PLANNING COMMISSION
April 20, 2022
Regular Meeting at 5:00 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY
www.charleston-sc.gov/pc

This meeting is being recorded and livestreamed on YouTube.
All items heard today are part of a **public meeting format**.

**Written comments** submitted by the deadline have been provided to Commissioners 24 hours in advance of the meeting and will be acknowledged into the record and summarized.

All **zoning, rezoning and ordinance amendment requests** will receive a recommendation from the Planning Commission and will then go to City Council for a second public hearing. Meeting results will be posted on the City’s website at [www.charleston-sc.gov/pc](http://www.charleston-sc.gov/pc).

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**Your City of Charleston Planning Commission Members are:**

Charles Karesh – Chair  
Harry Lesesne – Vice-Chair  
Jimmy Bailey, Jr.  
Loquita Bryant-Jenkins  
Erika V. Harrison  
Donna Jacobs  
Angie Johnson  
McKenna Joyce  
Sunday Lempesis

**Your City of Charleston Assisting Staff are:**

Christopher Morgan,  
Planning Manager  
Lee Batchelder,  
Zoning Administrator  
Philip Overcash,  
Senior Planner  
Ana Harp, Senior  
Zoning Planner  
Chloe Stuber, Senior  
Planner  
Philip Clapper, Clerk
3, 5, 7 and 9 Cunnington Ave (Magnolia Cemetery – Peninsula) TMS # 4641400119 and 139 – approx. 1.16 acres.

Request rezoning from Light Industrial (LI) to Upper Peninsula (UP) and from the 2.5 Story Old City Height District to the 4-12 Story Old City Height District.

Owner: City of Charleston
Applicant: Same as owner
3, 5, 7 & 9 Cunnington Ave
(Job Center)
REZONING 1: 3, 5, 7 & 9 Cunnington Ave

JOB CENTER

The Job Center areas primarily contain light manufacturing, warehousing, office, and some commercial uses that cannot conform to traditional urban block patterns. These areas serve as incubators for small and entrepreneurial businesses. Residential are very limited in order to help reserve these areas for business expansion and job generation. Examples include: areas along Clements Ferry Road, around the Dupont-Wappoo area, the Fort Johnson research area, and around the Charleston Executive Airport on Johns Island.
The study area is roughly bounded by Hager Street to the south, 1-20 to the west, Milford Street to the North and Morrison Drive and Laurel Island to the east.

After thorough study, we do not make any design recommendations in this report regarding Laurel Island due to the unique nature of this property.

This is a key recommendation. We propose that the small parcels near Meeting Street and the existing low density housing remain at low and medium density, shown here in pink and yellow. Areas around Morrison Drive, near highway ramps, and on former industrial sites are recommended for high density.
AERIAL

REZONING 1

3, 5, 7 and 9 Cunnington Ave
(PENINSULA)
STREET VIEW: SUBJECT PROPERTY TO THE LEFT
NEIGHBORING COMMERCIAL PROPERTY TO THE WEST
# ZONING COMPARISON TABLE

<table>
<thead>
<tr>
<th>Light Industrial (LI)</th>
<th>Upper Peninsula (UP)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intent</strong></td>
<td>The UP District is intended to accommodate a mixture of dense residential and commercial and uses and taller buildings in the upper portion of the peninsula through the use of incentives designed to promote ecology, mobility, energy efficiency, diverse housing and privately maintained outdoor spaces accessible to the public.</td>
</tr>
<tr>
<td>The LI district is intended to permit most commercial uses and low impact industrial uses which are compatible with surrounding commercial districts. More intensive industrial and manufacturing uses are permitted as conditional uses if the uses satisfy specific performance standards. Storage yards are permitted only as special exceptions subject to the approval of the Board of Zoning Appeals.</td>
<td></td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>26.4 units/acre if 4 stories or less No density cap if 5 stories or higher (points required to earn additional stories)</td>
</tr>
<tr>
<td>19.4 units/acre (multi-family)</td>
<td></td>
</tr>
<tr>
<td>14.5 units/acre (two-family)</td>
<td></td>
</tr>
<tr>
<td>10.9 units/acre (single-family)</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>CLICK HERE FOR MORE INFORMATION ABOUT THE UPPER PENINSULA DISTRICT</td>
</tr>
</tbody>
</table>

CLICK HERE TO VIEW TABLE OF PERMITTED USES FOR ALL ZONING DISTRICTS.
Rezoning 1: 3, 5, 7 & 9 Cunnington Ave

STAFF RECOMMENDATION

APPROVAL
REZONING 3

77 and 75 Washington St (Ports Area - Peninsula) TMS # 4591302004 and 005 – approx. 0.35 acre.

Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

Owner: Washington Partners LLC
Applicant: JHH Inv. Inc.

