

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

**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

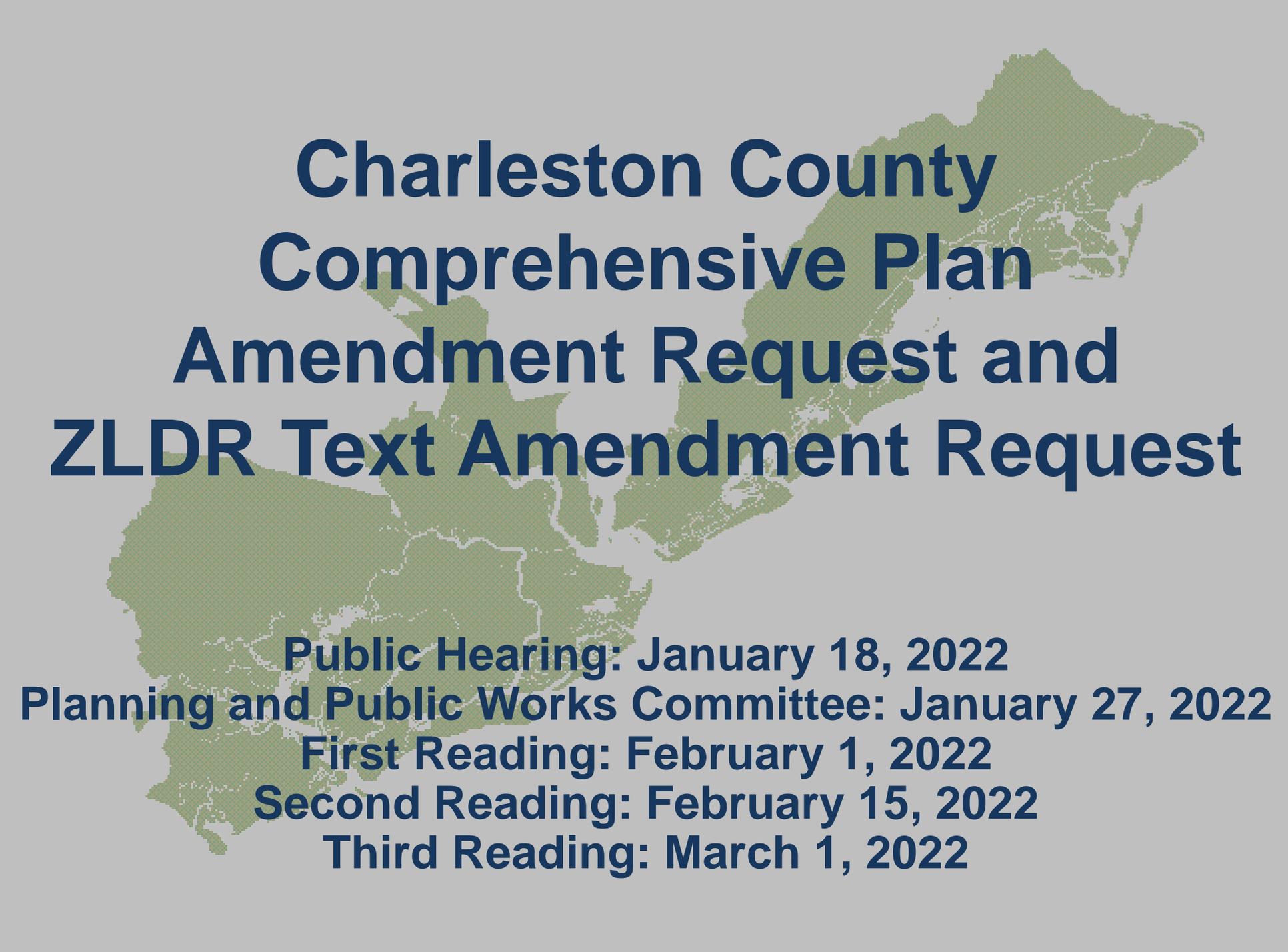
Recommendation: Approval (7-0).

