



Public Hearing Agenda
January 18, 2022 at 6:30 PM
4045 Bridgeview Drive, North Charleston, SC 29405

- 1 PUBLIC HEARING NOTICES**
 - 1A Redistricting Maps**
 - 1B ZREZ-11-21-00127 & ZREZ-11-21-00128
Wadmalaw Island**
 - 1C ACP-11-21-00121 & ZLDR-11-21-00127 Main
Road Corridor Overlay**

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that Charleston County Council will hold a public hearing on Tuesday, January 18, 2022, at 6:30 pm in the Beverly T. Craven Council Chambers, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC, regarding an ordinance to provide for the adoption of a plan for the purpose of a nine single member district reapportionment plan for Charleston County the public hearing will be held in the Beverly T. Craven Council Chambers, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, S.C.

The proposed redistricting maps are available on the Charleston County Government website at www.charlestoncounty.org and at all Charleston County Public Libraries.

Public comments, written and oral, are invited. Submission of written public comments is encouraged, and those wishing to provide written public comments for the public hearing should email comments to redistricting@charlestoncounty.org by 12:00 noon on Tuesday, January 18, 2022.

Kristen L. Salisbury
Clerk of Council

Post & Courier

CHARLESTON COUNTY COUNCIL PUBLIC HEARING **Tuesday, January 18, 2022 at 6:30 PM**

Charleston County Council will hold a public hearing on the matters listed below beginning at 6:30 p.m., Tuesday, January 18, 2022, in Council Chambers (second floor of the Lonnie Hamilton, III, Public Services Building, located at: 4045 Bridge View Drive, North Charleston, SC 29405). Packet information can be found online at: <https://www.charlestoncounty.org/departments/zoning-planning/>. The meeting will be livestreamed at: <https://www.charlestoncounty.org/departments/county-council/cctv.php>. Public comments may be made in person, or written public comments may be emailed to CCPC@charlestoncounty.org or mailed to the address listed above by noon on Tuesday, January 18, 2022. Contact the Zoning and Planning Department at (843)202-7200 or CCPC@charlestoncounty.org for additional information.

- a. ACP-11-21-00121 & ZLDR-11-21-00127: Request to amend Map 3.1.18, *Main Road Corridor Overlay Zoning District*, of the Charleston County Comprehensive Plan, and Map 5.15, *MRC-O, Main Road Corridor Overlay Zoning District Map*, of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) for a 0.19-acre portion of TMS 283-00-00-318 from the Kitford Community Residential Area to the Belvedere-Main Commercial Area of the Main Road Corridor Overlay Zoning District.
- b. ZREZ-11-21-00127 & ZREZ-11-21-00128: Request to rezone TMS 133-00-00-043/-044/-045/-054/-056/-064/-086 from the Agricultural Residential (AGR) Zoning District to the Agricultural Preservation 15 (AG-15) Zoning District.

This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

**ZREZ-11-21-00127 &
ZREZ-11-21-00128:**

- Case History
- Presentation
- Application
- Public Input

ZREZ-11-21-00127 & ZREZ-11-21-00128 Case History

Planning Commission: December 13, 2021

Public Hearing: January 18, 2022

Planning and Public Works Committee: January 27, 2022

First Reading: February 1, 2022

Second Reading: February 15, 2022

Third Reading: March 1, 2022

CASE INFORMATION

Applicant: Chris Fralick

Owner: Thomas Steven Brantley

Location: Wadmalaw Island

Parcel Identification: TMS 133-00-00-043, 133-00-00-044, 133-00-00-045, 133-00-00-054, 133-00-00-056, 133-00-00-064, and 133-00-00-086.

Application: Request to rezone TMS 133-00-00-043/-044/-045/-054/-056/-064/-086 from the Agricultural Residential (AGR) Zoning District to the Agricultural Preservation 15 (AG-15) Zoning District.

Council District: 8 (Johnson)

Property Size: 47.94 acres

Zoning History: The subject parcels were originally zoned Residential/Agricultural (RA-5) as part of the 1988 Wadmalaw Island Planned Development Guidelines. The Planned Development for the Island was incorporated into the Comprehensive Plan when it was adopted in 1999. The Comprehensive Plan was subsequently implemented by the adoption of the Zoning and Land Development Regulations Ordinance (ZLDR) in 2001. The properties on the Island were recommended for Wadmalaw Agricultural Preservation, Agricultural Residential, or Rural Commercial future land use in the Comprehensive Plan. These future land use classifications were implemented in the ZLDR by the AG-15, AGR, and CR Zoning Districts, respectively. The future land use and zoning classifications of the properties on the Island were based on the 1988 Planned Development and input from the residents, including input received as part of the Charleston County Settlement Area Study, which identified the properties to be zoned AGR both on Wadmalaw Island and across the County. The subject properties were zoned AGR as part of that process. There have been no previous rezoning requests for these parcels.

Adjacent Zoning: TMS 133-00-00-044 contains a Single-Family Residence, TMS 133-00-00-064 contains an agricultural outbuilding, and the rest of the subject properties are undeveloped. Properties to the north, across Bears Bluff Road are zoned AGR. Properties to the east and west are zoned either AGR or AG-15. Properties to the south are zoned AGR. Surrounding properties are either being used residentially, agriculturally, or are undeveloped.

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

APPROVAL CRITERIA

According to Section 3.4.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;

Staff Response: *The Comprehensive Plan ("Plan") recommends the subject properties for the Agricultural Residential future land use designation, which the Plan describes as: "This land use category consists of rural residential Settlement Areas that have been subdivided into small properties. Proposed densities generally range from one dwelling per acre to one dwelling per five acres. "Byright" uses include residential development, agriculture, and other uses necessary to support the viability of agriculture. Appropriate public services and facilities that are consistent with the goals and strategies of this Plan should be permitted to ensure sufficient provision of services. Agricultural Residential includes Settlement Areas, which are small older crossroads communities, family lands, typical suburban-style subdivisions, frontage lots along local roads, waterfront developments, and vacant land that has been subdivided for residential use that may or may not yet be built upon. The criteria for additional parcels to qualify for inclusion into a "Settlement Area" are as follows: 1. Parcel size of 30 acres or less (including highland areas and freshwater wetlands) on parcels existing prior to April 21, 1999; and 2. Parcel must be located in an AG-8, AG-10, or RM Zoning District or adjacent to lands currently zoned AGR; and 3. Parcel must be either within 1,000 feet of an existing AGR Zoning District or show the same obvious spatial characteristics of other existing AGR Zoning Districts in the agricultural area; and 4. Parcels are not located on Wadmalaw Island or Edisto Island."*

The requested zoning district, AG-15, implements the Wadmalaw Agricultural Residential future land use designation, which the Plan describes as: "The uses recommended for this future land use category are similar to those recommended for the Agricultural Preservation use category; however, the recommended density is lower and this designation applies specifically to Wadmalaw Island. The incorporation of this designation is also consistent with the Wadmalaw Island Planned Development Guidelines adopted by the County in 1988. Appropriate public services and facilities that are consistent with the goals and strategies of this Plan should be permitted to ensure sufficient provision of services."

Because the requested zoning district, AG-15, is far less dense than the current zoning district, the future land descriptions implemented by the current and requested zoning districts are comparable, and the land uses allowed in the current and requested zoning districts are similar, this criterion is met.

B. The proposed amendment will allow Development that is compatible with existing uses, recommended Density, established Dimensional Standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;

Staff Response: *The applicant is proposing to downzone these properties in order to abandon property lines and combine them with TMS 133-00-00-055, which is a 27.91-acre tract zoned Agricultural Preservation 15 (AG-15). Since new split-zoned parcels cannot be created pursuant to the ZLDR, the applicant is pursuing a rezoning. The requested zoning district is consistent with the zoning of adjacent properties, and with existing density, dimensional standards, and uses in the surrounding area.*

C. The proposed amendment corrects a zoning map error or inconsistency; or

Staff Response: *Not applicable.*

D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

Staff Response: Not applicable.

Staff Recommendation

This Zoning Map Amendment request meets one or more of the approval criteria; therefore, staff recommends approval.

PLANNING COMMISSION MEETING: December 13, 2021

Recommendation: Approval (7-0).

Public Input: One letter in support has been received from the Wadmalaw Island Land Planning Committee.

Speakers: No one spoke for or against this request.

Notifications: 81 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Wadmalaw Interested Parties List on November 24, 2021. Additionally, this request was noticed in the *Post & Courier* on November 26, 2021.

PUBLIC HEARING: January 18, 2022

Notifications: 81 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Wadmalaw Interested Parties List on December 17, 2021. Additionally, this request was noticed in the *Post & Courier* on December 17, 2021.