MU-2/WH
(as of 4/12/22)
75 & 77 Washington St (City Centers)

LEGEND

- Rural
- Suburban Edge
- Suburban
- Neighborhood
- Neighborhood Edge
- City Centers
- Campus
- Job Center
- Industrial
- Park
- Low Impact/Conserved
- Natural/Wetland
- Future Planning Area
- African American Settlement Area
- Urban Growth Boundary
CITY CENTERs

City Centers consist of the most dense and mixed-use portions of the city. The tallest buildings would occur here along with the most buildings of regional significance. Blocks may be smaller, streets have steady street tree planting, and buildings are set close to wide sidewalks. These areas occur on the highest ground elevations in the city allowing for best opportunities for new or infill development. Densities range from 10 dwelling units per acre and up. Development in City Centers is dependent on the surrounding context. Examples: The Central Business District of Charleston (portions of King, Calhoun, Meeting and East Bay Streets) and Daniel Island Town Center.
<table>
<thead>
<tr>
<th>General Business (GB)</th>
<th>Mixed-Use/Workforce Housing (MU-2/WH)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intent</strong></td>
<td>The MU/WH districts are incentive based and are intended to permit high density residential uses with a mixture of housing opportunities, along with limited neighborhood nonresidential uses and services in urban areas of the city. The MU-1/WH and MU-2/WH districts are only available to property owners who apply for the district designation.</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>No density cap</td>
</tr>
<tr>
<td>26.4 units/acre (multi-family)</td>
<td>17.4 units/acre (single-family)</td>
</tr>
<tr>
<td>21.8 units/acre (two-family)</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Every development in the MU-1/WH or MU-2/WH zoning district that has five (5) or more residential units must include owner occupied workforce housing units and/or rental workforce housing units. Every development in the MU-1/WH or MU-2/WH zoning district that has less than five (5) units must include at least one (1) owner occupied or rental workforce housing unit or nonresidential use(s) that face the street on the ground level in accordance with the provisions of subsection b; or pay a fee-in-lieu; or donate land by discretion of City Council. Parking and loading: one (1) space per two units for workforce and one (1) space per unit for market-rate. Frontage not required for new lots.</td>
</tr>
</tbody>
</table>

**Table of Permitted Uses for All Zoning Districts:**

[CLICK HERE TO VIEW TABLE OF PERMITTED USES FOR ALL ZONING DISTRICTS.](#)
Rezoning 3: 77 & 75 Washington

STAFF RECOMMENDATION

APPROVAL
REZONING 4

8 Charlotte St (Ports Area - Peninsula) TMS # 4591302009 approx. 0.22 acre.

Request rezoning from General Business (GB) to Mixed-Used/Workforce Housing (MU-2/WH).

Owner: Historic Charleston Developments LLC
Applicant: JHH Inv. Inc.

MU-2/WH
(as of 4/12/22)
CITY CENTERS

City Centers consist of the most dense and mixed-use portions of the city. The tallest buildings would occur here along with the most buildings of regional significance. Blocks may be smaller, streets have steady street tree planting, and buildings are set close to wide sidewalks. These areas occur on the highest ground elevations in the city allowing for best opportunities for new or infill development. Densities range from 10 dwelling units per acre and up. Development in City Centers is dependent on the surrounding context. Examples: The Central Business District of Charleston (portions of King, Calhoun, Meeting and East Bay Streets) and Daniel Island Town Center.
| **Intent** | The GB district is intended to provide for a broad range of commercial uses and activities. It is the most intensive commercial zoning district. Prohibited uses include junk and salvage yards, and storage yards (except for vehicles and boats). Mini-warehouse/self-storage uses may be permitted as special exception uses subject to the approval of the Board of Zoning Appeals. Automotive repair shops, communication towers, gas stations, short term lenders, veterinary clinics, and stables may be permitted as conditional uses. | The MU/WH districts are incentive based and are intended to permit high density residential uses with a mixture of housing opportunities, along with limited neighborhood nonresidential uses and services in urban areas of the city. The MU-1/WH and MU-2/WH districts are only available to property owners who apply for the district designation. |
| **Density** | 26.4 units/acre (multi-family)  
21.8 units/acre (two-family)  
17.4 units/acre (single-family) | No density cap |
| **Other** | Every development in the MU-1/WH or MU-2/WH zoning district that has five (5) or more residential units must include owner occupied workforce housing units and/or rental workforce housing units. Every development in the MU-1/WH or MU-2/WH zoning district that has less than five (5) units must include at least one (1) owner occupied or rental workforce housing unit or nonresidential use(s) that face the street on the ground level in accordance with the provisions of subsection b; or pay a fee-in-lieu; or donate land by discretion of City Council. Parking and loading: one (1) space per two units for workforce and one (1) space per unit for market-rate. Frontage not required for new lots. |
Rezoning 4: 8 Charlotte St

STAFF RECOMMENDATION

APPROVAL
REZONING 5

2003 Herbert St (Four Mile/Hibernian Heights - Peninsula) TMS # 4640200046 approx. 0.26 acre.

Request rezoning from General Business (GB) to Business Park (BP).

Owner: 2003 Herbert LLC
Applicant: AJ Architects
2003 Herbert St
(Industrial)
INDUSTRIAL

The Industrial areas primarily include more intensive manufacturing, warehousing and distribution uses involving heavy truck traffic and potential emissions not found with lighter manufacturing operations. Residential uses are not typically allowed in an effort to preserve these areas for job generation and reduce conflicts from industrial traffic, emissions, and noise. Examples include: the eastern side of the Charleston Neck area and the Columbus Street Terminal.
## ZONING COMPARISON TABLE

