STANDARDS: In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;**
The proposed rezoning is consistent with the Comprehensive Plan, which envisions this area to be Community Commercial.
2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;**
The proposed rezoning is a “spot zoning” as it is not adjacent to any other C4 Community Center Mixed Use parcels. The site is also in the AICUZ APZ-2 area. General retail is not permitted in the APZ-2, except for single use freestanding retail.
3. **Addresses a demonstrated community need;**
N/A
4. **Is required by changed conditions;**
N/A.

5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;**

The proposed rezoning is consistent with the historical use of the property, which was a gas station for fifty years prior to 2018.

6. **Would not adversely affect nearby lands;**

See 2 above.

7. **Would result in a logical and orderly development pattern;**

See 5 and 6 above.

8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:**

Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual.

9. **Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):**

The property is already served by water and is within proximity to sewer. Fire facilities are located within a mile of the site.

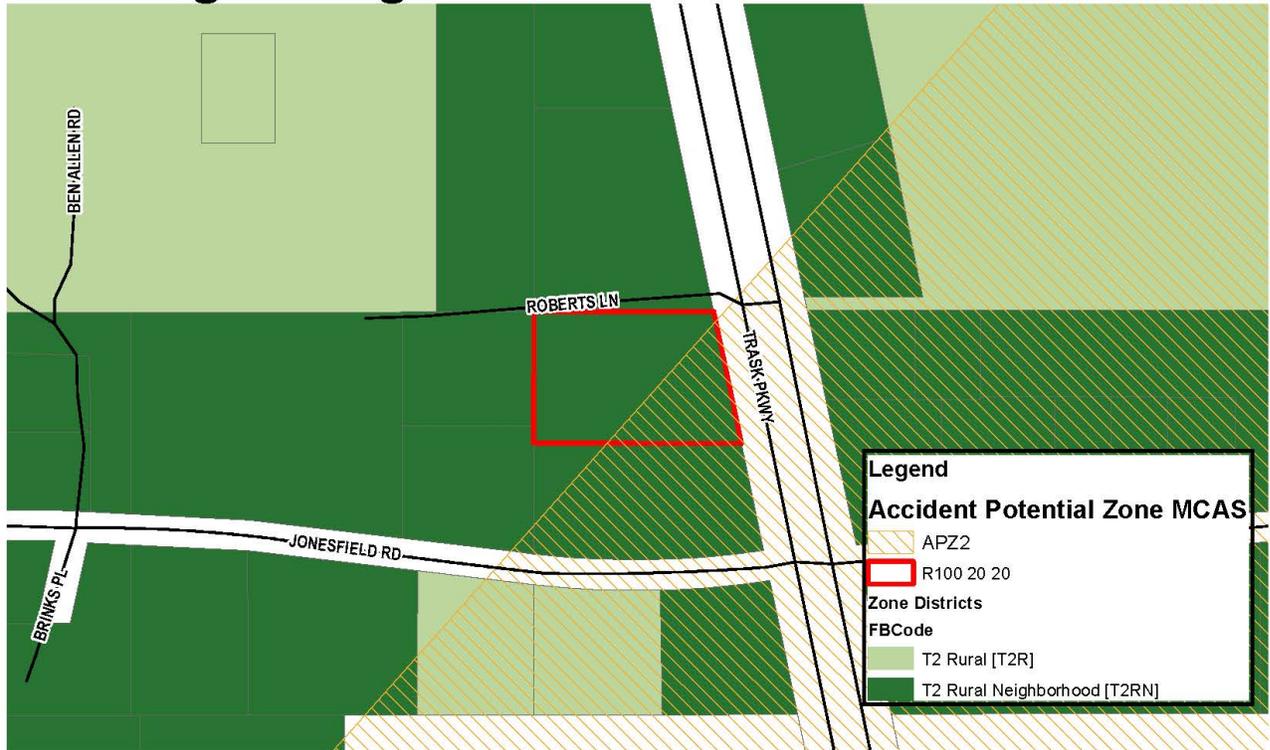
H. STAFF RECOMMENDATION: The proposed zoning change from T2RN to C4CCMU is in conflict with the AICUZ APZ 2 zoning and opposed by MCAS. Beaufort County Planning staff work with MCAS to prevent encroachment of incompatible uses in the AICUZ district and as such, this rezoning request cannot be supported by Planning staff.

I. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION: At the October 4, 2021 meeting of the Beaufort County Planning Commission, the Commission voted three (3) to two (2) to recommend approval of the proposed zoning amendment.

J. ATTACHMENTS

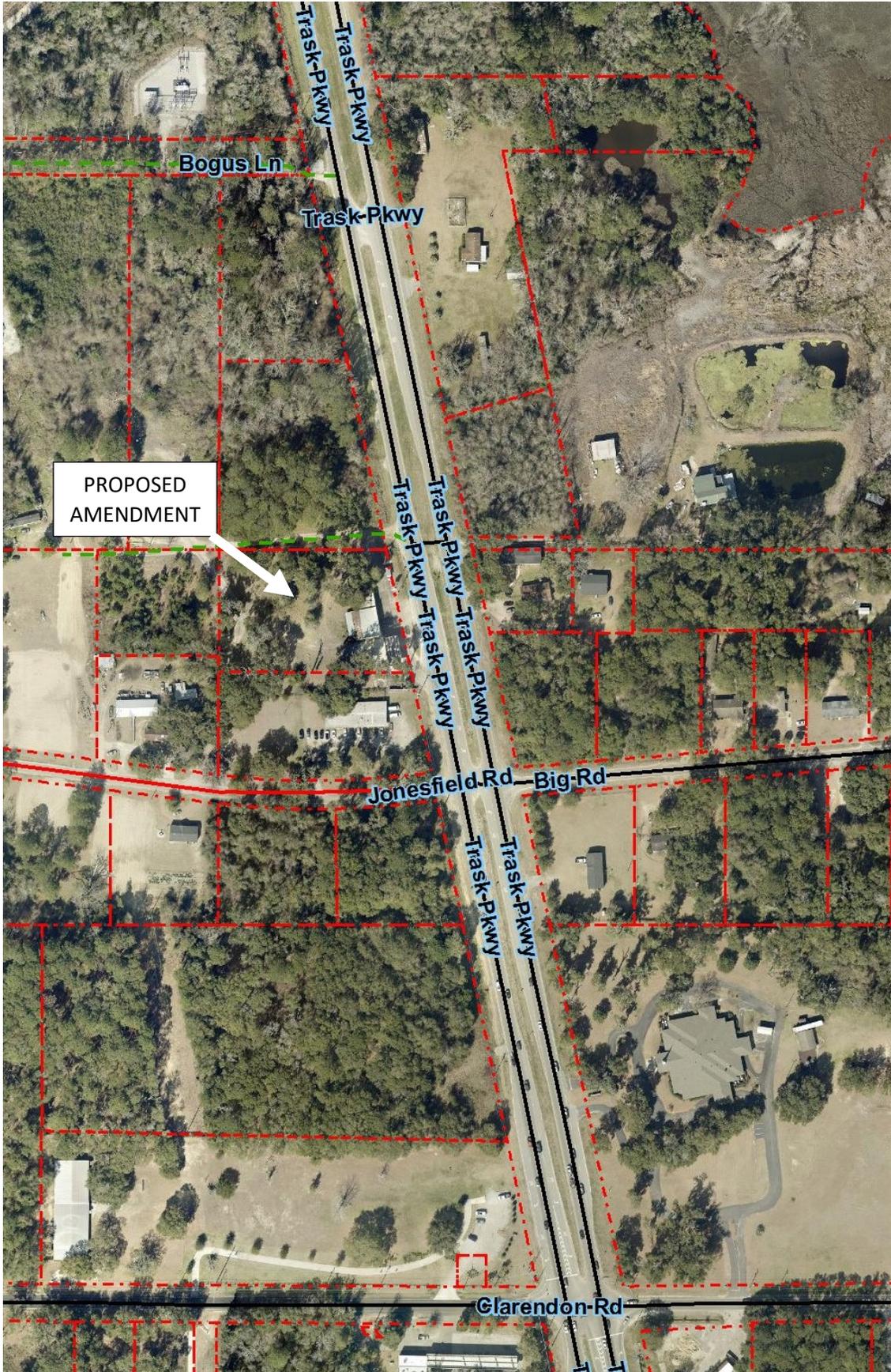
- Zoning Map (existing and proposed)
- Location Map
- Applicant Narrative Submittal
- MCAS Letter

