



A request by J.C. Fraser, Jr. for approval of an Amendment to the Town of Bluffton Official Zoning Map to rezone two (2) parcels from Residential General (RG) to Neighborhood Core (NC) (ZONE-09-21-015896) – Second & Final Reading

PUBLIC HEARING

Presentation to Town Council
Kevin P. Icard, AICP
Department of Growth Management
January 11, 2022



This presentation was presented to Town Council on December 14, 2021.

No changes have occurred since that date.

Suggested Motion



*“I motion to **[Approve, Approve with Conditions or Deny]** the request by J.C. Fraser, Jr. for approval of an Amendment to the Town of Bluffton Official Zoning Map to rezone two (2) parcels from Residential General (RG) to Neighborhood Core (NC). The subject parcels consist of approximately 1.24 acres and are identified by Beaufort County Tax Map Numbers R610 039 000 0159 0000 and R610 039 000 0744 0000.”*



Request

Town Staff requests that Town Council approve a Zoning Map Amendment Application to rezone certain property containing approximately 1.24 acres, more or less, located at 190, 192, 194 and 196 Goethe Road, identified by Tax Map Numbers R600 039 000 0159 0000 and R610 039 000 0744 0000 (“the Properties”) from Residential General (RG) to Neighborhood Core (NC) pursuant to the Town of Bluffton’s Unified Development Ordinance.



Introduction

On October 1, 2021, J.C. Fraser, Jr. (“the Applicant”) submitted an application (ZONE-09-21-015896) requesting approval of an Amendment to the Town of Bluffton Official Zoning Map (See Attachment 1).

The Properties are currently zoned Residential General (RG) and regulated by the Unified Development Ordinance (UDO), which allows single-family residential use with density of up to four (4) units per acre and a limited number of commercial uses. Restaurant is not an allowed use.

Planning Commission Recommendation



On November 17, 2021, the Planning Commission recommended, with a vote of 5-1, to approve the rezoning request as submitted.



Background

The Applicant proposes to reestablish the property identified as, R610 039 000 0744 0000 (196 Goethe Road) as a restaurant with associated parking. The building has previously been used as a restaurant, gas station, pool hall and a cafeteria for M.C. Riley School.



Background

- In 1962, James C. Fraser Sr. receives title to the Properties from his grandmother, Gracie Frazier.
- In 1964, Mr. Fraser constructed the 1,500 Square foot building. Beaufort County Tax Records, lists it as General-Purpose Building.
- Mr. Fraser Sr. and his family operated the restaurant at this location until it closed in 1969.
- In 1981, the Town of Bluffton first enacted zoning. This property was zoned for residential use. Mr. Fraser Sr. was not permitted to re-establish any commercial use. (See Attachment 4)
- In November 1984, Beaufort County denied a zoning variance to 'open the store across from M.C. Riley Elementary School (ES).' It should be noted that M.C. Riley ES was previously located on Goethe Road prior to being moved to its current location on Burnt Church Road. (See Attachment 2)
- In 1991, Mr. Fraser requests a rezoning of the property from Residential General to Mixed-Use II. His request was denied by Town Council based on the recommendation provided by Beaufort County Planning Staff when they stated the site lacked adequate infrastructure to handle the uses allowed in the MU-II district.



Background

- In 1993, the Town of Bluffton Town Council approved a rezoning request, as recommended by Beaufort County planning Staff, for the property as Mixed-Use II (MU-II). (See Attachment 2)
- In November of 1992, Mr. Fraser Jr. received a State of SC Retail License for 'Kitty's Snack Shop.' (See Attachment 2)
- On January 29, 1996, Mr. Fraser Jr. received a business license from the Town of Bluffton to operate a restaurant, 'Kitty's Snack Shop.' (See Attachment 2)
- In 2001-2002, the Town of Bluffton rezoned the property to General Residential, along with the annexation and established zoning of other properties along Goethe and Shults Road. The Town provided a determination that the owner had vested rights as a Mixed-Use II non-conforming use. (See Attachment 2)
- On July 26, 2016, the attorney for the Town of Bluffton stated the use of a Restaurant is not allowed as the property owner had abandoned the legal non-conforming use for a period of one-year or more. (See Attachment 3)
- On September 27, 2021, Town Staff met with Mr. Fraser Jr. on-site for a Pre-Application Meeting to discuss the next steps to submit for an application to rezone the Properties.
- On September 28, 2021, Mr. Fraser Jr. submitted an application to rezone his Properties from Residential General (RG) to Neighborhood Core (NC).
- On November 1, 2021, the Planning Commission held a workshop to hear Mr. Fraser's request.