<table>
<thead>
<tr>
<th></th>
<th>General Business (GB)</th>
<th>Business Park (BP)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intent</strong></td>
<td>The GB district is intended to provide for a broad range of commercial uses and activities. It is the most intensive commercial zoning district. Prohibited uses include junk and salvage yards, and storage yards (except for vehicles and boats). Mini-warehouse/self-storage uses may be permitted as special exception uses subject to the approval of the Board of Zoning Appeals. Automotive repair shops, communication towers, gas stations, short term lenders, veterinary clinics, and stables may be permitted as conditional uses.</td>
<td>The BP district is intended to accommodate service type commercial, wholesale, storage, and light manufacturing uses with relatively limited external effects in a high quality environment. Uses which fit into this category are characterized by being low traffic generators, having no external environmental effects across property lines, and having all outdoor storage screened from adjoining rights-of-ways and properties by a minimum six-foot tall solid fence or wall and landscape buffer, if required. Automotive repair shops and veterinary clinics are permitted only as special exceptions subject to the approval of the Board of Zoning Appeals.</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>26.4 units/acre (multi-family)</td>
<td>No residential uses.</td>
</tr>
<tr>
<td></td>
<td>21.8 units/acre (two-family)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>17.4 units/acre (single-family)</td>
<td></td>
</tr>
</tbody>
</table>

[CLICK HERE TO VIEW TABLE OF PERMITTED USES FOR ALL ZONING DISTRICTS.](#)
Rezoning 5: 2003 Herbert St

STAFF RECOMMENDATION

APPROVAL
REZONING 6

property on Clements Ferry Rd (Jack Primus - Cainhoy Peninsula) a portion of TMS # 2680000133 approx. 105.11 acre.

Request rezoning from Light Industrial (LI) to Single-Family Residential (SR-2).

Owner: McAlister Togant Clements LLC et al
Applicant: Synchronicity LLC
property on Clements Ferry Rd (Suburban & Natural/Wetland)
REZONING 6: property on Clements Ferry Rd

The subject property is primarily designated as Suburban, with portions identified as Natural/Wetland.

SUBURBAN

Low intensity, suburban-style areas, adjacent to higher-intensity areas that include a mix of uses. Limited mixed-use occurs at key cross roads. Densities range from four to eight dwelling units per acre (4 du/a to 8 du/a). Examples include: Wagener Terrace, Riverland Terrace, Avondale, and St. Johns Woods neighborhoods.

NATURAL/WETLAND

Marsh, wetlands, small water bodies or other lands that cannot be developed due to their geography or topography.
AERIAL
REZONING 6
property on Clements Ferry Rd
(CAINHOY PENINSULA)
SUBJECT PROPERTY

Proposed concept plan for Mikasa Apartments
# ZONING COMPARISON TABLE

<table>
<thead>
<tr>
<th>Light Industrial (LI)</th>
<th>SINGLE-FAMILY RESIDENTIAL (SR-2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intent</strong></td>
<td></td>
</tr>
<tr>
<td>The LI district is intended to permit most commercial uses and low impact industrial</td>
<td>The Single-family Residential (SR) districts allow for one-family detached dwellings.</td>
</tr>
<tr>
<td>uses which are compatible with surrounding commercial districts. More intensive</td>
<td></td>
</tr>
<tr>
<td>industrial and manufacturing uses are permitted as conditional uses if the uses</td>
<td></td>
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<tr>
<td>satisfy specific performance standards. Storage yards are permitted only as special</td>
<td></td>
</tr>
<tr>
<td>exceptions subject to the approval of the Board of Zoning Appeals.</td>
<td></td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td></td>
</tr>
<tr>
<td>19.4 units/acre (multi-family)</td>
<td>7.3 units/acre</td>
</tr>
<tr>
<td>14.5 units/acre (two-family)</td>
<td></td>
</tr>
<tr>
<td>10.9 units/acre (single-family)</td>
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</tbody>
</table>

CLICK HERE TO VIEW TABLE OF PERMITTED USES FOR ALL ZONING DISTRICTS.
Rezoning 6: property on Clements Ferry Rd

STAFF RECOMMENDATION

APPROVAL
SUBDIVISION 1

River Rd & Plowground Rd (Wooddale – Johns Island) TMS # 3160000034, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045 and 057 – approx. 469.1 acres.

Request approval of subdivision concept plan for 430 single-family residential lots. Zoned Wooddale Planned Unit Development (PUD).

Owner: Lennar Carolinas, LLC
Applicant: Thomas & Hutton
AERIAL

SUBDIVISION 1

Wooddale
(JOHNS ISLAND)
Thomas & Hutton compiled the map information from the following sources:

- Data Source
- Date

DISCLAIMER
Where Thomas & Hutton is cited as the data source, the firm has created or verified the data. For all other sources cited, Thomas & Hutton used the data "as is," has made no independent investigation of the data, and makes no representation as to the accuracy or completeness of the data. Please see each source for available documentation of its respective datasets.

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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Wooddale
City of Charleston, SC
Aerial Site Plan
Wooddale: PUD Land Use Exhibit

City of Charleston, SC

PUD Land Use Exhibit
For the Wooddale PUD Section 6, "There is no minimum parking required for residential uses." The developer plans to provide two car garages for each unit and to study areas where on-street parking can be added through the TRC Road Plan submittal process.
Subdivision 1: Wooddale

Date of first submission: 7/6/20
Dates of TRC review: 7/30/20, 1/7/21, 5/6/21, 3/10/22, 4/7/22

CLICK HERE TO VIEW FULL CONCEPT PLAN

CLICK HERE FOR MOST RECENT TRC REVIEW COMMENTS

CLICK HERE TO VIEW APPROVED WOODDALE PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES
The Planning Commission has 60 days to act from the date of the receipt of the concept plan and all required documentation, or shall be deemed approved if no action is taken within the 60-day time period. Approval of a concept plan by Planning Commission, including a default approval, does not guarantee final subdivision plan approval; it merely permits the applicant to proceed to the next step in the review process.

