

AGENDA

PLANNING/ PUBLIC WORKS COMMITTEE

2/21/19

Teddie E. Pryor, Chairman
Henry E. Darby
Jenny Costa Honeycutt
Anna B. Johnson
Brantley Moody
Vic Rawl
Herb Sass
Dickie Schweers
Elliott Summey

AGENDA
PLANNING/PUBLIC WORKS COMMITTEE
February 21, 2019
5:00 PM

1. MINUTES:

- o January 17, 2019

- Request to Approve
Council/Salisbury

2. ZLDR-10-18-00111, 2517 Ashley River Road

- Request to Consider
Miller/Evans

1.

MINUTES

CHARLESTON COUNTY COUNCIL

MEMORANDUM

TO: Members of Planning/Public Works Committee

FROM: Kristen Salisbury, Clerk of Council

DATE: February 14, 2019

SUBJECT: Planning/Public Works Committee Minutes

At the Planning/Public Works Committee meeting of February 21, 2019, the draft minutes of the January 17, 2019 Planning/Public Works Committee meeting will be presented for approval.

2.

**2517 Ashley River
Road**

**ZLDR Text Amendment Request:
ZLDR-10-18-00111
Case History**

**Public Hearing: February 12, 2019
Planning and Public Works Committee: February 21, 2019
First Reading: February 26, 2019
Second Reading: March 12, 2019
Third Reading: March 21, 2019**

CASE INFORMATION

Applicant: James Gerow

Owner: QVL LLC

Location: 2517 Ashley River Road, Charleston

Parcel Identification: 355-10-00-049

Council District: 7

Property Size: 0.53 acres

Application History:

The original request by the applicant was to revise the text of the Overlay Zoning District to allow new and used car sales as Special Exception Uses in the Village Commercial Area. At their December 10, 2018 meeting, the Planning Commission deferred the application to the January 14, 2019 meeting to give the applicant time to revise the proposed amendments as recommended by the Planning Commission (allow Special Exception for used car sales only and limit property size).

The applicant subsequently amended the request to revise the text in the Ashley River Road Corridor Overlay Zoning District (ARRC-O), Sections 5.12.9(B) and 5.12.9(C), to allow used car sales as a use requiring Special Exception, if they are limited to properties that are 0.75 acres or less in area.

At the Planning Commission meeting on January 14, 2019, Planning Commission voted to recommend approval of the request, but with another amendment to the text proposed by the applicant. After the Planning Commission meeting, the applicant was advised that the text recommended by the Planning Commission would have to be proposed by them, as Planning Commission can only approve or disapprove text amendment requests, and not approve with conditions or amendments. Therefore, the request, with the Planning Commission amendment, would have to be considered and voted on at the February 11, 2019 Planning Commission meeting.

The request is now to amend text in the ARRC-O Section 5.12.9(B) to prohibit Auto Dealers (New and Used) on property greater than 0.75 acres in area, and amend Section 5.12.9(C) to allow Auto Dealers (New and Used) on property equal to or less than 0.75 acres in area via Special Exception.

Zoning History:

The subject property, TMS 355-10-00-049, whose tenant is requesting the ZLDR text amendment, was zoned Single Family Residential Low Density (RSL) on the original 1970 County Zoning Map, but was subsequently rezoned to Community Commercial as part of the adoption of the 2001 Zoning and Land Development Regulations Ordinance.

The subject site was then included in the ARRC-O when it was adopted on March 24, 2015. The subject site was included in the Village Commercial Area of the overlay and zoned Community Commercial. In accordance with Section 5.12.9, Village Commercial Area (William Kennerty Drive to Church Creek), of the ARRC-O, Auto Dealers (New and Used) are a prohibited use, however, Used Car Sales are a use requiring Special Exception. As there is an inconsistency, the most restrictive standard applies, i.e. Auto Dealers (New and Used) being prohibited. It should be noted that the original intent of the standard was for Auto Dealers, whether being for new or used vehicle sales, to be prohibited in this area of the ARRC-O.

It should be noted that even though the tenant of the subject property, 2517 Ashley River Rd (TMS 355-10-00-049), is proposing the amendment, the amendment will not only affect the subject property, but all Community Commercial Zoned properties that have an area of 0.75 acres or less, within the Village Commercial Area.

Adjacent Zoning:

The subject site currently contains 2 office buildings and a parking lot. Adjacent and adjoining properties to the north are in the County, are zoned Community Commercial in the ARRC-O, and contain undeveloped land, single-family dwellings, a childcare center, a barber shop, an insurance office, and an auto dealer. Adjacent and adjoining properties to the south are in the County and are zoned either Community Commercial in the ARRC-O or Manufactured Housing Park (MHP). Uses include manufactured houses, a childcare center, and a motorcycle parts and accessories retail use. The adjoining lot to the west is zoned Single Family Residential 4 (R-4) and contains a single family dwelling.

Properties to the east and west that are in the City of Charleston are zoned Limited Business (LB) or Single Family Residential and contain single-family dwellings and a private school.

