

Post & Courier

CHARLESTON COUNTY COUNCIL PUBLIC HEARING **Tuesday, November 12, 2024 at 6:30 PM**

Charleston County Council will hold a public hearing on the matters listed below beginning at 6:30 p.m., Tuesday, November 12, 2024, in Council Chambers (second floor of the Lonnie Hamilton, III, Public Services Building, located at: 4045 Bridge View Drive, North Charleston, SC 29405). The meeting will be livestreamed at: <https://www.charlestoncounty.org/departments/county-council/cctv.php>. Public comments may be made in person or sent to the specific case email addresses listed below by 5:00 PM on Friday, November 8, 2024. Packet information and additional ways to provide comments can be found online at: <https://engage.charlestoncounty.org>. Contact the Zoning and Planning Department at (843)202-7200 for additional information.

- a. ZREZ-09-24-00154: Request to rezone TMS 215-00-00-014, 3555 Bohicket Road, from the Agricultural Residential (AGR) Zoning District to the Rural Agricultural (AG-8) Zoning District. Email: ZREZ00154@publicinput.com
- b. ZREZ-09-24-00156: Request to rezone TMS 257-00-00-033, 2550 and 2554 Bohicket Road, from the Agricultural Residential (AGR) Zoning District to the Rural Agricultural (AG-8) Zoning District. Email: ZREZ00156@publicinput.com

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-09-24-00154: Case History

Planning Commission: October 14, 2024
Public Hearing: November 12, 2024
Planning and Public Works Committee: November 21, 2024
First Reading: November 21, 2024
Second Reading: December 10, 2024
Third Reading: December 19, 2024

CASE INFORMATION

Applicant: Daniel Boorse

Owner: Daniel and Noelle Boorse

Location: 3555 Bohicket Road, Johns Island

Parcel Identification: 215-00-00-014

Application: Request to rezone TMS 215-00-00-014, 3555 Bohicket Road, from the Agricultural Residential (AGR) Zoning District to the Rural Agricultural (AG-8) Zoning District for Landscaping and Horticultural Use.

Council District: 8 (Boykin)

Property Size: 14.6 acres

Zoning History: Prior to 2001, the subject property was zoned Rural Agricultural (AG-8) Zoning District. The subject parcel was considered for inclusion in a 'Settlement Area' as part of the 2001 Charleston County Settlement Area Study. These identified 'Settlement Areas' were designated as Agricultural Residential (AGR) Zoning Districts in the 2001 Zoning and Land Development Regulations Ordinance (ZLDR). Because of the size of the parcel on April 21, 1999 (less than 30 acres in size), the property was placed in the AGR Zoning District with the adoption of the 2001 ZLDR. In 2020, the current property boundary of the subject property was established when the subject property was subdivided to create a second lot (TMS# 215-00-00-195). Prior to this request, no zoning map amendment requests have been submitted for the subject property.

In 2022, the applicant approached staff about the possibility of establishing a landscaping/horticultural business on the subject property. The applicant was notified that the Landscaping and Horticultural Services use was not a permitted use in the AGR Zoning District and that a rezoning would be required to establish the proposed use. The applicant subsequently submitted this application to rezone to the AG-8 Zoning District where Landscaping and Horticultural Services is permitted with conditions as outlined in Sec. 6.4.48 of the ZLDR, including the completion of full Site Plan Review.

Adjacent Zoning: The subject property has frontage along Bohicket Road and contains a single-family residence and two storage accessory structures. To the north and south adjacent properties are zoned AGR and developed with single-family residences or are vacant. Properties across Bohicket Road, to the west, are zoned AGR and contain single-family residences or are vacant. The parcels to the east are zoned AGR and AG-8 and contain agricultural uses.

Municipalities Notified/Response: Town of Awendaw, Town of James Island, Town of Kiawah Island, Town of McClellanville, Town of Mount Pleasant, City of Isle of Palms and Town of Sullivans Island were notified of this request. Any responses are included in this packet.

APPROVAL CRITERIA

Pursuant to ZLDR Section 3.4.6, 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 Charleston County Comprehensive Plan recommends the Agricultural Residential Future Land Use designation for the subject parcel, which states, "The 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. 'By-Right' uses include residential development, agriculture, and other uses necessary to support the viability of agriculture." The requested Rural Agricultural (AG-8) Zoning District would permit a lower residential density (1 dwelling unit per 8 acres) than the allowed density in the current Agricultural Residential (AGR) Zoning District (1 dwelling unit per acre) and allows uses consistent with the Agricultural Residential Future Land Use designation. Therefore, the request is consistent with the Comprehensive Plan Future Land Use Recommendation.*

- 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: *Nearby properties are largely zoned Agricultural Residential (AGR) or Rural Agricultural (AG-8), both of which allow for primarily agricultural uses and single-family detached residences. In the current AGR Zoning District, Landscaping and Horticultural Services is not a permitted use, however it is a conditionally allowed use in the requested AG-8 Zoning District. If the rezoning map amendment is approved, all uses allowed within the Rural Agricultural (AG-8) Zoning District (Landscaping & Horticultural Services, Outdoor Recreation and Entertainment, Outdoor Shooting Range, Communications Towers, etc.) would be allowed on the property. The Dimensional Standards would remain the same with the exception of the Minimum Lot Areas (30,000 sq ft for AGR; one (1) acre for AG-8) and Minimum Lot Widths (100 ft for AGR; 135 ft for AG-8). As stated above, the requested AG-8 Zoning District would permit a reduction in density from 1 dwelling unit per 1 acre to 1 dwelling unit per 8 acres. Therefore, this criterion is met.*

- 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:

The approval criteria have been met; therefore, Staff recommends approval.