Final approval by the Technical Review Committee is required prior to applying for construction permits is contingent upon:

1. **Approval of the preliminary plat** which requires full compliance with regulations regarding lot size, Stormwater easements, GIS addressing and protected trees, where applicable.

2. **Approval of road construction plans** which requires full compliance with regulations related to the Americans with Disabilities Act (ADA), street trees, stormwater engineering, fire safety, and traffic flow.
Subdivision 1: Wooddale

STAFF RECOMMENDATION

APPROVAL AS SUBMITTED FOR CONCEPT PLAN
TECHNICAL REVIEW COMMITTEE (TRC)

APPEAL 1

Cane Slash Rd (Cane Slash Subdivision – Johns Island) TMS # 3450000007 & 023 – approx. 30.2 acres.

Request an appeal of the Staff’s determination to deny a Conservation Development Pre-Application per Zoning Code Sec. 54-299.61. Property zoned Single-Family Residential (SR-1).

Owner: Chrysalis Investments, LLC.
Applicant: Forsberg Engineering & Surveying, Inc
AERIAL

TECHNICAL REVIEW COMMITTEE (TRC) APPEAL 1

CANE SLASH RD
(JOHNS ISLAND)
Technical Review Committee (TRC) Appeal

Part 19 – Conservation Development

Sec. 54-299.61 – Conservation Development approval and design criteria.

(1) Pre-Application Site Review

(a) Purpose. The purpose of the pre-application site review is to identify the features and resources on the proposed Conservation Site that should be preserved, and to determine potential site layouts that will best meet the criteria of a Conservation Development.

[...]

(e) Determination. Designated staff from the Planning Department and the Stormwater Department shall determine whether the Request complies, in concept only, with the standards for Conservation Development before the applicant may submit a concept plan to TRC.

Sec. 54-299.63. - Appeal.

Any determination by staff and/or TRC under this Part 19 may be appealed to the Planning Commission by any party in interest if an appeal is filed with the Zoning Division within ten (10) business days after actual notice of the decision. The Planning Commission must act on the appeal within sixty (60) days, and the action of the Planning Commission is final.

CLICK HERE TO READ THE FULL CONSERVATION DEVELOPMENT ORDINANCE
Conservation Development Ordinance Intent

Part 19 – Conservation Development

Sec. 54-299.59 – Purpose.

(1) Intent. City Council intends for Conservation Developments to facilitate innovative residential developments that:

(a) Utilize creative and flexible site design compatible with surrounding development patterns;
(b) Accommodate and preserve features of historical, cultural, archeological, and/or environmental significance;
(c) Conserve existing, intact, undisturbed forests, understory, grasslands, soils, and other upland ecosystems.
(d) Provide common open space of high quality with multiple access points;
(e) Decrease stormwater runoff and nonpoint source pollution by reducing the amount of impervious surface in the development and incorporating Green Infrastructure;
(f) Reduce infrastructure costs by mimicking predevelopment site hydrology into the stormwater management design for the development; and
(g) Maintain unobstructed scenic views or vistas, especially from street rights-of-way.

(2) Definition. A Conservation Development is a development utilizing innovative site planning techniques to concentrate buildings, structures, and impervious surfaces in specific areas within the development and to allow the remaining land to be used for common open space. Such techniques may include, but shall not be limited to, any or all of the following:

(a) Reduction or, when appropriate, elimination of (i) minimum lot areas per family; (ii) minimum setbacks; and/or (iii) minimum lot frontage; and/or
(b) Increase or, when appropriate, elimination of maximum lot occupancy;
but only to the extent such techniques facilitate the preservation and use of the remainder of the development as common open space.

(3) Conservation Site. "Conservation Site" or "Site" means all properties, lots, parcels, waterbodies, watercourses, wetlands, and other areas included within a Conservation Development, whether or not such properties, lots, parcels, waterbodies, watercourses, wetlands, or other areas will be developed.

CLICK HERE TO READ THE FULL CONSERVATION DEVELOPMENT ORDINANCE
March 1, 2022

Mr. Trey Linton
Forsberg Engineering & Surveying, Inc.
1523 Savannah Highway
Charleston, S.C. 29407

Re: Cane Slash Conservation Development

Dear Trey,

City staff has reviewed the revised Diagram exhibits submitted and has made the determination that the project, as presented, cannot be approved to move forward as a Conservation Development. The justifications are as follows;

1. The proposed freshwater wetland crossing does not comport with the intent to conserve existing freshwater wetland systems intact and overland water flows. Reference Section 54-299.59 Purpose. (1) -

   (c) Conserve existing, intact, undisturbed forests, understory, grasslands, soils, and other upland ecosystems.

   (f) Reduce infrastructure costs by mimicking predevelopment site hydrology into the stormwater management design for the development; and

2. The existing topographic features, i.e., the open conveyance ditch, remnant agriculture swale and borrow pits are not being conserved.

   (b) Accommodate and preserve features of historical, cultural, archeological, and/or environmental significance; and

3. The existing conservation tree population is not incorporated into conserved open space.

   (d) Provide common open space of high quality with multiple access points.

