

*Jasper County Planning Commission
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**Minutes of the May 11, 2021
Regular Scheduled Meeting**

Members Present: Chairman, Alex Pinckney; Vice-Chairman, Randy Waite; Dr. Earl Bostick; Mr. Thomas Jenkins; Mr. Randy Smith; Dr. Debora Butler; and Mr. Bill Young

Staff Present: Ms. Lisa Wagner and Ms. Sharon Durst

Others Present: Mr. James Ware and Mr. Jay Andreoletti

In accordance with the Freedom of Information Act the electronic and print media were notified. During periods of discussion and/or presentations minutes are typically condensed and paraphrased. The recorded version is available in the Office of the Planning and Building Services Department.

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:00 p.m.

Invocation & Pledge of Allegiance: Invocation was given by Dr. Bostick and Pledge of Allegiance was led by Mr. Waite.

Approval of Agenda: Mr. Jenkins motioned to approve the Agenda as published, seconded by Mr. Young. The Commission Members voted unanimously in favor of the motion.

Approval of Minutes: Mr. Jenkins motioned to approve the Minutes of the **April 13, 2021** meeting as written, seconded by Dr. Butler. The Commission Members voted unanimously in favor of the motion.

New Business:

Zoning Map Amendment – Change of Legal Non -Conforming Use, Tax Map Number #040-00-03-004: Ms. Wagner said the applicant, James Ware is requesting that the Planning Commission change the non-conforming use to allow a construction business to be established at 2555 Plantation Drive, which is previously how this property was used. Mr. Ware is a fiber (cable) contractor and would like to use the property as a storage yard for his business. He has approximately 35 employees and they work from 7:00 am – 6:00 pm. Most of their work is out of state so employees and equipment will rarely be on site; however, reels of conduit and fiber cable would be stored inside the existing building. In December 2020, the Planning Commission reviewed and approved a request to change the use from construction to allow a pump fabricator business. The pump fabricator business did not establish their business at this location. If this request is approved, it would simply allow the same use that was grandfathered last year. The property is currently zoned Residential and consists of 3 acres. A commercial building is located on-site and was previously home to Palm Beach Grading (PBG) who utilized the site from 2006 until last summer. PBG

was a site development contractor. The property was originally developed and permitted for a commercial use in 2002. During the 2007 county wide re-zoning, this site was made non-conforming.

Ms. Wagner pointed out Article 9:3.10 of the Jasper County Zoning Ordinance which states, *“when a nonconforming use of land ceases for a continuous period of twelve (12) months, subsequent use of the land shall conform to the regulations for the Zoning District in which the land is located unless otherwise provided for in this Ordinance. An extension of the twelve (12) month timeframe may be approved by the Planning Commission in accordance with Section 9:3.7(2), if requested during the original twelve (12) month timeframe.”* She said the purpose of the Nonconformity Ordinance is to address certain, but not all, non-conformities created through the 2007 Countywide Zoning Project. Numerous structures and uses that were lawfully established prior to the re-zoning project became non-conforming as a result. Some are major employers and have made significant investment into construction totaled in the millions of dollars. Other business expansions may also be limited by legal non-conformity status or the economic use of valuable structures may be prevented if not considered by the Planning Commission. According to Jasper County Zoning Ordinance, Article 9:3.7(2), *“any modifications to a non-conforming use, including a change in use, the reestablishment of a non-conforming use or any expansions or alterations to the use, which do not otherwise conform to all provisions of this Ordinance, shall require approval by the Planning Commission.”*

Ms. Wagner said the property was developed in 2002 as commercial and has been used for commercial ever since until last summer. The applicant is not asking to change the use or increase the intensity of the use from previous years, so there will be no changes to the surrounding area. Currently the building is vacant, which is not a desirable situation. If approved by the Planning Commission, the building will be utilized and maintained. The proposed use is for a storage yard, so the traffic increase will be very minimal. The proposed business will not generate any noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration. Equipment and vehicles may be stored outside from time to time. Pictures of the equipment are attached to the staff report as well as a property use narrative, which explains the types of vehicles that are owned by this business. While this is a business opportunity, the Comprehensive Plan does not specifically speak to this situation from an economic perspective. This particular area of Plantation Drive is shown on the Future Land Use Map as “Rural Transition,” which are areas that are located in southern Jasper County and will likely be under pressure to develop within the foreseeable future. Ms. Wagner said public notice letters were sent to area property owners on April 28, 2021, and the property was posted on April 28, 2021 with a public hearing notice, satisfying the notice requirements in Article 9:3.7. Staff recommends approval to change the non-conforming use from a pump fabricator use back to construction use.

