

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 4091 NORTH HIGHWAY 17, PARCEL IDENTIFICATION NUMBER 632-00-00-023 FROM THE PD, PLANNED DEVELOPMENT ZONING DISTRICT (PD-105) TO THE PD, PLANNED DEVELOPMENT ZONING DISTRICT (PD-105A), AND TO AMEND PROPERTY BOUNDARIES TO INCLUDE A 0.08 ACRE PORTION OF THE REAL PROPERTY LOCATED AT 4091 NORTH HIGHWAY 17, PARCEL IDENTIFICATION NUMBER 632-00-00-032, AND A 0.13 ACRE PORTION OF THE REAL PROPERTY LOCATED AT 4105 NORTH HIGHWAY 17, PARCEL IDENTIFICATION NUMBER 632-00-00-013.

WHEREAS, the property identified as parcel identification number 632-00-00-023 is currently zoned PD, Planned Development Zoning District (PD-105), the property identified as parcel identification number 632-00-00-032 is currently zoned Business/Service Node in the Highway 17 North Corridor Overlay Zoning District, 10 Mile Neighborhood; and the property identified as parcel number 632-00-00-013 is currently zoned Business/Service Node in the Highway 17 North Corridor Overlay Zoning District, 10 mile Neighborhood; and

WHEREAS, the applicant seeks to rezone the property identified as parcel identification number 632-00-00-023 to PD, Planned Development Zoning District (PD-105A), and rezone a 0.08 acre portion of the property identified as parcel identification number 632-00-00-032 to the PD, Planned Development Zoning District (PD-105A), and rezone a 0.13 are portion of the property identified as parcel identification number 632-00-00-013 to the PD, Planned Development Zoning district (PD-105A), and submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations Ordinance ("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 the 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 the 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 4091 N Highway 17, identified as Tax Map Parcel Number 632-00-00-023, from PD, Planned Development Zoning District (PD-105) to PD, Planned Development Zoning District (PD-105A), and rezones a 0.08 acre portion of the property located at 4091 N Highway 17, identified as Tax Map Parcel Number 632-00-00-032 from the Business/Service Node in the Highway 17 North Corridor Overlay Zoning District, 10 Mile Neighborhood, to PD, Planned Development Zoning District (PD-105A), and rezones a 0.13 acre portion of the property located at 4105 N Highway 17, identified as Tax Map Parcel Number 632-00-00-013 from the Business/Service Node in the Highway 17 North Corridor Overlay Zoning District, 10 Mile Neighborhood, to PD, Planned Development Zoning District (PD-105A); and

B. The PD Development Plan submitted by the applicant and identified as the “PD-105A, Gold Propane”, submitted February 1, 2019, including the changes attached thereto as Exhibit A and made part of this Ordinance by reference, duly approved by the County Council as Planned Development 105A or PD-105A, 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-105A 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 632-00-00-023 is amended to PD-105A, the zoning map for a 0.08 acre portion of Tax Map Parcel Number 632-00-00-032 is amended to PD-105A, and the zoning map for a 0.13 acre portion of Tax Map Parcel Number 632-00-00-013 is amended to PD-105A, 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 21st day of May, 2019.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
J. Elliott Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: April 23, 2019
Second Reading: May 7, 2019
Third Reading: May 21, 2019

EXHIBIT "A"

PLANNING AND PUBLIC WORKS COMMITTEE

RECOMMENDED CHANGES AND CONDITIONS TO PD-105A

APPROVED BY CHARLESTON COUNTY COUNCIL

Land Uses, second paragraph: Add the following wording to the end of the sentence: "...at the time of subsequent development application submittal..."

Setbacks and Buffers, Point 1, second sentence: Amend the sentence to read as follows: "Existing vegetation onsite can be used to fulfill the Type D land use buffer requirements in Section 9.5.4 of the ZLDR, at the time of subsequent development application submittal. Where existing vegetation does not meet those requirements, additional plantings are required."

Setbacks and Buffers, Point 2, second sentence: Amend the sentence to read as follows: "Existing vegetation onsite can be used to fulfill the Type B land use buffer requirements in Section 9.5.4 of the ZLDR, at the time of subsequent development application submittal. Where existing vegetation does not meet those requirements, additional plantings are required."