Sincerely,
Eric Schultz
Principal Planner

Cc. Lee Batchelder, Zoning Administrator
    Christopher Morgan, Planning Director
    Ana Harp, Senior Planner
    Chloe Stuber, Planner
    Matthew Fountain, Director Stormwater Management
    Kinsey Holton, Stormwater Program Manager
    Ron Bucci, Stormwater Development Manager
Order of Events to Date

1. September 13, 2021: received Conservation Development application, deemed incomplete
2. November 1, 2021: received revised CD application, deemed complete.
3. November 9, 2021: Pre-application meeting SITE ANALYSIS, comments provided.
4. November 29, 2021: received DIAGRAM exhibits
5. December 13, 2021: Diagram Meeting, staff indicated the DIAGRAM was not ready to receive an affirmative determination; listed reasons in e-mail
6. January 7, 2022: Staff conducts a field visit with consultant to better understand the physical attributes of the site.
7. February 8, 2022: receive revised DIAGRAM.
8. March 1, 2022: Diagram Meeting, staff delivers a negative determination; provided reasons the project cannot move forward as a CD (verbally).
9. March 2, 2022: Determination Letter sent via e-mail to applicant.
10. March 16, 2022: Applicant initiates the appeal process.
STUDY SUBMITTED BY RANDALL ARENDT
AS PART OF THE DISCUSSION ON 3/1/2022
APPLICANT-PROVIDED CONTENT
UPLAND BASIN 1
3.41 ACRES

ROUTED THROUGH STORMWATER DETENTION

0.68 ACRES

UPLAND BASIN 2
1.52 ACRES

ROUTED THROUGH STORMWATER DETENTION

0.25 ACRES

UPLAND BASIN 3
4.43 ACRES

ROUTED THROUGH STORMWATER DETENTION

0.46 ACRES

ULTIMATE DISCHARGE WILL BE TO THE EXISTING WETLAND SYSTEM/CHANNELS

CANESLASH SUBDIVISION
CONCEPTUAL DESIGN
STORMWATER BUBBLE DIAGRAM
Narrative for Cane Slash conservation Development

The applicants take issue with the March 1, 2022 findings, in points (c) regarding conserving existing, intact, undisturbed forests, understory, grasslands, soils, and other upland ecosystems and point (f) reduce infrastructure costs by mimicking predevelopment site hydrology into the stormwater design for development.

We hired the author of the ‘Conservation Design for Subdivisions’, Mr. Randall Arendt. He is the acknowledged leader in the subject having designed many conservation subdivisions and has helped municipalities develop their own conservation ordinances. We were led to him by Eric Schulz’s recommendation that we read his book. Mr. Arendt familiarized himself with the project, its history, and all available studies. His work resulted in a site plan that is spot-on. His goal, and what we believed was the goal of Charleston’s ordinance, was the preservation of trees, assuring maximum front and back views unobstructed by other homes, maximum lot size, creative lot placement and useable open space etc. We feel he did this and more than fulfilled the Cities requirements. We also don’t feel that the city staff fully appreciated Mr. Arendt’s elegant site plan.

Our proposal fulfilled all of the following:
(a) Utilize creative and flexible site design compatible with surrounding development patterns.
(b) Accommodate and preserve features of historical, cultural, archeological, and/or environmental significance. Note a cultural study concluded ‘Further management of the Burns Cane Slash Tract with regard to cultural resources is not warranted. Proposed land-disturbing activities in the Burns Cane Slash Tract will not affect any historic properties and should be allowed to proceed without further management considerations.’ Brockington Cultural Resources Consulting, Jan 2009 ‘Intensive Cultural resource Survey of the Burns Cane slash Tract’
(d) Provide common open space of high quality with multiple access points. Decrease stormwater runoff and nonpoint source pollution by reducing the amount of impervious surface in the development and incorporating GI.

Our plan provides common open space with multiple access points: plans show all the upland “islands” to be fully preserved with boardwalk/walking path connections at multiple access points to provide pedestrian access.
(g) Maintain unobstructed scenic views or vistas, especially from street rite-
of-way.
Please refer to the site map developed by Randall Arendt. He went beyond the
criteria in accomplishing all of the above. It was thought by our team that this
was an ‘innovative residential development’ that would be a credit to the City
as the first project approved under the new Conservation Ordinance.

Regarding the CORP Nationwide Permit to cross the wetlands it has been
approved not once but twice. The first approval was issued in October of 2018
Along with the attendant DHEC and OCRM approvals. The second approval
from the CORP was in Oct of 2021 followed by DHEC and the OCRM.
The CORP’s conclusion is ‘the proposed activity will result in minimal
individual and cumulative adverse environmental effects and is not contrary
to the public interest. Furthermore, the activity meets the terms and
conditions of NWP 14 Linear Transportation Projects.”

Also worth noting, the project went through two TRC sessions back in 2007
and 2008, before the recession. We applied for a PUD with multi-family on the
front portion and single family on the rear portion. Total units were 96. At the
time there were 20 high acres.
Then again in 2016 -18 we applied to the TRC for cluster zoning. We again
went through two TRC sessions that were greeted by the City with no
objections to crossing the wetlands or the initial site plans as presented.
Lack of sewer taps was the reason for withdrawing the application.