PLANNING COMMISSION MEETING: October 14, 2024

Recommendation: Approval, 9-0.

Speakers: Two individuals, including the applicant, spoke in support of the application. One person spoke in opposition to the request.

Public Input: No public input in support or opposition was received.

Notifications: 415 notification letters were sent to individuals on the Johns Island Interested Parties Lists, as well as property owners within 300 feet of the subject parcel on September 27, 2024. Additionally, this request was noticed in the *Post & Courier* on September 27, 2024.

PUBLIC HEARING: November 12, 2024

Speakers: The applicant spoke in support of the request.

Public Input: No public input was received.

Notifications: 415 notification letters were sent to individuals on the Johns Island Interested Parties Lists, as well as property owners within 300 feet of the subject parcel on October 25, 2024. Additionally, signs were posted and this request was noticed in the *Post & Courier* on October 25, 2024.

PLANNING AND PUBLIC WORKS: November 21, 2024

Recommendation: Approval, 7-0; (Councilmembers Kobrovsky and Darby were absent).

FIRST READING: November 21, 2024

Vote: Approval, 8-0: (Councilmember Kobrovsky was absent).

SECOND READING: December 10, 2024

Vote: Approval, 8-0: (Councilmember Darby was absent).

THIRD READING: December 19, 2024



Charleston County Zoning Map Amendment Request

Planning Commission: October 14, 2024

Public Hearing: November 12, 2024

Planning and Public Works Committee: November 21, 2024

First Reading: November 21, 2024

Second Reading: December 10, 2024

Third Reading: December 19, 2024

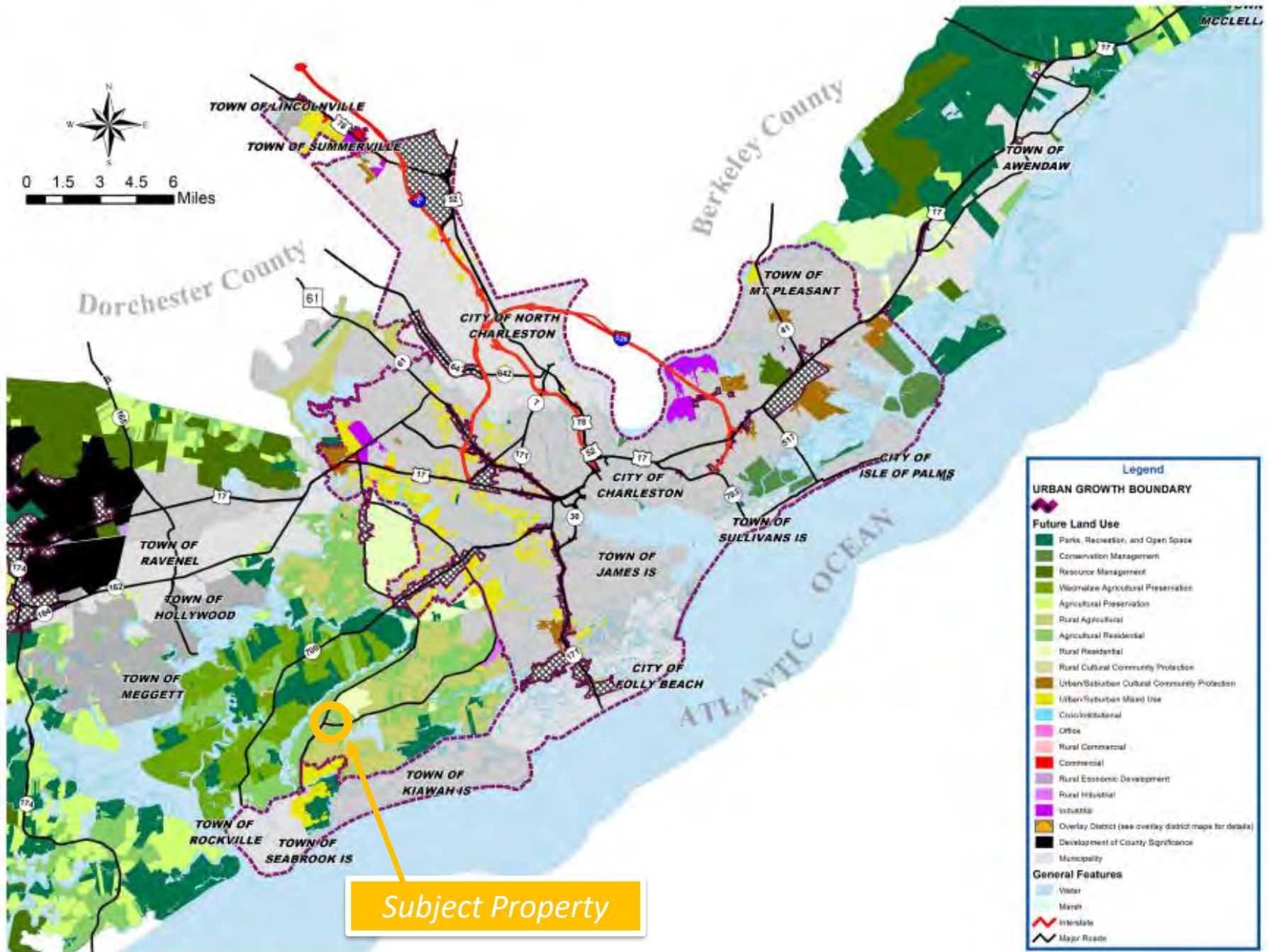
ZREZ-09-24-00154

