

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 10213 AND 10191 HIGHWAY 78, 3219, 3221, 3223, AND 3243 VON OHSEN ROAD, PARCEL IDENTIFICATION NUMBERS 388-00-00-118, 388-00-00-119, 388-00-00-178, 388-00-00-177, 388-00-00-139, AND 388-00-00-140 FROM THE LOW DENSITY RESIDENTIAL (R-4) ZONING DISTRICT; REZONING THE REAL PROPERTY LOCATED AT 10221 HIGHWAY 78, PARCEL IDENTIFICATION NUMBER 388-00-00-116 FROM THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT; REZONING THE REAL PROPERTY LOCATED AT 10179, 10165, AND 10151 HIGHWAY 78, PARCEL IDENTIFICATION NUMBERS 388-00-00-223, 388-00-00-163, AND 388-00-00-443 FROM HIGHWAY 78 BUSINESS PARK PLANNED DEVELOPMENT (PD-70) ZONING DISTRICT TO THE ELMS GLEN PLANNED DEVELOPMENT (PD-184) ZONING DISTRICT.

WHEREAS, the properties located at 10213 and 10191 Highway 78, 3219, 3221, 3223 and 3243 Von Ohsen Road identified as Parcel Identification Numbers 388-00-00-118, 388-00-00-178, 388-00-00-177, 388-00-00-139, and 388-00-00-140 is currently zoned Low Density Residential (R-4) Zoning District; 10221 Highway 78 identified as Parcel Identification Number 388-00-00-116 is currently zoned Neighborhood Commercial (NC) Zoning District; 10179, 10165, and 10151 Highway 78, identified as Parcel Identification Numbers 388-00-00-223, 388-00-00-163, and 388-00-00-443 is currently zoned Highway 78 Business Park Planned Development (PD-70) Zoning District;

WHEREAS, the applicant seeks to rezone to Elms Glen Planned Development Zoning District (PD-184); and

WHEREAS, the applicant submitted a complete application for PD Development Plan amendment pursuant to Article 4.25 of the Charleston County Zoning and Land Development Regulations Ordinance ("ZLDR"); and

WHEREAS, the Charleston County Planning Commission ("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 4.25.8.J 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 4.25.8.J of Article 4.25 of the ZLDR; and

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

- A. The PD Development Plan complies with the standards contained in Article 4.25 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 properties located at 10213 and 10191 Highway 78, 3219, 3221, 3223 and 3243 Von Ohsen Road identified as Parcel Identification Numbers 388-00-00-118, 388-00-00-178, 388-00-00-177, 388-00-00-139, and 388-00-00-140 is currently zoned Low Density Residential (R-4) Zoning District; 10221 Highway 78 identified as Parcel Identification Number 388-00-00-116 is currently zoned Neighborhood Commercial (NC) Zoning District; 10179, 10165, and 10151 Highway 78, identified as Parcel Identification Numbers 388-00-00-223, 388-00-00-163, and 388-00-00-443 is currently zoned Highway 78 Business Park Planned Development (PD-70) Zoning District;

B. The PD Development Plan submitted by the applicant and identified as "Development Guidelines for Elms Glen", submitted September 27, 2022, including the conditions of approval attached thereto as Exhibit "A" and made part of this Ordinance by reference, approved by the County Council as Planned Development 184 or PD-184, is incorporated therein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-184 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Parcel Identification Numbers 388-00-00-118, 388-00-00-119, 388-00-00-178, 388-00-00-177, 388-00-00-139, 388-00-00-140, 388-00-00-116, 388-00-00-223, 388-00-00-163 and 388-00-00-443 is amended to PD-184 in accordance with Section 4.25.11 of Article 4.25 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 31st day of January 2022.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
Herbert R. Sass, III
Chairman of Charleston County Council

ATTEST:

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

First Reading: December 15, 2022
Second Reading: January 17, 2022
Third Reading: January 31, 2022

EXHIBIT "A"

**THE PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDED CHANGES
AND CONDITIONS TO PD-183 APPROVED BY CHARLESTON COUNTY COUNCIL**

1. Obtain letters of coordination from Public Works Stormwater and Public Works Engineering
2. Remove the following sentence from the page 4 of the PD Guidelines: "Any future Restaurant shall be a maximum of 8,000 square feet," as the PD is not proposing a Restaurant use.

Replace all instances of "intent" in the PD-183 doc