Municipalities Notified/Response: Colleton County, City of Charleston, City of North Charleston, Town of Kiawah Island, Town of James Island, Town of Summerville, Town of Sullivan's Island, Town of Ravenel, Town of Mt Pleasant, Town of Meggett, Town of McClellanville, Town of Lincolnville, Town of Hollywood, City of Isle of Palms, City of Folly Beach, and Town of Seabrook Island were notified of the request but have not responded.

Public Input: Correspondence received is included in this packet.

STAFF RECOMMENDATION

According to Section §3.3.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for ZLDR Text Amendments may be approved only if County Council determines that the following criteria are met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

Staff Response:

The applicant's letter of intent states that Criteria A, B, and C are met as, "*The proposed amendment corrects an inconsistency in the zoning code. "Auto Dealers (New and Used)" is a prohibited use in 5.12.9(B), and then "Used Car Sales" is a special exception in 5.12.9(C). Allowing used car sales as special exception is not consistent with the preceding paragraph (B), which effectively prohibits used car sales. Remediating this inconsistency will bring clarity to any member of the public that intends to use their property for this particular use.*" The applicant's letter of intent also states that, "*By allowing ...car sales in the subject zone as a special*

exception, if they are limited to properties that are 0.75 acres or less in area, this particular land use will only be allowed where the property meets the stringent criteria required for special exceptions. As such, this amendment helps further the Land Use Element Goal of the Comp Plan by promoting economic opportunity where appropriate, while simultaneously respecting private property rights by allowing commercially zoned property owners the right to use their property for commerce.”

The Land Use Element in the Charleston County Comprehensive Plan provides guidance for the location, character, and intensity of land uses, and Overlay Zoning Districts are one tool available to control character and intensity of land uses in an area, as appropriate. In the adoption of the ARRC-O, three separate planning areas were identified, being Light Commercial Area (Ashley Hall Road to Wappoo Road), Commercial Core Area (Wappoo Road to William Kennerty Drive), and Village Commercial Area (William Kennerty Drive to Church Creek). The subject site was included in the Village Commercial Area of the overlay and zoned Community Commercial. Auto Dealers (New and Used) are prohibited in the Light Commercial Area and Village Commercial Area, but are permitted in the Commercial Core Area.

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PLANNING COMMISSION MEETING: DECEMBER 10, 2018

Recommendation: Deferral to the January 14, 2019 Planning Commission Meeting to give the applicant time to revise the proposed amendments as recommended by the Planning Commission (allow Special Exception for used car sales only and limit property size) (Vote: 9-0).

Speakers: 2 people spoke in support of the application and no-one spoke in opposition to the application.

Notifications:

850 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews and ZLDR/Comprehensive Plan Interested Parties Lists on November 21, 2018. Additionally, this request was noticed in the *Post & Courier* on November 23, 2018.

PLANNING COMMISSION MEETING: JANUARY 14, 2019

Recommendation: Approval of the request, with an amendment to the proposed text by the applicant. The request is now to amend text in the ARRC-O Section 5.12.9(B) to prohibit Auto Dealers (New and Used) on property greater than 0.75 acres in area, and amend Section 5.12.9(C) to allow Auto Dealers (New and Used) on property less than 0.75 acres in area via Special Exception (vote: 8-1). The Planning Commission amendment to the text will need to be initiated by the applicant and considered and voted on at the February 11, 2019 Planning Commission Meeting.

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PLANNING COMMISSION MEETING: FEBRUARY 11, 2019

Recommendation: Approval (vote: 7-1, with 1 absent).

Speakers: One person spoke in support of the amendment request and no one spoke in opposition to the amendment request.

Notifications:

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PUBLIC HEARING: FEBRUARY 12, 2019

Speakers: Two people spoke in support of the application and no one spoke in opposition to the application.

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ZLDR TEXT
AMENDMENT REQUEST
ZLDR-10-18-00111

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A map of Charleston County, South Carolina, showing its geographical outline and internal road network. The map is rendered in a light gray color against a dark blue background.