Chairman Pinckney recognized the applicant, Mr. James Ware. Mr. Ware introduced himself and welcomed any questions from the Commissioners. Dr. Bostick asked Mr. Ware if there would be any larger equipment than what is shown in the photos provided. Mr. Ware said no, the pictures include all of his equipment. Dr. Butler asked Ms. Wagner how Article 9.3 applies to this particular location in regards to encouraging an upgrade of a non-conforming site as it relates to buffers next to the residences. Ms. Wagner said she believes there is a fairly large buffer on both sides and the rear of the property, but the Planning Commission could require additional landscaping as a condition of the approval. Dr. Butler asked if the use is changed would it be specific to this business. Ms. Wagner said yes, it would be for construction use only. Mr. Waite asked if the business were to change owners, would the non-conforming use stay with the owner or the property. Ms. Wagner said the change stays with the property unless it ceases for a period of 12 months or more.

Dr. Bostick motioned to accept the recommendation of staff to change the non-conforming use from a pump fabricator use back to construction use, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.

Zoning Map Amendment – Mixed Business Request, Tax Map Number #083-00-03-058: Ms. Wagner said the subject property consists of 3 acres and is located at 5851 Lowcountry Drive. The Applicant has requested a Zoning Map Amendment to have the property designated as Mixed Business (MB). The property is currently zoned Community Commercial. Two commercial structures are located on the property. One is approximately 6,000 s.f. and the other one is approximately 15,000 s.f. According to the Assessor's property record, the property is valued at more than \$600,000. The property was developed in 1999 and has been home to Roll-A-Way Doors, Armor Building Solutions, and Rondavel. Each of these businesses has used the site for warehousing, manufacturing/fabrication, showrooms, and offices. The Planning Commission approved an extension of the timeframe for cessation of non-conforming use at their April Meeting. She said According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as "Rural Conservation," which seeks to protect and promote the character of Jasper County that largely exists today outside of the municipalities. Most development, particularly commercial development, should be guided to the hamlets. It should be noted that the Jasper County Comprehensive Plan's Land Use Exhibit shows the actual current use of this immediate area as commercial. She said adjacent parcels are zoned Community Commercial and Rural Preservation with Industrial Development and General Commercial nearby. She said the adjacent land uses are commercial, industrial, and vacant property, which is planned for mixed use development. The subject property is accessed by Lowcountry Drive, which is a two-lane state-maintained highway, classified as an arterial road. From a land use perspective, staff recommends approval of the request to have the property designated as Mixed Business.

Chairman Pinckney recognized the applicant, Mr. Androletti. Mr. Androletti said the property is intended for mixed business and there are some interested parties that would use the facility as intended. Dr. Bostick asked why this wasn't considered last month since the Planning Commission extended the non-conforming use last month. Ms. Wagner said the applicant did consider it last month, but not knowing if the re-zoning would be approved at that meeting, it seemed more important to get the use locked in so that the 12-month cessation did not kick in. Ms. Wagner showed the zoning map and the different land uses. Dr. Butler asked Ms. Wagner what would be allowed in Mixed Business versus Community Commercial that would be of most interest to the residents in the area. Ms. Wagner said Mixed Business allows fabrication and manufacturing but as a conditional use, basically not allowing these types of uses to take place outside of a building. There was some discussion about the location of the property and if the public hearing notice sign was posted. Ms. Wagner said a sign was posted and no comments have been received.

Mr. Waite motioned to forward a favorable recommendation to County Council to have the property identified as Tax Map Number #083-00-03-058, re-zoned from Community Commercial to Mixed Business, seconded by Mr. Jenkins. The Commission Members voted unanimously in favor of the motion.

Zoning Map Amendment – General Commercial Request, Tax Map Number #067-00-01-002: Ms. Wagner said the subject property consists of 7.24 acres and is located along Argent Boulevard. The subject property is owned by LRTA and is undeveloped. The property is inappropriately zoned Planned Development District, although it is not located within a PDD. This is a staff-initiated effort to have the property appropriately zoned. She said the 2018 Jasper County Comprehensive Plan's Future Land Use Map identifies this area as "Commercial Centers," which are commercial nodes that are already developing and have a suburban rather than rural character. She said the adjacent parcels are zoned General Commercial and Community

Commercial and the property is adjacent to the City of Hardeeville. Adjacent land uses are commercial and vacant property that is planned for mixed use development. She said the property is accessed by Argent Boulevard, which is a two-lane state-maintained highway, classified as an arterial road. From a land use perspective, staff recommends approval to have the property designated as General Commercial.