What we are asking for
We ask the Planning Commission to give this project a fuller and more open
review that results in:
- a listing of “findings of fact” to back up its unsubstantiated argument
  that there is an overflow of water through the wetlands that our street
  fill, with culverts, would supposedly impede. Can they precisely
  explaining how and why the crossing is deficient – i.e., what specific
  changes would need to be made to the crossing to make it consistent
  with published regulations.
- Additionally, there is no data support given for the restriction of
  wetland species across the wetlands. The crossing only serves 20 homes
  in the south portion, a number that speaks to very low road usage.
The Pre-application meeting that decided the fate of the project was made behind closed doors in an internal staff meeting where there was no opportunity for us to be asked questions and provide answers and we assume no minutes were taken.

The recent March 1 zoom meeting with us and staff was primarily to communicate their denial. There were no minutes taken and **NO facts** given as to the reasons for denial beyond the not meeting the subjective term ‘intent’.

There is no date to support much overland surface water flow across the proposed crossing route, and there is an absence of any data suggesting wetland species such as salamanders would be endangered by the very small amount of internal neighborhood traffic using the crossing (the crossing would service only 20 homes).

If wetland crossings are not permitted or limited in the Conservation Ordinance what are the reasonable options for a property like ours? All surrounding developments were granted PUD’s or cluster zoning long after we acquired the parcels and attempted to secure zoning. They were given the required utilities ahead of us.

We are asking for this because of the following reasons:

1. The terms of the denial unreasonably restricts utilization of the property.
2. The property interest was acquired in good faith 17 years ago and any hardship was not created by the applicant.
3. The granting of a rezoning does not result in a use that has not otherwise been permitted on similar property all along Cane Slash.
4. The authorization of a zoning change will not be detrimental to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the zoning change. To the left, the parcels are separated from Twin Lakes by a wide forest buffer and to the right there are only a handful of homes.
5. Strict application of ordinance would destroy the value of the property.
6. Similar rezonings and wetland crossings were repeatedly granted over time in the area.
7. Adjacent property is used in the same manner as proposed by the rezoning.
Question: Back in 2007 and 2008 we were doing our planning following the *Johns Island Community Plan and Code*. In the intervening years the demand for more housing, especially workforce housing (15,000 units by the Cities estimate) and the growth in the greater Charleston area raises the question of revisiting zoning options, especially considering the limitations of the current Conservation Ordinance with regard to wetland crossings. For example, in 2007 our parcels were designated T-3 (sub-urban zone, low density adjacent to higher zones, some mixed use) and T-4 (general urban zone, mixed use, wide range of building types – townhomes, apartments etc). This is what permitted multi-family on the front portion and single family on the rear portion. At the time it was suggested that zoning designations should be revisited every ten years to accommodate increased demand by rezoning as growth moves from the inner urban areas outward to less dense areas. The Cane Slash parcels are within a 5-minute walk to Maybank and River, making it an ideal location for workforce housing close to transportation and increasing employment opportunities. In other words what was looked at as perfectly acceptable in 2008 could fulfill the housing goals of the City of Charleston today.

What follows is a short history of the property as it is somewhat unconventional given the growth of the surrounding area that for some reason precluded us from getting required utilities in a timelier manner like all other developments in the Cane slash area.

**A Short history of Cane Slash Property**

*We are including this because there were many factors and players over the years that resulted in our situation today.*

2006 thru 2008 – employed *HLA* to help entitle land and develop site plan for 96 units Multi-family on front portion, single family on rear per John Island Community Plan and Code. 

Applied to TRC for PUD. Commissioned Surveys, Wetland JD, Traffic Study, Cultural Resource Survey and Phase I Environmental. Did not pursue final approvals due to recession.

2009 thru 2013 – no activity due to recession

2014 – LOI from *DR Horton*. Did not follow through due to need for updated Wetland survey.

2016 – Went to contract with *Lennar* to purchase. Lennar doesn’t follow thru due to lack of sewer from Charleston Water. *HLA* was advisor to Lennar.

2016 – Went to contract with *Crescent Homes*. Their Twin Lakes development was contiguous, and Ted Terry claimed they controlled 50+ taps for sewer. Applied to TRC for Cluster zoning and went through the second TRC session. I initiated the procuring of a ACOE Wetland Crossing permit. Crescent halted process due to the lack of sewer tap availability and the contract was
cancelled in 2018. Before we applied to the TRC I renewed all entitlements including TOPO, Grand Tree, Traffic etc. **Stantec** was the engineering firm that did the wetland crossing, site plan work and all TRC submittals.

2018 thru ’19 – in frequent contact with CWS regarding the availability of sewer.

2020 - January, Stantec estimated and CWS agreed that 57 taps were available based on the Twin Lakes pump station availability. No answer from CWS thru September 2020.

2020 – September, received a LOI from Brent Case who meets with CWS and receives a 47 tap availability letter on behalf of the property.

2020 - Oct 13 signed contract with Brent Case. Plan was to apply for Cluster zoning. This was the same day the Cluster Zoning was sunset.

2021 April 13 – Conservation Ordinance passed.

2021 May 27 – applied to TRC for an Early Site Plan permit. Still in progress.

2021 – Prepared material for Conservation Pre-Application, submitting it on Nov 1.