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

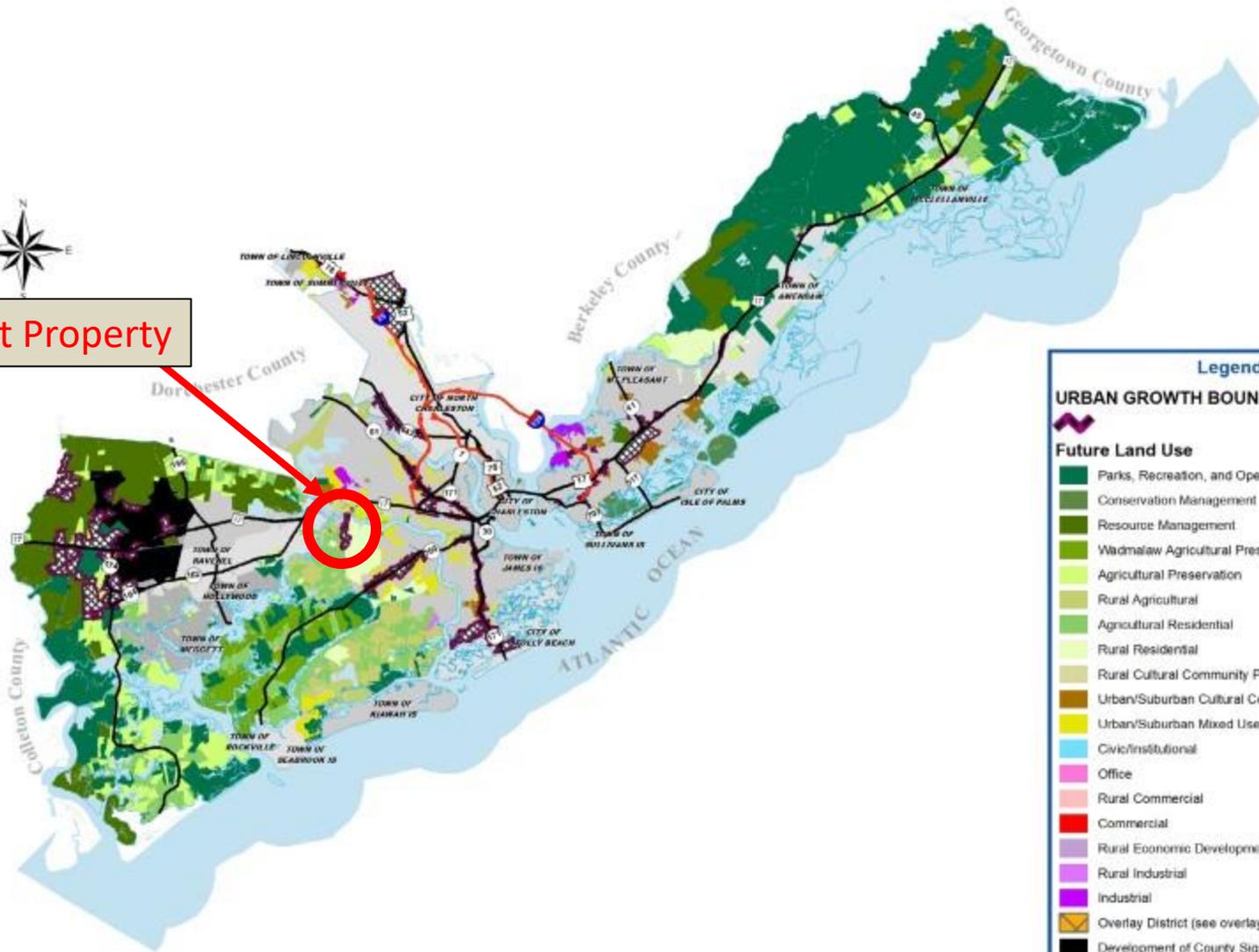
The applications are to amend Map 3.1.18, *Main Road Corridor Overlay Zoning District*, of the Charleston County Comprehensive Plan and Map 5.15, *MRC-O, Main Road Corridor Overlay Zoning District*, of the Charleston County Zoning and Land Development Regulations Ordinance to change a 0.19-acre portion 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.

