

**AN ORDINANCE**

**REZONING THE REAL PROPERTY LOCATED AT 1959 STOKES AVENUE, PARCEL IDENTIFICATION NUMBER 475-04-00-026, FROM THE SINGLE FAMILY RESIDENTIAL 4 (R-4) ZONING DISTRICT TO THE PLANNED DEVELOPMENT ZONING DISTRICT (PD-161, THE STOKES TRACT PARKING).**

WHEREAS, the property identified as parcel identification number 475-04-00-026 is currently zoned Single Family Residential 4 (R-4) Zoning District; and

WHEREAS, the applicant submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (County Council) approve with conditions the proposed development plan based on the Approval Criteria of Section 4.23.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.23.9.E.9 of Article 4.23 of the ZLDR; and

WHEREAS, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.23 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan and other adopted policy documents; and
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. REZONING OF PROPERTY**

- A. Charleston County Council rezones the property located at 1959 Stokes Avenue, identified as Tax Map Parcel Number 475-04-00-026, from Single Family Residential 4 (R-4) Zoning District to The Stoke Tract Parking Planned Development Zoning District (PD-161); and

B. The PD Development Plan submitted by the applicant and identified as the "Development Guidelines for The Stokes Tract Parking Planned Development, Charleston County, South Carolina," dated January 8, 2018, approved by County Council as Planned Development 161 or PD-161, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcel identified above; and

C. Any and all development of PD-161 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Number 475-04-00-026 is amended to PD-161 in accordance with Section 4.23.10 of Article 4.23 of the ZLDR.

**SECTION III. SEVERABILITY**

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 24<sup>th</sup> day of April, 2018.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_

A. Victor Rawl

Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_

Kristen L. Salisbury

Clerk to Charleston County Council

First Reading: March 27, 2018

Second Reading: April 10, 2018

Third Reading: April 24, 2018

**EXHIBIT "A"**

**PLANNING AND PUBLIC WORKS COMMITTEE**

**RECOMMENDED CHANGES AND CONDITIONS TO PD-161**

**APPROVED BY CHARLESTON COUNTY COUNCIL**

- Section I, 1st paragraph: Amend the sentence to read: “It is the purpose and intent of these guidelines to set forth the objectives and minimum design standards for the Stokes Tract Parking to allow for a pervious parking lot for the adjacent site, TMS 475-04-00-006, with no more than 40 parking spaces. If the site is not developed as a parking lot, it may be developed pursuant to the Single Family Residential 4 (R-4) Zoning District requirements of the Zoning and Land Development Regulations Ordinance in effect at the time of development application.”
- Section I, 3rd paragraph, 2nd sentence: Amend the sentence to read: “We will designate 40 or less employee parking spaces within the gravel lot and no new paving or impervious surfaces are being proposed, except where required for ADA compliance, therefore there will be no change in the stormwater runoff, or land disturbance activity other than the planting of new landscaping.”
- Sections I and II: Delete the words that are struck through.
- Section II, Point E, 1st sentence: Amend the sentence to read: “The proposed parking lot area will work around all existing trees on the site and will preserve green space around the perimeter of the property.”
- Section II, Point F, 1st sentence: Amend the sentence to read: “The PD Guidelines will limit the use of the property to allow for a parking area which will result in a more economical network for the adjacent facility.”
- Section II, Point G, 1st sentence: Amend the sentence to read: “Currently the property is a gravel covered lot adjacent to an existing scrapyard.”
- Section IV, Point A:
  - Amend the first bullet under “A. Land Use” to read: “Parking for the adjacent property (TMS 4750400006) must comply with the Density, Intensity and Dimensional Standards table below. Furthermore, no parking space shall be occupied by any vehicle, trailer or container for any period in excess of 24 hours at a time.”
  - Amend the second bullet under “A. Land Use” to read: “If the site is not developed as a parking lot, it may be developed pursuant to the Single Family Residential 4 (R-4) Zoning District requirements of the Zoning and Land Development Regulations Ordinance (ZLDR) in effect at the time of development application, and these PD requirements shall not apply.”
- Section IV, Point D, 2nd paragraph:
  - Amend the wording to clarify that these buffers will apply if the site is

- developed as a parking lot.
  - Delete the third sentence.
- Section IV, Point H: Add a second sentence that reads: “Furthermore, no parking space shall be occupied by any vehicle, trailer or container for any period in excess of 24 hours at a time.”
- Section V, 1st paragraph, 1st sentence: Amend the sentence to read: “If developed as a parking lot for the adjacent site, TMS 475-04-00-006, all development standards not addressed in this PD shall comply with the applicable requirements of the Charleston County ZLDR for the General Office (OG) Zoning District in effect at the time of development application submittal. If the site is not developed as a parking lot, it may be developed pursuant to the Single Family Residential 4 (R-4) Zoning District requirements of the Zoning and Land Development Regulations Ordinance (ZLDR) in effect at the time of development application, and these PD requirements shall not apply.”
- Section V, Point (a), 1st sentence: Amend the sentence to read: “The PD rezoning complies with the County’s zoning standards as the proposed parking area is being responsive to the natural characteristics of the land, and is retaining natural open space and not increasing impervious surfaces on the property, except as otherwise required for ADA compliance.”
- Section V, Point (c), 1st sentence: Amend the sentence to read: “The proposed parking area will be funded and maintained by the property owner.”
- Appendices, Site Plan (Sheet 2 of 5): Amend the plan to show Canopy Trees in the tree island, a reduction in gravel area by the 33” Water Oak tree, and a hard surface pedestrian path from the disabled parking spaces to the property boundary.
- Appendices, Landscape Plan and Circulation/Pervious Area Exhibit (Sheets 3 of 5 and 4 of 5): Amend the plan to show a reduction in gravel area by the 33” WO tree, and a hard surface pedestrian path from the disabled parking spaces to the property boundary.
- Appendices, Site Plan w/ Aerial (Sheet 5 of 5): Amend the plan to show Canopy Trees in the tree island, a reduction in gravel area by the 33” Water Oak tree, and a hard surface pedestrian path from the disabled parking spaces to the property boundary.