Mr. Waite said the property appears to be surrounded by Hardeeville except across the street. He asked if any consideration has been given to annexing the property into Hardeeville. Ms. Wagner said there are no plans to develop the property at this time. The Lowcountry Regional Transportation Authority owns the property and is trying to sell the property. She said several people have called to inquire about the property and that is how she became aware of it being zoned PDD, which is incorrect. Mr. Waite asked why General Commercial is being recommended as opposed to Community Commercial. Ms. Wagner said she recommended General Commercial because the Comprehensive Plan identifies this area as a commercial center and the surrounding properties in the County are zoned General Commercial while the properties in the City are zoned Planned Development for mixed use.

Mr. Smith motioned to forward a favorable recommendation to County Council to re-zone the property identified as Tax Map Number #067-00-01-002 from Planned Development District to General Commercial, seconded by Mr. Young. The Commission Members voted unanimously in favor of the motion.

Zoning Map Amendment – Residential Request, Tax Map Number #038-01-00-003: Ms. Wagner said the subject property consists of .69 acres and is located at 186 Macedonia Road. The property is owned by Maria Hernandez and a manufactured home is located on the property. The property is currently zoned Resource Conservation and is non-conforming, as the Resource Conservation Zoning District requires a minimum lot size of 2 acres. She said this is a staff-initiated effort to have the property appropriately zoned. According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as “Urban Transition,” which are pockets of unincorporated Jasper County that are partially or entirely surrounded by either the City of Hardeeville or the Town of Ridgeland. She said for these areas that experience new development or redevelopment, consideration should be given to working with the adjacent municipality for annexation. The adjacent parcels are zoned Residential. The City of Hardeeville municipal limits are nearby, but not adjacent to the property. Adjacent land uses are residential and vacant property, with a church nearby. The subject property is accessed by Macedonia Road, which is a two-lane state-maintained highway, classified as a limited local road. From a land use perspective, staff recommends approval to have the property designated as Residential.

Mr. Waite said the plat shows a 50 foot right of way easement that’s not being used. He said it appears a driveway is being used that cross two other properties. Ms. Wagner said the subdivision was created for family and there has been some land disputes between the owners over the driveway issues. She said the road in question does not exist.

Mr. Waite motioned to forward a favorable recommendation to County Council to re-zone the property identified by Tax Map Number 038-01-00-003, from Resource Conservation to Residential, seconded by Mr. Young. The Commission Members voted unanimously in favor of the motion.

Open Discussion:

Mr. Smith asked if anyone else is having trouble with the GIS maps. He said he is having trouble getting the online map to populate correctly. He said the complete County map populates, but all the parcels do not populate. Ms. Wagner said she thinks the online web map has been disabled or is being rebuilt. She told

Mr. Smith how to access the Qpublic map via the Assessor's Office link. She said she uses the Qpublic map. Mr. Waite asked Ms. Wagner if she knows when the County will be flown again. Ms. Wagner said she understands that the County has been flown and IT has the new aerals, but she has not seen the new aerals.

Chairman Pinckney said he watched the County Council meeting and heard the discussion about a water issue and a study that was done in the southern end of the county where flooding has been a problem. *9- He said they talked about the land being flat and the water has nowhere to go but he did not hear any definitive solution as to how to address the problem. Ms. Wagner said one of the suggestions was to divert the water or build a dam around the property that needs to be protected. She said building a dam would require permitting through FEMA. She said the company who did the study is also looking to see if there are any grants available to assist because whichever route is taken, it will be money.

There was much discussion about the need for the County to develop a Comprehensive Drainage Plan as well as the lack of maintenance in the ditches and drainage canals where trees are growing and blocking water. Mr. Smith said the beavers create a lot of problems too. He said another good place to start would be finding out if grants are available to help fund the equipment needed and manpower for Public Works to be able to maintain the big drainage canals that were dug in the 1930's or 40's.

Dr. Butler asked about the flood study for the Savannah River. Ms. Wagner said the work has been completed but we are waiting on FEMA to approve the work. She said FEMA has given the County two rounds of comments and the County has responded. She thinks we are close to having the Letter Of Map Amendment (LOMA) approved, which will help citizens who are having to pay the highest insurance rates.

Dr. Bostick asked about the Development Fee study that the County is having done and if an impact for drainage associated with new development will be considered in that study. Ms. Wagner said she did not think that drainage will be a category like roads, schools, police, fire, libraries, parks, etc.

Adjourn: Dr. Bostick motioned to adjourn, seconded by Mr. Young. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 6:58 p.m.

Respectfully Submitted,

Lisa Wagner