Charleston County
ZLDR Text Amendment Request
ZLDR-10-18-00111

Public Hearing – February 12, 2019

Planning and Public Works Committee – February 21, 2019

ZLDR-10-18-00111

- **St Andrews Area:** 2517 Ashley River Road
- **Parcel I.D.:** 355-10-00-049
- **Applicant:** James Gerow
2517 Ashley River Road, Charleston SC 29414
- **Owner:** QVL LLC
PO Box 2163, Mt Pleasant SC 29465
- **Request:** Revise the text in the Ashley River Road Corridor Overlay Zoning District (ARRC-O), Section 5.12.9(B) to prohibit Auto Dealers (New and Used) on property greater than 0.75 acres in area, and Section 5.12.9(C) to allow Auto Dealers (New and Used) on property less than 0.75 acres in area via Special Exception
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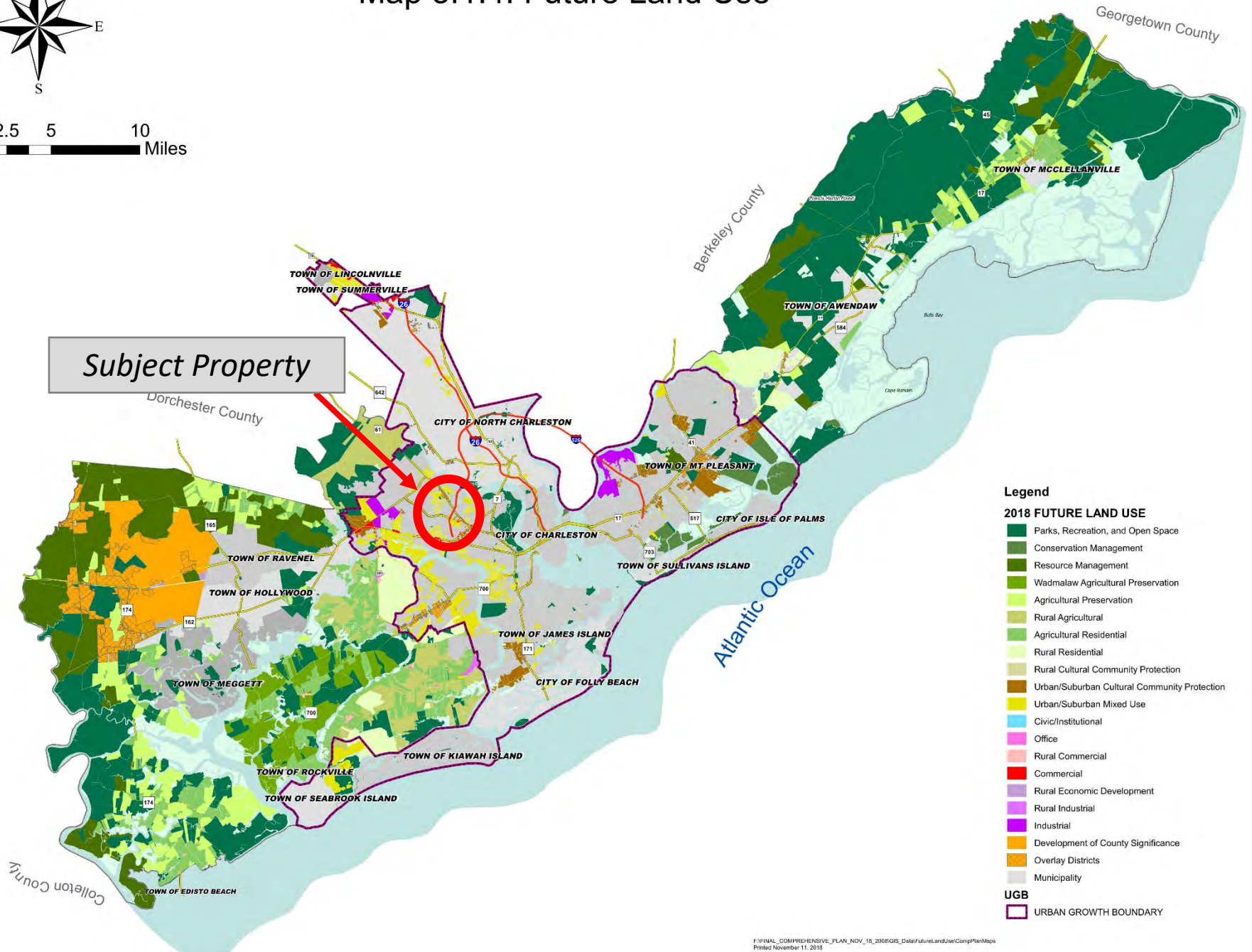
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Zoning History

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Map 3.1.4: Future Land Use



Subject Property

- Legend**
- 2018 FUTURE LAND USE**
- Parks, Recreation, and Open Space
 - Conservation Management
 - Resource Management
 - Wadmalaw Agricultural Preservation
 - Agricultural Preservation
 - Rural Agricultural
 - Agricultural Residential
 - Rural Residential
 - Rural Cultural Community Protection
 - Urban/Suburban Cultural Community Protection
 - Urban/Suburban Mixed Use
 - Civic/Institutional
 - Office
 - Rural Commercial
 - Commercial
 - Rural Economic Development
 - Rural Industrial
 - Industrial
 - Development of County Significance
 - Overlay Districts
 - Municipality
- UGB**
- URBAN GROWTH BOUNDARY

Ashley River Road Corridor Overlay Zoning District (Ashley Hall Rd to Church Creek)



