

# TOWN COUNCIL



## STAFF REPORT

### Department of Growth Management

MEETING DATE:	January 11, 2022
PROJECT:	ZONE-09-21-015896 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). The subject parcels consist of approximately 1.24 and are identified by Beaufort County Tax Map Numbers R610 039 000 0159 0000 and R610 039 000 0744 0000 located northwest of the intersection of Hilderbrand Road and Goethe Road. (SECOND READING – PUBLIC HEARING)
PROJECT MANAGER:	Kevin P. Icard, AICP, Director of Growth Management

**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.

**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.

**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. The following timeline shows the attempts to open the establishment or to rezone the property to allow the use of a restaurant.

Timeline:

- 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.
- 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.

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".

**ANALYSIS:** Town Council is required to consider the criteria set forth in Section 3.4.3 of the Unified Development Ordinance in assessing an application for a Zoning Map Amendment. These criteria are provided below, followed by Staff Finding(s) based upon review of the application submittals to date.

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;

*Finding:* The Properties is within the Village Place Type on the Town of Bluffton Growth Framework Map (Attachment 7) which allows a moderate intensity mix of uses as defined Section 6.1.2 of the UDO as follows:

*"Located in highly developed areas or those areas to be developed, a Village consists of a single center surrounded by compact, complete and connected neighborhoods providing support for a mixed-use area with moderate intensity. The mixed-use development occurs at the intersection of larger neighborhoods and along corridor connecting multiple neighborhoods."*

Section 6.2 of the UDO provides land use scenarios and development characteristics applicable to development and/or redevelopment within the place type designations illustrated on the Growth Framework Map. A baseline for each Place Type Assembly is provided in the table below, the Properties are in the Village Place Type Assembly.

	Rural Crossroads	Hamlet	Village	Town Center
Activity Mix	Retail, Service, Agricultural, Community/ Civic Use	Retail, Service, Residential, Agricultural, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use	Retail, Service, Residential, Community/ Civic Use
Mix of Uses	Horizontal Mixed Use	Horizontal Mixed Use	Horizontal and Vertical Mixed Use	Horizontal and Vertical Mixed Use
Character of Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Attached and Detached Residential Buildings, Attached and Detached Non-Residential Buildings	Mostly Attached Buildings
Place Type Scale	Size: 0.5-5 acres	Size: 6-80 acres	Size: 160+ acres	Size: 200+ acres
Zoning District Allocation	0-10% AG 20-50% RG 30-80% RMU	0-20% RMU 20-50% RG 30-70% NC	10-30% RG, NG-HD 20-60% NC, NCE-HD 10-30% GM	5-10% RG, NG-HD 30-70% NC, NCE-HD 30-70% GM

*Finding:* The Properties are designated as medium density residential on the Future Land Use Map. Section 3.4.2, Applicability, states the following:

*"Application for Zoning Map Amendment may be initiated by the property owner, Town Council, Planning Commission, or the UDO Administrator to establish and maintain sound, stable, and desirable development within the Town of Bluffton. The Zoning Map may be amended to rezone an area or to extend the boundary of an existing zoning district. A rezoning must be based upon the recommended future land use category for the property as shown on the future land use map in the Town of Bluffton Comprehensive Plan. If, as determined by the UDO Administrator, the requested zone change is not in accord with the future land use category, then an application for Comprehensive Plan Amendment to change the future land use map is required prior to or concurrent with the submittal of Zoning Map Amendment Application."*

When the Comprehensive Plan was adopted in 2007, Kirk's Bluff, May River Road Development (opposite Kirk's Bluff) and the Promenade were not developed. Since then, the area has seen exponential growth with mixed-use development including offices, retail, restaurants, short term rentals, personal services and various types of residential development. (See Attachment 8)

The Comprehensive Plan, when adopted in 2007, did not anticipate commercial development along Goethe Road north of May River Road. With the adoption of the Growth Framework Map in 2011, Town Council determined that the Village Place Type should extend beyond the boundaries of the Old Town Bluffton Historic District, along Goethe Road. As development has increased in the Historic Zoning Districts, and along Goethe Road, these Properties are suitable for a mixed-use designation. Mr. Fraser's building was constructed and operated as a commercial establishment. Therefore, Staff finds that the proposed rezoning is consistent 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.

*Finding:* The Applicant has provided sufficient information to demonstrate that the physical, geological, hydrological and other environment features of the site can support the development of uses permitted within the Neighborhood Core zoning district. The existing facility was constructed in 1964 and previously operated as a restaurant, pool hall, gas station (underground tanks have been removed), cafeteria and classroom. Any future use of the property would require a Development Plan and would need to meet all current code regulations.

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;

*Finding:* The adjacent parcel to the south, currently owned by Nancy Bruin's heirs, is undeveloped. The property across Goethe Road is the M.C. Riley Sports Complex, which contains numerous athletic fields (baseball and basketball courts). M.C. Riley Sports Complex has overhead lighting that have far reaching lighting and noise impacts on adjacent property owners. The amount of lighting and noise generated from any use on the Applicant's Properties will be minimal. Further review of a Lighting Plan during the Development Plan process.

*Finding:* The uses allowed and the intent of the Neighborhood Core zoning district are designed for compact development that is suitable for supporting neighborhoods. (See Attachment 9)

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.

*Finding:* Public water and sewer, electrical, telecommunications, and natural gas services are accessible adjacent to, or are in close proximity to, the Properties with sufficient capacity to support the proposed land use without comprising the public health, safety, and welfare of the Town of Bluffton.

It should be noted that in 1991, during a previous rezoning request, there was not sufficient infrastructure to support the site. That has since been improved and is no longer a factor. The Goethe/Shults Neighborhood is actively under construction with the final phase of sidewalks as a portion of a Town of Bluffton Capital Improvement Program project. A sidewalk connecting May River Road to Bluffton Parkway will be constructed in front of the subject Properties, and it is anticipated to will be completed by March 2022. The sidewalk will create a continuous path and link these neighborhoods with Old Town.

5. Section 3.4.3.E. Public need for the potential uses permitted in the requested zoning district; and

*Finding:* The public need for the Property's proposed land use is to further economic development, to create new job opportunities, as well as diversify the Town's economic base.

*Finding:* The Goethe/Shults Neighborhood Plan addresses comprehensive strategies for revitalizing the neighborhood to promote a more healthy and sustainable community and increase the economic competitiveness of the

residents of the neighborhood, community stakeholders, and Town Council.  
(See Attachment 6)

6. Section 3.4.3.F. Compliance with applicable requirements in the Applications Manual.

*Finding:* The application has been reviewed by Staff and has been determined to be complete, meeting all requirements of the Applications Manual.

**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.

**NEXT STEPS:**

Meeting	Completion	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

**ATTACHMENTS:**

1. Application
2. 2016 Pre-Application Meeting Material
3. 2016 Determination
4. Bluffton Zoning Map 1984
5. Growth Framework Map
6. Goethe/Shults Neighborhood Plan 8-28-2018
7. Tentative Meeting Schedule
8. Town of Bluffton 2006 Aerial
9. Table 4.3 Uses By District – Neighborhood Core
10. Zoning Map Amendment Ordinance
11. Suggested Motion