Charleston County Zoning Map Amendment Request

Public Hearing: January 18, 2022

Planning and Public Works Committee: January 27, 2022

First Reading: February 1, 2022

Second Reading: February 15, 2022

Third Reading: March 1, 2022

ZREZ-11-21-00127 & ZREZ-11-21-00128

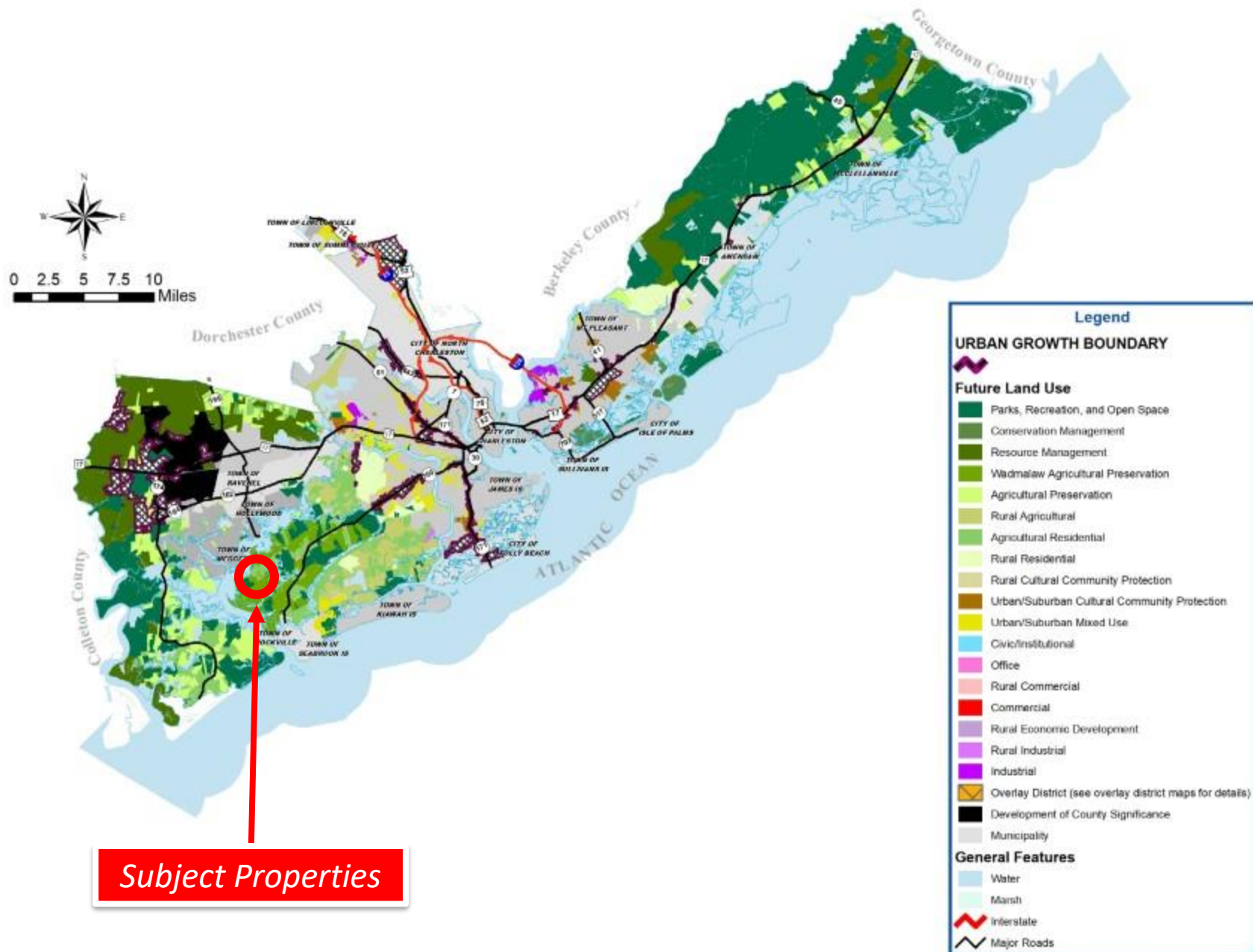
Request to rezone TMS 133-00-00-043/-044/-045/-054/-056/-064/-086 from the Agricultural Residential (AGR) Zoning District to the Agricultural Preservation 15 (AG-15) Zoning District.

- **Wadmalaw Island:** Bears Bluff Road
- **Parcel I.D.:** 133-00-00-043/-044/-045/
-054/-056/-064/-086
- **Owner:** Thomas Steven Brantley
- **Applicant:** Chris Fralick
- **Property Size:** 47.94 acres
- **Council District:** 8 - Johnson

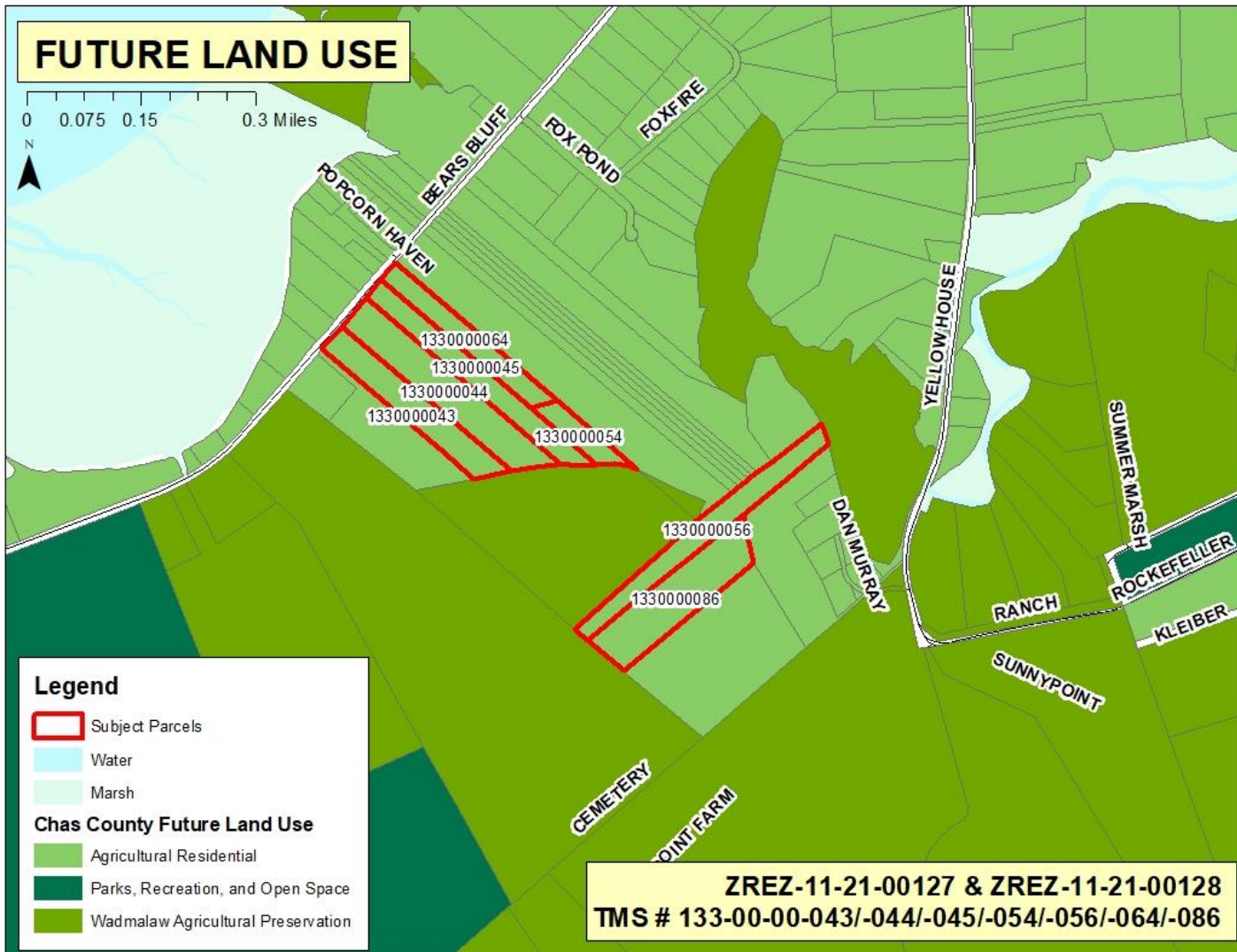
Zoning History

- The subject parcels were originally zoned Residential/Agricultural (RA-5) as part of the 1988 Wadmalaw Island Planned Development Guidelines. The Planned Development for the Island was incorporated into the Comprehensive Plan when it was adopted in 1999. The Comprehensive Plan was subsequently implemented by the adoption of the Zoning and Land Development Regulations Ordinance (ZLDR) in 2001.
- The properties on the Island were recommended for Wadmalaw Agricultural Preservation, Agricultural Residential, or Rural Commercial future land use in the Comprehensive Plan. These future land use classifications were implemented in the ZLDR by the AG-15, AGR, and CR Zoning Districts, respectively.
- The future land use and zoning classifications of the properties on the Island were based on the 1988 Planned Development and input from the residents, including input received as part of the Charleston County Settlement Area Study, which identified the properties to be zoned AGR both on Wadmalaw Island and across the County. The subject properties were zoned AGR as part of that process.
- There have been no previous rezoning requests for these parcels.