Public Notice

All property owners within 250 feet were provided notice of the Public Hearing, a notice was placed in the Island Packet on October 17, 2021, and a sign has been installed in front of Applicant's Properties.

To date, Mr. Paul Serrano, 192-A Goethe Road, adjacent property owner to the North, contacted Staff regarding the request. Mr. Serrano had no objections to the request and "wished Mr. Fraser all the best with the rezoning".



Review Criteria – Zoning Map Amendment

1. Section 3.4.3.A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area;
2. Section 3.4.3.B. Capability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district.
3. Section 3.4.3.C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;
4. Section 3.4.3.D. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising the public health, safety and welfare of the Town of Bluffton.
5. Section 3.4.3.E. Public need for the potential uses permitted in the requested zoning district;
6. Section 3.4.3.F. Compliance with applicable requirements in the Applications Manual.

Review Process and Next Steps



Meeting	Date
Pre-Application Meeting	September 27, 2021
Planning Commission Workshop	November 1, 2021
Planning Commission Public Hearing and Recommendation to Town Council	November 17, 2021
Town Council Ordinance 1st Reading	December 14, 2021
Town Council Public Hearing and Ordinance 2nd and Final Reading	January 11, 2022

Town Council Actions



As granted by the powers and duties set forth in Section 2.2.6.C.4 of the UDO, Town Council has the authority to take the following actions for the Zoning Map Amendment:

1. Approve the application as submitted;
2. Approve the application with amendments; or
3. Deny the application as submitted.



