Henry E Darby, Chair Jenny Costa Honeycutt Anna B Johnson Kylon Jerome Middleton Brantley Moody Teddie Pryor Herb Sass Dickie Schweers Robert L Wehrman



Planning & Public Works Committee Agenda January 27, 2022 at 5:00 PM 4045 Bridgeview Drive, North Charleston, SC 29405

- 1 APPROVAL OF MINUTES OF DECEMBER 16, 2021
- **2 ZONING REQUESTS**

2A ACP-11-21-00121 & ZLDR-11-21-00127 --3573 Kitford Road, Johns Island

2B ZREZ-11-21-00127 & ZREZ-11-21-00128 Wadmalaw

- Request to Consider

- Request to Consider

- 3 PUBLIC WORKS REQUESTS
  - 3A Colony Drive Outfall Ditch3B Ice Storm Response

- Request to Accept
- Update

#### **Charleston County Council**

#### Memorandum

To: Members of the Planning & Public Works Committee

From: Kristen Salisbury, Clerk of Council

Date: January 20, 2022

Subject: Minutes of December 16, 2021

At the Planning and Public Works Committee meeting of January 27, 2022, the draft minutes of December 16, 2021 will be presented for approval.

#### 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.

<u>Municipalities Notified/Response</u>: 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 extraterritorial jurisdiction for the subject Parcel(s).

<u>Applicant's Response:</u> 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;

<u>Applicant's Response:</u> "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

<u>Applicant's Response:</u> "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.

<u>Applicant's Response:</u> "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.

<u>Notifications:</u> 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**

Speakers: No one spoke for or against this request.

<u>Notifications:</u> 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.

#### PLANNING/PUBLIC WORKS COMMITTEE: January 27, 2022

# 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

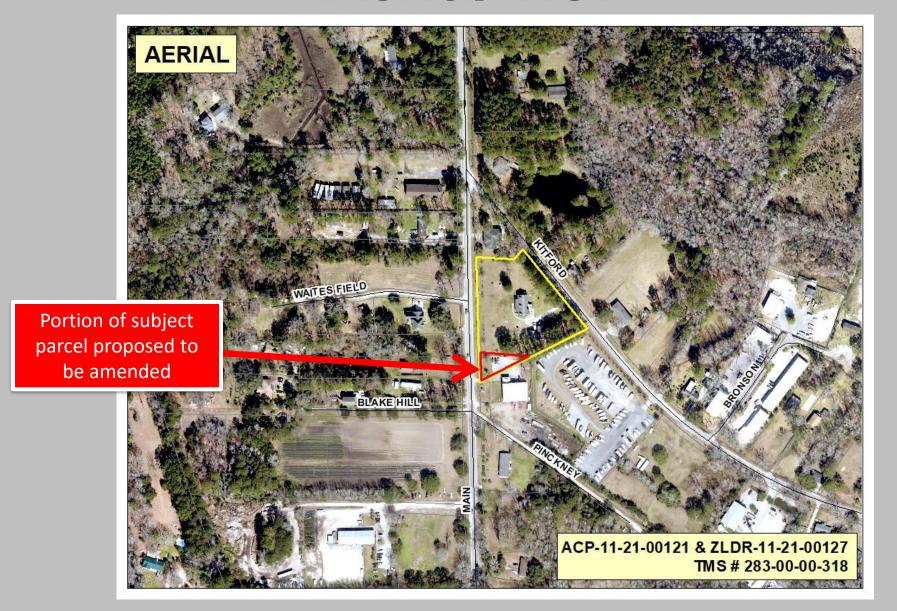
### ACP-11-21-00121 and ZLDR-11-21-00127

- 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.