Existing Zoning



Proposed Zoning





2706 Trask Pkwy also known in the community as “Dobs Store”

Business was operational with all applicable licenses and permits until 2017-2018. Store was closed due to the owner's illness, and family members were not able to operate.

Property was purchased by my company Lowcountry Legacy Real Estate in April of 2019.

May 2019 zoning permit Z-37907 was issued with a condition of business to be re-established within in year (no later than 05/20/2020)

Liquor license #109814498 was granted to a store on 10/09/2019.

October 2019 property was leased to an “Operator” who was responsible for reopening and running a business on a daily basis. Operator failed to open on time due to pandemic and other personal reasons.

Lowcountry Legacy Real Estate currently has an open eviction case against Operator.

Lowcountry Legacy Real Estate maintained financial liability and active Underground Storage Tank certificate with DHEC during 2019-2021 for gas station.

Convenience store currently holds an active business license with Beaufort County, Retail license with the state of South Carolina, Beer and Wine license and Lottery retail license.

Property is not going to be developed more than it is in its current state, just maintained.

Gas station and Convenience store was operating in this location for nearly 50 years, and the liquor store was open for at least 40 years. Gas Station have always been a part of the local community, people are always stopping by and asking when the store is going to reopen. We would not be able to do so without the ability to sell gasoline as it brings customers to the convenience store. Gasoline sales are bringing about third of overall income at this location based on previous years of operation.

Please let me know if you need any additional information

From: [Trail CIV David J](#)
To: [Smith, Juliana](#); [Fleming CIV Kimberly H](#)
Cc: [Merchant, Robert](#)
Subject: RE: 2706 Trask Pkwy Rezoning
Date: Thursday, September 2, 2021 2:23:10 PM
Attachments: [image001.png](#)

Good Afternoon Ma'am,

Thanks for reaching out with the rezoning proposal notification. The facts regarding the development proposal for 2706 Trask Parkway (R100 020 000 0020 0000), as MCAS Beaufort knows them, are as follows:

The Property is:

- 2 acres (based on Beaufort County Property data),
- Currently zoned as T2 Rural Neighborhood (T2RN),
- in the MCAS Overlay District, and
- in the APZ II and 80-85 decibel (dB) Day-Night Average Sound Level (DNL) noise contour (see attached map).

Proposal:

- Applicant would like to operate a gas station, a historical use that was grandfathered in, but has expired due to cessation of the use for more than a year.
- The applicant wishes to continue the use by having the property rezoned to Community Center Mixed Use (C4).

In determining whether or not the proposal is compatible with MCAS Beaufort's mission and operations, the proposal was evaluated with regards to airfield operations, noise standards, and potential compatibility problems as well as reviewed in the context of the following references:

- Air Installations Compatible Use Zone (AICUZ) Study, Marine Corps Air Station (MCAS) Beaufort, 2013
- Department of Defense Instruction 4165.57
- Chief of Naval Operations and the Commandant of the Marine Corps OPNAVINST 11010.36C/MCO 11010.16 (Joint Instruction)
- Standard Land Use Coding Manual; and
- Beaufort County Community Development Code.

Based on this review, MCAS Beaufort has determined this proposal is not compatible and objects.

If you have any further questions please let me know.

Thank you!

David J. Trail
Director, Government and External Relations (S-7) |
Community Plans and Liaison Officer
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