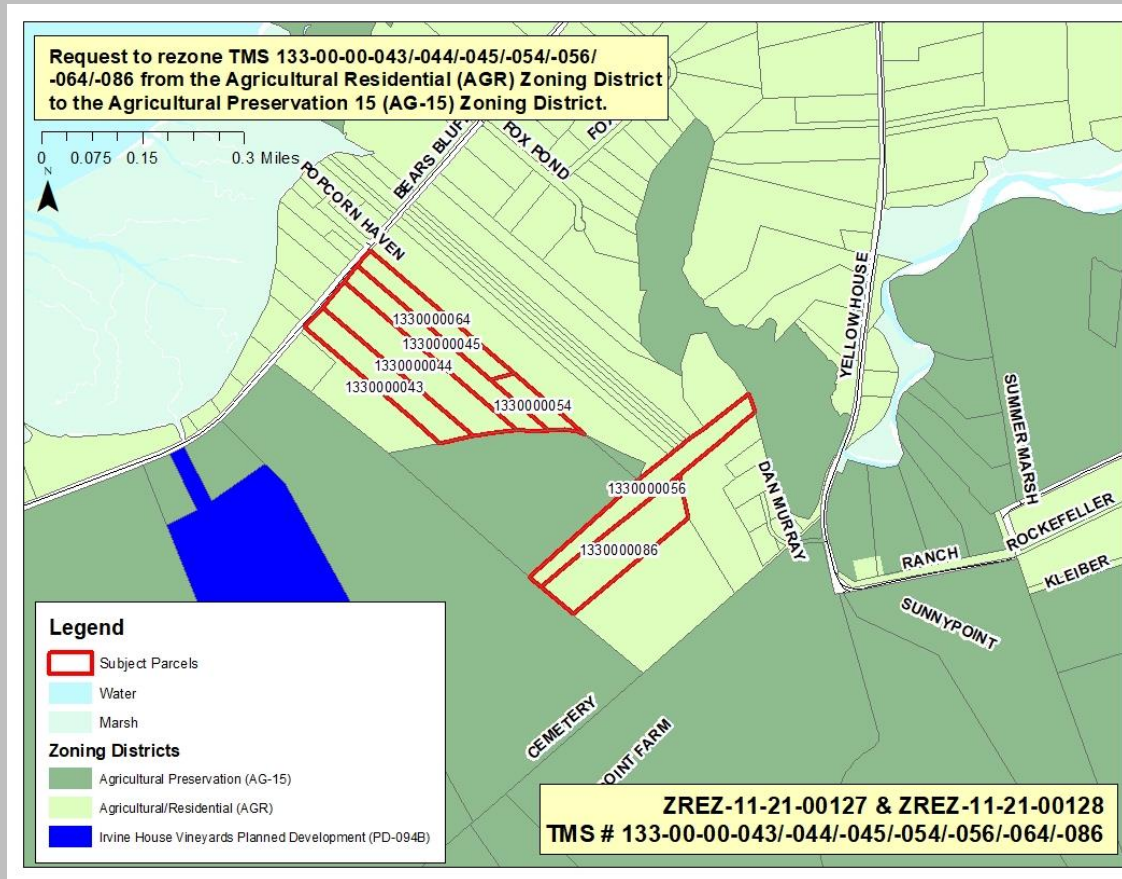
MAP 3.1.1: FUTURE LAND USE



Future Land Use

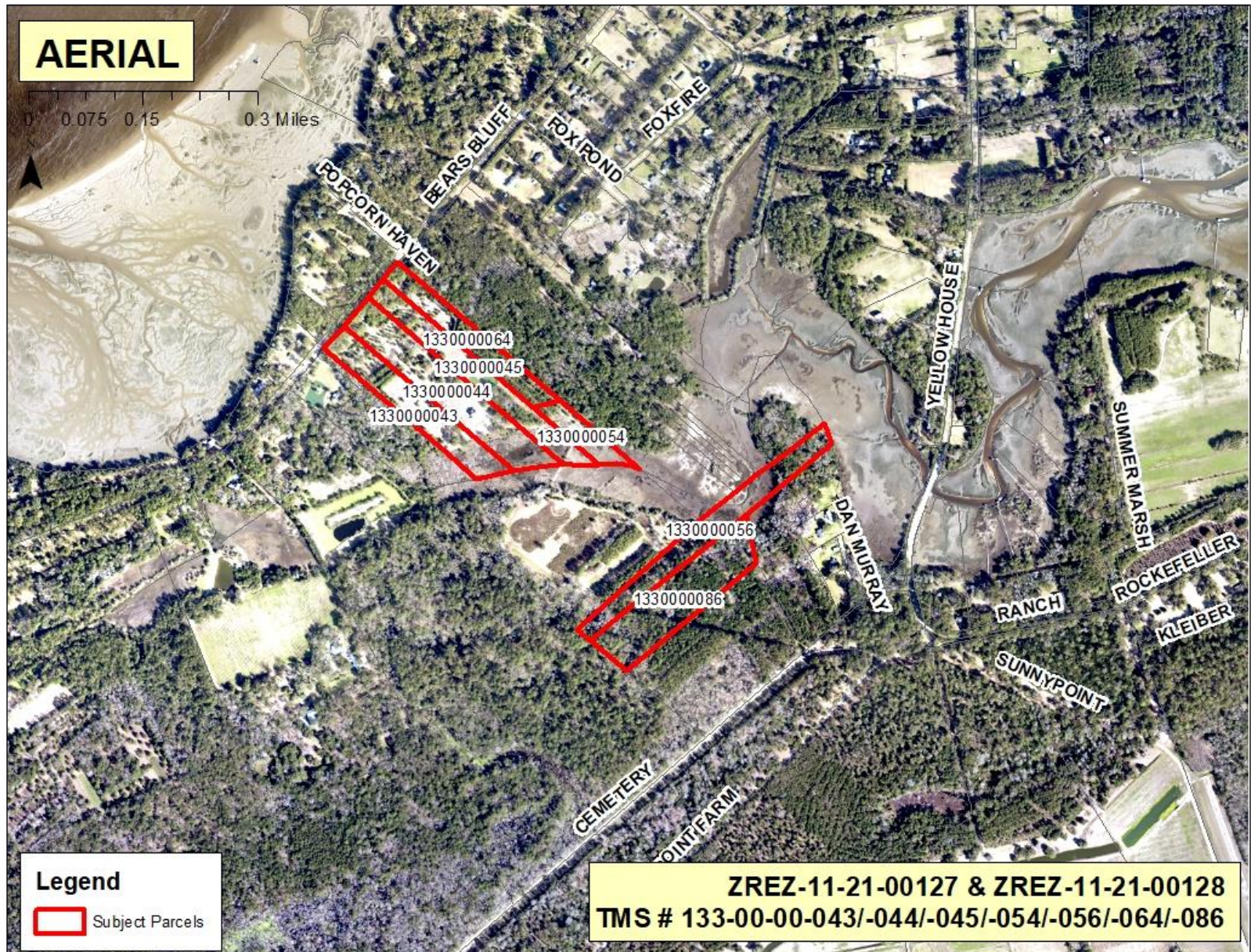


Current Zoning



TMS 133-00-00-044 contains a Single-Family Residence, TMS 133-00-00-064 contains an agricultural outbuilding, and the rest of the subject properties are undeveloped. Properties to the north, across Bears Bluff Road are zoned AGR. Properties to the east and west are zoned either AGR or AG-15. Properties to the south are zoned AGR. Surrounding properties are either being used residentially, agriculturally, or are undeveloped.

Aerial View



Site Photos- Subject Properties



1 – Subject Property
TMS 133-00-00-064



2 –Subject Property
TMS 133-00-00-045, -044, -043

Site Photos- Surrounding Properties



**3 –TMS 133-00-00-077
TMS 133-00-00-011**



4 –TMS 133-00-00-046

Allowed Land Use Comparison

Uses allowed in AGR, but not in AG-15

- Affordable/Workforce Housing*
- Medical Offices+
- Golf Driving Range+
- Golf Course or Country Club*
- Charter Boat or other Recreational Watercraft Rental Service*
- Commercial Dock+
- Artisan and Craftsman*
- Water Transportation+

Uses allowed in AG-15, but not in AGR

- Lumber/Planing Mill (*special exception in AGR*)
- Concentrated Animal Feeding Operation+
- Outdoor Shooting Range +
- Kennel* (*special exception in AGR*)
- Veterinary Service (*special exception in AGR*)
- Communications Tower*
- Boat Yard* (*special exception in AGR*)
- Landscaping and Horticultural Services*
- Flower, Nursery Stock, or Florists' Supplies Wholesaler (*by right*)
- Aviation*
- Private Air Strip*
- Sightseeing Transportation, Land or Water+

* Indicates use subject to conditions

+ Indicates use subject to Special Exception approval from the BZA

Approval Criteria—Section 3.4.6

According to Section 3.4.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;

Staff Response: The Comprehensive Plan (“Plan”) recommends the subject properties for the Agricultural Residential future land use designation, which the Plan describes as: “This land use category consists of rural residential Settlement Areas that have been subdivided into small properties. Proposed densities generally range from one dwelling per acre to one dwelling per five acres. “Byright” uses include residential development, agriculture, and other uses necessary to support the viability of agriculture. Appropriate public services and facilities that are consistent with the goals and strategies of this Plan should be permitted to ensure sufficient provision of services. Agricultural Residential includes Settlement Areas, which are small older crossroads communities, family lands, typical suburban-style subdivisions, frontage lots along local roads, waterfront developments, and vacant land that has been subdivided for residential use that may or may not yet be built upon. The criteria for additional parcels to qualify for inclusion into a “Settlement Area” are as follows: 1. Parcel size of 30 acres or less (including highland areas and freshwater wetlands) on parcels existing prior to April 21, 1999; and 2. Parcel must be located in an AG-8, AG-10, or RM Zoning District or adjacent to lands currently zoned AGR; and 3. Parcel must be either within 1,000 feet of an existing AGR Zoning District or show the same obvious spatial characteristics of other existing AGR Zoning Districts in the agricultural area; and 4. Parcels are not located on Wadmalaw Island or Edisto Island.”

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Because the requested zoning district, AG-15, is far less dense than the current zoning district, the future land descriptions implemented by the current and requested zoning districts are comparable, and the land uses allowed in the current and requested zoning districts are similar, this criterion is met.

Approval Criteria—Section 3.4.6

According to Section 3.4.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

- B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;**

Staff Response: *The applicant is proposing to downzone these properties in order to abandon property lines and combine them with TMS 133-00-00-055, which is a 27.91-acre tract zoned Agricultural Preservation 15 (AG-15). Since new split-zoned parcels cannot be created, the applicant is pursuing a rezoning. The requested zoning district is consistent with the zoning of adjacent properties, and existing density, dimensional standards, and uses in the surrounding area.*

- C. The proposed amendment corrects a zoning map error or inconsistency;**

Staff Response: *Not Applicable.*

- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.**

Staff Response: *Not Applicable.*

Recommendations

Planning Commission Recommendation: Approval (7-0).