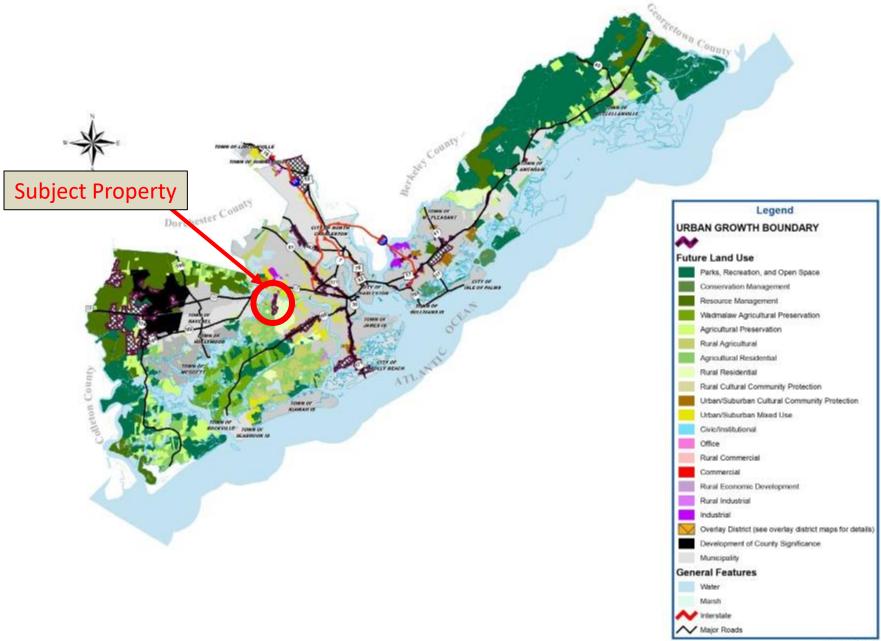
The applicant has submitted a plat for review and recording to adjust the property line between TMS 283-00-00-318 and TMS 283-00-00-112 to fix the encroachment of commercial parking onto a residentially used property. Since new split-zoned parcels cannot be created, the applicant is requesting this zoning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

# **Aerial View**

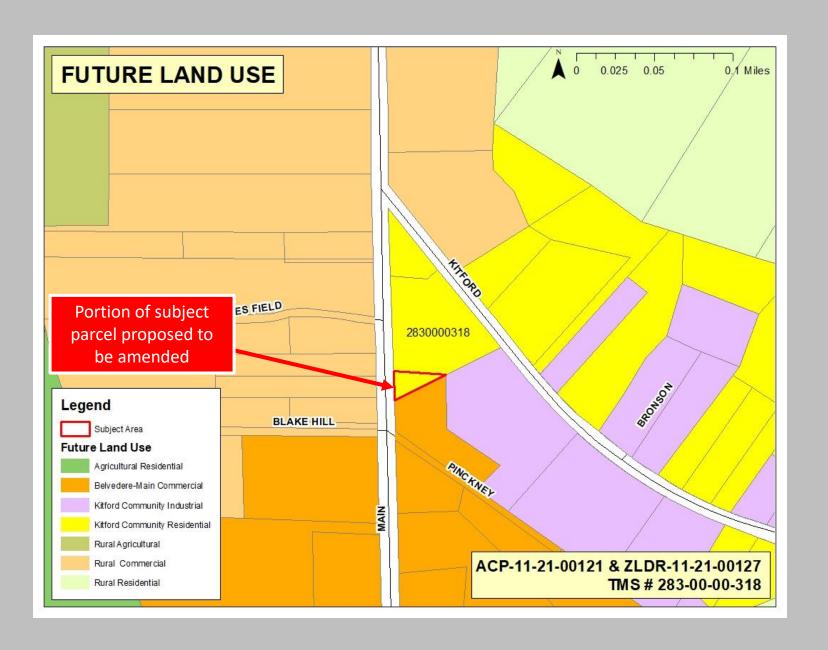


# **Zoning History**

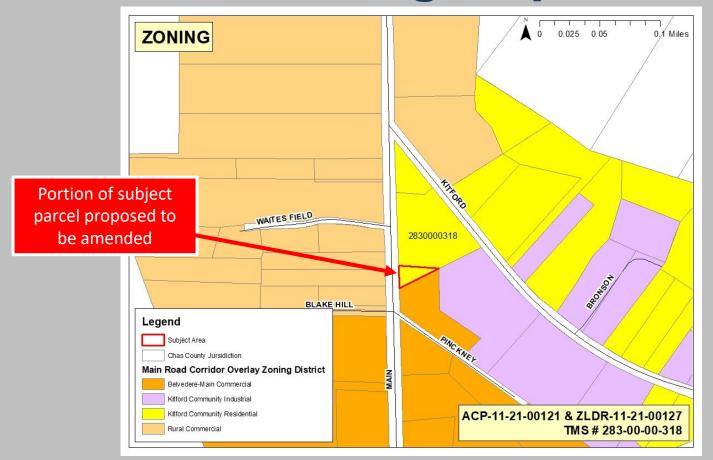
- The subject parcel was split-zoned between Industrial (I-1) and Agricultural Residential (AR) prior to the adoption of the 2001 Zoning and Land Development Regulations Ordinance, when the portion of the property zoned AR was changed to RR-3.
- In December of 2020, the Main Road Corridor Overlay Zoning 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.