Request to rezone TMS # 215-00-00-014, 3555 Bohicket Road, from the Agricultural Residential (AGR) Zoning District to the Rural Agricultural (AG-8) Zoning District for Landscaping and Horticultural Use.

- Johns Island Area: 3555 Bohicket Road
- Parcel I.D.: 215-00-00-014
- Owner: Daniel & Noelle Boorse
- Applicant: Daniel Boorse
- Property Size: 14.6 acres
- Council District: 8 (Boykin)

Zoning History

- Prior to 2001, the subject property was zoned Rural Agricultural (AG-8) Zoning District. The subject parcel was considered for inclusion in a 'Settlement Area' as part of the 2001 Charleston County Settlement Area Study.
 - These identified 'Settlement Areas' were designated as Agricultural Residential (AGR) Zoning Districts in the 2001 Zoning and Land Development Regulations Ordinance (ZLDR).
- Because of the size of the parcel on April 21, 1999 (less than 30 acres in size), the property was placed in the AGR Zoning District with the adoption of the 2001 ZLDR.
- In 2020, the current property boundary of the subject property was established when the subject property was subdivided to create a second lot (TMS # 215-00-00-195).
- Prior to this request, no zoning map amendment requests have been submitted for the subject property.



Legend

URBAN GROWTH BOUNDARY

Future Land Use

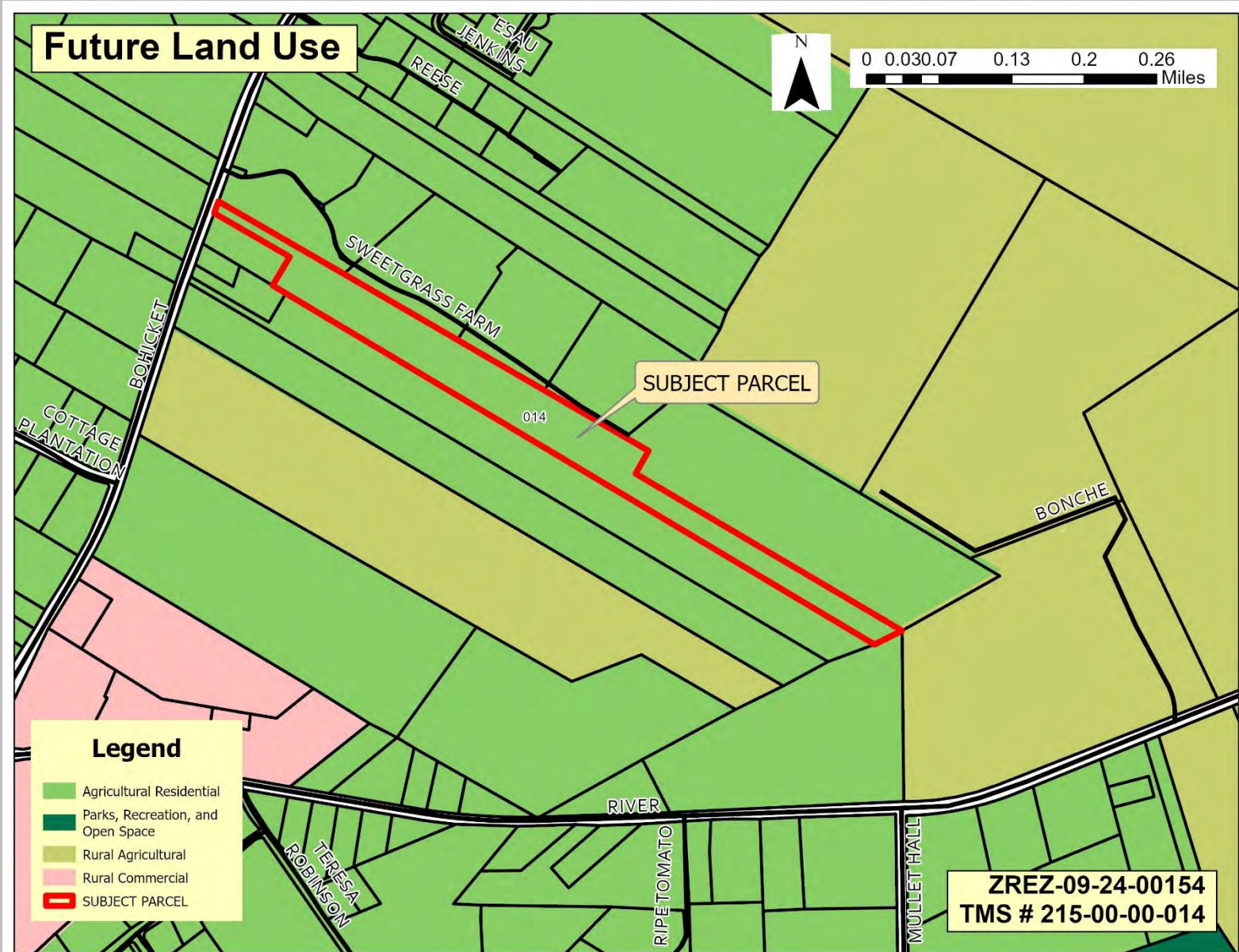
- Parts, Recreation, and Open Space
- Conservation Management
- Resource Management
- Wildland Agricultural Preservation
- Agricultural Preservation
- Rural Agricultural
- Agricultural Residential
- Rural Residential
- Rural Cultural Community Protection
- Urban/Suburban Cultural Community Protection
- 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