Subject Property



Legend

URBAN GROWTH BOUNDARY

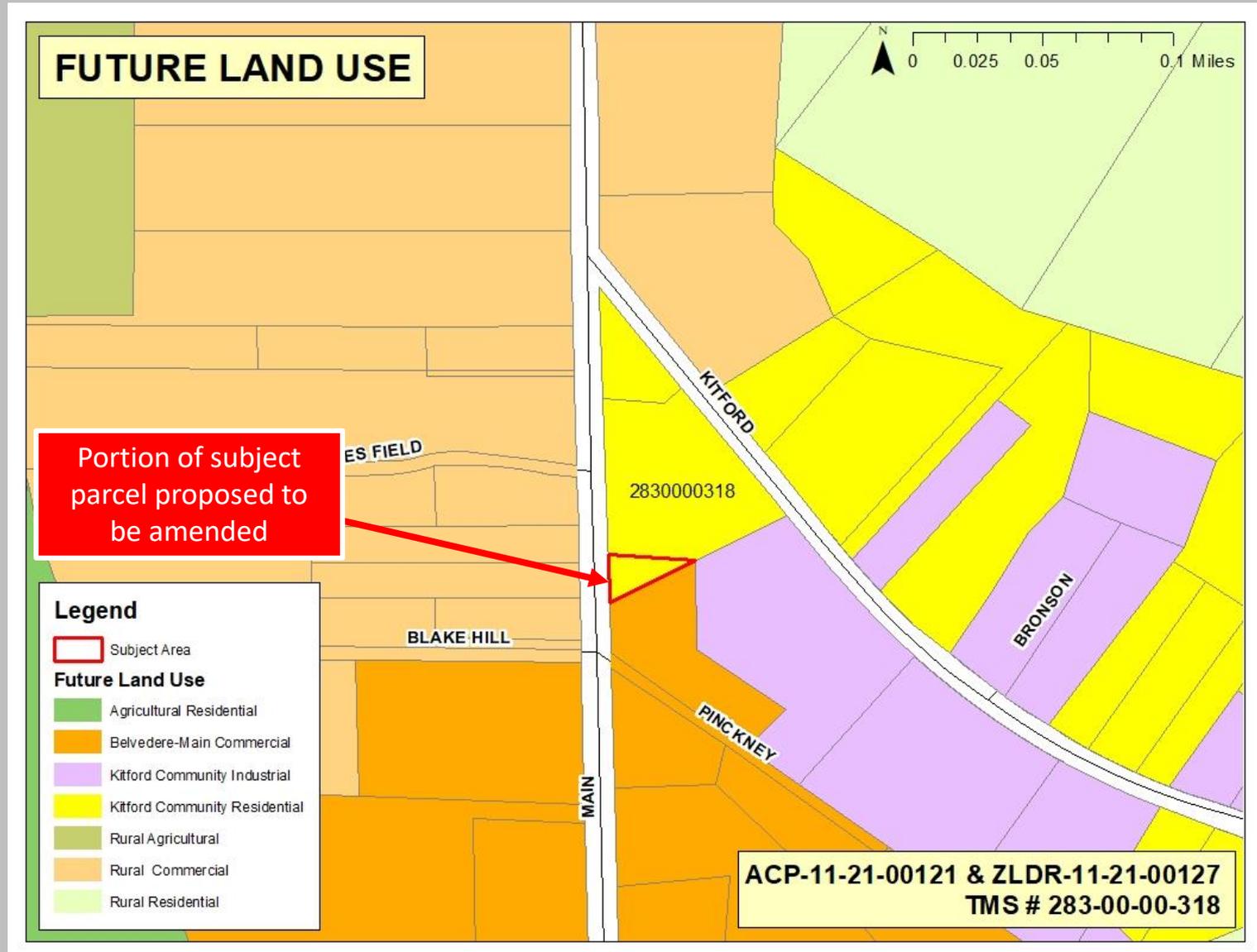
Future Land Use

- Parks, Recreation, and Open Space
- Conservation Management
- Resource Management
- Walden 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
- Overlay District (see overlay district maps for details)
- Development of County Significance
- Municipality