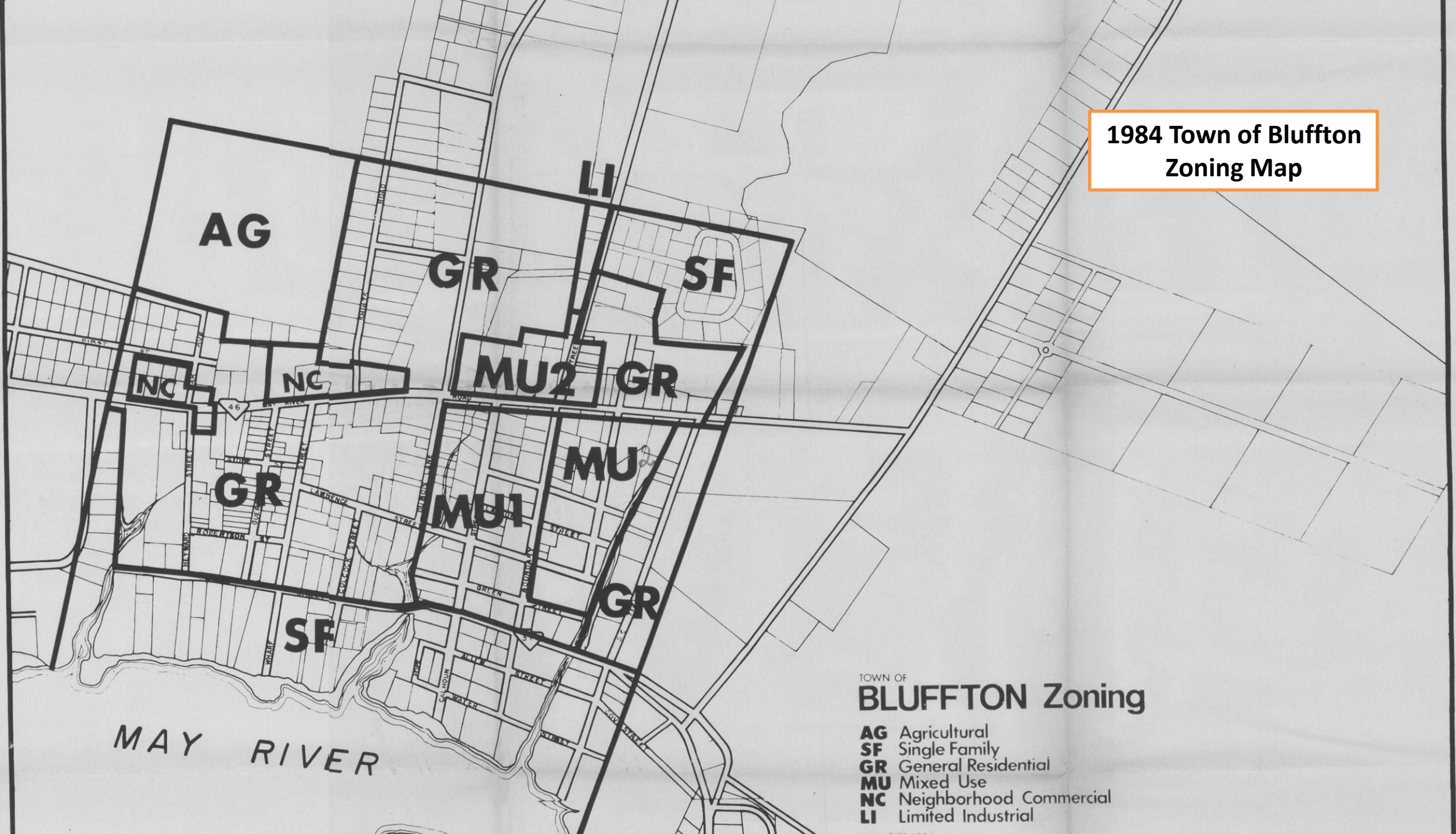
QUESTIONS

Suggested Motion



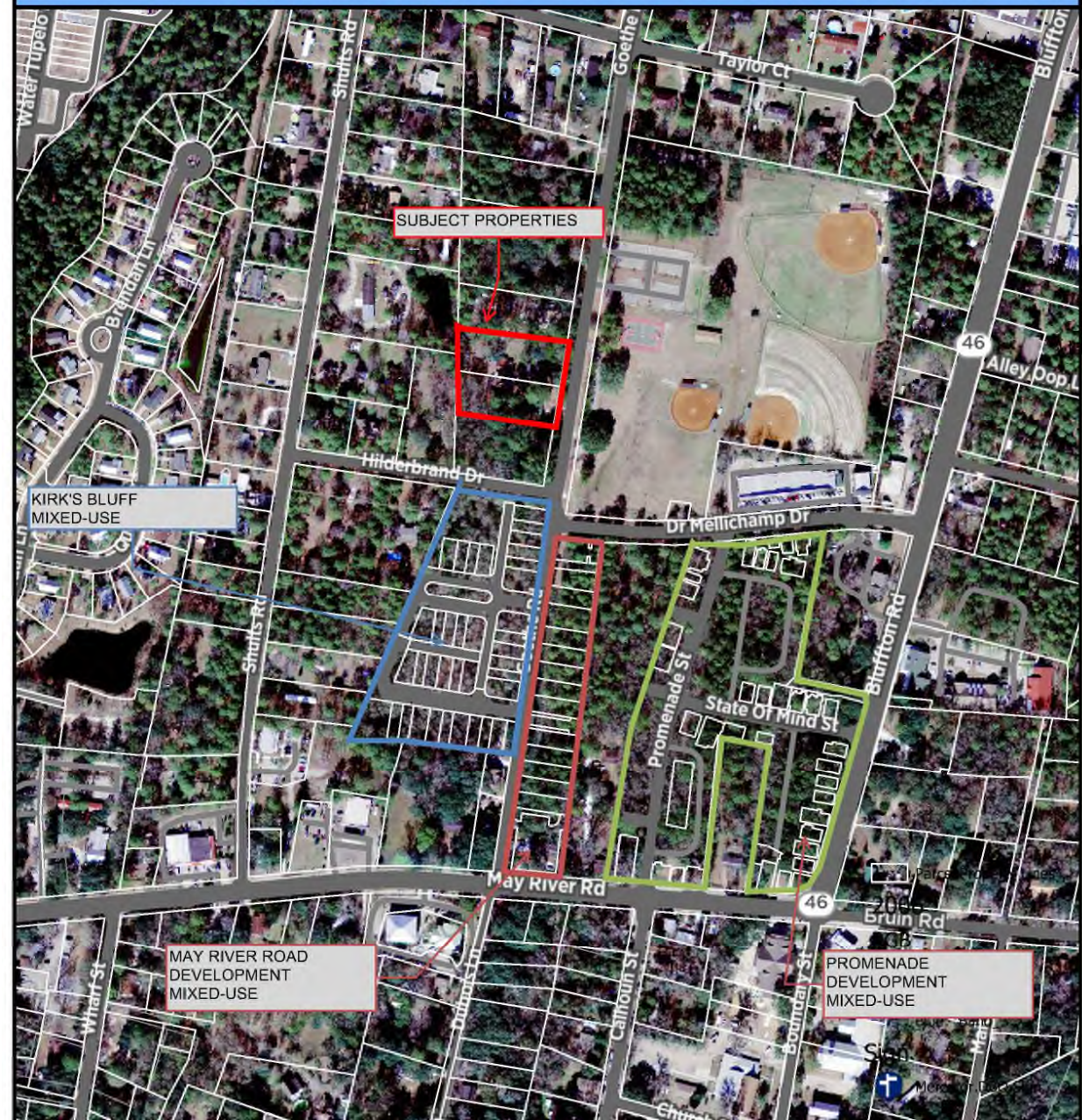
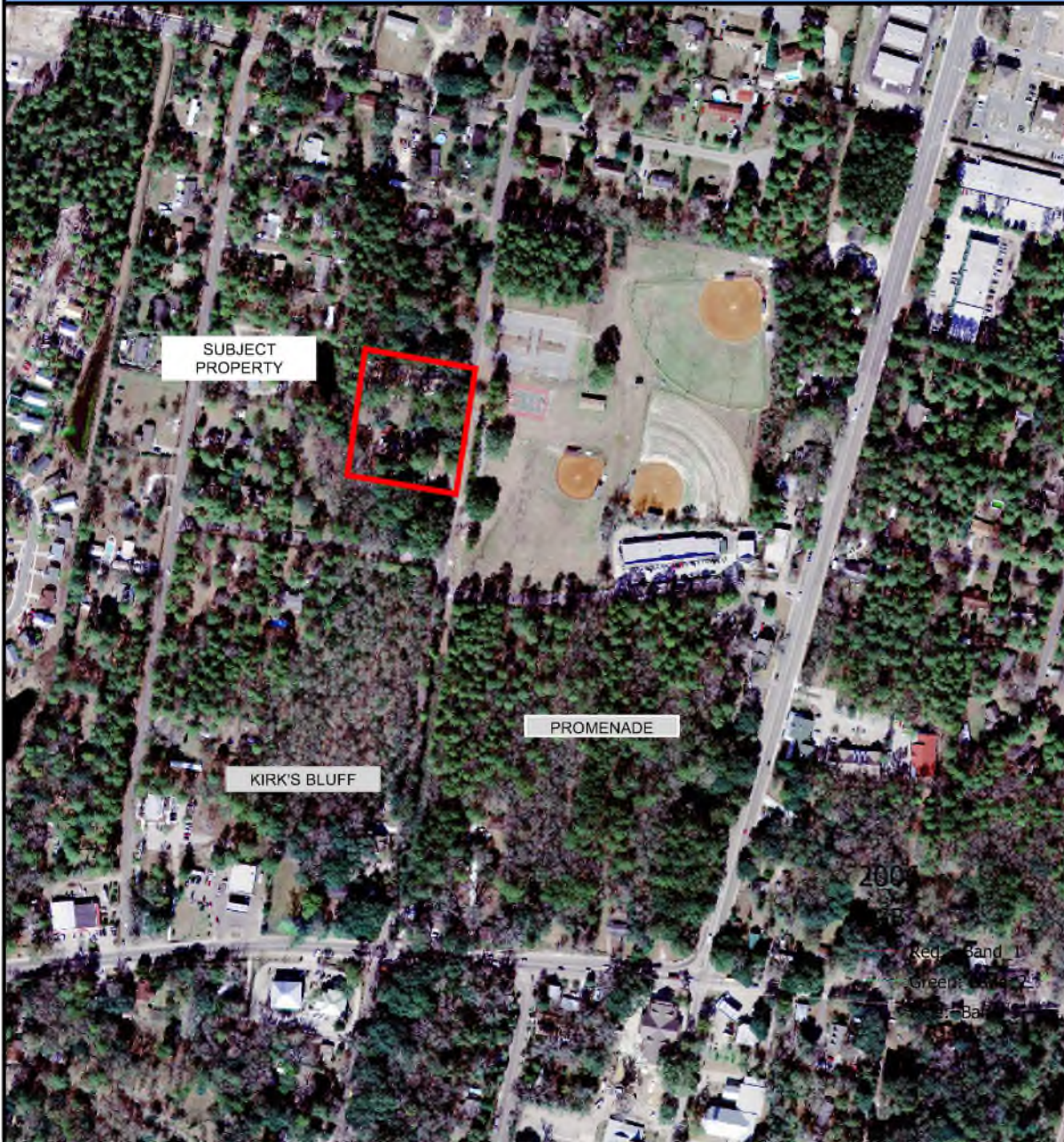
*“I motion to **[Approve, Approve with Conditions or Deny]** the request by J.C. Fraser, Jr. for approval of an Amendment to the Town of Bluffton Official Zoning Map to rezone two (2) parcels from Residential General (RG) to Neighborhood Core (NC). The subject parcels consist of approximately 1.24 acres and are identified by Beaufort County Tax Map Numbers R610 039 000 0159 0000 and R610 039 000 0744 0000.”*

