

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).

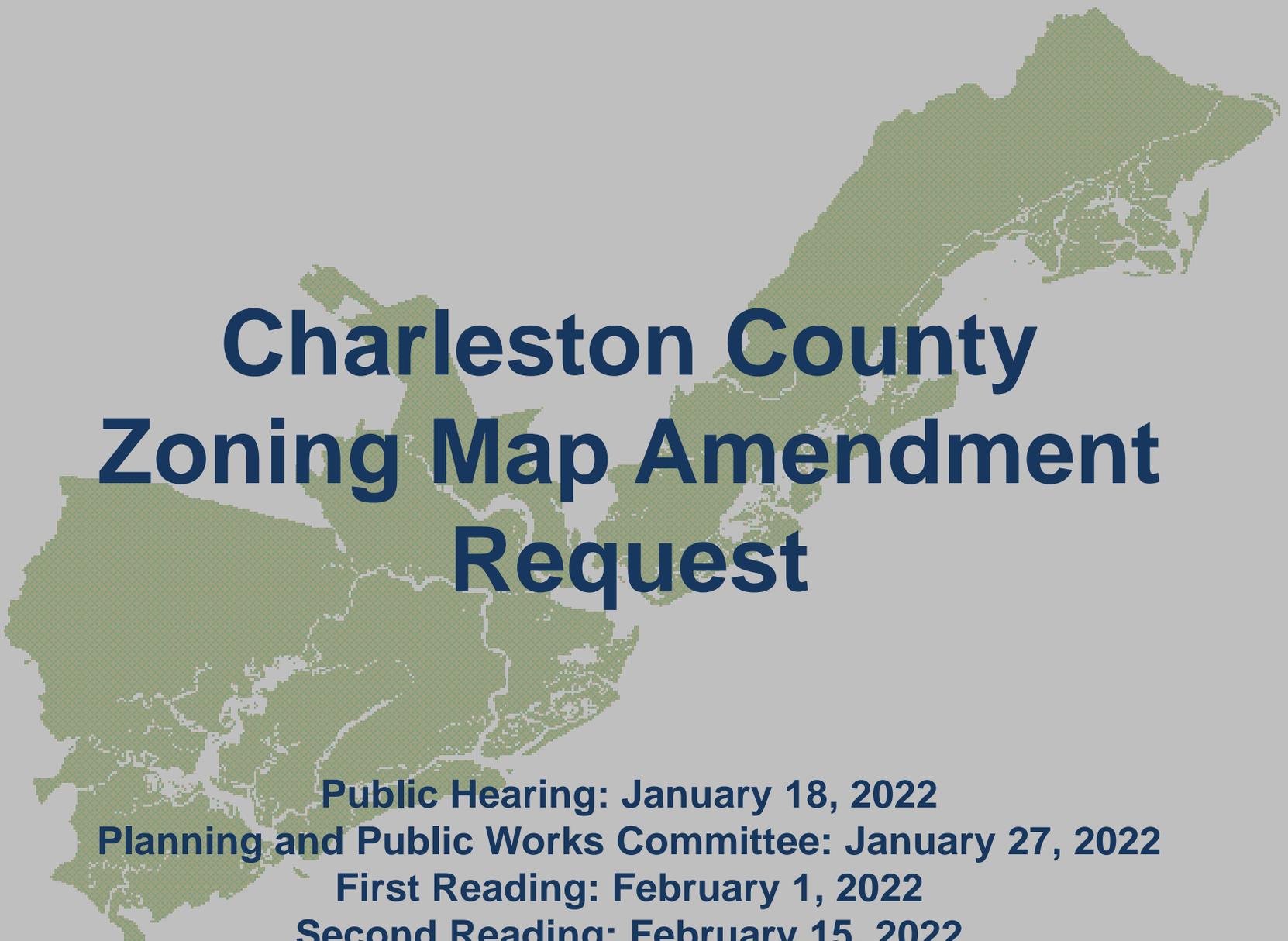
Public Input: One letter in support has been received from the Wadmalaw Island Land Planning Committee.