Staff Recommendation: This Zoning Map Amendment request meets one or more of the approval criteria; therefore, staff recommends approval.

Public Input

One letter in support of this request has been received from the Wadmalaw Island Land Planning Committee

Notifications

Planning Commission Meeting:

- **November 24, 2021** 81 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Wadmalaw Island Interested Parties List
- **November 26, 2021** Request advertised in the *Post & Courier*

Public Hearing:

- 81 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Wadmalaw Interested Parties List on December 17, 2021. Additionally, this request was noticed in the *Post & Courier* on December 17, 2021.



Charleston County Zoning Map Amendment Request

Public Hearing: January 18, 2022

Planning and Public Works Committee: January 27, 2022

First Reading: February 1, 2022

Second Reading: February 15, 2022

Third Reading: March 1, 2022

ZONING CHANGE APPLICATION

CASE _____ PD _____

PROPERTY INFORMATION

CURRENT DISTRICT AGR REQUESTED DISTRICT AG-15

PARCEL ID(S) 133-00-00-043,044,045,054,064

CITY/AREA OF COUNTY Wadmalaw Island

STREET ADDRESS 6697 Bears Bluff Road ACRES 30.21

DEED RECORDED: BOOK See Attached PAGE _____ DATE _____

PLAT RECORDED: BOOK See Attached PAGE _____ DATE _____ APPROVAL # _____



Zoning/Planning
Department
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
(843) 202-7200
1-800-524-7832
Fax: (843) 202-7222

APPLICANT—OWNER—REPRESENTATIVE

APPLICANT Thomas Steven Brantley HOME PHONE N/A

MAIL ADDRESS PO Box 133 WORK PHONE N/A

CITY, STATE, ZIP Wadmalaw Island, SC 29487 CELL PHONE 843-364-1792

EMAIL stevebrantley@bellsouth.net

OWNER
(IF OTHER THAN APPLICANT) HOME PHONE _____

MAIL ADDRESS _____ WORK PHONE _____

CITY, STATE, ZIP _____ CELL PHONE _____

EMAIL _____

REPRESENTATIVE Chris Fralick - Robert Frank LS HOME PHONE N/A
(IF OTHER THAN APPLICANT)

MAIL ADDRESS 1923 Maybank Highway WORK PHONE 843-762-4608

CITY, STATE, ZIP Charleston, SC 29412 CELL PHONE 843-814-1616

EMAIL robertfranklandsurveying@comcast.net

CERTIFICATION

This application will be returned to the applicant within fifteen (15) business days if these items are not submitted with the application or if any are found to be inaccurate:

- ✓ Copy of Approved and Recorded Plat showing present boundaries of property
- ✓ Copy of Current Recorded Deed to the property (Owner's signature must match documentation.)
- ✓ Copy of Signed Restricted Covenants Affidavit
- ✓ Copy of Signed Posted Notice Affidavit
- ✓ Fee \$150.00 plus \$10.00 per acre (Fees vary for Planned Developments.)

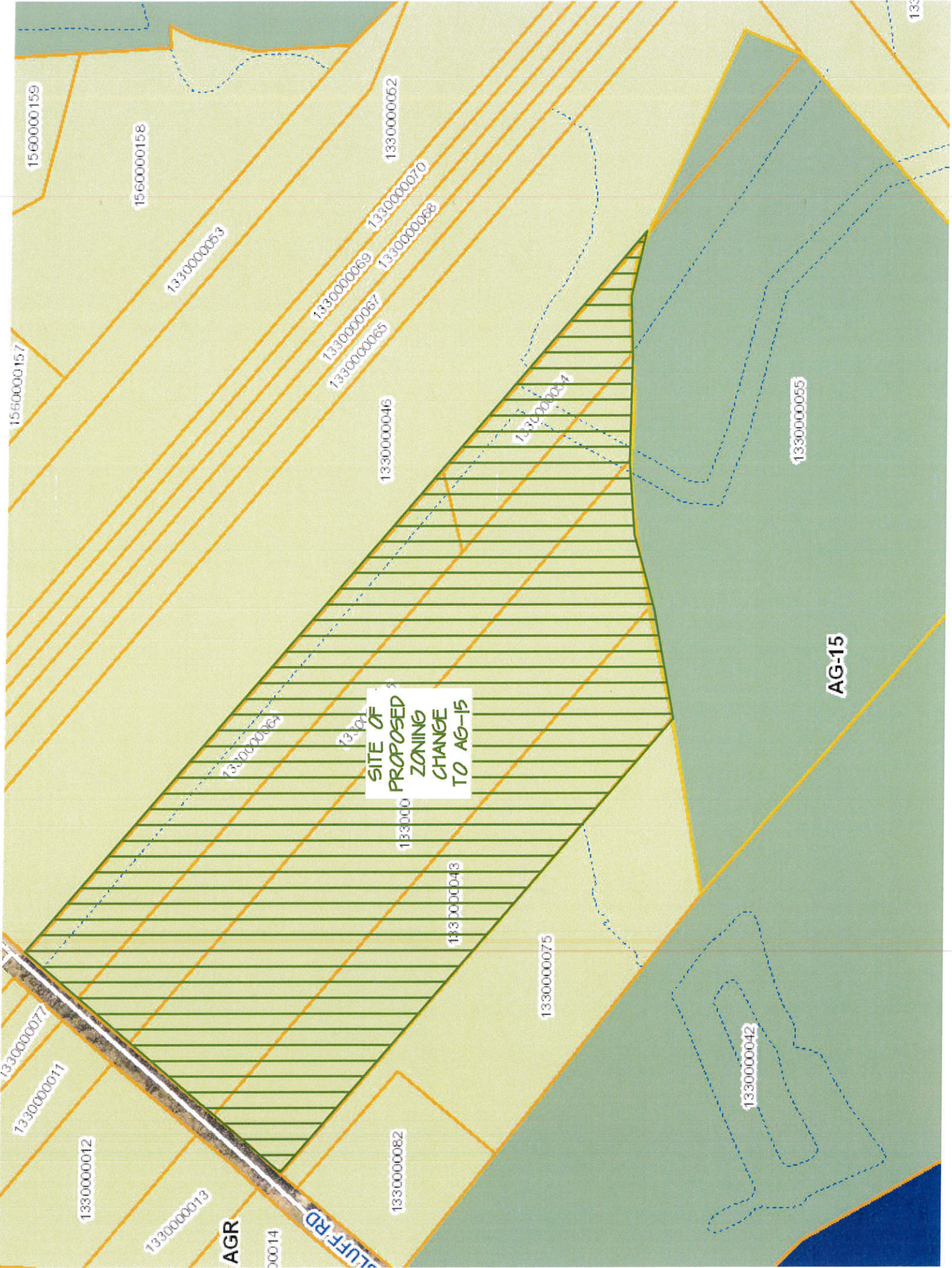
I (we) certify that Robert Frankland Survey is the authorized representative for my (our) zoning change request. I also accept the above requirements for submitting my zoning change application. To the best of my knowledge, all required information has been provided and all information is correct.

Thomas Steven Brantley 10-21-21 Chris Fralick 10/27/21
Signature of Owner(s) Date Signature of Applicant/ Representative (if other than owner) Date

Planner's Signature _____ Date _____ Zoning Inspector's Signature _____ Date _____

OFFICE USE ONLY

Amount Received _____ Cash ? ☐ Check? ☐ # _____ Invoice Number _____



ZONING CHANGE APPLICATION

CASE _____ PD _____

PROPERTY INFORMATION

CURRENT DISTRICT AGR REQUESTED DISTRICT AG-15

PARCEL ID(S) 133-00-00-056,006

CITY/AREA OF COUNTY Wadmalaw Island

STREET ADDRESS None Assigned ACRES 17.4

DEED RECORDED: BOOK See Attached PAGE _____ DATE _____

PLAT RECORDED: BOOK See Attached PAGE _____ DATE _____ APPROVAL # _____



Zoning/Planning
Department
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
(843) 202-7200
1-800-524-7832
Fax: (843) 202-7222

APPLICANT—OWNER—REPRESENTATIVE

APPLICANT Thomas Steven Brantley HOME PHONE N/A

MAIL ADDRESS PO Box 133 WORK PHONE N/A

CITY, STATE, ZIP Wadmalaw Island, SC 29487 CELL PHONE 843-364-1792

EMAIL stevebrantley@bellsouth.net

OWNER (IF OTHER THAN APPLICANT) HOME PHONE _____

MAIL ADDRESS WORK PHONE _____

CITY, STATE, ZIP CELL PHONE _____

EMAIL _____

REPRESENTATIVE (IF OTHER THAN APPLICANT) Chris Fralick - Robert Frank LS HOME PHONE N/A

MAIL ADDRESS 1923 Maybank Highway WORK PHONE 843-762-4608

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I (we) certify that Robert Frank Land Survey is the authorized representative for my (our) zoning change request. I also accept the above requirements for submitting my zoning change application. To the best of my knowledge, all required information has been provided and all information is correct.

