A meeting of the City of Charleston Planning Commission will be held at 5:00 p.m., on Wednesday, April 17, 2019 in the Public Meeting Room, 1st Floor, 2 George St. The following applications will be considered:

**SUBDIVISIONS**

1. **Main St (Ashleyville Subdivision – West Ashley)** – TMS# 4181100034 – 0.676 ac. Request concept plan approval for subdivision into 6 lots. Zoned SR-4.
   - **Owner:** Bubsy, LLC
   - **Applicant:** Forsberg Engineering and Surveying, Inc.

2. **144 & 146 Cannon St (144.146 Cannon – Peninsula)** – TMS# 4601104150 & 151 – 0.29 ac. Request concept plan approval for subdivision into 10 lots. Zoned MU-1/WH.
   - **Owner:** GMS Cannon LLC
   - **Applicant:** Cline Engineering, Inc.

**ZONING**

1. **2037 Lake Shore Dr (James Island)** TMS# 3430300156 – 0.21 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
   - **Owner:** East Bay Air LLC

**ORDINANCE AMENDMENTS**

1. **River Rd & Maybank Hwy (The Village at Fenwick PUD – Johns Island)** TMS# 3460000004, 076 & portions of 3460000258 & 259 – approx. 44.891 ac. Request an amendment to the Planned Unit Development Master Plan and Development Guidelines for this property.
   - **Owner:** 1776 LLC
   - **Applicant:** Hellman Yates & Tisdale PA

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending various sections and adding others related to the implementation of the federal Opportunity Zone Program.

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc. In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
CITY OF CHARLESTON
PLANNING COMMISSION

April 17, 2018

Subdivision 1:

Ashleyville Subdivision
(Main Street, Tripe St, Burger St – West Ashley)

BACKGROUND

The applicant is requesting subdivision concept plan approval for 0.676 acres on Main Street. This project consists of the creation of six new parcels for single-family detached homes. The lots as shown do not comply with the average frontage requirement per the City of Charleston Zoning Ordinance. Applicant is seeking a variance from the Board of Zoning Appeals – Zoning on the meeting scheduled for April 16, 2019 to reduce the frontage requirement to what is shown on the plat.

The property is zoned Diverse Residential (SR-4). The surrounding existing uses are residential.

STAFF RECOMMENDATION

TO BE PROVIDED AT MEETING
Subdivision 1
Main St
(Ashleyville Subdivision – West Ashley)
TMS# 4181100034
0.676 ac.

Request concept plan approval for subdivision into 6 lots.
Zoned SR-4.

Owner: Bussy, LLC
Applicant: Forsberg Engineering and Surveying, Inc.

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov  2 George St, Charleston, SC 29401  843.724.3765
CITY OF CHARLESTON
PLANNING COMMISSION

April 17, 2019

Subdivision 2:

Cannon Square
(144-146 Cannon St)

BACKGROUND

The applicant is requesting subdivision concept plan approval for. This project consists of the creation of ten new parcels for single-family attached homes and commercial uses on the front. The City’s Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned MU-1/WH. The surrounding existing uses include residential and commercial uses.

STAFF RECOMMENDATION
Subdivision 2
144 & 146 Cannon St
(144.146 Cannon – Peninsula)
TMS# 4601104150 & 151
0.29 ac.

Request concept plan approval for subdivision into 10 lots.
Zoned MU-1/WH.

Owner: GMS Cannon LLC
Applicant: Cline Engineering, Inc.
BACKGROUND

The subject property is pending annexation and the property owner is requesting a zoning of Single-Family Residential (SR-1). The property was zoned Single-Family Residential (R-4) in Charleston County. The property is surrounded by SR-1 zoning in the City and R-4 zoning in the County. Surrounding uses include single-family homes and vacant residential lots.

The subject property is occupied by a single-family home.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends keeping the character of established areas in the City when considering the rezoning of property. The Century V Plan map indicates the subject property is in an area designated as Suburban. These areas are predominantly residential and typically have suburban densities. Given the existing zoning, the surrounding zoning and the existing pattern of development immediately surrounding the subject property, the proposed SR-1 zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL
Zoning 1

2037 Lake Shore Dr (James Island)

TMS# 3430300156

0.21 ac.

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

Owner: East Bay Air LLC
BACKGROUND

The applicant is requesting an amendment to the PUD plan and development guidelines to the existing Village at Fenwick PUD. The proposed changes to the document are minor changes but the types of changes require what is considered major amendment approval by Planning Commission and City Council.