Subject Property

Ashley River Road Corridor Overlay Zoning District Boundary Areas

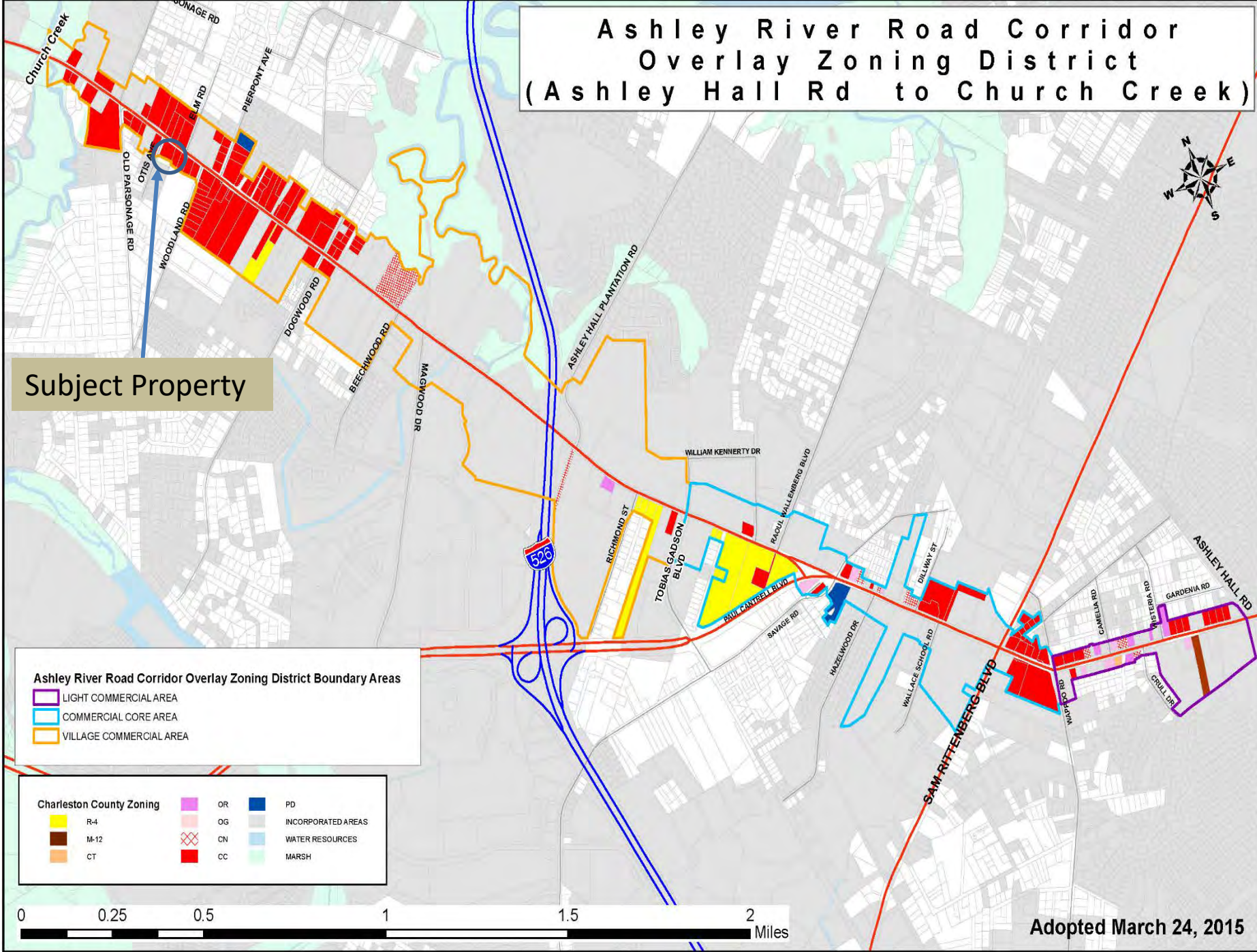
- LIGHT COMMERCIAL AREA
- COMMERCIAL CORE AREA
- VILLAGE COMMERCIAL AREA

Charleston County Zoning

 R-4	 OR	 PD
 M-12	 OG	 INCORPORATED AREAS
 CT	 CN	 WATER RESOURCES
	 CC	 MARSH



Adopted March 24, 2015



Ashley River Road Corridor Overlay Zoning District (William Kennerty Dr to Church Creek) Village Commercial Area