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

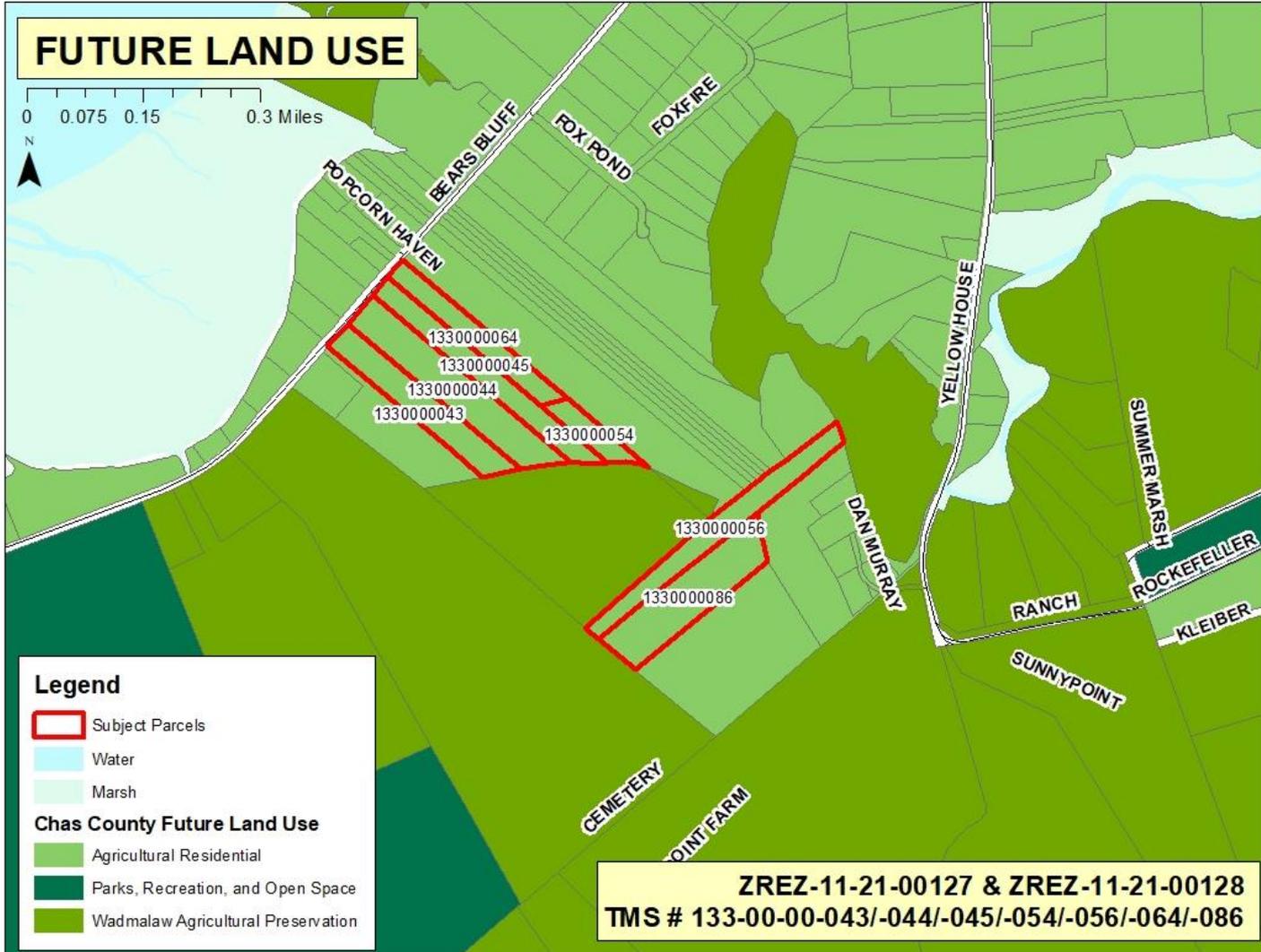
Request to rezone TMS 133-00-00-043/-044/-045/-054/-056/-064/-086 from the Agricultural Residential (AGR) Zoning District to the Agricultural Preservation 15 (AG-15) Zoning District.