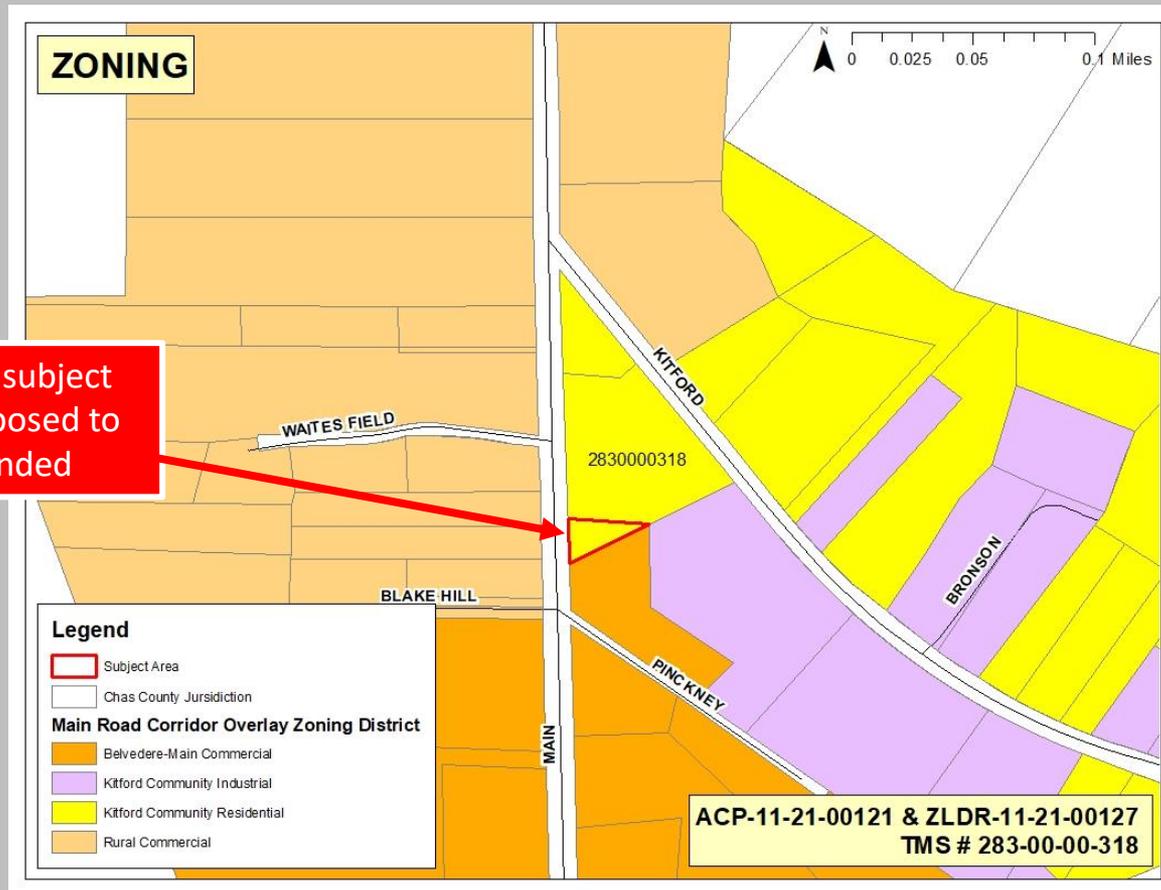
General Features

- Water
- Marsh
- Interstate
- Major Roads

Future Land Use



Zoning Map

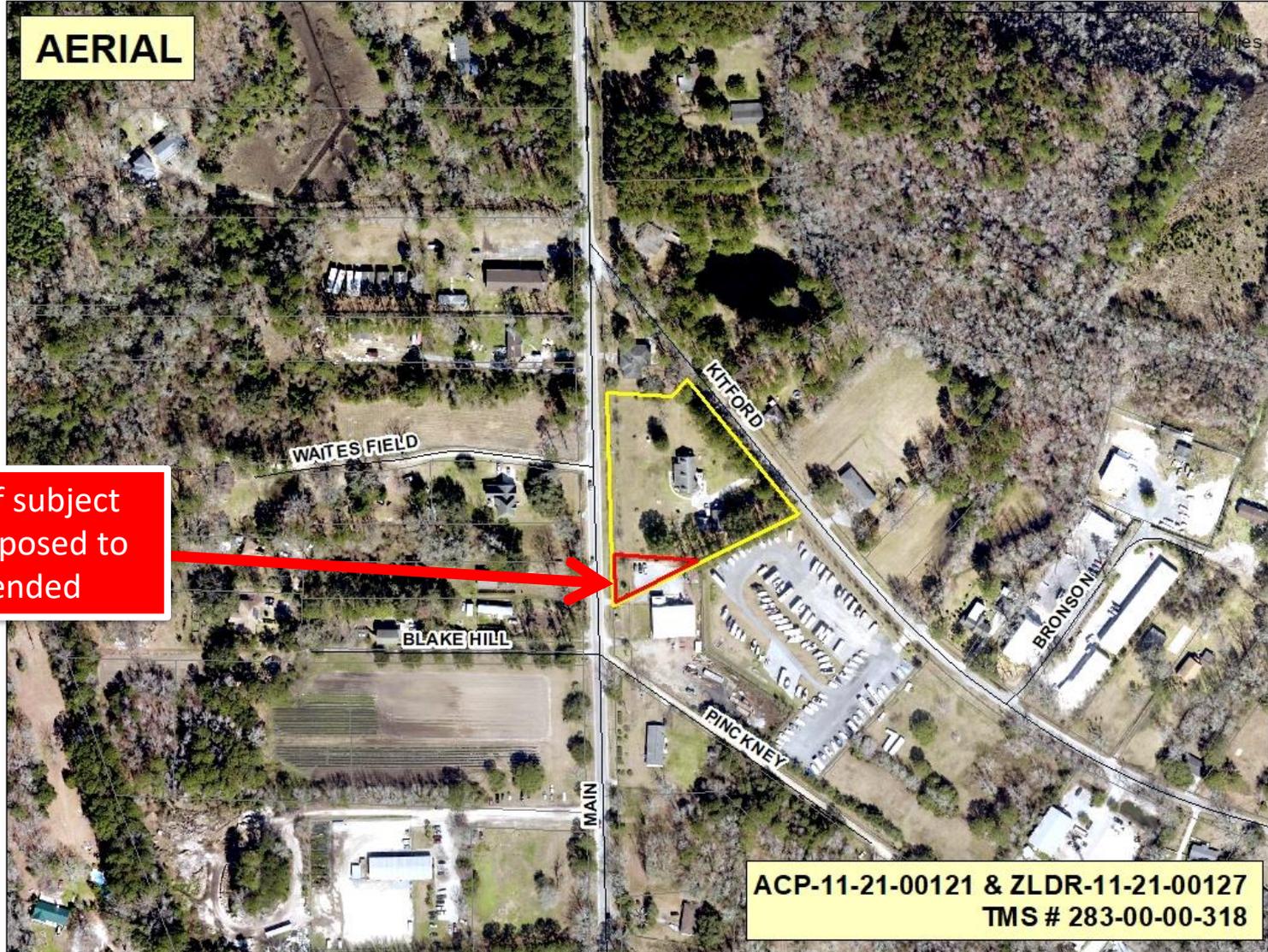


The subject parcel contains a Single-Family Dwelling Unit and a portion of an existing commercial parking lot. Adjacent properties to the south are in the BMC District and the Kitford Community Industrial District (KCI) and contain a welding company and boat/RV storage. The KCI District allows Rural 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.

Aerial View

AERIAL

Portion of subject parcel proposed to be amended



ACP-11-21-00121 & ZLDR-11-21-00127
TMS # 283-00-00-318

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.