Thomas S. Brantley
Signature of Owner(s)

10-27-2021
Date

Chris Fralick
Signature of Applicant/ Representative (if other than owner)

10/27/21
Date

Planner's Signature _____

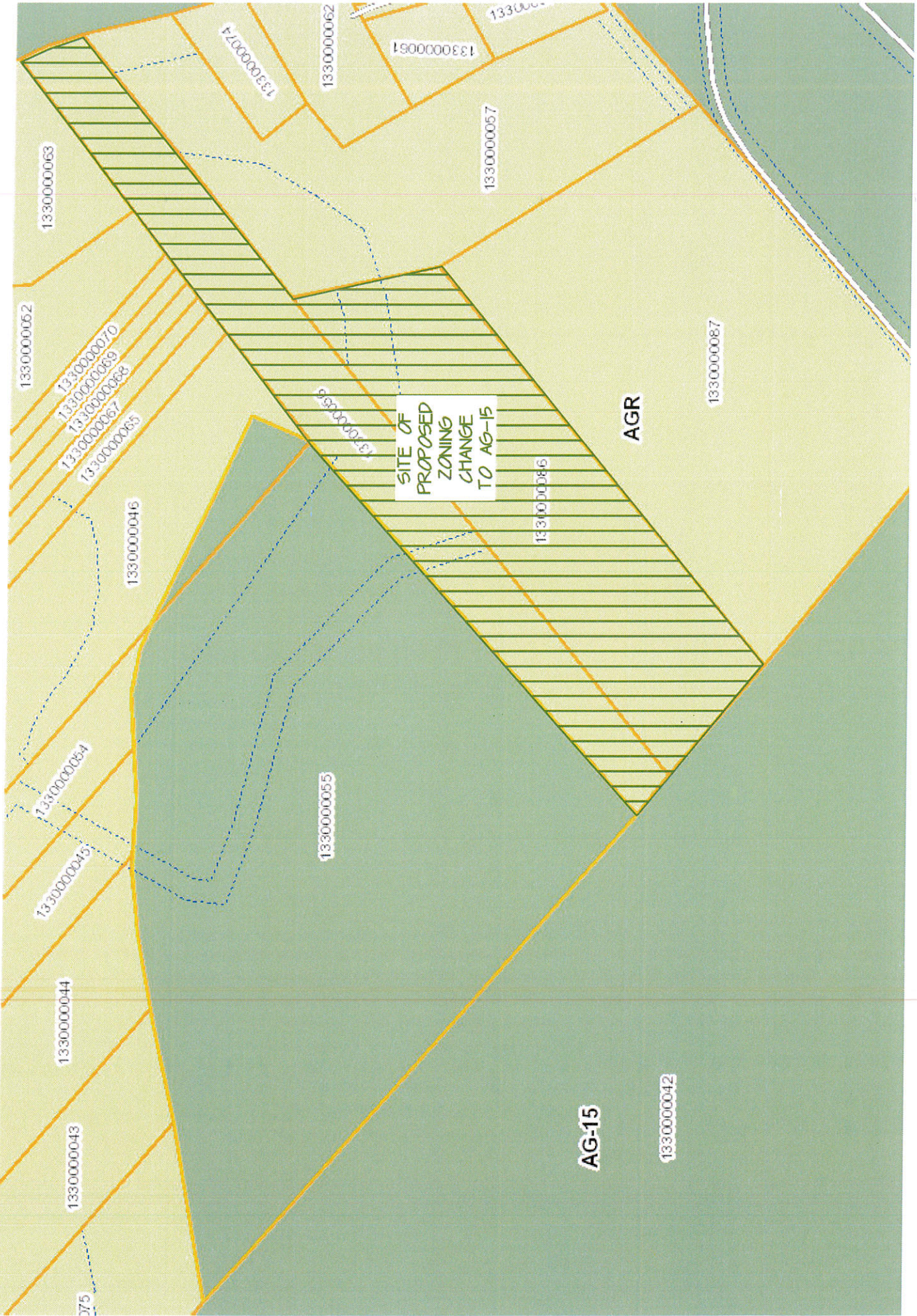
_____ Date

Zoning Inspector's Signature _____

_____ Date

OFFICE USE ONLY

Amount Received _____ Cash ? ☐ Check? ☐ # _____ Invoice Number _____



Public Input

Wadmalaw Island Land Planning Committee

www.WILPC.org

December 10, 2021

Charleston County Planning Commission
4045 Bridge View Drive
North Charleston, SC 29405
CCPC@charlestoncounty.org

RE: ZREZ-11-21-00127 and 00128
Zoning Change Request: AGR to AG-15
Bears Bluff Road/Wadmalaw Island

Dear Planning Commission Members:

The Wadmalaw Island Land Planning Committee supports this request. The Agriculture Preservation, AG-15 District, is compatible with the County's Comprehensive Plan, the surrounding land use and zoning, and will decrease the development density in this area of Wadmalaw Island.

In addition, Mr. Steve Brantley, the applicant, informed the Committee that he is rezoning the property in order to combine the subject lots with other AG-15 property that he owns. Once combined, Mr. Brantley plans to put the property in a Conservation Easement. We see this as a tremendous benefit to the Island

Thank you for your consideration of our comments.

Sincerely yours,



Melinda L. Kelley, Vice Chair
WADMALAW ISLAND LAND PLANNING
COMMITTEE

Zoning Sub-committee:

Melinda Lucka Kelley Tomas Hainich
Kathie Seabrook Jordan Dennis Vane

Post & Courier

CHARLESTON COUNTY COUNCIL PUBLIC HEARING **Tuesday, January 18, 2022 at 6:30 PM**

Charleston County Council will hold a public hearing on the matters listed below beginning at 6:30 p.m., Tuesday, January 18, 2022, in Council Chambers (second floor of the Lonnie Hamilton, III, Public Services Building, located at: 4045 Bridge View Drive, North Charleston, SC 29405). Packet information can be found online at: <https://www.charlestoncounty.org/departments/zoning-planning/>. The meeting will be livestreamed at: <https://www.charlestoncounty.org/departments/county-council/cctv.php>. Public comments may be made in person, or written public comments may be emailed to CCPC@charlestoncounty.org or mailed to the address listed above by noon on Tuesday, January 18, 2022. Contact the Zoning and Planning Department at (843)202-7200 or CCPC@charlestoncounty.org for additional information.

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- b. ZREZ-11-21-00127 & ZREZ-11-21-00128: Request to rezone TMS 133-00-00-043/-044/-045/-054/-056/-064/-086 from the Agricultural Residential (AGR) Zoning District to the Agricultural Preservation 15 (AG-15) Zoning District.

This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

ACP-11-21-00121 & ZLDR-11-21-00127:

- Case History
- Presentation
- Application

ACP-11-21-00121 & ZLDR-11-21-00127: Case History

Planning Commission: December 13, 2021

Public Hearing: January 18, 2022

Planning and Public Works Committee: January 27, 2022

First Reading: February 1, 2022

Second Reading: February 15, 2022

Third Reading: March 1, 2022

CASE INFORMATION

Applicant: Chris Fralick

Owner: Carol and U.G. Williamson, Jr.

Location: 3573 Kitford Road

Parcel Identification: 283-00-00-318

Applications:

The applications are to amend Map 3.1.18, *Main Road Corridor Overlay Zoning District*, of the Charleston County Comprehensive Plan and Map 5.15, *MRC-O, Main Road Corridor Overlay Zoning District*, of the Charleston County Zoning and Land Development Regulations Ordinance to change a 0.19-acre portion of TMS 283-00-00-318 from the Kitford Community Residential Area to the Belvedere-Main Commercial Area of the Main Road Corridor Overlay Zoning District.

The applicant has submitted a plat for review and recording to adjust the property line between TMS 283-00-00-318 and TMS 283-00-00-112 to fix the encroachment of commercial parking onto a residentially used property. Since new split-zoned parcels cannot be created, the applicant is requesting this zoning change to allow for this property line adjustment.

Council District: 8 (Johnson)

Property Size: The requested amendment affects 0.19 acres of the 2.3-acre parcel.

Zoning History: The subject parcel was split-zoned between Industrial (I-1) and Agricultural Residential (AR) prior to the adoption of the 2001 Zoning and Land Development Regulations Ordinance, when the portion of the property zoned AR was changed to RR-3. In December of 2020, the Main Road Corridor Overlay Zoning District was adopted, and the subject parcel was subsequently placed in the Kitford Community Residential District of the MRC-O.

The Kitford Community Residential District (KCR) is to preserve and protect the rural residential character of the Kitford Road Community. The Belvedere-Main Commercial District (BMC) is intended to provide opportunities for rural economic development through the designation of limited areas of more intense development where infill development, expansion, or redevelopment of existing commercial and industrial uses may occur.

Adjacent Zoning: The subject parcel contains a Single-Family Dwelling Unit and a portion of an existing commercial parking lot. Adjacent properties to the south are in the BMC District and the Kitford Community Industrial District (KCI) and contain a welding company and boat/RV storage. The KCI District allows Rural Commercial District uses instead of Industrial uses along with some manufacturing/production and wholesale sales uses. Properties to the north and east are in the KCR District and contain residential uses. Properties to the west, across Main Road are zoned Rural Commercial and contain residential and agricultural uses or are undeveloped.

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

APPROVAL CRITERIA

Comprehensive Plan Amendment Application: ACP-11-21-00121

According to Section 3.2.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for *Comprehensive Plan* Amendments may be approved or approved with conditions only if County Council determines the proposed amendment is consistent with the overall purpose and intent of the Plan and that any one of the following criteria are met:

- A. There was a significant error in the original *Comprehensive Plan* adoption;**
- B. In adopting the *Comprehensive Plan*, the County Council failed to take into account facts, projections, or trends that were reasonably foreseeable to exist in the future;**
- C. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the County Council's original findings made upon plan adoption;**
- D. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the character or condition of an area, making the proposed amendment necessary;**
- E. The proposed *Comprehensive Plan* Amendment is requested pursuant to and complies with Article 3.17, *Developments of County Significance*; or**
- F. The proposed *Comprehensive Plan* Amendment is consistent with the *Comprehensive Plan* Future Land Use recommendations of adjacent municipalities that have adopted extra-territorial jurisdiction for the subject Parcel(s).**

Applicant's Response: *The applicant's letter of intent states this application meets criterion D, explaining "[...] because the small section of parking lot was inadvertently constructed onto the residential lot post Comprehensive Plan necessitating the need to record a property line adjustment, and thus the Comprehensive Plan text amendment, for liability reasons and land title issues."*

Staff Recommendation

Staff agrees that criterion D has been met. Had this issue been brought to light during the development and adoption of the Main Road Corridor Overlay Zoning District, the boundary between the KCR District and the BMC District would have been drawn as requested in this application, placing the 0.19-acre portion of the subject parcel in the BMC District.