- 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

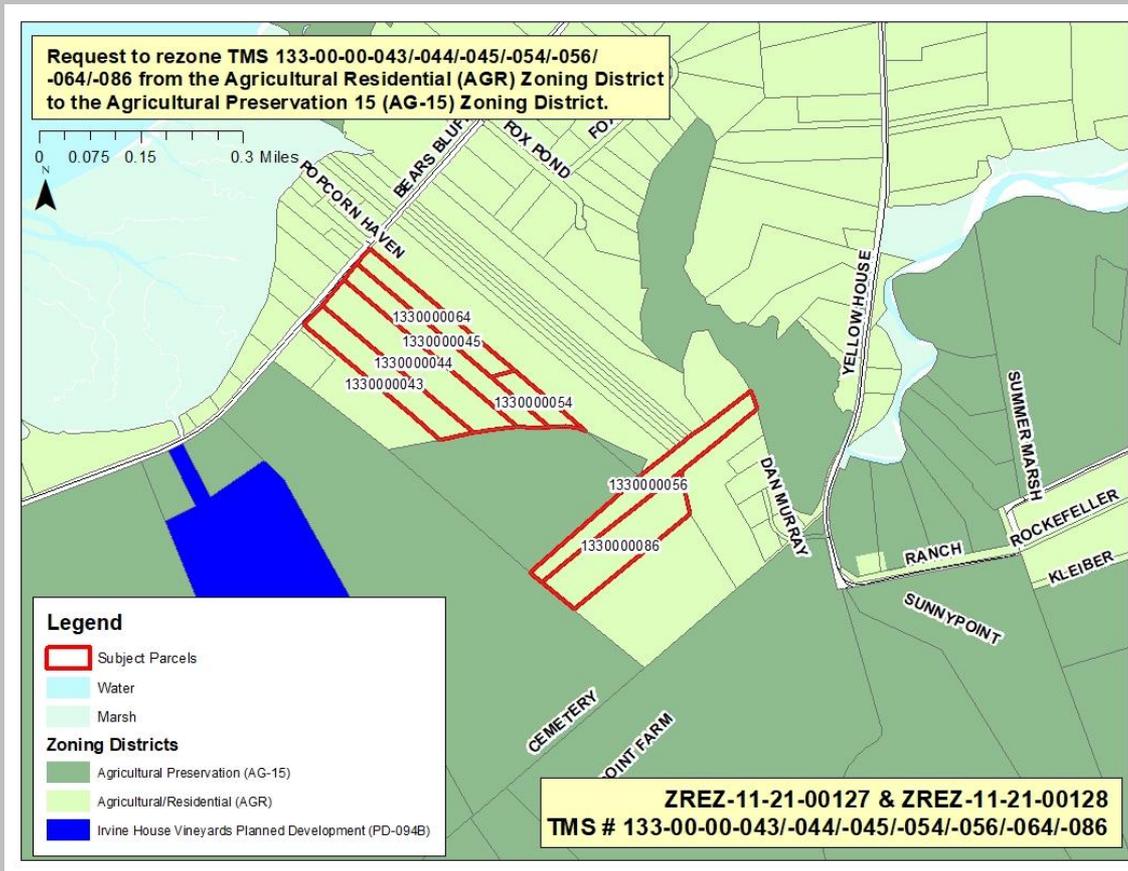
Zoning History

- 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.