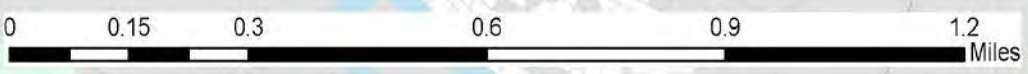
Subject Property

Ashley River Road Corridor Overlay Zoning District Boundary Areas

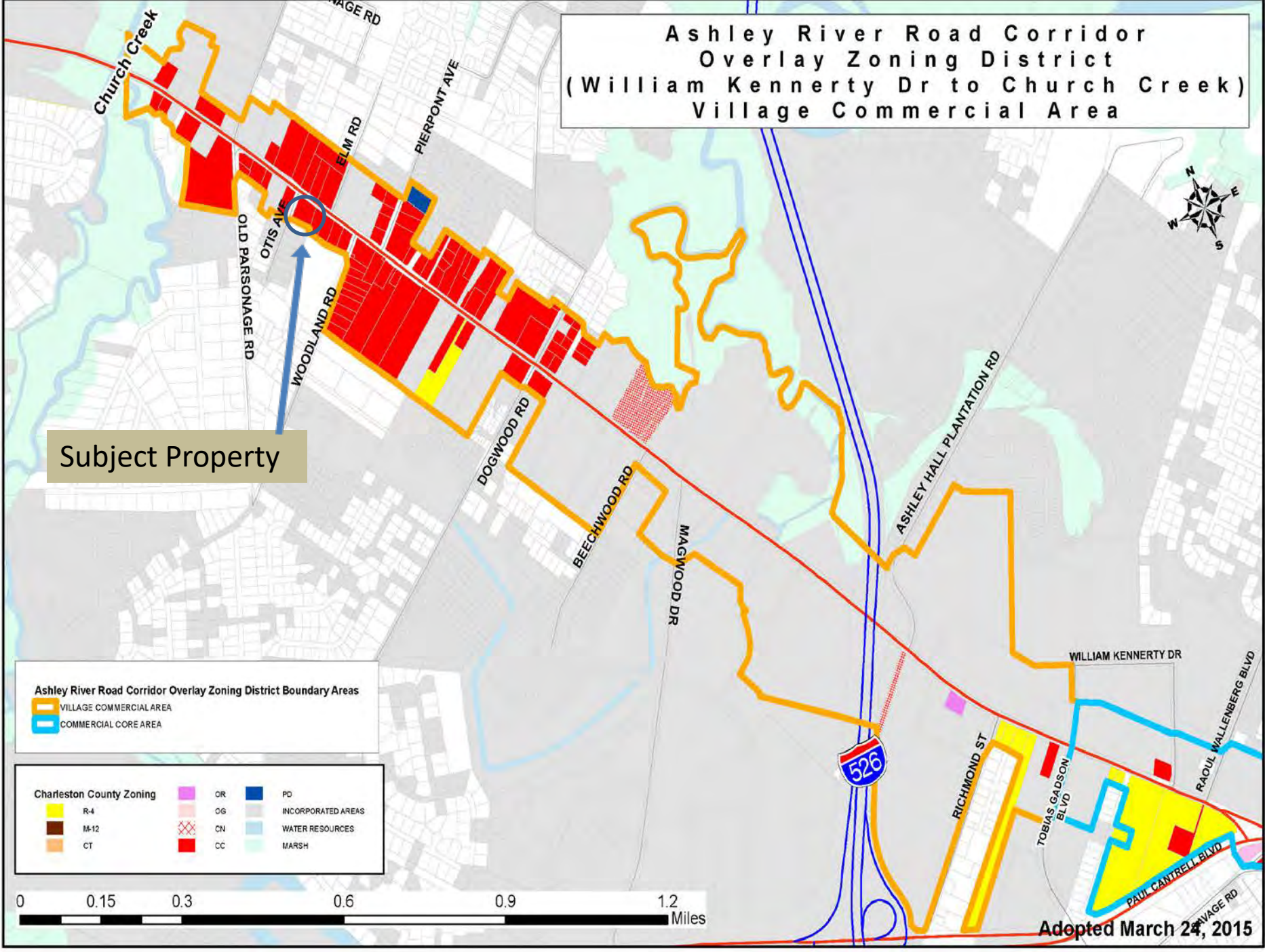
- VILLAGE COMMERCIAL AREA
- COMMERCIAL CORE AREA

Charleston County Zoning

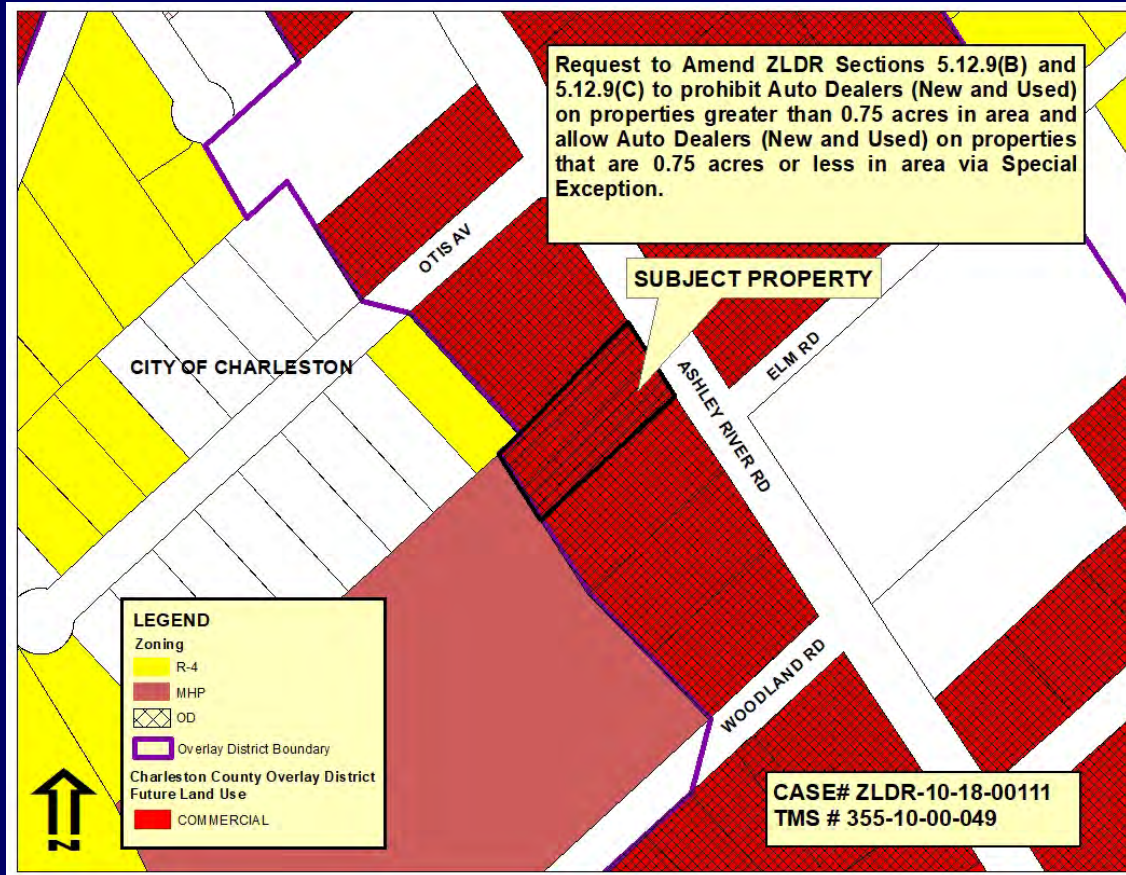
 R-4	 OR	 PD
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	 CC	 MARSH



