

Post & Courier

CHARLESTON COUNTY COUNCIL COMPREHENSIVE PLAN, ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR), AND ZONING MAP AMENDMENT PUBLIC HEARING

Tuesday, July 14, 2020 at 6:30 PM

Charleston County Council will hold a public hearing on the matters listed below beginning at 6:30 p.m., Tuesday, July 14, 2020, in Council Chambers (second floor of the Lonnie Hamilton, III, Public Services Building, located at: 4045 Bridge View Drive, North Charleston, SC 29405). The complete agenda 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>. Written public comments may be emailed to CCPC@charlestoncounty.org or mailed to the address listed above by noon on Tuesday, July 14. Contact the Zoning and Planning Department at (843)202-7200 or CCPC@charlestoncounty.org for additional information.

- a. ZREZ-02-20-00114: Request to rezone TMS 711-00-00-052, located at 7820 N. Highway 17 (East County area), from the Agricultural Preservation 10 (AG-10) Zoning District to the Planned Development, PD-176, High School/Middle School in Awendaw, Zoning District.
- b. ZREZ-02-20-00115: Request to rezone TMS 390-00-00-072, located at 9576 Koester Road (Ladson area) from the Single Family Residential 4 (R-4) Zoning District to the Community Commercial (CC) Zoning District.
- c. ACP-02-20-00117 & ZLDR-02-20-00121: Request to amend the zoning and future land use designation in the Parkers Ferry Overlay Zoning District in the Comprehensive Plan and the ZLDR, from the Residential Area to the Commercial Area for TMS 121-00-00-051, located at 7662 Savannah Hwy (Adams Run area).
- d. ACP-05-20-00119 & ZLDR-05-20-00122: Request to amend the zoning and future land use designation in the Parkers Ferry Overlay Zoning District in the Comprehensive Plan and the ZLDR, from the Residential Area to the Commercial Area for TMS 121-00-00-047 located at Savannah Hwy (Adams Run area).

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

**COMPREHENSIVE PLAN
AND ZLDR TEXT
AMENDMENT REQUEST:**

ACP-05-20-00119 & ZLDR-05-20-00122

- Case History
- Presentation
- Application

ACP-05-20-00119 & ZLDR-05-20-00122: Case History

Planning Commission: June 22, 2020
Public Hearing: July 14, 2020
Planning and Public Works Committee: August 6, 2020
First Reading: August 11, 2020
Second Reading: September 8, 2020
Third Reading: September 22, 2020

CASE INFORMATION

Owner: Jackie Seward

Location: 7674 Savannah Highway, Adams Run, SC 29426

Parcel Identification: 121-00-00-047

Applications: (ACP-05-20-00119 & ZLDR-05-20-00122) Request to amend the zoning and future land use designation in the Parkers Ferry Overlay Zoning District in the Comprehensive Plan and the ZLDR from the Residential Area to the Commercial Area for TMS 121-00-00-047 (Adams Run area).

Council District: 8 - Johnson

Property Size: 2 acres

Zoning History: The subject parcel was zoned Agricultural Residential (AGR) on the 1994 County Tax Maps, and remained Agricultural Residential (AGR) when the ZLDR was adopted in 2001. The zoning for the subject parcel was changed to "Residential Area" with the adoption of the Parkers Ferry Overlay Zoning District in November 2017.

Adjacent Zoning: The subject property is currently undeveloped. The property to the West is within the Residential Area of the Parkers Ferry Overlay District, and the owner of that property has also applied for a rezoning from Residential to Commercial, which will be heard at the same 6/22/20 Planning Commission meeting. The property to the North and East is currently within the Residential Area of the Parkers Ferry Overlay Zoning District; however, there is an application in the Council process to rezone a portion of that parcel to the Commercial Area of the Parkers Ferry Overlay Zoning District. That application was recommended for approval (7-1) by Planning Commission on 2/11/20 and will receive 3rd Reading on 7/14/20. Properties to the South, across Savannah Highway, are zoned Agricultural Residential (AGR) and Rural Commercial (CR) and are not a part of the Parkers Ferry Overlay Zoning District.

Municipalities Notified/Response: The City of North Charleston, Town of James Island, Town of Kiawah Island, Berkeley County, City of Charleston, City of Folly Beach, City of Isle of Palms, Colleton County, Town of Awendaw, Town of Hollywood, Town of Lincolnville, Town of McClellanville, Town of Meggett, Town of Mt. Pleasant, Town of Ravenel, Town of Seabrook Island, and the Town of Summerville have all been noticed of this request.