Future Land Use

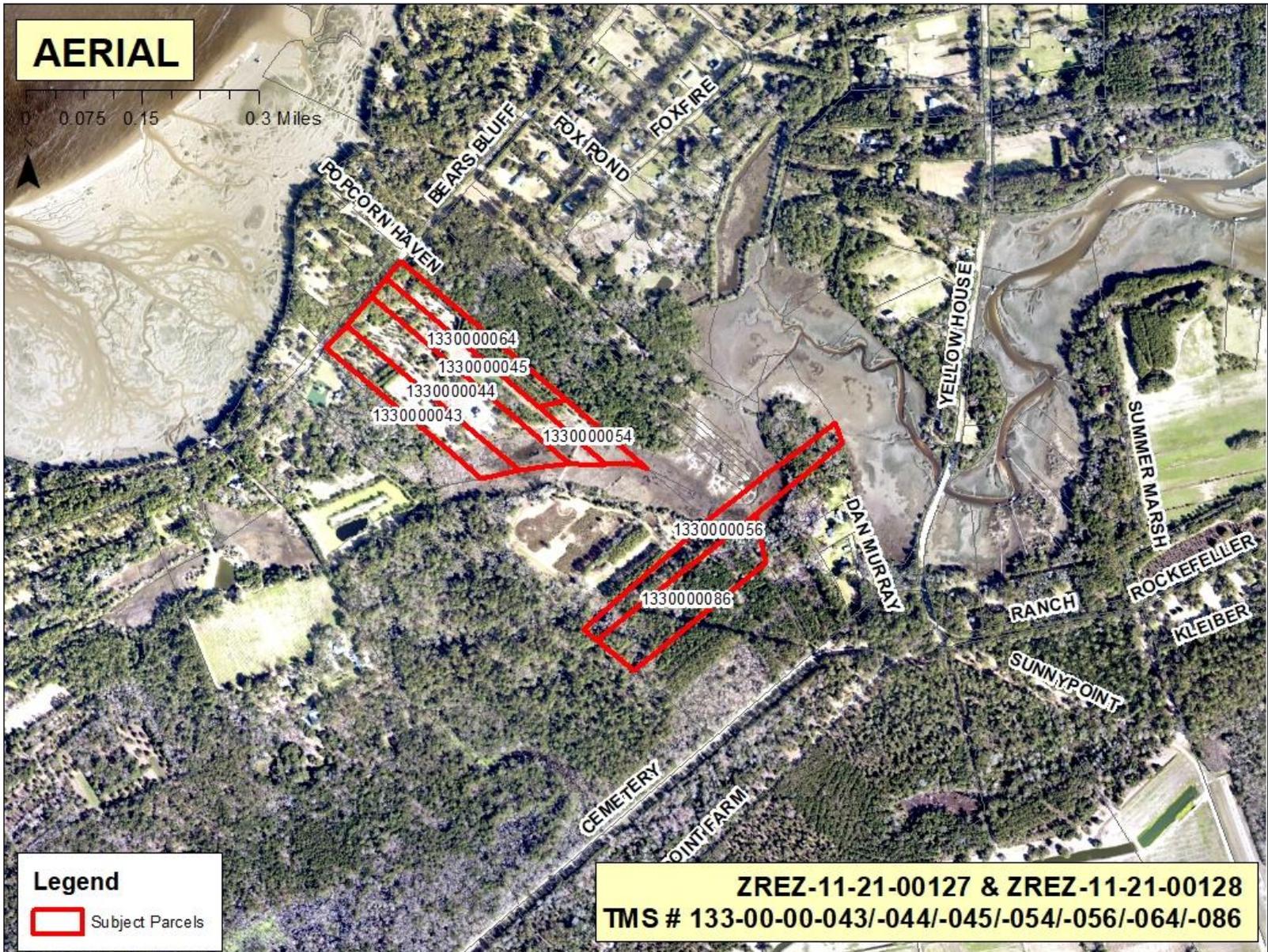


Current Zoning



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;

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



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

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 # _____

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 _____ 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 _____