# **Future Land Use**



# **Zoning Map**



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.

# **Site Photos**



1 - Subject Property



2 - Subject Property

# **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 extraterritorial 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;

<u>Applicant's Response</u>: "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

<u>Applicant's Response</u>: "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.

<u>Applicant's Response</u>: "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

#### 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

<u>Parcel Identification</u>: 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.

<u>Application:</u> 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.

<u>Municipalities Notified/Response</u>: 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;

<u>Staff Response:</u> 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.

<u>Staff Response:</u> 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).

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

<u>Speakers:</u> No one spoke for or against this request.

<u>Notifications:</u> 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**

<u>Speakers:</u> The property owner, Thomas Brantley, spoke in favor of the request. No one spoke in opposition to the request.

<u>Notifications:</u> 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.

#### PLANNING/PUBLIC WORKS COMMITTEE: January 27, 2022

# 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

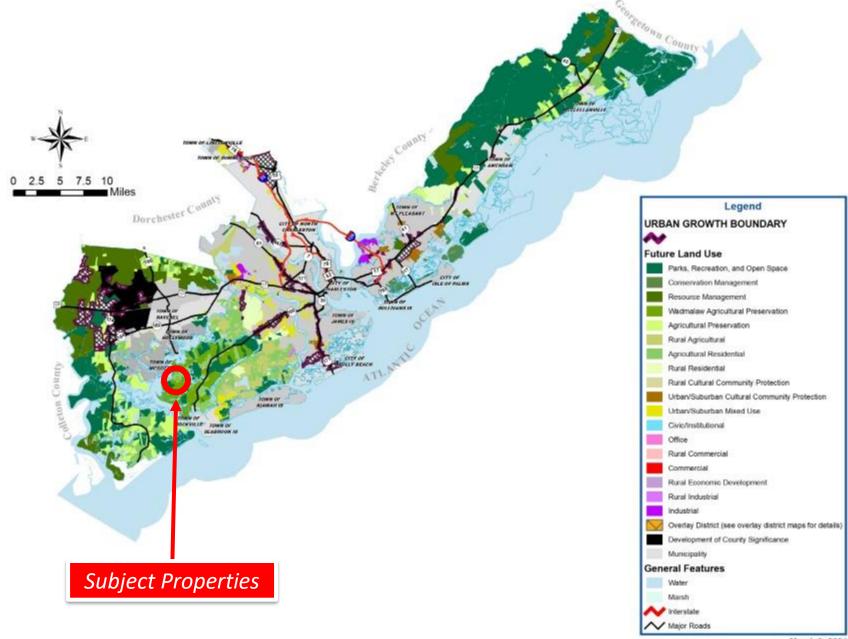
Applicant: Chris Fralick

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.