The land uses in the existing PUD plan remain essentially the same except that the hours of operation for food stores, and their ancillary uses, will not be restricted in the proposed amendment. Other commercial uses in the VFMC (Village at Fenwick Mixed Use Commercial) area of the PUD plan will be restricted to the hours between 5:00am and 12:00am. The amendment also adjusts the building size limitation by allowing one building to have a footprint up to 55,000 square feet as long as no other building exceeds 15,000 square feet. The existing PUD guidelines restricted maximum commercial building footprints to 30,000 square feet. The proposed PUD land use map indicates which particular area will contain commercial building size restrictions. No changes to residential lots or densities are proposed in this amendment.

As the proposed changes to the PUD are relatively minor, the PUD amendment is appropriate for this area.

STAFF RECOMMENDATION

APPROVAL
Ordinance Amendment 1

River Rd & Maybank Hwy
(The Village at Fenwick PUD – Johns Island)

TMS# 3460000004, 076 & portions of 3460000258 & 259

approx. 44.891 ac.

Request an amendment to the Planned Unit Development Master Plan and Development Guidelines for this property.

Owner: 1776 LLC
Applicant: Hellman Yates & Tisdale PA
FIRST AMENDMENT TO
AMENDED AND RESTATED
PLANNED UNIT DEVELOPMENT GUIDELINES

The Village at Fenwick
Charleston, South Carolina
ID# 150928-RiverRd-1

This First Amendment to Amended and Restated Village at Fenwick PUD Master Plan was approved by the City of Charleston on _____________, Ordinance Number _________________.

April 4, 2019
The following Sections of the Amended and Restated Planned Unit Development Guidelines for the Village at Fenwick shall be modified and amended as stated below:

III. PUD Land Uses and Development Regulations

A. Land Uses

3. Village at Fenwick Mixed Use Commercial (VFMC) designated area(s) will allow moderate intensity mixed use, residential, and commercial. The following uses shall be permitted:

   1. Uses permitted in the GB district, except that commercial hours of operation shall be limited to 7 a.m. to 12 a.m.; provided that Food Stores, Eating Places located within Food Stores, Drug Stores, and their related, ancillary, or similar commercial uses located within such Food Store or Drug Store shall not be subject to the above limited hours of operation.

Note: VFMC areas will be under purview of the Design Review Board (DRB).

B. Development Regulations

All lots must conform to dimensional, density, and zoning requirements as found in the following chart:

<table>
<thead>
<tr>
<th></th>
<th>VFMR</th>
<th>VFMC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Building Frontage along Right of Ways</td>
<td>None</td>
<td>65%–None</td>
</tr>
</tbody>
</table>

2. Development standards for Village at Fenwick Mixed-Use Commercial (VFMC)

   e) Individual commercial building footprints shall be limited to 30,000 square ft. max. footprint area; provided that a single building with a 55,000 square ft. max. footprint shall be allowed provided that: (i) such building is located in the area identified in Appendix M, and (ii) no other building in the VFMC exceeds a 15,000 square ft. max. footprint.

VI. Streets, Sidewalks, and Trails

F. No new driveway or street connection to Maybank Highway shall be permitted from the planned development except for the planned ‘Pitchfork Road’, subject to the approval of unless approved by the City of Charleston Traffic and Transportation Department, Zoning Administrator, and SCDOT, as applicable. No new street or driveway connections from the planned development to River Road shall be permitted except for the planned ‘Pitchfork Road’ connection. The existing vehicular connection from TMS 346-00-00-008 to Maybank Highway may remain. Approval of this PUD shall remove and replace the language found in restrictive covenant #4 pertaining to parcel 346-00-00-076 found in (Bk Y166, Pg 522; Bk V142, Pg 434) with the language found in this paragraph. See Appendix E for Restrictive Covenants. Vehicular connections to the Village at Fenwick shall be provided along the new Pitchfork Road. There shall be no more than one (1) curb cut in each side of the Pitchfork Road per every five hundred (500’) feet of roadway unless
otherwise agreed to, in writing, by the Zoning Administrator for the City of Charleston, who may require the approval of the City Traffic and Transportation Department and the property owners representing the majority of the PUD acreage.

XIV. Appendices
NOTE: All base information and approximate acreage calculations are derived from the City of Charleston recorded plats.
Ordinance Amendment 2:

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending various sections and adding others related to the implementation of the federal Opportunity Zone Program.

BACKGROUND

This ordinance amendment will be presented in detail during the Planning Commission meeting.

STAFF RECOMMENDATION

APPROVAL
TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 54, TO AMEND VARIOUS SECTIONS AND ADD OTHERS RELATED TO THE IMPLEMENTATION OF THE FEDERAL OPPORTUNITY ZONE PROGRAM.

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

Section 1. Chapter 54, Section 299 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

The MU-1/WH and MU-2/WH districts, being incentive based, are only available to property owners who apply for the district designation, except that any property owner may receive the benefits of these districts without applying for the district designation subject to restrictions outlined in Secs. 54-299.1-54-299.7 by demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and the project lies wholly or in part within a federally-designated Opportunity Zone, and the property in question has a zoning of LB, GB, CT, GO, LI, or HI.