**1984 Town of Bluffton
Zoning Map**



TOWN OF
BLUFFTON Zoning

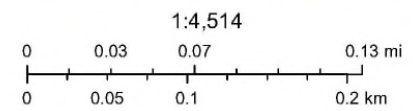
- AG** Agricultural
- SF** Single Family
- GR** General Residential
- MU** Mixed Use
- NC** Neighborhood Commercial
- LI** Limited Industrial

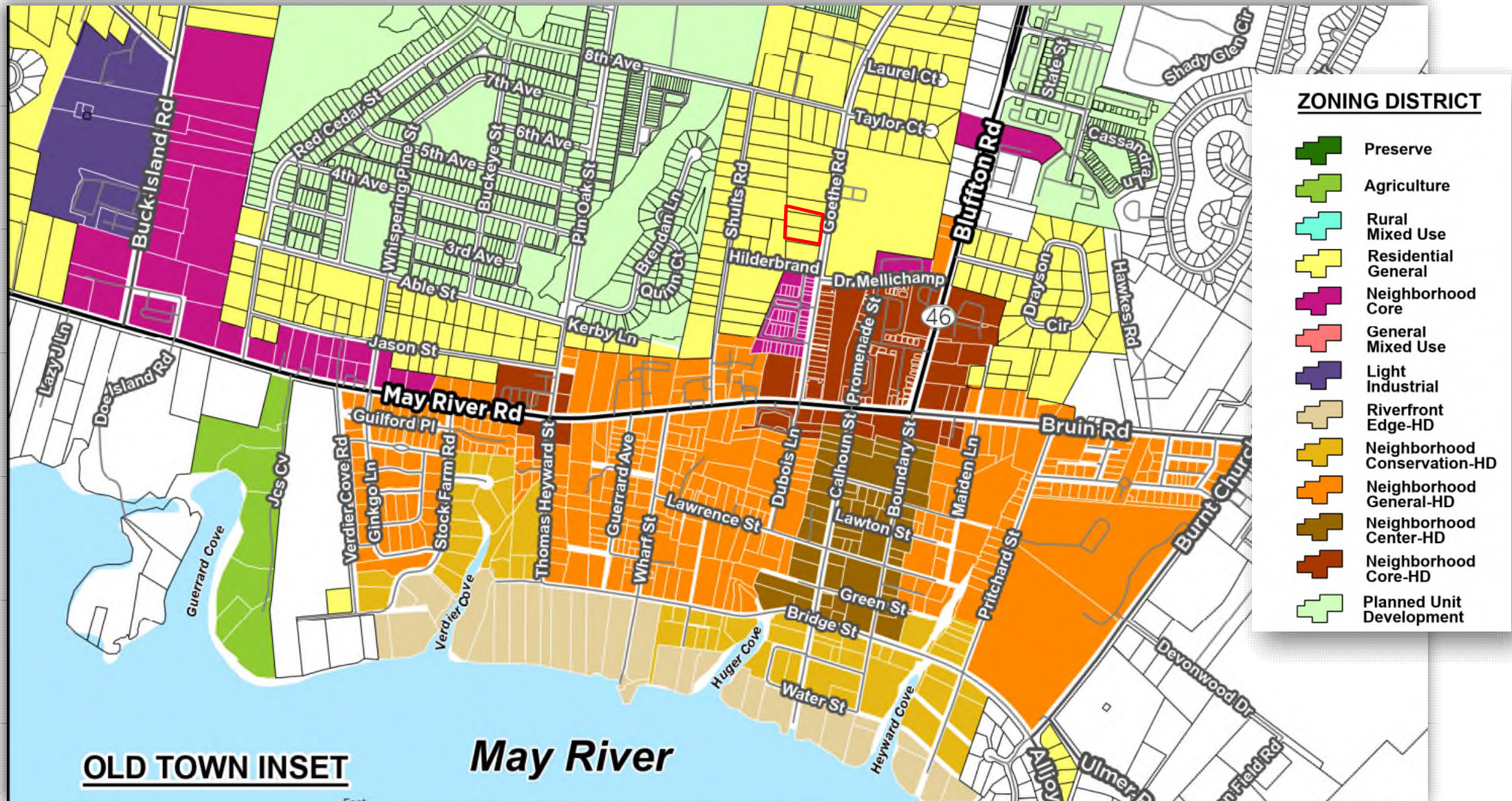


2021 Aerial



11/17/2021, 1:49:03 PM











OLD TOWN INSET

May River

Map Legend

-  Future Bluffton Limits
-  Town Center Place Type Assembly
-  Village Place Type Assembly
-  Hamlet Place Type Assembly
-  Rural Crossroad Place Type Assembly



Streets

-  Major Road
-  Minor Road
-  Local Road
-  Future Major Road
-  Future Road
-  Pathway