APPROVAL CRITERIA

Comprehensive Plan Amendment (ACP-05-20-00119)

According to Section §3.2.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Comprehensive Plan Amendments may be approved 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:

In response to Criterion B and D: "The area surrounding this parcel used to be agricultural, but it is becoming increasingly more commercial, with the Agricultural Sales business next door, and a restaurant and HVAC company across Savannah Highway. The area is growing in population, and many new property owners are purchasing undeveloped land and require logging for small parcels. Most logging companies will not provide service to lots of this size. This is why the location for my business is ideal. My next-door neighbors have both applied for a rezoning, and this is an opportunity to create a commercial node that was misidentified during the initial creation of the Parkers Ferry Overlay."

Staff Recommendation – Comprehensive Plan Amendment Application: The property was not recommended for inclusion in the Commercial Area during the creation of the Parkers Ferry Overlay Zoning District; therefore, staff recommends disapproval.

ZLDR Text Amendment Application (ZLDR-05-20-00122)

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

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

Applicant's Response:

"The area around my parcel has been becoming increasingly Commercial, and I would like to propose this amendment so my zoning is consistent with the surrounding properties. Two of my neighbors have applied for their property to be rezoned from Residential to Commercial. I would like to build a garage/shop, where everything is enclosed."

- 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:

"Logging is the number one industry in South Carolina. Being able to locate my workshop on this site would be more convenient for my customers, as well as myself. The building will be modern, but will not detract from the rural landscape found in Adams Run. Additionally, the neighboring property contains an Agricultural Equipment Sales business, and my intent is to use a building-type consistent with what is existing next door, creating cohesiveness."

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

Applicant's Response:

“This rezoning would increase my business’ visibility. It would allow me to expand my business through acquiring more customers. My business is unique and furthers the public welfare because I am able to provide services for property owners of smaller tracts of land. Most logging companies are unwilling to provide services for these smaller tracts of land.”

Staff Recommendation – ZLDR Text Amendment Application: If the Comprehensive Plan Amendment Application is recommended for approval, the ZLDR Text Amendment Application will be consistent with the Comprehensive Plan Future Land Use recommendation; otherwise, staff recommends disapproval noting that the above stated approval criteria have not been met.

PLANNING COMMISSION MEETING: June 22, 2020

Recommendation: Approval (8-0) with one absent (both requests).

Notifications: 238 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the ZLDR/Comprehensive Plan and Parkers Ferry Interested Parties Lists on June 5, 2020. Additionally, these requests were noticed in the *Post & Courier* on June 5, 2020.

Speakers: The applicant spoke in support of the application.

PUBLIC HEARING: July 14, 2020

Notifications: 238 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the ZLDR/Comprehensive Plan and Parkers Ferry Interested Parties Lists on June 26, 2020. Additionally, these requests were noticed in the *Post & Courier* on June 12, 2020.



Charleston County Comprehensive Plan Amendment Request and ZLDR Text Amendment Request

Planning Commission – June 22, 2020

Public Hearing – July 14, 2020

PPW Committee – August 6, 2020

1st Reading – August 11, 2020

2nd Reading – September 8, 2020

3rd Reading – September 22, 2020

ACP-05-20-00119 and ZLDR-05-20-00122

- 7674 Savannah Highway, Adams Run, SC 29426
- Parcel I.D.: 121-00-00-047
- Owner: Jackie Seward
- Acreage: 2 acres
- Council District: 8 - Johnson