ZLDR Text Amendment Application: ZLDR-11-21-00127

According to Section 3.3.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for ZLDR Text Amendments may be approved or approved with conditions 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;**

Applicant's Response: *"The proposed amendment corrects an inconsistency with the current zoning. A portion of the parking lot of a business in Belvedere-Main Commercial Area overlaps into a residential parcel in the Kitford Community Residential Area."*

B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5, *Purpose and Intent*; and

Applicant's Response: "The proposed amendment would rezone that portion of the residential property to match the commercial property of which it is a part. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals."

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

Applicant's Response: "The proposed amendment furthers the public welfare by holding that portion of the parking lot to the higher commercial standards rather than the minimal standards required of a residential property."

Staff Recommendation

If the Planning Commission recommends approval of the Comprehensive Plan Amendment, this ZLDR Text Amendment application would meet the approval criteria of ZLDR Art. 3.3.6, and, therefore, should also be recommended for approval.

PLANNING COMMISSION MEETING: December 13, 2021

Recommendation: Approval (7-0).

Speakers: No one spoke for or against this request.

Notifications: 690 notification letters were sent to individuals on the ZLDR/Comprehensive Plan and Johns Island Interested Parties Lists, as well as property owners within 300 feet of the subject parcel on November 24, 2021. Additionally, this request was noticed in the *Post & Courier* on November 26, 2021.

PUBLIC HEARING: January 18, 2022

Notifications: 690 notification letters were sent to individuals on the ZLDR/Comprehensive Plan and Johns Island Interested Parties Lists, as well as property owners within 300 feet of the subject parcel on December 17, 2021. Additionally, this request was noticed in the *Post & Courier* on December 17, 2021.



Charleston County Comprehensive Plan Amendment Request and ZLDR Text Amendment Request

Public Hearing: January 18, 2022

Planning and Public Works Committee: January 27, 2022

First Reading: February 1, 2022

Second Reading: February 15, 2022

Third Reading: March 1, 2022

ACP-11-21-00121 and ZLDR-11-21-00127

- 3573 Kitford Rd, Johns Island, SC
- Parcel I.D.: 283-00-00-318
- Owner: Carol and U.G. Williamson, Jr.
- Acreage: The requested amendment affects 0.19 acres of the 2.3-acre parcel.
- Council District: 8 - Johnson

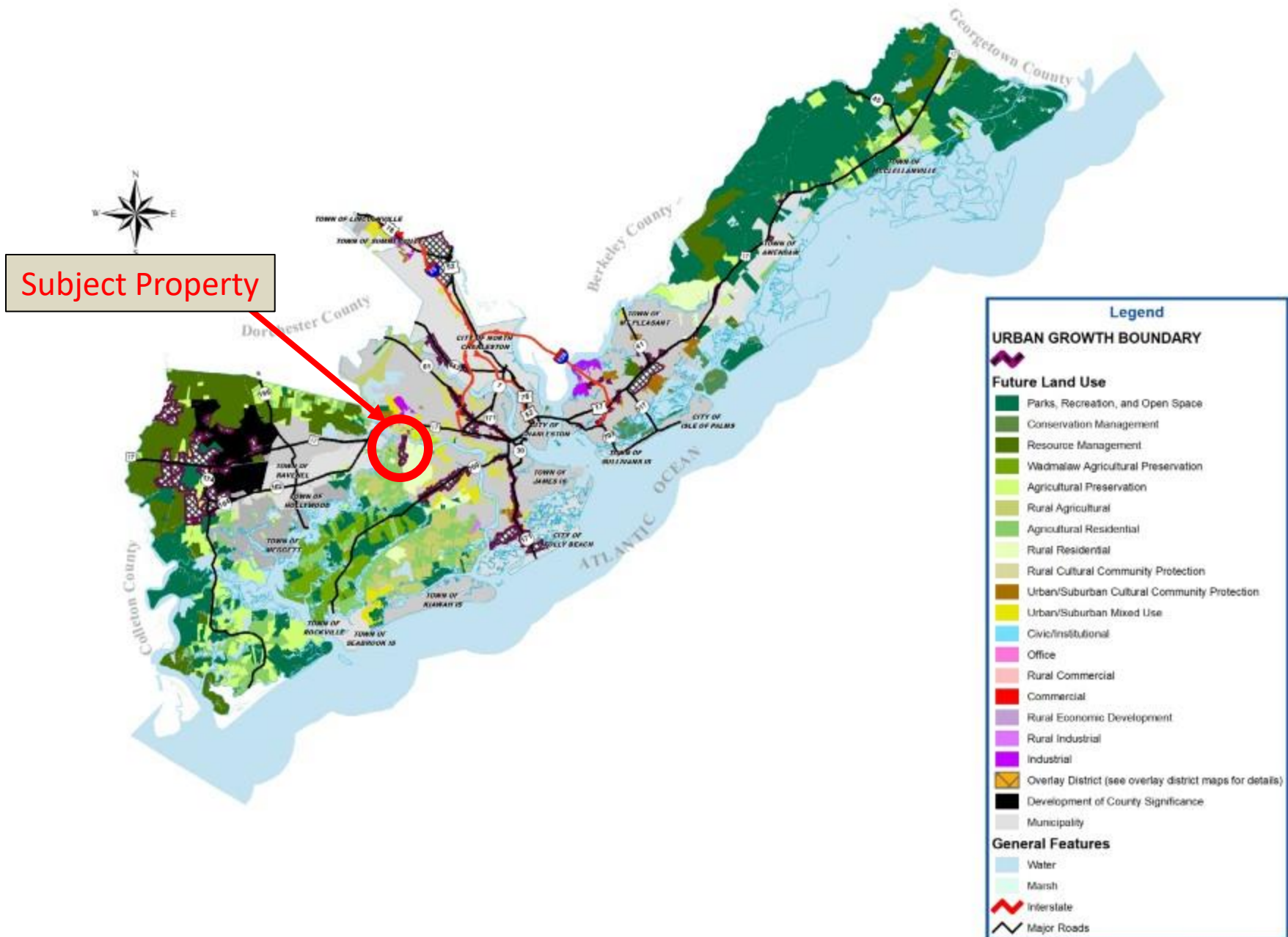
The applications are to amend Map 3.1.18, *Main Road Corridor Overlay Zoning District*, of the Charleston County Comprehensive Plan and Map 5.15, *MRC-O, Main Road Corridor Overlay Zoning District*, of the Charleston County Zoning and Land Development Regulations Ordinance to change a 0.19-acre portion of TMS 283-00-00-318 from the Kitford Community Residential Area to the Belvedere-Main Commercial Area of the Main Road Corridor Overlay Zoning District.

The applicant has submitted a plat for review and recording to adjust the property line between TMS 283-00-00-318 and TMS 283-00-00-112 to fix the encroachment of commercial parking onto a residentially used property. Since new split-zoned parcels cannot be created, the applicant is requesting this zoning change to allow for this property line adjustment.