Adopted March 24, 2015



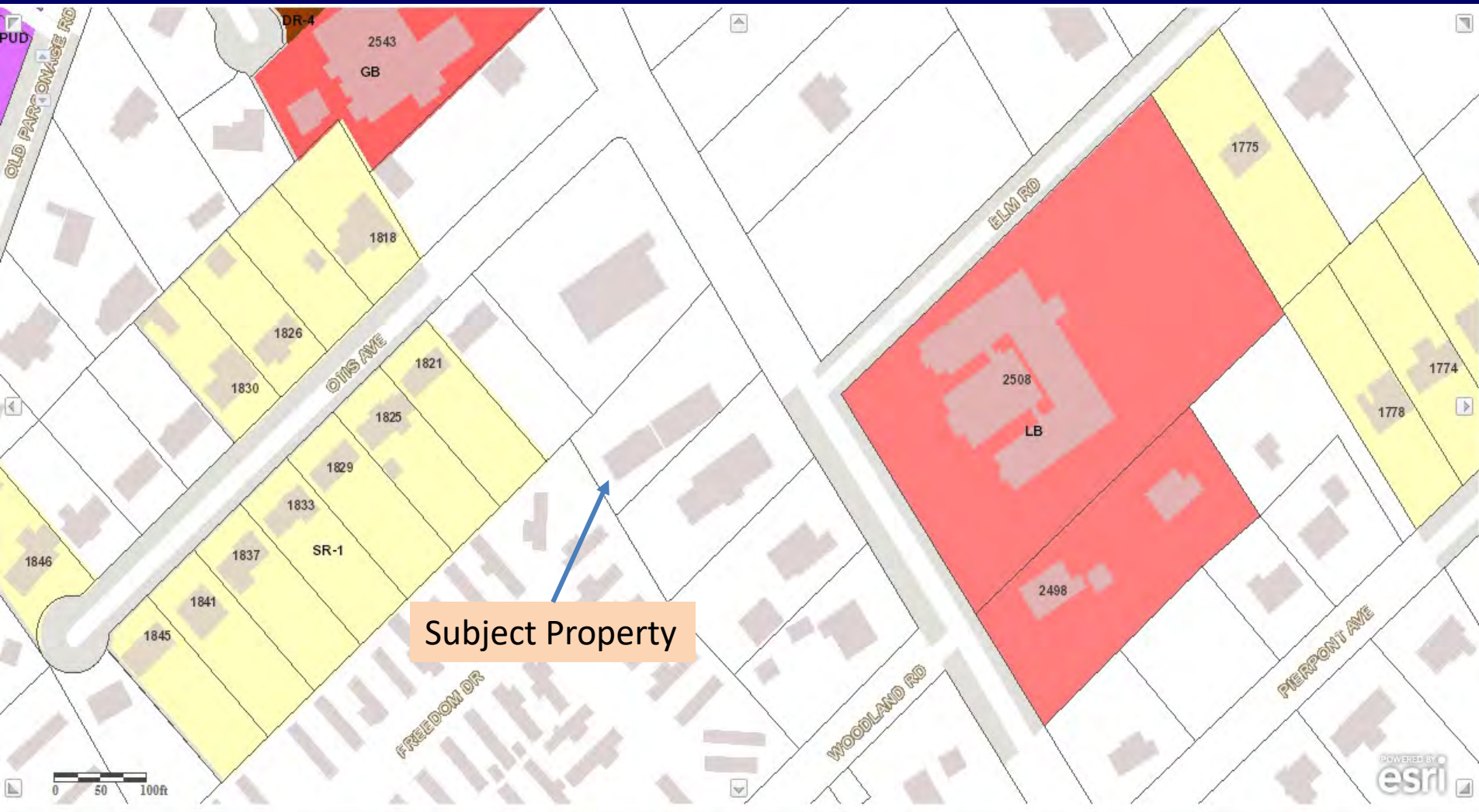
Zoning and Future Land Use



The subject site currently contains 2 office buildings and a parking lot. Adjacent and adjoining properties to the north are in the County, are zoned Community Commercial in the ARRC-O, and contain undeveloped land, single-family dwellings, a childcare center, a barber shop, an insurance office, and an auto dealer. Adjacent and adjoining properties to the south are in the County and are zoned either Community Commercial in the ARRC-O or Manufactured Housing Park (MHP). Uses include manufactured houses, a childcare center, and a motorcycle parts and accessories retail use. The adjoining lot to the west is zoned Single Family Residential 4 (R-4) and contains a single family dwelling.