1560000159

1560000158

1330000062

1330000063

1330000069 1330000070

1330000067 1330000068

1560000157

1330000046

1330000064

1330000055

AG-15

SITE OF PROPOSED ZONING CHANGE TO AG-15

133000

1330000043

1330000075

1330000042

1330000077 1330000011

1330000012

1330000013

AGR

00014

BUFF RD

1330000082

133

ZONING CHANGE APPLICATION



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

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 # _____

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) WORK PHONE 843-762-4608
 MAIL ADDRESS 1923 Maybank Highway CELL PHONE 843-814-1616
 CITY, STATE, ZIP Charleston, SC 29412 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:*
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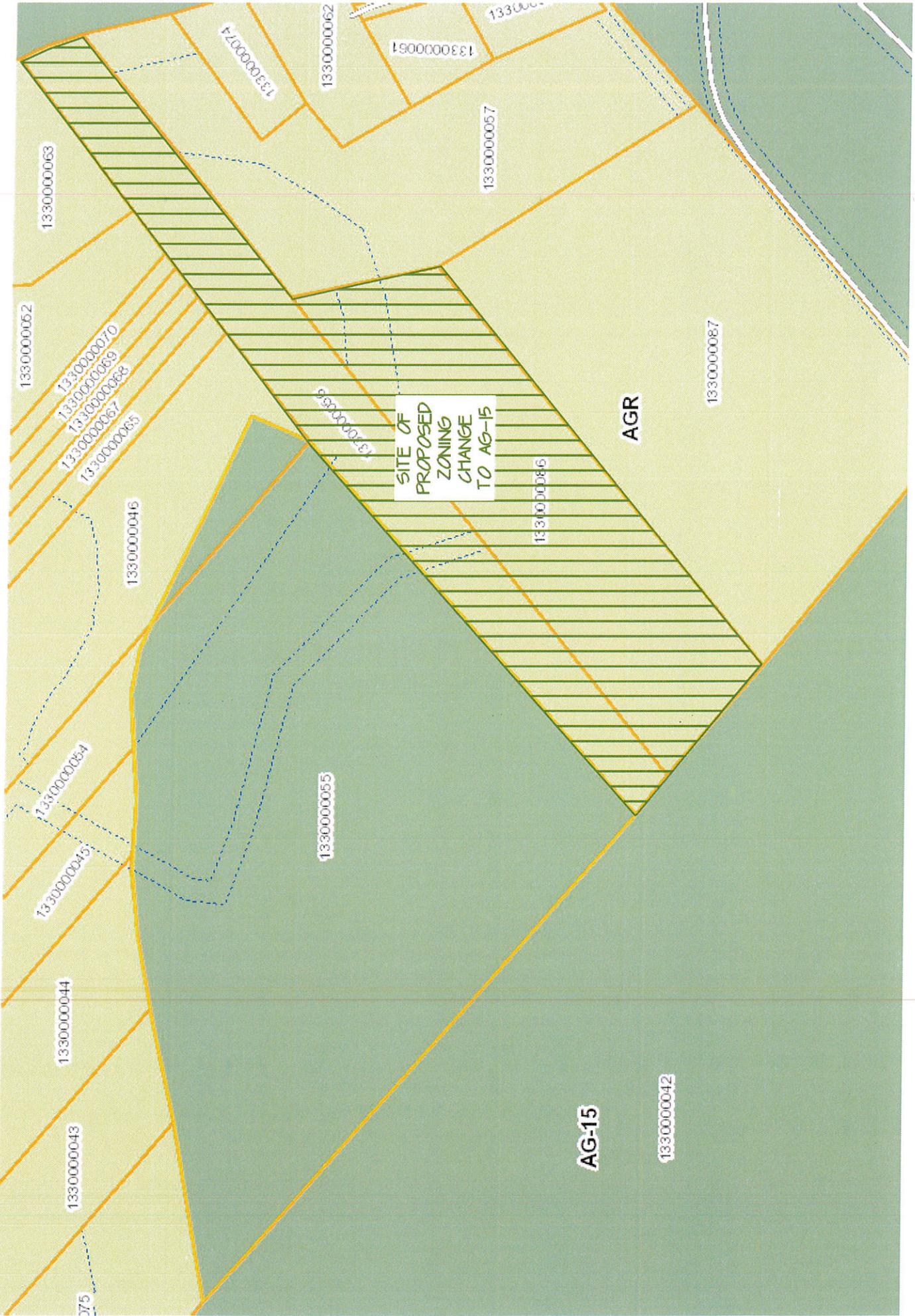
I (we) certify that Robert Frank Land Survey is the authorized representative for my (our) zoning change request. I also accept the above requirements for submitting my zoning change application. To the best of my knowledge, all required information has been provided and all information is correct.