# **Future Land Use**

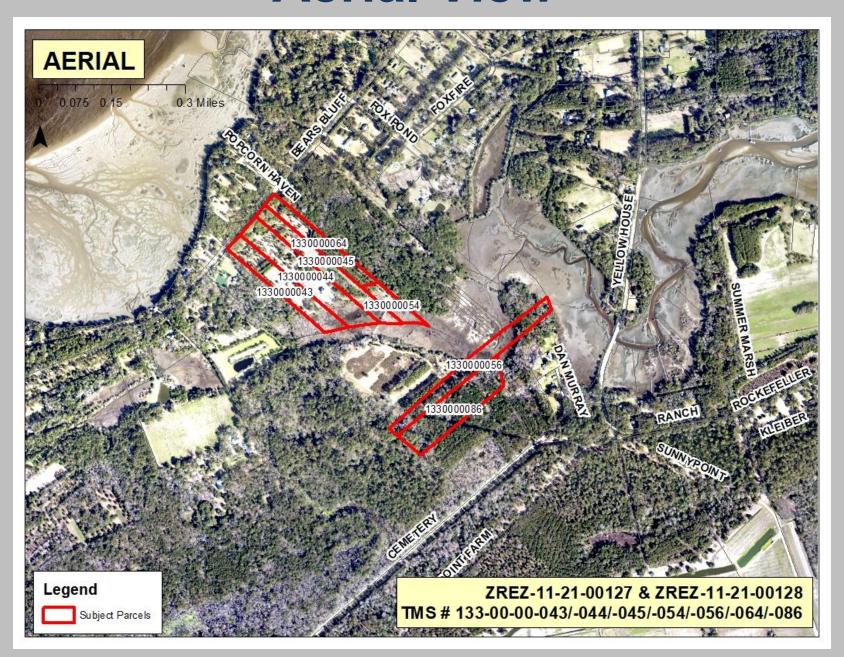


# **Current Zoning**



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."

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.

# **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;

<u>Staff Response</u>: 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; <u>Staff Response</u>: 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

#### **Committee Agenda Item**

**To:** Bill Tuten, County Administrator

From: Steve L. Thigpen Dept.: Public Works

**Subject:** Colony Drive Outfall Ditch

**Request:** Request to Accept

Committee: Planning & Public Works Committee Date: January 27, 2022

Department	Approver
Deputy County Administrator	James D. Armstrong
Budget	Mack Gile
Legal	Marc Belle
Administrator	Bill Tuten
Clerk	Kristen H. Wurster for Kristen Salisbury

#### Fiscal Impact:

No significant impact on the Public Works drainage maintenance program.

Funding: Was funding previously approved? N/A

If yes, please	Org	Object	Balance in Account	Amount Needed for item
provide the following:				
3				

#### Situation:

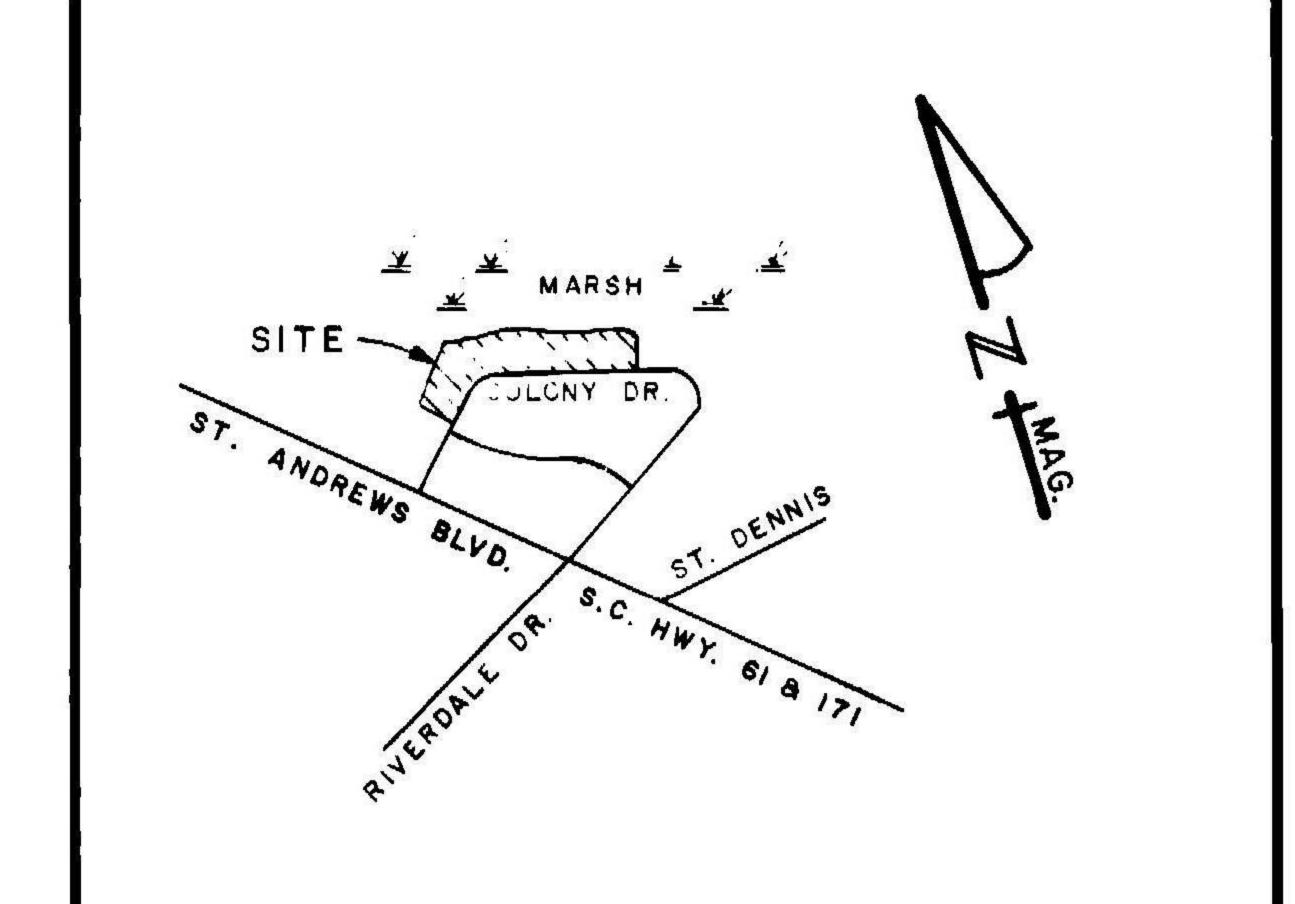
Residents on Colony Drive, in the Avondale subdivision, have contacted Charleston County Public Works requesting ditch maintenance for an existing easement that we have not historically maintained. Charleston County Public Works has evaluated the situation using their Drainage Easement Evaluation for Acceptance Protocol (DEEAP) and believes that improvements to the neighborhood drainage can be realized, in coordination with the City of Charleston's road-side drainage efforts, by maintaining a ditch within the existing outfall easement which has been specifically dedicated to Charleston County.