Zoning History

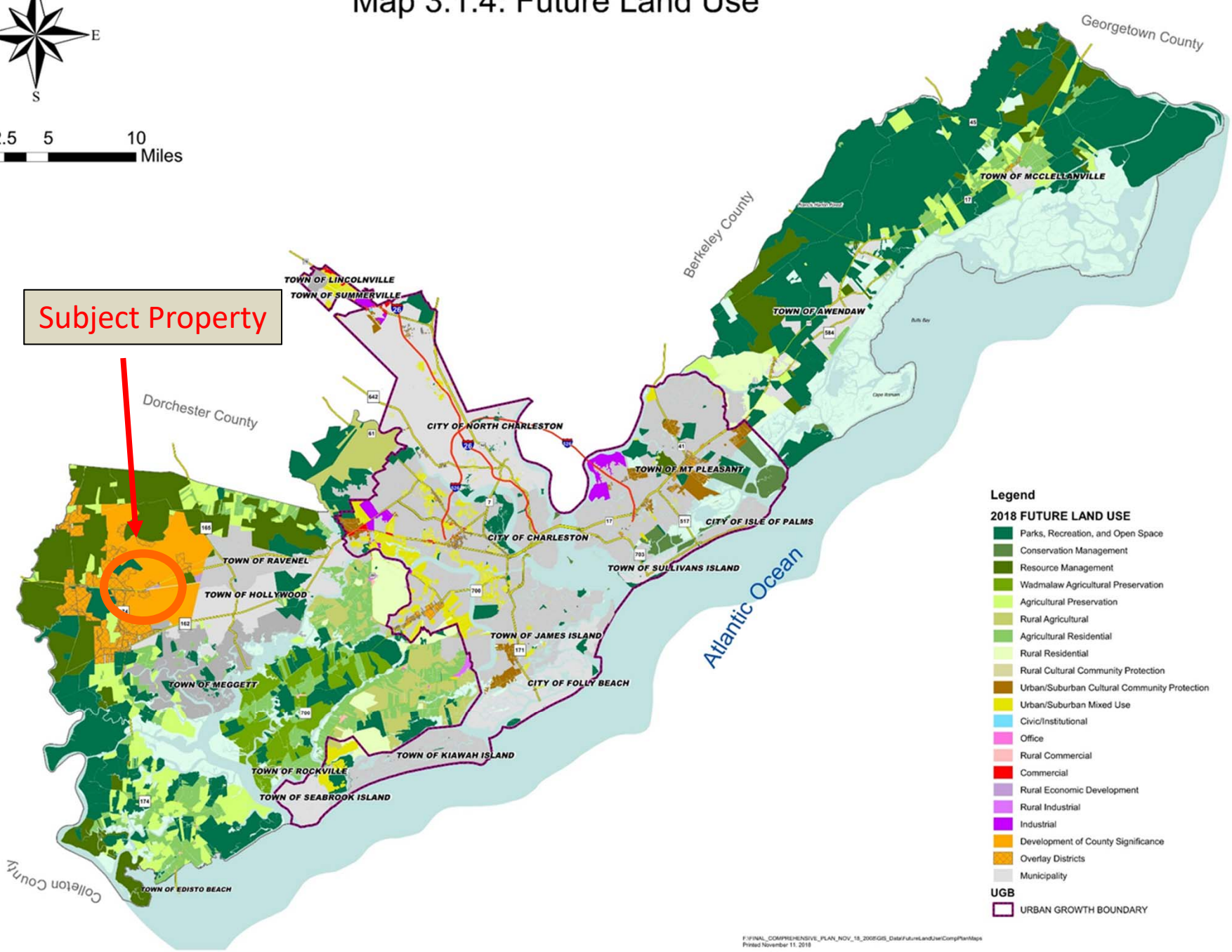
- The subject parcel was zoned Agricultural Residential (AGR) on the 1994 County Tax Maps, and remained Agricultural Residential (AGR) when the ZLDR was adopted in 2001.
- The zoning for the subject parcel was changed to “Residential Area” with the adoption of the Parkers Ferry Overlay Zoning District in November 2017.

Map 3.1.4: Future Land Use



0 2.5 5 10 Miles

Subject Property



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

Zoning Map

Request to amend the zoning and future land use designation in the Parkers Ferry Overlay Zoning District in the Comprehensive Plan and the ZLDR from the Residential Area to the Commercial Area for TMS# 121-00-00-051, located at 7662 Savannah Highway (Adams Run Area).