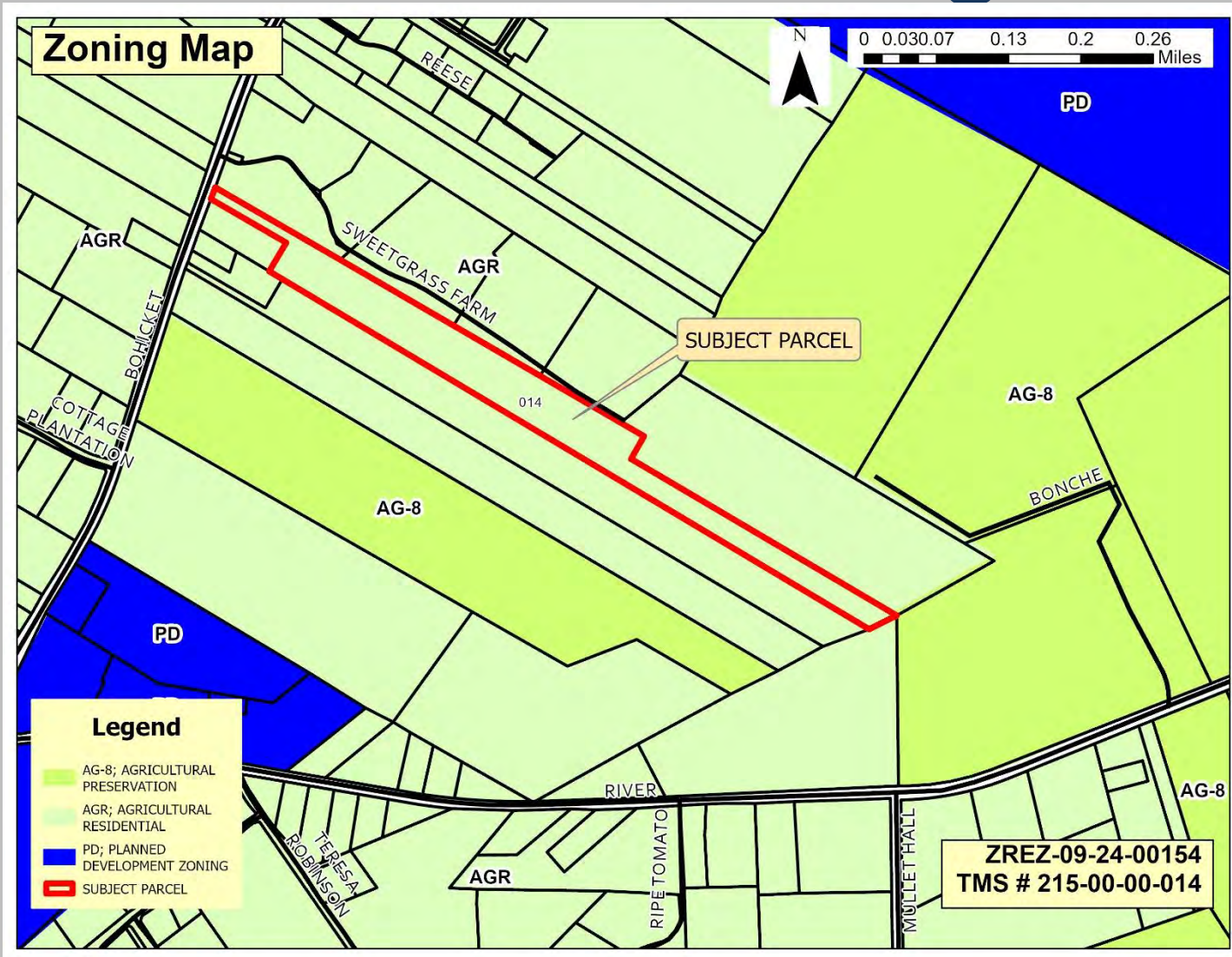
- Water
- Marsh
- Interstate
- Major Roads