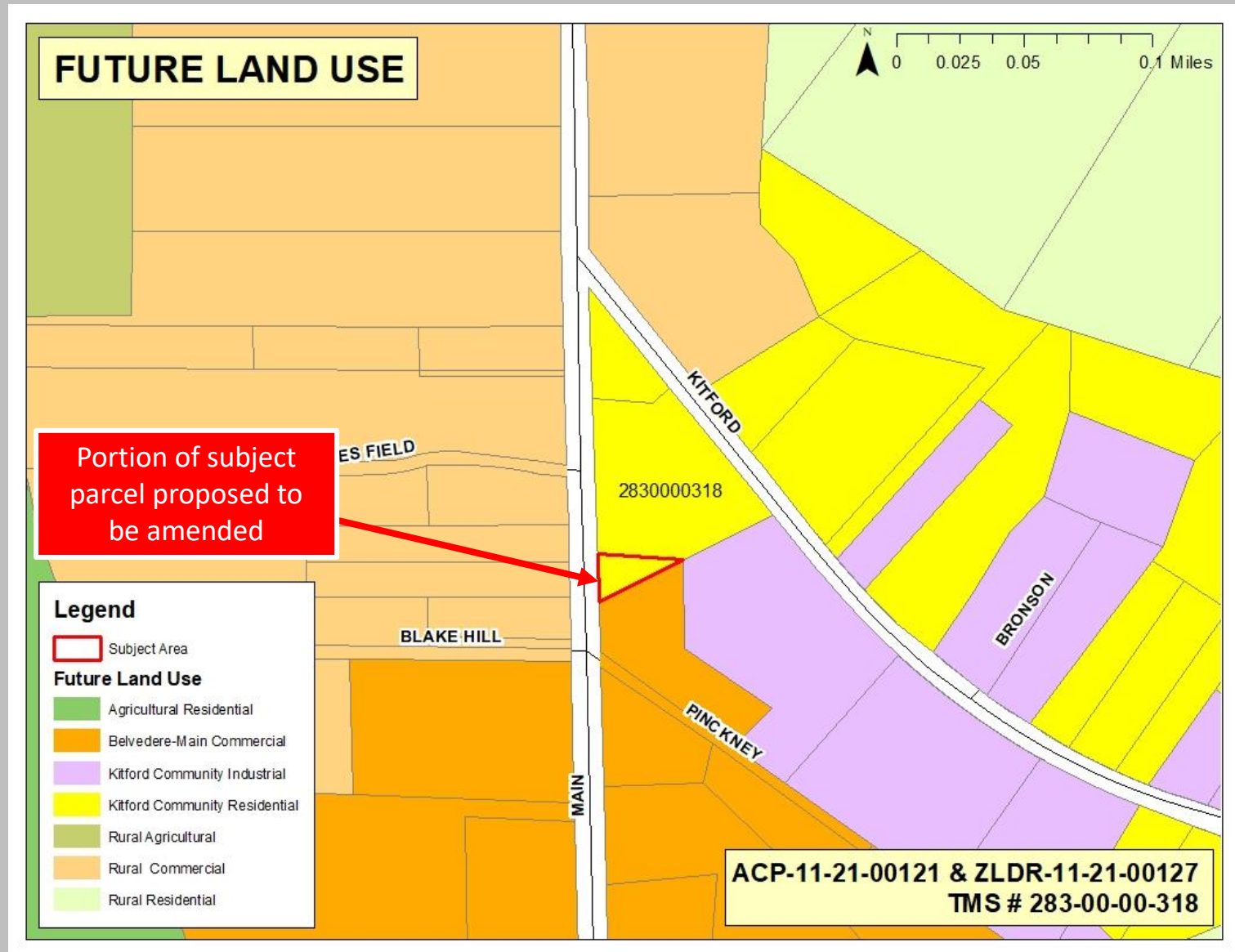
Zoning History

- The subject parcel was split-zoned between Industrial (I-1) and Agricultural Residential (AR) prior to the adoption of the 2001 Zoning and Land Development Regulations Ordinance, when the portion of the property zoned AR was changed to RR-3.
- In December of 2020, the Main Road Corridor Overlay Zoning District was adopted, and the subject parcel was subsequently zoned Kitford Community Residential to reduce the intensity of uses that could be developed in the area in the future.
- The Kitford Community Residential District (KCR) is to preserve and protect the rural residential character of the Kitford Road Community. The Belvedere-Main Commercial District (BMC) is intended to provide opportunities for rural economic development through the designation of limited areas of more intense development where infill development, expansion, or redevelopment of existing commercial and industrial uses may occur.

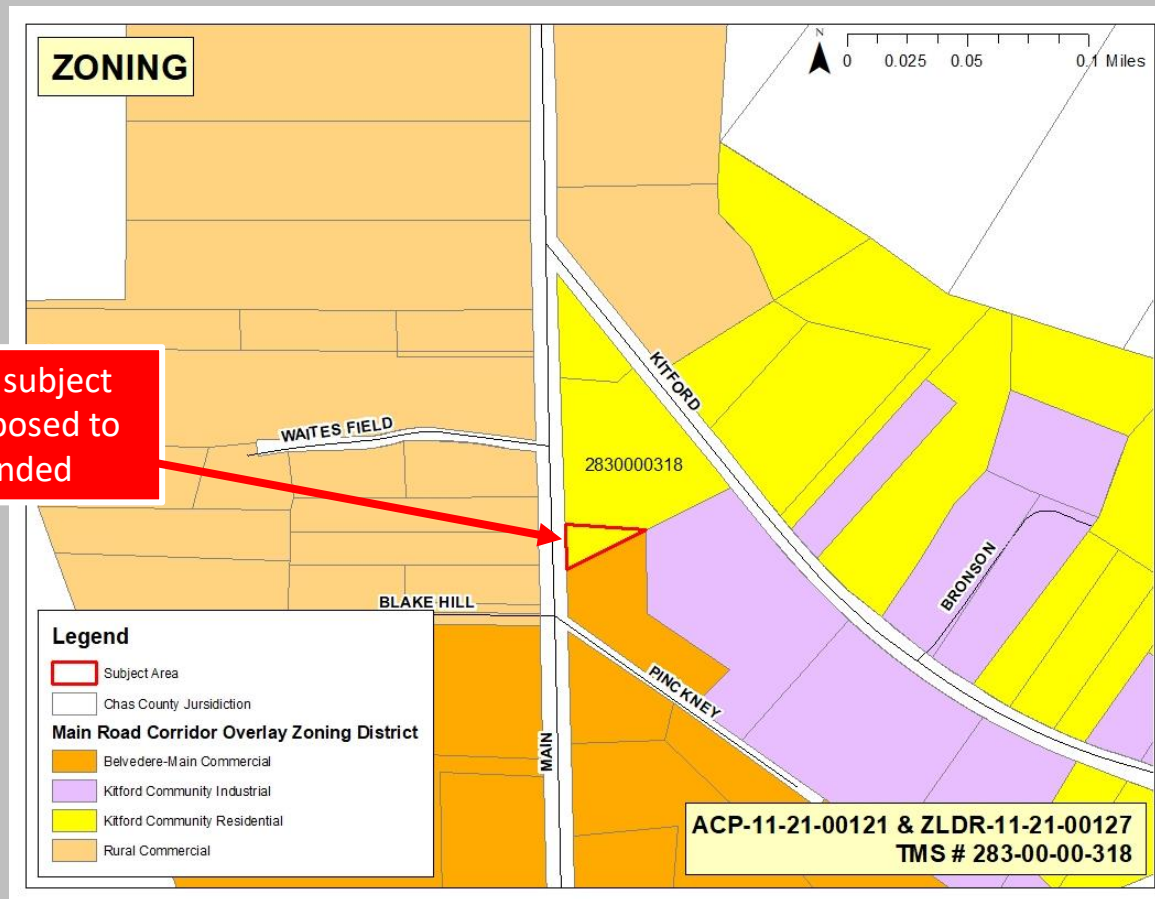
MAP 3.1.1: FUTURE LAND USE



Future Land Use



Zoning Map



Portion of subject parcel proposed to be amended

The subject parcel contains a Single-Family Dwelling Unit and a portion of an existing commercial parking lot. Adjacent properties to the south are in the BMC District and the Kitford Community Industrial District (KCI) and contain a welding company and boat/RV storage. The KCI District allows Rural Commercial District uses instead of Industrial uses along with some manufacturing/production and wholesale sales uses. Properties to the north and east are in the KCR District and contain residential uses. Properties to the west, across Main Road are zoned Rural Commercial and contain residential and agricultural uses or are undeveloped.

Aerial View



Site Photos



1 - Subject Property



2 - Subject Property
Area proposed to be amended

Site Photos



3 - TMS 283-00-00-112

**Contiguous to the south of the 0.19-acre
portion proposed to be amended**

**4 - TMS 283-00-00-314 and -097
To the West, across Main Road,
from the 0.19-acre portion
proposed to be amended**



Comprehensive Plan Amendment Approval Criteria—Section 3.2.6

According to Section §3.2.6 of the Zoning and Land Development Regulations Ordinance (ZLDR), applications for Comprehensive Plan Amendments may be approved or approved with conditions only if County Council determines the proposed amendment is consistent with the overall purpose and intent of the Plan and that any one of the following criteria are met:

- A. There was a significant error in the original Comprehensive Plan adoption;*
- B. In adopting the Comprehensive Plan, the County Council failed to take into account facts, projections, or trends that were reasonably foreseeable to exist in the future;*
- C. Events, trends, or facts after adoption of the Comprehensive Plan have changed the County Council's original findings made upon plan adoption;*
- D. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area, making the proposed amendment necessary;*
- E. The proposed Comprehensive Plan Amendment is requested pursuant to and complies with Article 3.17, Developments of County Significance; or*
- F. The proposed Comprehensive Plan Amendment is consistent with the comprehensive plan future land use recommendations of adjacent municipalities that have adopted extra-territorial jurisdiction for the subject parcel(s).*

ACP-11-21-00121

Approval Criteria—Section 3.2.6

Applicant's Response: The applicant's letter of intent states that Criterion D, "Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area, making the proposed amendment necessary;" is met, stating: *"[. . .]because the small section of parking lot was inadvertently constructed onto the residential lot post Comprehensive Plan necessitating the need to record a property line adjustment, and thus the Comprehensive Plan text amendment, for liability reasons and land title issues."*

ZLDR Amendment

Approval Criteria—Section 3.3.6

Pursuant to Article 3.3.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, text amendments may be approved or approved with conditions by County Council only if the proposed amendment meet the following criteria:

A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;

Applicant's Response: *"The proposed amendment corrects an inconsistency with the current zoning. A portion of the parking lot of a business in Belvedere-Main Commercial Area overlaps into a residential parcel in the Kitford Community Residential Area."*

B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and

Applicant's Response: *"The proposed amendment would rezone that portion of the residential property to match the commercial property of which it is a part. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals."*

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

Applicant's Response: *"The proposed amendment furthers the public welfare by holding that portion of the parking lot to the higher commercial standards rather than the minimal standards required of a residential property."*

Recommendations

Planning Commission Recommendation: **Approval (7-0)**

Staff Recommendation:

- **Comprehensive Plan Amendment Application:** Staff agrees that criterion D has been met. Had this issue been brought to light during the development and adoption of the Main Road Corridor Overlay Zoning District, the boundary between the KCR District and the BMC District would have been drawn as requested in this application, placing the 0.19-acre portion of the subject parcel in the BMC District.
- **ZLDR Amendment Application:** If the Planning Commission recommends approval of the Comprehensive Plan Amendment, this ZLDR Text Amendment application would meet the approval criteria of ZLDR Art. 3.3.6, and, therefore, should also be recommended for approval.