The easement was previously dedicated on a plat recorded in Plat book BW page 113 on June 23, 1989 and accepted by Charleston County Council on June 20, 1989 as case number 13161. The ditch begins at the edge of the road right-of-way and continuous perpendicularly to the road towards the marsh for approximately 150 feet.

Maintenance of the ditch will not require environmental permitting and can be accomplished utilizing mechanical methods. This will have a negligible financial impact on the Public Works drainage maintenance program.

#### **Department Head Recommendation:**

Accept the public drainage easement on Colony Drive, recorded in Plat Book BW page 113, as an asset into the Public Works maintenance system.



LOCATION MAP

# REFERENCE :

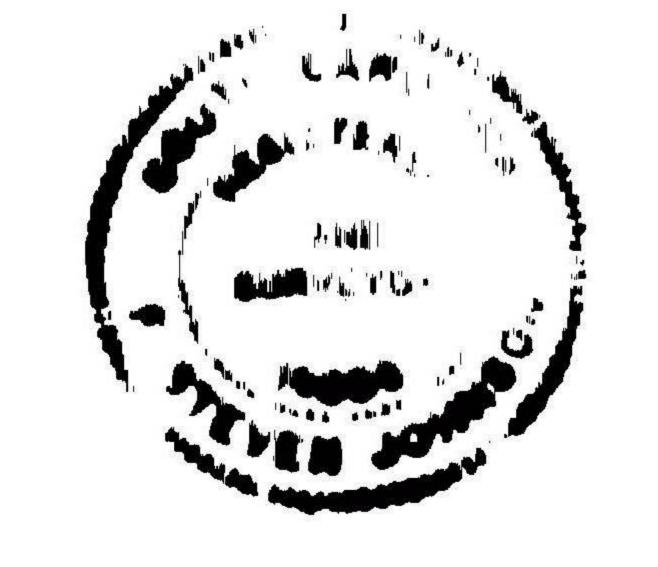
- I. PLAT GEORGE A.Z. JOHNSON, JR., INC. DATED MARCH 23, 1981, RECORDED IN P.B. AS PAGE 126.
- 2. PLAT BY HILLIARD B. GOOD, DATED JULY 15, 1961, RECURDED IN P.B. J74 PG. 268.
- 3. PLAT BY HILLIARD B. GOOD, DATED MAY 1962, RECORDED IN P.B. N PG. 136.