Subject Property

Future Land Use

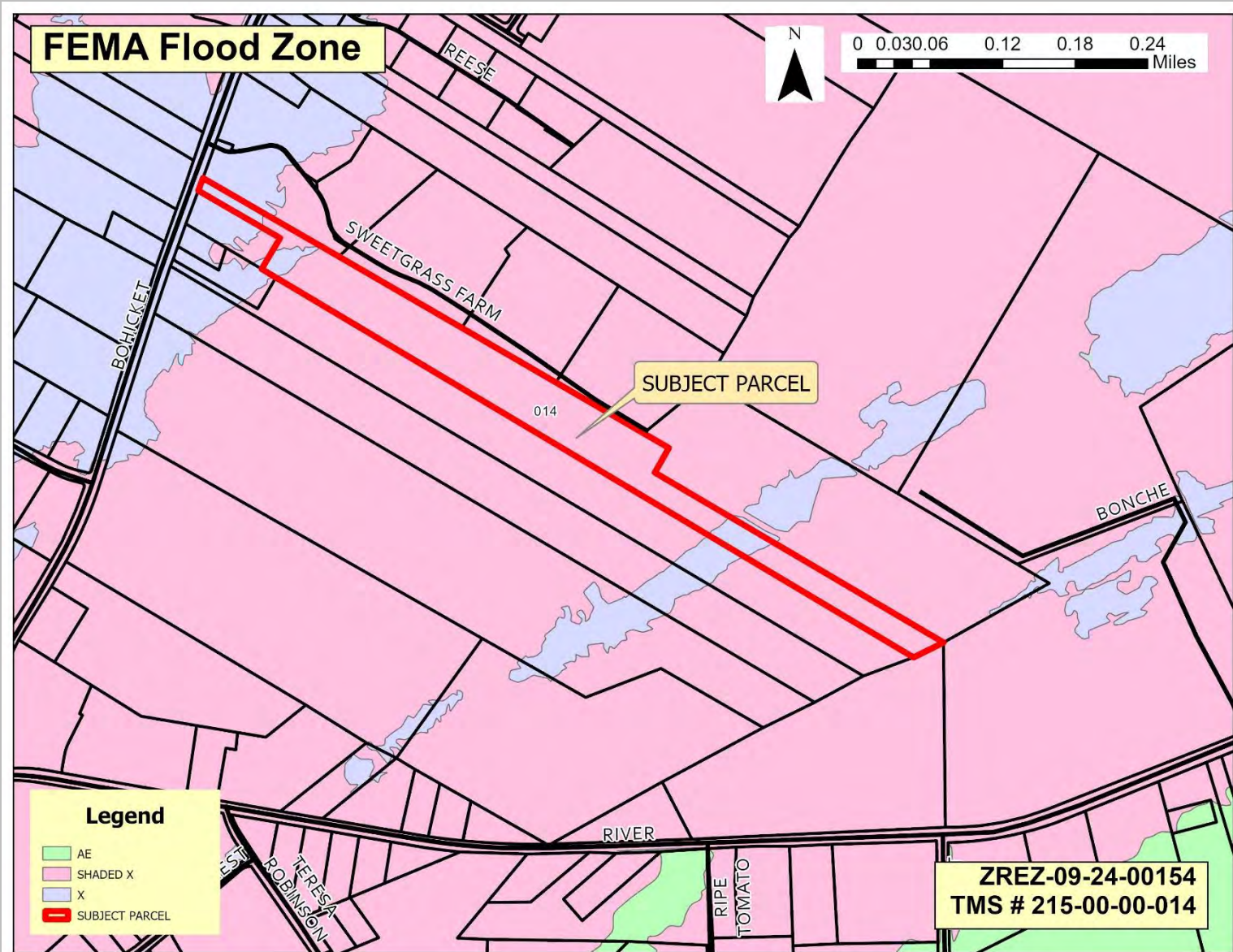


Current Zoning

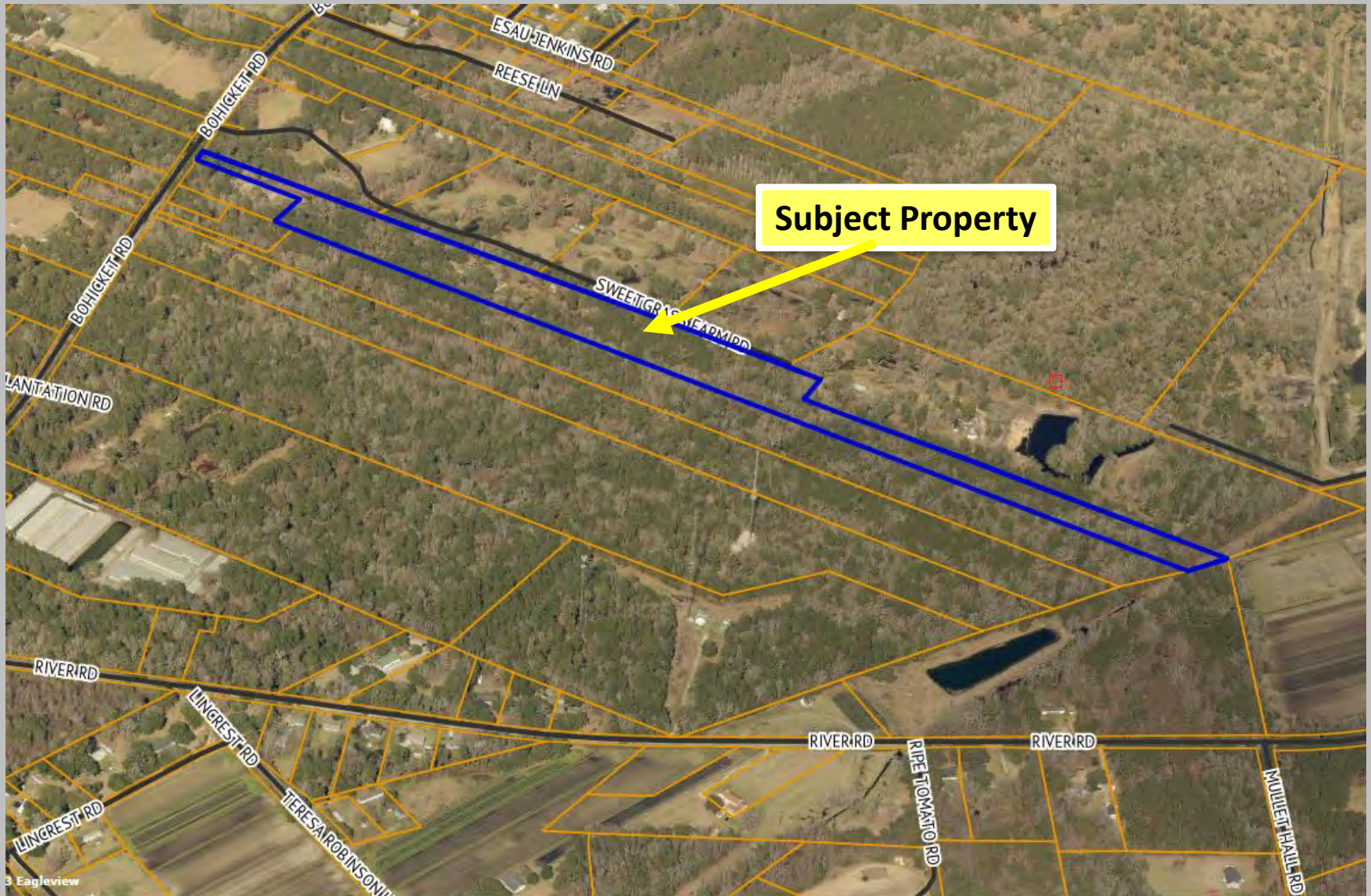


The subject property has frontage along Bohicket Road and contains a single-family residence and two storage accessory structures. To the north and south adjacent properties are zoned AGR and developed with single-family residences or are vacant. Properties across Bohicket Road, to the west, are zoned AGR and contain single-family residences or are vacant. The parcels to the east are zoned AGR and AG-8 and contain agricultural uses.