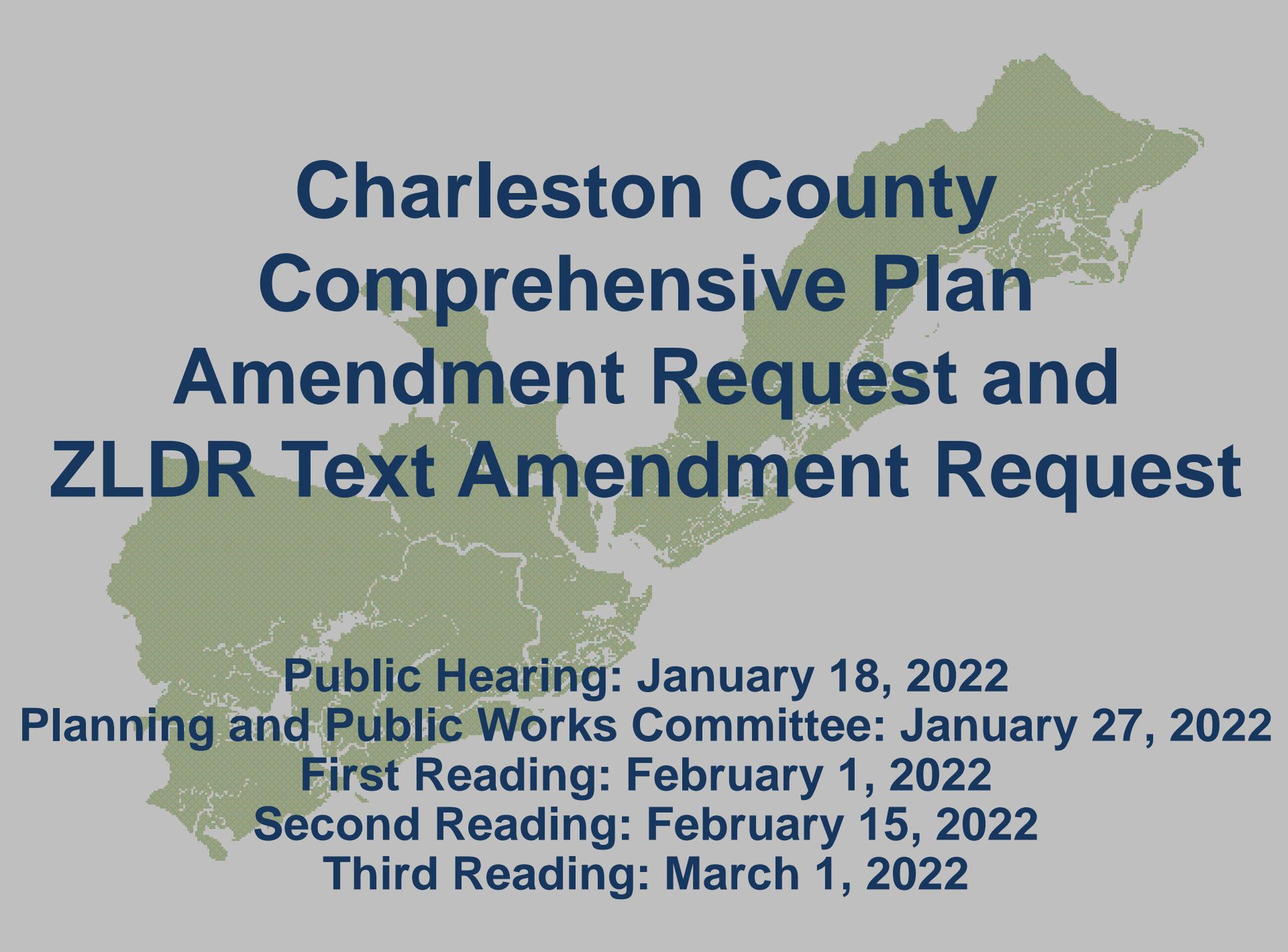
Notifications

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 Jr.*

DATE: **10-27-21**

FOR OFFICE USE ONLY

Application Number	<i>David Williamson 10/27/21</i>		
Date Submitted			
Amount Received	\$250.00	Cash	Check Number: _____
Receipt Number			