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City of Charleston Zoning



Subject Parcels to the East



Subject Property

02/01/2017

© 2017 Pictometry

Subject Parcels to the West



02/01/2017

© 2017 Pictometry

Site Photos



1 – Subject Property

2 – Adjoining Property



Site Photos



3 – Adjacent Property



4 – Adjacent Property

Proposed Amendments to ZLDR Text

§5.12.9 Village Commercial Area (William Kennerty Drive to Church Creek)

B. Prohibited uses

Multi-family development not part of a mixed use development; Tow Facilities; Auto Dealers (New and Used) on property greater than 0.75 acres; Exterior Display of Goods; Shooting Ranges; Fire Works Stands (permanent and temporary); Self-Storage Facilities; and Tattoo parlors shall be prohibited uses.

C. Uses Requiring Special Exception

Vehicle Storage; Boat/RV Storage; ~~Used Car Sales~~ Auto Dealers (New and Used) on property equal to or less than 0.75 acres; Bars or Lounges; Consumer Vehicle Repair; Fast Food Restaurants Gasoline Service Stations (with or without convenience stores); Indoor Recreation and Entertainment; Consumer Vehicle Repair; and Liquor, Beer, or Wine Sales (as defined in this Ordinance) require Special Exception approval pursuant to the requirements of this Ordinance.

ZLDR-10-18-00111

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- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

Staff Response:

The applicant's letter of intent states that Criteria A, B, and C are met as, *"The proposed amendment corrects an inconsistency in the zoning code. "Auto Dealers (New and Used)" is a prohibited use in 5.12.9(B), and then "Used Car Sales" is a special exception in 5.12.9(C). Allowing used car sales as special exception is not consistent with the preceding paragraph (B), which effectively prohibits used car sales. Remediating this inconsistency will bring clarity to any member of the public that intends to use their property for this particular use."* The applicant's letter of intent also states that, *"By allowing...car sales in the subject zone as a special exception, if they are limited to properties that are 0.75 acres or less in area, this particular land use will only be allowed where the property meets the stringent criteria required for special exceptions. As such, this amendment helps further the Land Use Element Goal of the Comp Plan by promoting economic opportunity where appropriate, while simultaneously respecting private property rights by allowing commercially zoned property owners the right to use their property for commerce."*

ZLDR-10-18-00111

Staff Response Continued:

The Land Use Element in the Charleston County Comprehensive Plan provides guidance for the location, character, and intensity of land uses, and Overlay Zoning Districts are one tool available to control character and intensity of land uses in an area, as appropriate. In the adoption of the ARRC-O, three separate planning areas were identified, being Light Commercial Area (Ashley Hall Road to Wappoo Road), Commercial Core Area (Wappoo Road to William Kennerty Drive), and Village Commercial Area (William Kennerty Drive to Church Creek). The subject site was included in the Village Commercial Area of the overlay and zoned Community Commercial. Auto Dealers (New and Used) are prohibited in the Light Commercial Area and Village Commercial Area, but are permitted in the Commercial Core Area.

In accordance with Section 5.12.9, Village Commercial Area (William Kennerty Drive to Church Creek), of the ARRC-O, Auto Dealers (New and Used) are a prohibited use, however, Used Car Sales are a use requiring Special Exception. As there is an inconsistency, the most restrictive standard applies, i.e. Auto Dealers (New and Used) being prohibited. It should be noted that the original intent of the standard was for Auto Dealers, whether being for new or used vehicle sales, to be prohibited in this area of the ARRC-O as the Village Commercial Area is intended to be developed with less intense commercial development than the Commercial Core Area. This intent has not changed, and as there is another area within the ARRC-O where Auto Dealers are permitted, staff recommends disapproval of the request.

Recommendation

Staff recommends disapproval of this request as it is not consistent with the Comprehensive Plan.

Staff Recommendation:

Disapproval

Planning Commission Recommendation:

Approval (vote: 7-1, with 1 absent)

Notifications

- Planning Commission, December 11, 2018
 - 850 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews and ZLDR/Comprehensive Plan Interested Parties Lists, on November 21, 2018.
 - Request advertised in the *Post & Courier* on November 23, 2018.
- Planning Commission, January 14, 2019
 - 850 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews and ZLDR/Comprehensive Plan Interested Parties Lists, on December 28, 2018.
 - Request advertised in the *Post & Courier* on December 28, 2018.
- Planning Commission, February 11, 2019
 - 858 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews and ZLDR/Comprehensive Plan Interested Parties Lists, on January 25, 2019.
 - Request advertised in the *Post & Courier* on January 25, 2019.
- Public Hearing, February 12, 2019
 - 858 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews and ZLDR/Comprehensive Plan Interested Parties Lists, on January 25, 2019.
 - Request advertised in the *Post & Courier* on January 25, 2019.
 - Notification sign posted on the property on January 25, 2019.