SUBJECT PROPERTY

LEGEND

OVERLAY DISTRICT BOUNDARIES

Parcel Boundaries

ZONING

CR

I

FBZD-1

AGR

PARKERS FERRY
OVERLAY ZONING DISTRICT

Chas. County Overlay Districts

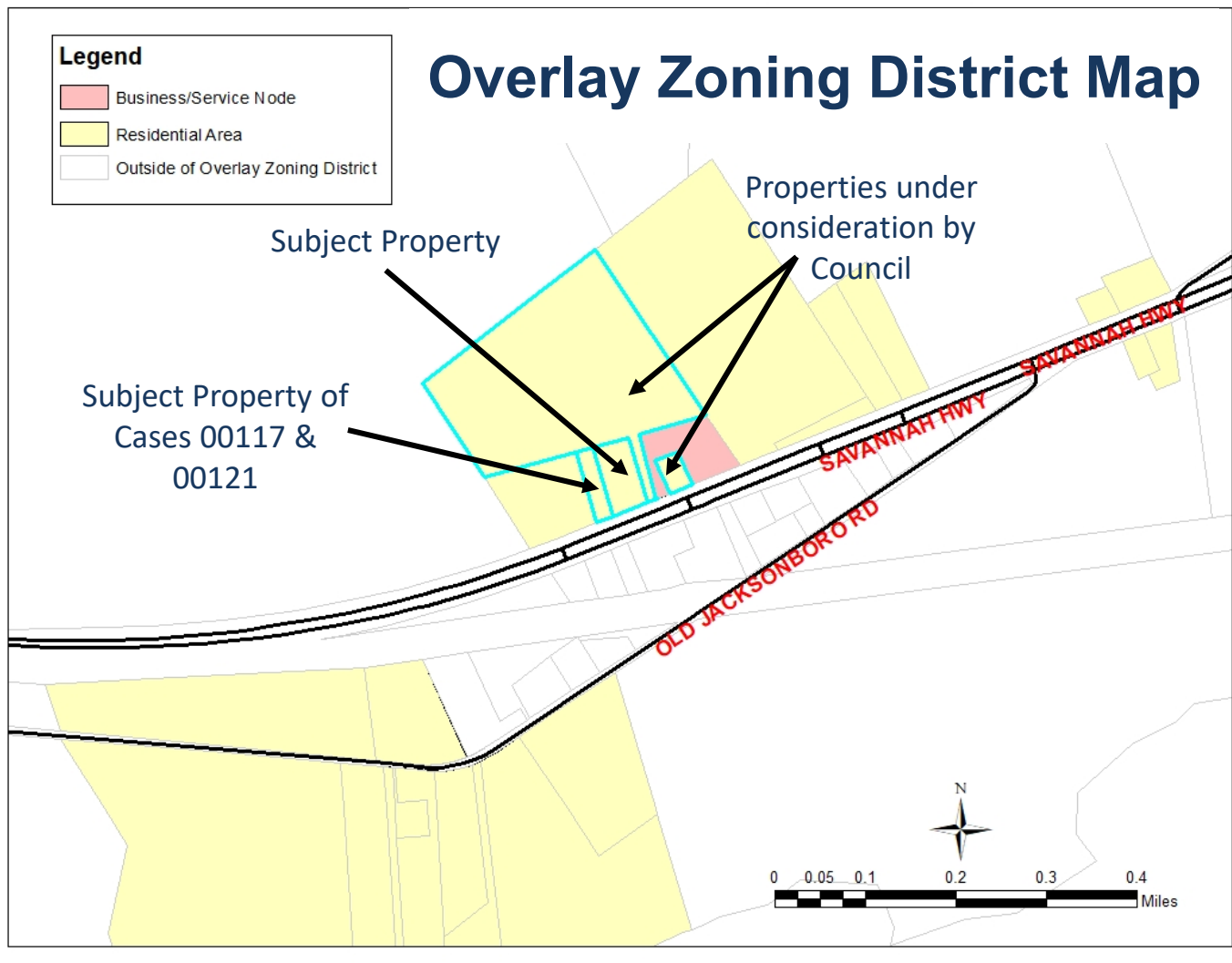
RESIDENTIAL AREAS

BUSINESS/SERVICE NODES
& COMMERCIAL

SAVANNAH HWY

OLD JACKSONBORO RD

CASE# ACP-02-20-00117 & ZLDR-02-20-00121
TMS# 121-00-00-051



The subject property is currently undeveloped. The property to the West is within the Residential Area of the Parkers Ferry Overlay District, and the owner of that property has also applied for a rezoning from Residential to Commercial, which will be heard at the same 6/22/20 Planning Commission meeting. The property to the North and East is currently within the Residential Area of the Parkers Ferry Overlay Zoning District; however, there is an application in the Council process to rezone a portion of that parcel to the Commercial Area of the Parkers Ferry Overlay Zoning District. That application was recommended for approval (7-1) by Planning Commission on 2/11/20 and will receive 3rd Reading on 7/14/20. Properties to the South, across Savannah Highway, are zoned Agricultural Residential (AGR) and Rural Commercial (CR) and are not a part of the Parkers Ferry Overlay Zoning District.

Aerial Facing the West



Aerial Facing the East



Subject Property

Site Photos



1- Subject Property

2- Property Across the Street



Site Photos



3- Adjacent Property

4- Adjacent Property



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 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-05-20-00122

Approval Criteria—Section 3.2.6

Applicant's Response to criterion B and D: “The area surrounding this parcel used to be agricultural, but it is becoming increasingly more commercial, with the Agricultural Sales business next door, and a restaurant and HVAC company across Savannah Highway. The area is growing in population, and many new property owners are purchasing undeveloped land and require logging for small parcels. Most logging companies will not provide service to lots of this size. This is why the location for my business is ideal. My next-door neighbors have both applied for a rezoning, and this is an opportunity to create a commercial node that was misidentified during the initial creation of the Parkers Ferry Overlay.”