CURVE DATA							
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	CHORD BEARING	
A	22° 35' 13"	19.37	27.96	55.19	54.83	S 66° 14'33" W	
В	35° 38' 00"	140.00	44.99	87.07	85.67	S 66°14'33"W	

NOTES : 1. T.M.S. 418-15-00-009 THRU 017. S 72° 51' 16" E . AREA DETERMINED BY U.M.D. METHOD. 3. PUBLIC WATER AND SEWER AVAILABLE. 4. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LCCAL ATTRACTION. 5. OWNERS: LOT 49, SECT. D - DEAN C. MEANS. LOTS 48,50,60 THRU 64 - WEST CHARLESTON COMPANY, A PAPTNERSHIP; C/O THOMAS L. MEANS. 6. THIS TIDELAND CRITICAL AREA LINE HAS BEEN ● ● 18"0 ESTABLISHED AS OF . THIS LINE MAY BE SUBJECT TO CHANGE OVER A PERIOD OF YEARS. LOT 59 LOT 62B LOT 60 LOT 50 LOT 64 1,124 SQ.FT. 11,306 SQ. FT. 11,822 SQ. FT. 1 13,000 SQ. FT. ∽ 12,639 SQ. FT. 13,929 SG.FT. LEGEND N 73° 21' 13 "W IRON OLD 76 12,279 SQ. FT. IRON NEW 18" OAK TREE M. H . I 50' R/W FIREPLACE 8 CHIMNEY COLONY DRIVE 6" M 6" MAGNOLIA P.P. POWER POLE UTILITY POLE U.T. 14,366 SG. FT. MD-I WEST CHARLESTON CO. The area shown on this plat is a general representation of Coastal Council permit authority on the subject property. Critical areas, by their nature, are dynamic and subject to change over time. By generally delineating the permit authority of the Coastal Council, the Coastal Council in no PLAT SHOWING LOTS 60 & 61, SECTION D, AND way wavies the right to assert permit jurisdiction in any critical areas on the subjuct property whether shown or not. THE ADJUSTMENT OF PROPERTY LINES OF LOTS 48, 49, 50, 63, 64, AND THE SUBDIVISION OF LOT 62 INTO

I, F. Steven Johnson, a Registered Land Surveyor in the State of South Carolina, hereby certify that I have surveyed the Property shown hereon, that this Plat shows it's true dimensions, that all necessary markers have been installed and that the Precision of the Survey is 1:10,000

F. Steven Johnson, R.L.S. S.C. Reg. No. 10038



I, F. Steven Johnson, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this

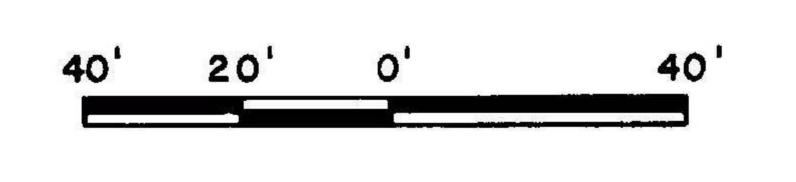
F. Steven Johnson, R.L.S. S.C. Registration Number 10038

BY THE RECORDING OF THIS PLAT WE HEREBY DEDICATE THE DRAINAGE EASEMENT SHOWN HEREON TO CHARLESTON COUNTY FOREVER.

WEST CHARLESTON CO., A PARTNERSHIP

LOTS 62A & 62B, COLONY COURT, AVONDALE.

ST. ANDREWS PARISH, CHARLESTON COUNTY, SOUTH CAROLINA



APRIL 25, 1988 DECEMBER 15, 1988

GEORGE A.Z. JOHNSON, JR., INC. ENGINEERS • PLANNERS • LAND SURVEYORS 207 CALHOUN ST. CHARLESTON, S.C. (803) 722-3892

JUNE 20, 1989

PB#13161

#### **Charleston County Council**

#### Memorandum

To: Planning & Public Works Committee

From: Kristen Salisbury, Clerk of Council

Date: January 26, 2022

Subject: Ice Storm Response

At the Planning & Public Works Committee of January 27, 2022, Public Works staff will provide Council with an update on the Ice Storm Response this past weekend and any potential upcoming responses.