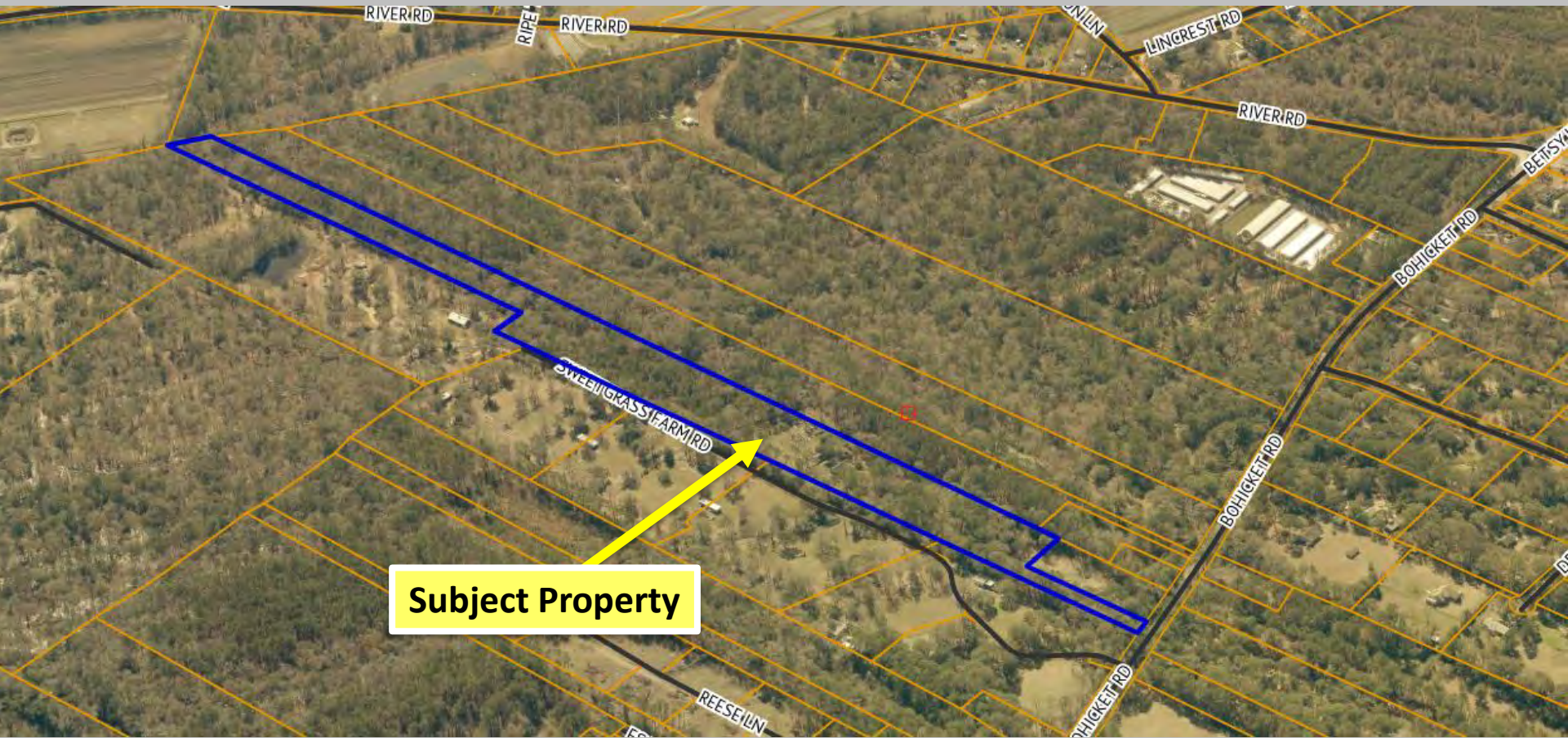
FEMA Flood Zone



Aerial View to the North



Aerial View to the South



Subject Property

Site Photos



**1 – Subject Property
TMS 215-00-00-014**



**2 – Adjacent Property
TMS 214-00-00-195**

Site Photos



**3 – Adjacent Property
TMS 215-00-00-197**



**4 – Properties Across Bohicket Road
TMS 215-00-00-048**

Comparison of Land Uses

	AGR (Current Zoning)	Proposed AG-8 (Requested Zoning)
<p>Allowed Land Uses Include</p> <p>C - Allowed with conditions</p> <p>S- Special Exception Approval by the BZA Required</p>	<ul style="list-style-type: none"> -Allows for 1 Dwelling Units per acre -Detached, Single Family Residence -Horticultural Production -Agricultural Sales or Service (C) -Farmers Market -Dwelling Group (C) -Adult Daycare Services (S) -School, Primary -School, Secondary -Medical Office (S) -Community Residential Care Facility (S) -Counseling Services (S) -Home Health Agency (S) -Intermediate Care Facility for Individuals with Intellectual Disabilities (S) -Residential Treatment Facility for Children or Adolescents (Mental Health Treatment) (S) -Museum -Community Recreation -Campground (S) -Kennel (S) -Small Animal Boarding (C) -Veterinary Service (S) -Artisan and Craftsman (C) -Resource Extraction/Mining (S) 	<ul style="list-style-type: none"> -Allows for 1 dwelling units per 8 acres -Detached, Single-Family Residence -Horticultural Production -Agricultural Sales or Service -Landscaping and Horticultural Services (C) -Farmers Market -Dwelling Group (C) -Adult Daycare Services (S) -Museum (C) -School, Primary (S) -School Secondary (S) -Community Recreation -Outdoor Recreation and Entertainment (C) -Outdoor Shooting Range (S) -Campground (S) -Kennel (C) -Small Animal Boarding -Veterinary Service -Flower, Nursey Stock, or Florists' Supplies Wholesaler -Artisan and Craftsman (C) -Resources Extractions/ Mining (S) -Aviation (C) -Private Air Strip (C)

Approval Criteria—Section 3.4.6

Pursuant to ZLDR Section 3.4.6, 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 Charleston County Comprehensive Plan recommends the Agricultural Residential Future Land Use designation for the subject parcel, which states, “The 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. ‘By-Right’ uses include residential development, agriculture, and other uses necessary to support the viability of agriculture.” The requested Rural Agricultural (AG-8) Zoning District would permit a lower residential density (1 dwelling unit per 8 acres) than the allowed density in the current Agricultural Residential (AGR) Zoning District (1 dwelling unit per acre) and allows uses consistent with the Agricultural Residential Future Land Use designation. Therefore, the request is consistent with the Comprehensive Plan Future Land Use Recommendation.