2021 - March 1, Planning denies request for Conservation zoning to proceed to the TRC.
END OF APPLICANT-PROVIDED CONTENT
STAFF RECOMMENDATION

NO TO APPEAL
Ordinance Amendment 1

To amend Article 2 (Land Use Regulations), Part 1 (Descriptions of Base Zoning Districts and Overlay Zones), Section 54-202 (Overlay zones) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to establish a Student Housing (STH) District Overlay Zone for the purpose of identifying sites appropriate for the establishment or expansion of student housing uses and to change the Zone Map, which is a part thereof, so that properties designated as Charleston County TMS Nos. 4570401001, 4570401008, 4570401027 to 030, 4570401032 to 034, 4570401056 to 4570401063, 4570401075, 4570401137, 4570401141, 4570401142, 4570402001, 4570402004 to 012, 4570402014 to 033, 4570402035 to 041, 4570402043, 4570402045, 4570402046, 4570402059 to 064, 4570402066, 4570402067, 4570402069, 4570402070, 4570402071, 4570402074, 4570402075, 4570402078, 4570402080 to 083, 4570402085 to 134, 4570402136 to 172, 4570402175 to 182, 4570402184 to 191, 4570402193, 4570402194, 4570404051, 4570404052, 4570404054, 4570404055, 4570404058, 4570404067, 4570404075, 4570404078, 4570404079, 4570404092 to 105, 4570404107 to 111, 4570404132 to 135, 4570404150 to 154, 4570404157 to 160, 4570404163, 4570404167 to 192, 4570404271 to 277, 4570404295 to 301, 4570404307 to 320, 4570404322, 4570801046, 4570801048 to 054, 4570801067, 4570801069, 4570801095 to 117, 4570801141 to 156, 4601601077, 4601602019 to 022, 4601602024 to 034, 4601602038 to 042, 4601602044 to 046, 4601602067, 4601602073 to 079, 4601603001, 4601603002, 4601603004 to 009, 4601603017, 4601603080, 4601603081, 4601603088, 4601603089, 4601603127, 4601603143 to 203, 4601603219, 4601604001, 4601604002 to 004 and 4601604008 be included within the Student Housing (STH) District Overlay Zone.
AN ORDINANCE


BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 54-202. of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-202.o:
o. **Student Housing, STH Overlay Zone.** The Student Housing Overlay Zone is intended to provide for appropriate sites for the establishment or expansion of student housing uses within commercial or mixed-use zoning districts.

Section 2. Article 2 Land Use Regulations, Part 5 Permitted Uses for Overlay Zones, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-229.10:

**Sec. 54-229.10. – Student Housing, STH Overlay Zone.**

a. **Intent.** The intent of the Student Housing (STH) Overlay Zone is to provide for appropriate sites for the establishment or expansion of student housing uses within commercial and mixed-use zoning districts, as set forth on the official zoning map.

b. **Student Housing defined:** For the purposes of this Section, student housing shall be purpose-built student accommodations where housing is specifically built for students by private commercial developers or academic institutions. Such housing takes one of three forms: 1. Self-contained studio or “cluster” flats with private kitchens but shared living space. 2. Halls of residence containing ensuite bedrooms with shared kitchen, dining and living facilities. 3. Traditional dormitory format without kitchens.

c. **Permitted uses.** In any Student Housing (STH) Overlay Zone district, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district as listed in Article 2, Part 3, and student housing subject to the approval of a special exception by the Board of Zoning Appeals—Zoning, upon a finding by the Board that the student housing development will meet following conditions:

1. The property to be used for student housing is located entirely within the STH overlay zone.
2. The property to be used for student housing is not located within a City designated residential parking district.
3. Student housing design characteristics are consistent with the Student Housing definition as defined in this Section.
4. Development includes no rooftop amenity areas or access, other than for emergency access.
5. The number of beds per bedroom shall be limited to two (2) beds.
6. Parking is provided at a rate of one (1) space for each four (4) beds or fraction thereof.
7. Area shall be provided on-site for the loading and unloading of passengers and belongings such that no queuing off-site or within drive lanes shall be required.
8. Leases or rental agreements for the tenants shall include provisions that prohibit a resident from having a personal automobile unless an assigned parking space is identified and provided/assigned on-site for the tenant for the duration of the lease or rental agreement.

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of __________ in the Year of Our Lord, 2022, and in the 246th Year of the Independence of the United States of America

__________________________________________
John J. Tecklenburg, Mayor

ATTEST:  
__________________________________________
Clerk of Council
PROPOSED STUDENT HOUSING OVERLAY

ORIGINAL BOUNDARY
PROPOSED STUDENT HOUSING OVERLAY

ALTERNATE BOUNDARY
PROPOSED STUDENT HOUSING OVERLAY

BASE ZONING DISTRICTS
Ordinance Amendment 1

STAFF RECOMMENDATION

DISCUSSION ONLY – DEFER ACTION
Ordinance Amendment 2

To amend Article 2 (Land Use Regulations), Part 1 (Descriptions of Base Zoning Districts and Overlay Zones), sub-section 54-201.d. (Base zoning districts - Single-Family Residential) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to correct a scrivener’s error.
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING ARTICLE 2 (LAND USE REGULATIONS, PART 1 (BASE ZONING DISTRICTS) TO CORRECT A SCRIVENER’S ERROR BY INSERTING MISSING INFORMATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Section 54-201, d. of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by revising it to add the density for Single Family Residential zonings SR-7 and SR-8 by making the following changes:

“d. Single-family Residential, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, SR-7 and SR-8 Districts. The Single-family Residential (SR) districts allow for one-family detached dwellings with maximum densities of 4.8, 7.3, 7.3, 10.9, 17.4, and 8.7, 1 and 2.9 dwelling units per acre respectively, with varying setback, height and lot occupancy requirements.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ___________ in the Year of Our Lord, 2022
and in the _____ Year of the Independence of the United States of America

____________________________________
John J. Tecklenburg, Mayor

ATTEST: ______________________________________
Clerk of Council
Ordinance Amendment 2

STAFF RECOMMENDATION

APPROVAL
Ordinance Amendment 3

To amend Article 2 (Land Use Regulations), Part 3 (Table of Permitted Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to correct a scrivener’s error.
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING ARTICLE 2 (LAND USE REGULATIONS), PART 3 (TABLE OF PERMITTED USES) TO CORRECT A SCRIVENER’S ERROR BY DELETING MULTI-FAMILY DWELLING AS A SPECIAL EXCEPTION USE FOR RESIDENTIAL OFFICE – RO DISTRICT.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting “†” within the principle use row titled “881. Multi-family dwelling 54-358. 54-206.u.”

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of

______________ in the Year of Our Lord, 2022

and in the_____ Year of the Independence of

the United States of America

_________________________________________

John J. Tecklenburg, Mayor
Ordinance Amendment 3

STAFF RECOMMENDATION

APPROVAL
ZONING 1

1890 and 1886 Ashley River Rd, 1407 Adele St (Ancrum Hill – West Ashley) TMS # 3510700027, 028 and 048 – approx. 0.35 acre.

Request zoning of Commercial Transitional (CT). Zoned Ashley River Road Corridor Community Commercial Overlay District (OD_ARRC_CC), Neighborhood Commercial, General Office, and Single-Family Residential (R-4) in Charleston County.

Owner: Charleston Redevelopment Corporation.

Area

Ashley River Road Corridor Community Commercial Overlay District
1890 & 1886 Ashley River Rd, 1407 Adele St (Suburban)

LEGEND

- Rural
- Suburban Edge
- Suburban
- Neighborhood
- Neighborhood Edge
- City Centers
- Campus
- Job Center
- Industrial
- Park
- Low Impact/Conserved
- Natural/Wetland
- Future Planning Area
- African American Settlement Area
- Urban Growth Boundary
City Plan Future Land Use Recommendation

ZONING 1: 1890 & 1886 Ashley River Rd, 1407 Adele St

SUBURBAN

Low intensity, suburban-style areas, adjacent to higher-intensity areas that include a mix of uses. Limited mixed-use occurs at key cross roads. Densities range from four to eight dwelling units per acre (4 du/a to 8 du/a). Examples include: Wagener Terrace, Riverland Terrace, Avondale, and St. Johns Woods neighborhoods.
ZONING 1: 1890 & 1886 Ashley River Rd, 1407 Adele St

STAFF RECOMMENDATION

APPROVAL
ZONING 2

2931 Maybank Hwy (Johns Island) TMS # 3130000092 approx. 0.61 acre.

Request zoning of Commercial Transitional (CT). Zoned Maybank Highway Corridor Overlay District (OD_MHC) and Limited Commercial (LC) in Charleston County.

Owner: HCC Holdings, LLC

Area

Maybank Highway Corridor Overlay District
2931 Maybank Hwy
(Neighborhood Edge)
NEIGHBORHOOD EDGE

The Neighborhood Edge designation is found on the periphery of existing neighborhoods and future neighborhoods. Uses vary widely but are mainly those things that residents need such as offices, stores and restaurants that are typically found along roads and transit routes forming the edges of neighborhoods rather than the centers. While traditionally threaded along major roads, over time, these areas could transition to more urban compact design patterns and contain more residential uses; especially along major transit routes. Residential densities can range from 6-20 units per acre. Examples include: many portions of Folly Road and some portions of Savannah Highway, Sam Rittenberg Boulevard and Bees Ferry Road.
ZONING 2: 2931 Maybank Hwy

STAFF RECOMMENDATION

APPROVAL
ZONING 3

2153 Westrivers Rd (Riverland Terrace – James Island) TMS # 3430600209 approx. 0.24 acre.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Nicholas and Martha Kliossis
2153 Westrivers Rd
(Suburban)
City Plan Future Land Use Recommendation

ZONING 3: 2153 Westrivers Rd

SUBURBAN

Low intensity, suburban-style areas, adjacent to higher-intensity areas that include a mix of uses. Limited mixed-use occurs at key cross roads. Densities range from four to eight dwelling units per acre (4 du/a to 8 du/a). Examples include: Wagener Terrace, Riverland Terrace, Avondale, and St. Johns Woods neighborhoods.
ZONING 3: 2153 Westrivers Rd

STAFF RECOMMENDATION

APPROVAL
2158 and 2154 Westrivers Rd (Riverland Terrace – James Island) TMS # 3430100115 and 136 approx. 0.48 acre.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Ryan and Lauren Fogelgren
ZONING 4: 2158 & 2154 Westrivers Rd

SUBURBAN

Low intensity, suburban-style areas, adjacent to higher-intensity areas that include a mix of uses. Limited mixed-use occurs at key cross roads. Densities range from four to eight dwelling units per acre (4 du/a to 8 du/a). Examples include: Wagener Terrace, Riverland Terrace, Avondale, and St. Johns Woods neighborhoods.
ZONING 4: 2158 & 2154 Westrivers Rd

STAFF RECOMMENDATION

APPROVAL
END OF SLIDES