Notifications

Planning Commission Meeting:

- 690 notification letters were sent to individuals on the ZLDR/Comprehensive Plan and Johns Island Interested Parties Lists, as well as property owners within 300 feet of the subject parcel on November 24, 2021. Additionally, this request was noticed in the Post & Courier on November 26, 2021.

Public Hearing:

- 690 notification letters were sent to individuals on the ZLDR/Comprehensive Plan and Johns Island Interested Parties Lists, as well as property owners within 300 feet of the subject parcel on December 17, 2021. Additionally, this request was noticed in the Post & Courier on December 17, 2021.



Charleston County Comprehensive Plan Amendment Request and ZLDR Text Amendment Request

Public Hearing: January 18, 2022

Planning and Public Works Committee: January 27, 2022

First Reading: February 1, 2022

Second Reading: February 15, 2022

Third Reading: March 1, 2022



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:

Date Submitted:

Applicant Name: Carol Williamson and U.G. Williamson, Jr.

Address: 3573 Kitford Road

City: Johns Island

State: SC

ZIP Code: 29455

Telephone: 843-297-0328 Fax:

E-mail: david@williamsonwelding.com

TEXT/MAP LOCATION OF REQUESTED AMENDMENT

Section No. and Title: Chapter 5 Map of the Johns Island Main Road Overlay District

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)

Amend Chapter 5 Map of the Johns Island Main Road Overlay District
for a 0.19 acre portion of TMS #283-00-00-318 from the Kitford
Community Residential Area to the Belvedere-Main Commercial Area
of the Johns Island Main Road Overlay Zoning District.

SIGNATURES

APPLICANT(S)

PLANNING DEPARTMENT OFFICIAL

PRINTED NAME: Carol Williamson

PRINTED NAME:

SIGNATURE: Carol Williamson

SIGNATURE:

DATE: 10-27-21

DATE:

PRINTED NAME: U.G. Williamson, Jr.

SIGNATURE: U.G. Williamson

DATE: 10-27-21

FOR OFFICE USE ONLY

Date Submitted

Amount Received

\$250.00

Cash

Check Number:

Receipt Number

Charleston County Planning Department
4045 Bridge View Drive
Charleston, SC 29405

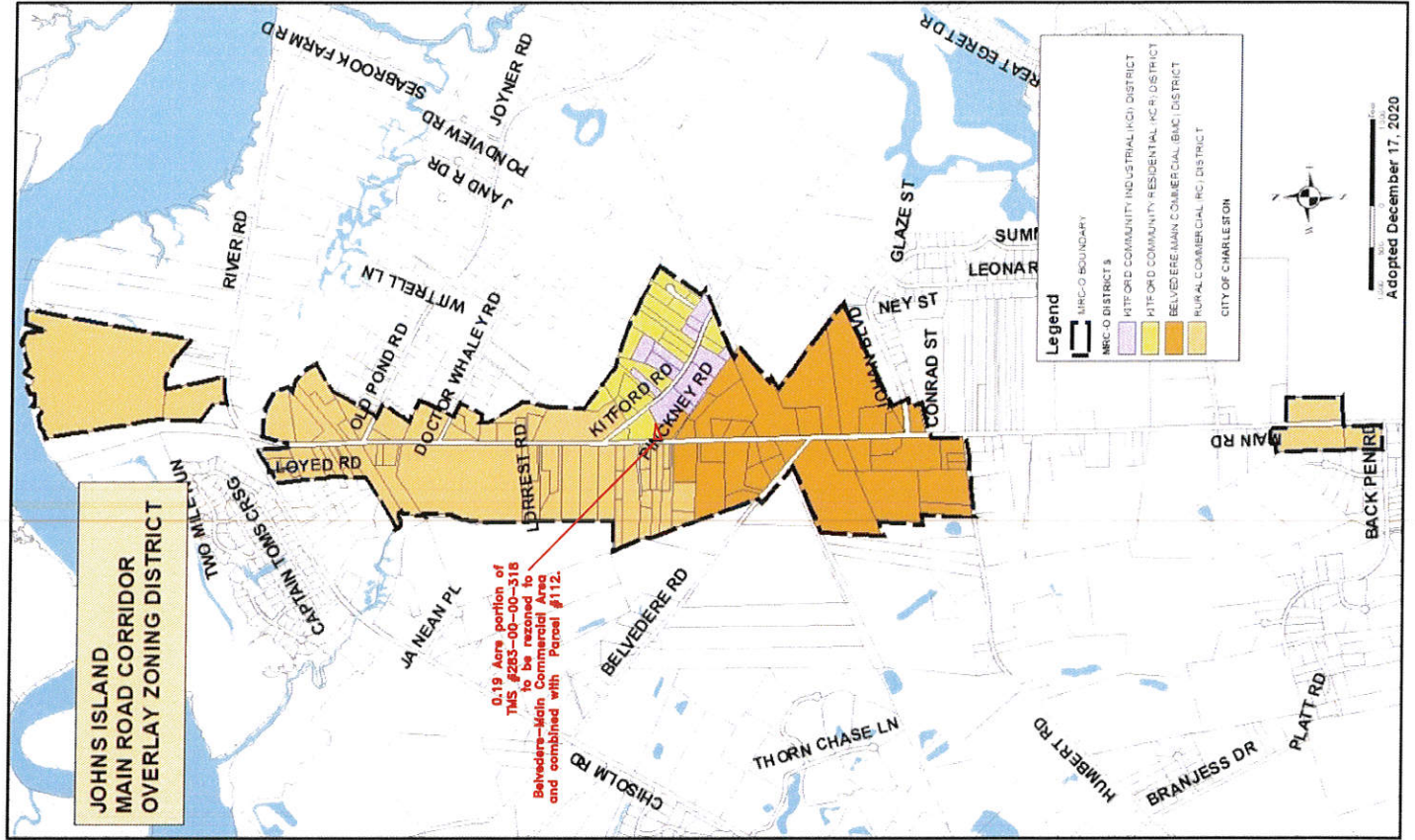
Letter of Intent

The intent of this rezoning is to record a plat adjusting the property line adding a portion of the residential property to incorporate an existing parking lot for the commercial building.

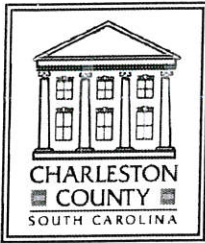
This rezoning should meet all three approval criteria as follows:

- The proposed amendment corrects an inconsistency with the current zoning. A portion of the parking lot of a business in Belvedere-Main Commercial Area overlaps into a residential parcel in the Kitford Community Residential area.
- The proposed amendment would rezone that portion of the residential property to match the commercial property of which it is a part. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals.
- The proposed amendment furthers the public welfare by holding that portion of the parking lot to the higher commercial standards rather than the minimal standards required of a residential property.

PROPOSED AMENDMENT



ZLDR Text Amendment
Requested amendment: Amend Chapter 5 Map, Johns Island Main Road Corridor Overlay Zoning District, for a 0.19-acre portion of TMS 283-00-00-318 from the Kitford Community Residential Area to the Belvedere-Main Commercial Area of the Johns Island Main Road Corridor Overlay Zoning District.



Charleston County Zoning/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

COMPREHENSIVE PLAN AMENDMENT APPLICATION

APPLICATION INFORMATION

Application Number:

Date Submitted:

Applicant Name: Carol Williamson and U.G. Williamson, Jr.

Address: 3573 Kitford Road

City: Johns Island

State: SC

ZIP Code: 29455

Telephone: 843-297-0328 Fax:

E-mail: david@williamsonwelding.com

TEXT/MAP LOCATION OF REQUESTED AMENDMENT

Section No. and Title: 3.1.18

Page: 3.1-29

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

Main Road Corridor Overlay District Map to be amended

REQUESTED AMENDMENT

PROVIDE PRECISE WORDING FOR THE PROPOSED AMENDMENT

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

Amend Map 3.1.18, Main Road Corridor Overlay District on page 3.1-29 of the Charleston County Comprehensive Plan for a 0.19 Acre portion of TMS #283-00-00-318 from the Kitford Community Residential Area to the Belvedere-Main Commercial Area of the Johns Island Main Road Overlay Zoning District.

SIGNATURES

APPLICANT(S)

PLANNING DEPARTMENT OFFICIAL

PRINTED NAME: Carol Williamson

PRINTED NAME:

SIGNATURE: *Carol Williamson*

SIGNATURE:

DATE: 10-27-21

DATE:

PRINTED NAME: U.G. Williamson, Jr.

SIGNATURE: *U.G. Williamson*

DATE: 10-27-21

FOR OFFICE USE ONLY

Application Number

Date Submitted

Amount Received

\$250.00

Cash

Check Number:

Receipt Number

Charleston County Planning Department
4045 Bridge View Drive
Charleston, SC 29405

Letter of Intent

The intent of this rezoning is to record a plat adjusting the property line adding a portion of the residential property to incorporate an existing parking lot for the commercial building and is consistent with the Charleston County Comprehensive plan.

This rezoning should meet the approval criteria as follows:

Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area, making the proposed amendment necessary. The small section of parking lot was inadvertently constructed onto the residential lot post Comprehensive Plan necessitating the need to record a property line adjustment, and thus the Comprehensive Plan text amendment, for liability reasons and land title issues.

PROPOSED AMENDMENT

Requested amendment: Amend Map 3.1.18, Main Road Corridor Overlay Zoning District, on page 3.1-29 of the Charleston County Comprehensive Plan for a 0.19-acre portion of TMS 283-00-00-318 from the Kitford Community Residential Area to the Belvedere-Main Commercial Area of the Johns Island Main Road Corridor Overlay Zoning District.