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 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: "This rezoning would increase my business' visibility. It would allow me to expand my business through acquiring more customers. My business is unique and furthers the public welfare because I am able to provide services for property owners of smaller tracts of land. Most logging companies are unwilling to provide services for these smaller tracts of land."

ZLDR Amendment

Approval Criteria—Section 3.3.6

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: "Logging is the number one industry in South Carolina. Being able to locate my workshop on this site would be more convenient for my customers, as well as myself. The building will be modern, but will not detract from the rural landscape found in Adams Run. Additionally, the neighboring property contains an Agricultural Equipment Sales business, and my intent is to use a building-type consistent with what is existing next door, creating cohesiveness."

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

Applicant's Response: "This rezoning would increase my business' visibility. It would allow me to expand my business through acquiring more customers. My business is unique and furthers the public welfare because I am able to provide services for property owners of smaller tracts of land. Most logging companies are unwilling to provide services for these smaller tracts of land."

Recommendations

**Planning Commission
Recommendations
(both requests):
Approval (8-0, 1 absent)**

Staff Recommendations:

Comp Plan Amendment: Disapproval

ZLDR Amendment: Disapproval, noting that if Planning Commission recommended approval for the Comp Plan amendment, then the ZLDR amendment would be consistent and could be supported by Staff.

Notifications

June 5, 2020 – Planning Commission Notifications

- 238 notifications were sent to individuals on the ZLDR/Comp Plan and the Parkers Ferry Interested Parties Lists
- Ad ran in the *Post & Courier*.

June 12, 2020 – Public Hearing Notifications

- Ad ran in the *Post & Courier*.

June 26, 2020 – Public Hearing Notifications

- 238 notifications were sent to individuals on the ZLDR/Comp Plan and the Parkers Ferry Interested Parties Lists



Charleston County Comprehensive Plan Amendment Request and ZLDR Text Amendment Request

Planning Commission – June 22, 2020

Public Hearing – July 14, 2020

PPW Committee – August 6, 2020

1st Reading – August 11, 2020

2nd Reading – September 8, 2020

3rd Reading – September 22, 2020

Comprehensive Plan Amendment Application (MUST ADDRESS AT LEAST ONE OF THE FOLLOWING)

- 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).

Mr. Seward's response (please indicate which criteria you are addressing):

"In response to B/D: The area surrounding this parcel used to be agricultural, but it is becoming increasingly more commercial, with the Agricultural Sales business next door, and a restaurant and HVAC company across Savannah Highway. The area is growing in population, and many new property owners are purchasing undeveloped land and require logging for small parcels. Most logging companies will not provide service to lots of this size. This is why the location for my business is ideal. My next-door neighbors have both applied for a rezoning, and this is an opportunity to create a commercial node that was misidentified during the initial creation of the Parkers Ferry Overlay."

ZLDR Text Amendment Application (MUST ADDRESS ALL THREE OF THE FOLLOWING)

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
 - a. Mr. Seward's response: "The area around my parcel has been becoming increasingly Commercial, and I would like to propose this amendment so my zoning is consistent with the surrounding properties. Two of my neighbors have applied for their property to be rezoned from Residential to Commercial. I would like to build a garage/shop, where everything is enclosed."
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5 (see goals on next page for reference);
 - a. Mr. Seward's response: "Facilitating the creation of a convenient, attractive and harmonious community;"

"Logging is the number one industry in South Carolina. Being able to locate my workshop on this site would be more convenient for my customers, as well as myself. The building will be modern, but will not detract from the rural landscape found in Adams Run. Additionally, the neighboring property contains an Agricultural Equipment Sales business, and my intent is to use a building-type consistent with what is existing next door, creating cohesiveness."
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.
 - a. Mr. Seward's response: "This rezoning would increase my business' visibility. It would allow me to expand my business through acquiring more customers. My business is unique and furthers the public welfare because I am able to provide services for property owners of smaller tracts of land. Most logging companies are unwilling to provide services for these smaller tracts of land."

Article 1.5

This Ordinance is intended to protect the health, safety, and general welfare of existing and future residents of Charleston County by:

- A. Implementing the goals, objectives and policies of the *Comprehensive Plan*;
- B. Providing for adequate light, air, and open space;