Approval Criteria—Section 3.4.6

Pursuant to ZLDR Section 3.4.6, 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: Nearby properties are largely zoned Agricultural Residential (AGR) or Rural Agricultural (AG-8), both of which allow for primarily agricultural uses and single-family detached residences. In the current AGR Zoning District, Landscaping and Horticultural Services is not a permitted use, however it is a conditionally allowed use in the requested AG-8 Zoning District. If the rezoning map amendment is approved, all uses allowed within the Rural Agricultural (AG-8) Zoning District (Landscaping & Horticultural Services, Outdoor Recreation and Entertainment, Outdoor Shooting Range, Communications Towers, etc.) would be allowed on the property. The Dimensional Standards would remain the same with the exception of the Minimum Lot Areas (30,000 sq ft for AGR; one (1) acre for AG-8) and Minimum Lot Widths (100 ft for AGR; 135 ft for AG-8). As stated above, the requested AG-8 Zoning District would permit a reduction in density from 1 dwelling unit per 1 acre to 1 dwelling unit per 8 acres. Therefore, this criterion is met.

Approval Criteria—Section 3.4.6

Pursuant to ZLDR Section 3.4.6, Zoning Map Amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

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.

Planning Commission and Staff Recommendation

October 14th Planning Commission Recommendation:

Approval, 9-0.

Staff Recommendation:

The approval criteria have been met; therefore, staff recommends approval.

Speakers and Public Input

October 14th Planning Commission:

Public Input: No public input in support or opposition was received.

Speakers: Two individuals, including the applicant, spoke in support of the application. One individual spoke in opposition to the request.

November 12th Public Hearing:

Public Input: No public input in support or opposition was received.

Speakers: The applicant spoke in support of the application.

Notifications

- **October 14th Planning Commission Meeting:**
 - 415 notification letters were sent to individuals on the Johns Island Interested Parties List, as well as property owners within 300 feet of the subject parcel on September 27, 2024.
 - Additionally, this request was noticed in the Post & Courier on September 27, 2024.
- **November 12th Public Hearing:**
 - 415 notification letters were sent to individuals on the Johns Island Interested Parties List, as well as property owners within 300 feet of the subject parcel on October 25, 2024.
 - Additionally, this request was noticed in the Post & Courier on October 25, 2024.
 - Signs were posted on October 25, 2024.

ZONING CHANGE APPLICATION

CASE ZREZ-09-24-00154 PD N/A



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

PROPERTY INFORMATION

CURRENT DISTRICT AGR REQUESTED DISTRICT AG8
 PARCEL ID(S) TMS # 215-00-00-014
 CITY/AREA OF COUNTY JOHNS ISLAND
 STREET ADDRESS 3555 BOTTICKET RD. ACRES 14.06
 DEED RECORDED: BOOK 1070 PAGE 390 DATE 1/21/2022
 PLAT RECORDED: BOOK S20 PAGE 0053 DATE 3/20/2020 APPROVAL # SBDU-00999

APPLICANT—OWNER—REPRESENTATIVE

APPLICANT	<u>DANIEL BOORSE</u>	HOME PHONE	_____
MAIL ADDRESS	<u>2809 POTTINGER DR.</u>	WORK PHONE	_____
CITY, STATE, ZIP	<u>JOHNS ISLAND, SC 29455</u>	CELL PHONE	<u>843-607-8466</u>
		EMAIL	<u>4SEASONS MGMT LLC</u> <u>@GMAIL.COM</u>
OWNER <small>(IF OTHER THAN APPLICANT)</small>	<u>DANIEL + NOELLE BOORSE</u>	HOME PHONE	_____
MAIL ADDRESS	<u>2809 POTTINGER DR.</u>	WORK PHONE	_____
CITY, STATE, ZIP	<u>JOHNS ISLAND, SC 29455</u>	CELL PHONE	<u>843-607-8466</u>
		EMAIL	<u>4SEASONS MGMT LLC</u> <u>@GMAIL.COM</u>
REPRESENTATIVE <small>(IF OTHER THAN APPLICANT)</small>	_____	HOME PHONE	_____
MAIL ADDRESS	_____	WORK PHONE	_____
CITY, STATE, ZIP	_____	CELL PHONE	_____
		EMAIL	_____

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 Daniel Boorse / Noelle Boorse 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.

* Noelle Boorse 9/3/24
 Signature of Owner(s) Date Signature of Applicant/ Representative (if other than owner) Date
Marche Miller 9/6/2024
 Planner's Signature Date Zoning Inspector's Signature Date

OFFICE USE ONLY

Amount Received \$296.00 Cash ? Check? # _____ Invoice Number # 01203505