Water Type

-  Water
-  Marsh

County

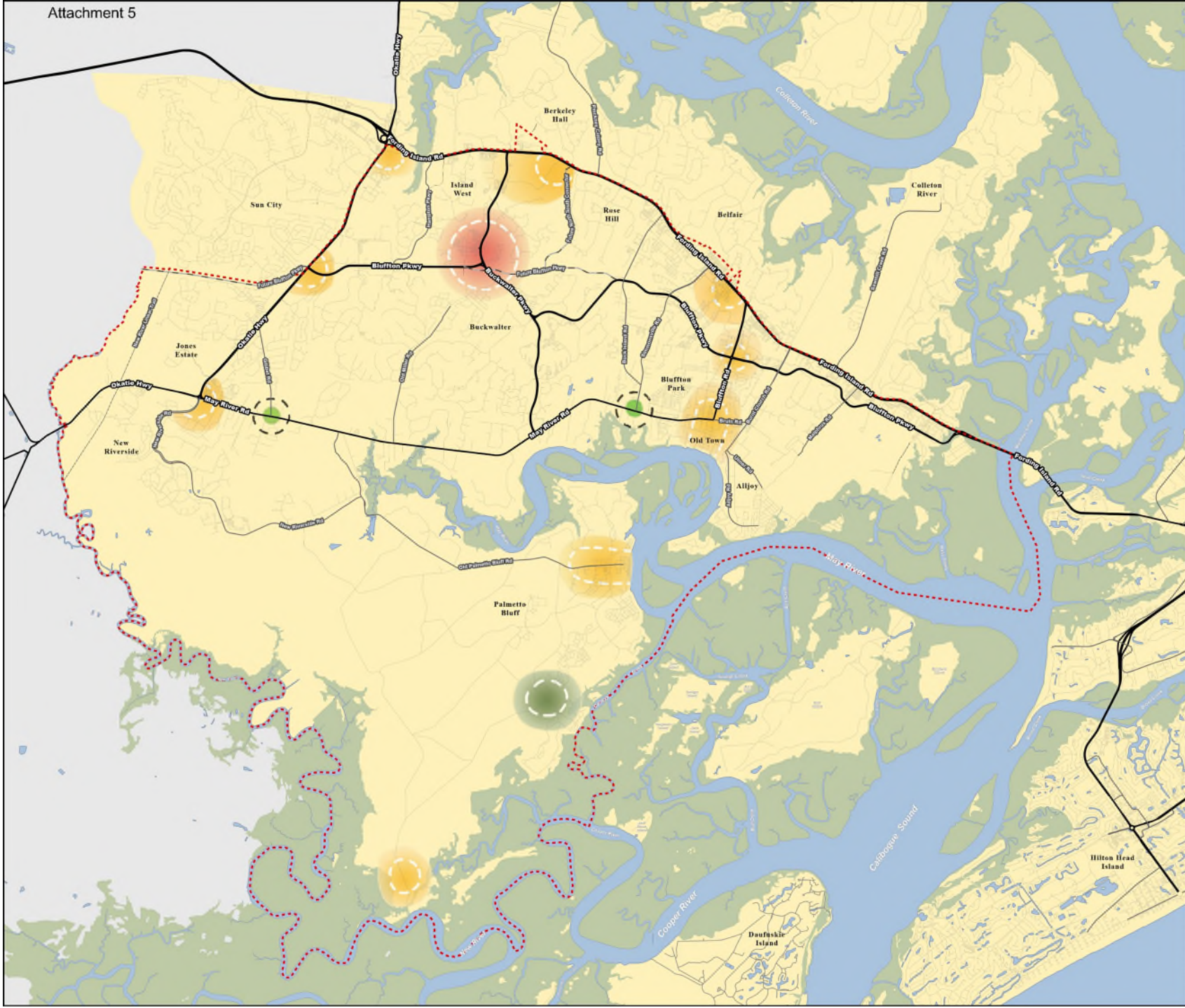
-  Beaufort
-  Jasper

Adopted: 11/10/2011	Map Prepared By:
Revised: 12/09/2014	Ryan
Updated: 8/3/2021	Coleman, GISP

0 0.25 0.5 1 Miles



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Unified Development Ordinance

Table 4.3 – Uses by District

Neighborhood Core Zoning District Land Uses

Land Use	NC	Land Use	NC	Land Use	NC	Land Use	NC	Land Use	NC
Residential		Commercial Services (cont.)		Office		Recreation/ Entertainment (cont.)		Industrial (cont.)	
Single-family Detached	P	Restaurant	C	Home Occupation	P	Theaters and Auditoriums	P	Concrete and Asphalt Plants	-
Single-family Attached	P	Motor Vehicle Sales and Service	-	Professional Offices	P	Civic/Institutional		Contractor’s Office	C
Multi-Family	P	Fueling/ Service Station including fuel pumps/ Convenience Store	P	Health/Human Care		Cemetery	P	Junk and Salvage Operations	-
Accessory Dwelling Unit	C	Car Wash	P	Family Day Care Home (6 or less children)	P	Club, Lodge, Union Hall, or Social Center	P	Light Assembly/Fabrication	-
Agriculture/Conservation		Tattoo/Body Art Parlor	P	Group Day Care Home (7 to 12 children)	P	Conference or Exhibition Center	P	Manufacturing	-
Agricultural Use and Structures	P	Adult Oriented Business	SE	Child Care Center (13 or more children)	P	Government Building	P	Manufacturing Storefront	C
Animal Hospital, Veterinary Clinic, Kennel	SE	Low Speed Recreational Vehicle Sales	-	Hospitals	-	Parks	P	Manufacturing Storehouse	C
Horse Riding School, Horse Training Facility and/or Commercial Stables	-	Lodging		Medical Offices and Clinics	P	Museum	P	Research and Laboratory	P
Seafood/Shellfish Packaging/ Processing	-	Short-term rental	C	Nursing Homes and Long-term Care	P	Religious Assembly	P	Solid Waste Transfer Facility/ Recycling Center	-
Commercial Services		Homestay Rental (1-bedroom)	P	Recreation/Entertainment		School	P	Telecommunication Towers	C
Outdoor Sales	C	Bed and Breakfast (2-5 bedrooms)	P	Campgrounds and Recreational Vehicle Parks	-	Utilities	P	Warehouse or Distribution Operation	-
Retail Businesses	P	Inns (6-12 bedrooms)	P	Golf Course	-	Industrial		Other	
Personal Service Establishments	P	Hotel (13 or more bedrooms)	-	Recreation Facility	C	Artisan Workshop	P	Public and Private Parking Structures and Stand Alone Parking Lots	-