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

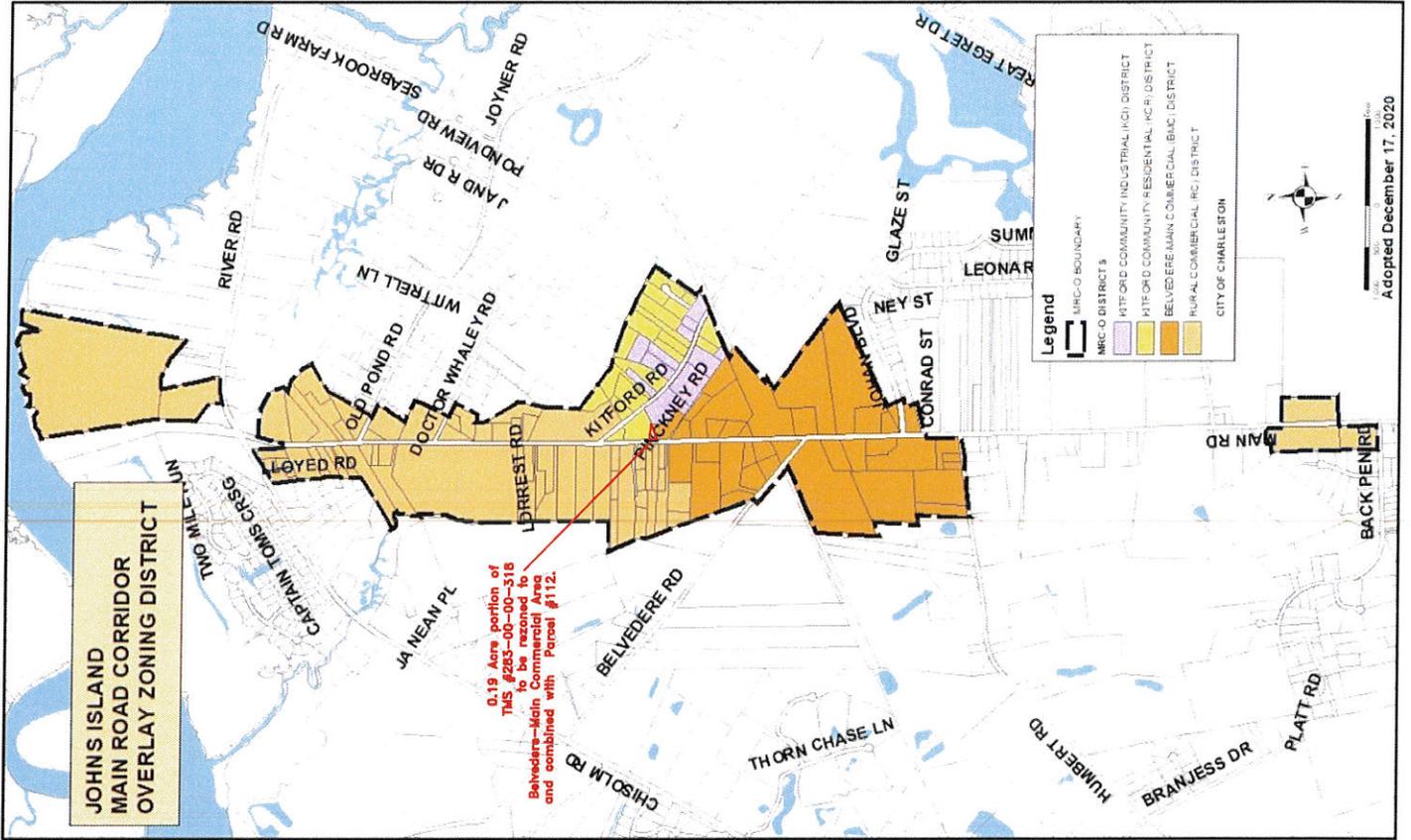
Letter of Intent

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 Jr.*