Public Input

- 1 letter in opposition to the proposed text amendment has been received from 333 Wappoo Road, Charleston.



Charleston County
ZLDR Text Amendment Request
ZLDR-10-18-00111

Public Hearing – February 12, 2019

Planning and Public Works Committee – February 21, 2019



Charleston County Planning Department
 Lonnie Hamilton III, Public Services Building
 4045 Bridge View Drive
 North Charleston, SC 29405
 Phone (843) 202-7200 Fax (843) 202-7218

Joel H. Evans, PLA, AICP, Director

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Application Number: ZLDR-10-18-00111

Date Submitted: 10/26/2018

Applicant Name: James Gerow

Address: 2517 Ashley River Rd

City: Charleston

State: SC

ZIP Code: 29414

Telephone: (843) 297-3211 Fax:

E-mail: JGEROW@charlestonautosales.com

TEXT/MAP LOCATION OF REQUESTED AMENDMENT

Section No. and Title: 5.12.9(B) Prohibited Uses - Village Commercial Area (William Kennerty Drive to Church Creek)

Page:

Please provide further indicators below to locate the subject text (subsection, item, paragraph, figure/exhibit)

REQUESTED AMENDMENT

PROVIDE PRECISE WORDING FOR THE PROPOSED AMENDMENT

(documentation may be attached to the application in lieu of completing this section)

See attached

SIGNATURES

APPLICANT(S)	PLANNING DEPARTMENT OFFICIAL
PRINTED NAME: James Gerow	PRINTED NAME: J.S.
SIGNATURE:	SIGNATURE:
DATE: 10-25-18	DATE: 10/26/18
PRINTED NAME:	
SIGNATURE:	
DATE:	

FOR OFFICE USE ONLY

Application Number	ZLDR-10-18-00111		
Date Submitted	10/26/18		
Amount Received	\$250.00	Cash	Check Number: 2431
Receipt Number	TRC-142031-26-10-2018		

January 22, 2019

Charleston County Planning Commission
Lonnie Hamilton III Public Services Building
4045 Bridgeview Dr., North Charleston, SC 29405
c/o Janine Saab – Planner I <jsaab@charlestoncounty.org>

RE: ZLDR-10-18-00111

Dear Planning Commissioners:

Thank you for considering my application at your last meeting and for the thorough discussion regarding the possibility of used car sales along Ashley River Road. In keeping with that discussion, I wish to amend my application as follows in these excerpts from ZLDR Section 5.12.9.

B. Prohibited uses

Multi-family development not part of a mixed use development; Tow Facilities; Auto Dealers (New and Used) on property greater than 0.75-acre; Exterior Display of Goods; Shooting Ranges; Fire Works Stands (permanent and temporary); Self-Storage Facilities; and Tattoo parlors shall be prohibited uses.

C. Uses Requiring Special Exception

Vehicle Storage; Boat/RV Storage; ~~Used Car Sales~~ Auto Dealers (New and Used) on property equal to or less than 0.75-acre; Bars or Lounges; Consumer Vehicle Repair; Fast Food Restaurants Gasoline Service Stations (with or without convenience stores); Indoor Recreation and Entertainment; Consumer Vehicle Repair; and Liquor, Beer, or Wine Sales (as defined in this Ordinance) require Special Exception approval pursuant to the requirements of this Ordinance.

Newly proposed text is underlined; text proposed for deletion is ~~struck through~~. These text revisions replace previously proposed revisions, considered at the December Planning Commission meeting.

Please contact Alec Brebner or me with any questions, concerns, or need for clarification. I hope this meets your expectations and those of the Planning Commission for its February meeting.

Regards,



James Gerow – Charleston Auto Sales

Public Input

From: [Joel Evans](#)
To: [Andrea Pietras](#); [Janine Saab](#); [Niki R. Grimball](#)
Subject: Fwd: Highway 61 Overlay and auto dealerships
Date: Wednesday, November 21, 2018 10:19:30 PM

Sent from my iPhone

Begin forwarded message:

From: Charlie Smith <csmith@csarealestate.com>
Date: November 21, 2018 at 11:19:45 AM CST
To: Joel Evans <jevans@charlestoncounty.org>
Subject: Highway 61 Overlay and auto dealerships

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Re: ZLDR Amendment Request ZLDR-10-18-00111: Request to amend the Ashley River Road Corridor Overlay (ARRC-O), Sections 5.12.9(B) and 5.12.9(C) to remove Auto Dealers (New and Used) as a prohibited use and add it as a use requiring Special Exception.

Dear Joel,

I wish to register my objections to this proposed change to the Ashley River Road Overlay. The prohibition on new automobile dealerships within the overlay zone allows us to restrict new car dealerships to the Savannah Highway corridor rather than creating a proliferation of unsightly situations like the Matrix dealership on Wappoo Road from being replicated in an area that is now mostly free of these uses. I do not understand how the commission's thinking could have evolved to the point of removing that prohibition for any reason. The prohibition of automobile dealerships should remain in effect.

I hope this finds you well.

Sincerely,
Charlie Smith

333 Wappoo Road
Charleston, SC 29407
843-813-0352