Thomas S. Brantley 10-27-2021 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

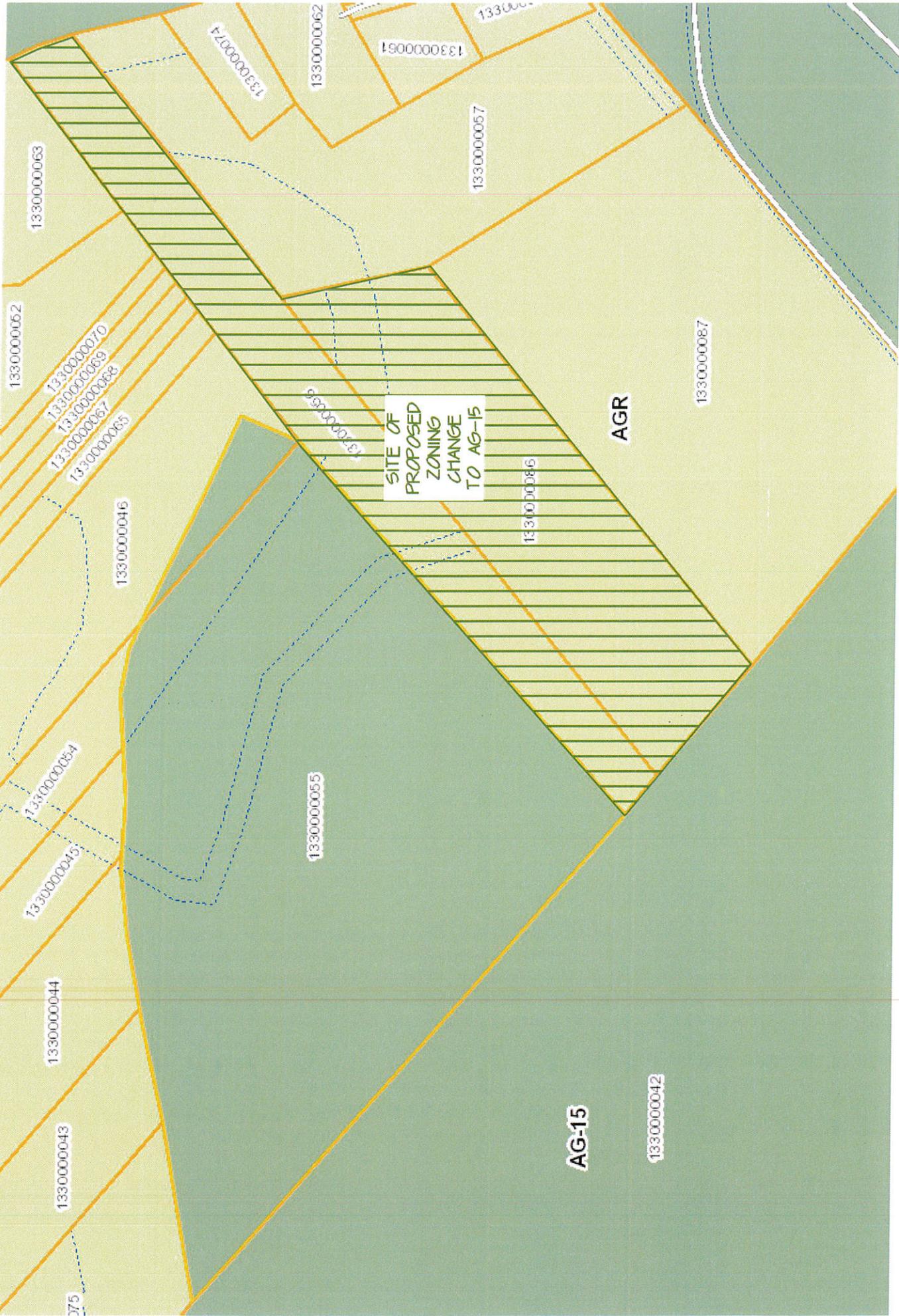
Amount Received _____ Cash ? Check? # _____ Invoice Number _____



SITE OF
PROPOSED
ZONING
CHANGE
TO AG-15

AGR

AG-15



SITE OF
PROPOSED
ZONING
CHANGE
TO AG-15

AGR

AG-15

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