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

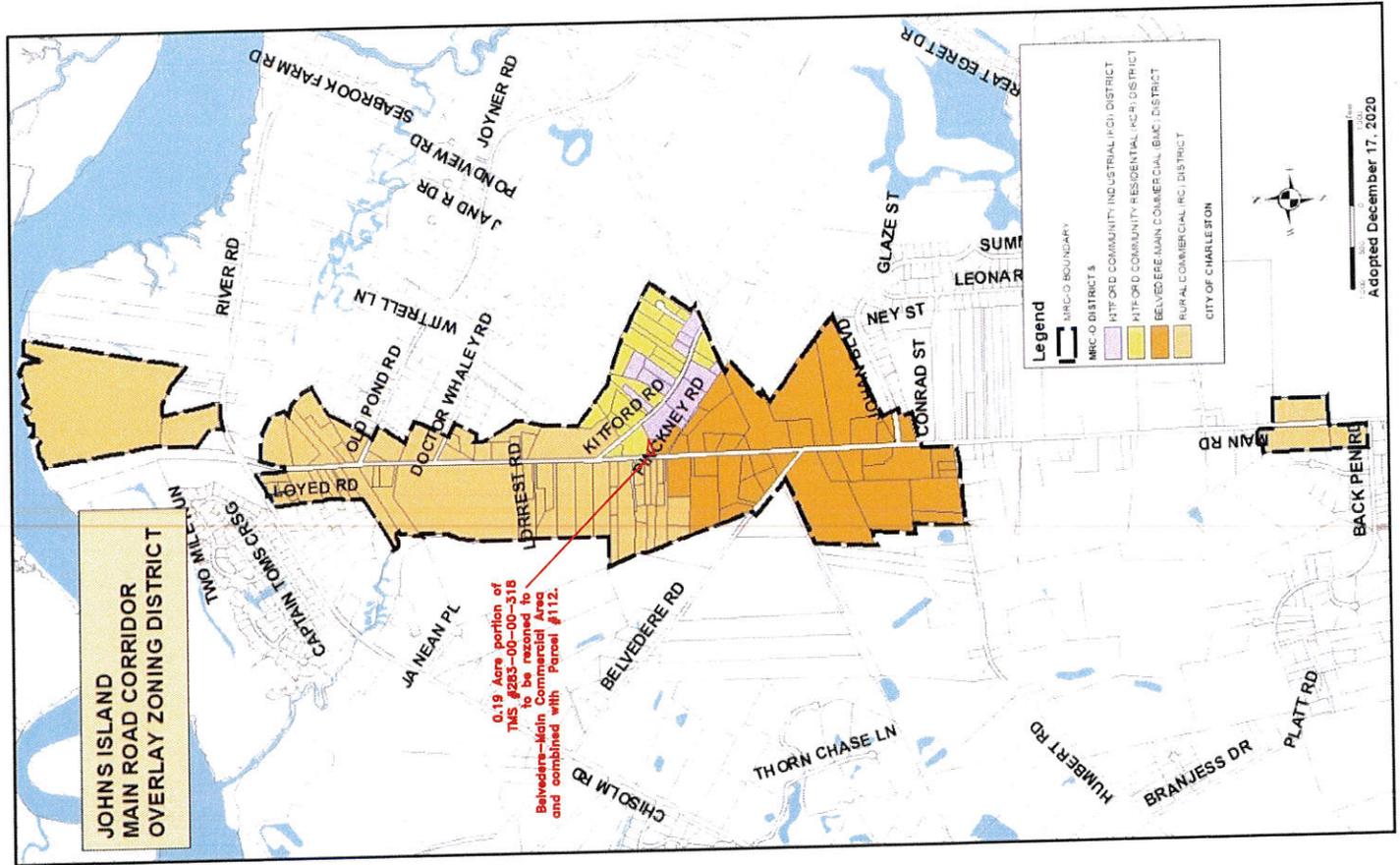
Letter of Intent

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.