Section 2. Chapter 54, Section 299.1 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text as subsection g subsequent to subsection f, which shall read as follows:

g. Opportunity Zone workforce housing unit: In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, a dwelling unit, where occupants have, in the aggregate, household income less than or equal to sixty (60%) percent of the area median income (AMI). Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

Section 3. Chapter 54, Section 299.1, subsection c of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

c. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units, and a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units, and a household income less than or equal to sixty (60%) percent of the area median income (AMI) for Opportunity Zone units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
Section 4. Chapter 54, Section 299.2 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text as subsections j and k subsequent to subsection i, which shall read as follows:

j. In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, the number of rental workforce housing units per development shall be the greater of: (1) one unit; or (2) twenty (20%) percent of the number of residential units in the development, rounded up to the next whole number, whichever is greater. This ratio shall apply to all residential units built up to the maximum number of residential units that would be legal under the base zone district of the property. The workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest workforce housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The workforce housing units shall be integrated and intermixed within the market rate units in a development and not clustered together or segregated from the market rate units. Developments that contain multiple buildings shall incorporate in each building workforce housing units comparable and in proportion, square footage and bedroom wise, to the number of market rate units in the building. Exterior finishes of workforce housing units shall be the same type and quality as the development's market rate units.

While a development taking advantage of the Opportunity Zone provision of Sec. 54-299 would be eligible to provide commercial space legal under the base zone district of the property, such space cannot be substituted for providing residential workforce housing units unless its use is as a food store or produce market.

k. In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, and exceeding the number of dwelling units that would be legal under the base zoning of the property, the number of Opportunity Zone workforce housing units per development shall be the greater of: (1) one unit; or (2) fifty (50%) percent of the number of residential units, rounded down to the next whole number, whichever is greater. This ratio shall apply to all residential units built in excess of the number of residential units that would be legal under the base zone district of the property.

Section 5. Chapter 54, Section 299.2, subsection c of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

c. Fee payment in lieu of units (rental units only): In lieu of providing on site rental workforce housing units, a developer may choose to contribute a fee, on a per unit basis, to the City's Affordable/Workforce Housing Account for any or all of the number of workforce housing units required for the development. The fee, per unit, shall be a sum equal to the number of gross square footage in the development, whether residential, retail, commercial or otherwise, and inclusive of all heated and unheated spaces (but excluding parking garages) multiplied by $5.10, then
divided by the number of required workforce units in the development. Square footage initially used solely as a grocery store or pharmacy may be excluded from gross square footage for purposes of calculating the fee; provided however, if at any time during the period of twenty-five (25) years after the issuance of a certificate of occupancy for the development, the use of the square footage as a grocery store or pharmacy lapses for a period of twelve (12) consecutive months, or is utilized for any other purpose, the then owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the difference between fee per unit that would have been payable had the space not been excluded from the per unit calculation and the fee per unit initially.

Fees shall be calculated at the time of building permit application, and paid in full prior to the issuance of a certificate of occupancy for any part of the project.

Fee payment in lieu of units for projects taking advantage of the Opportunity Zone provisions of Sec. 54-299 shall be equivalent to the cost for the City of Charleston to construct two Workforce Housing units for persons of the same Area Median Income level for each Workforce Housing unit not provided that would be required under the provisions of this code. Such cost will be determined by the City of Charleston Department of Housing and Community Development or its successor.

**Section 6.** Chapter 54, Section 316, of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

At the time any building, structure, or outdoor commercial space (a use not utilizing a structure) is constructed, reused, enlarged, or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats, the required number of off-street automobile parking spaces with adequate provisions for ingress and egress by an automobile of standard size shall be provided for the new or enlarged use(s) pursuant to Table 3.3. Properties within the GP zoning district shall be exempt from all provisions of Part 4: Off-Street Parking Requirements, with the exception of Section 54-317, subsection b. relating to the maximum area of paved parking spaces and aisles. Uses permitted as new construction or renovation and demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a federally-designated Opportunity Zone and on the second finished floor of any property shall be exempt from all provisions of Part 4: Off-Street Parking Requirements, except that this exemption shall not apply to restaurant, bar, residential, or accommodations uses.

**Section 7.** Chapter 54, Section 317 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text as subsection c subsequent to subsection b, which shall read as follows:

- c. Opportunity Zones – Projects permitted as new construction or renovation and demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a
federally-designated Opportunity Zone shall be exempt from these requirements in part, as follows:

1. Only uses in the categories of “Institutional and Community Service,” “Business, Entertainment, and Office,” “Industrial,” or “Recreational” in table 3.3 may be exempted under the terms of this section. Restaurant and Bar uses may not be exempted from this section.

2. For uses requiring four or more parking spaces under table 3.3, 50% of the square footage of the use shall be exempt from the parking requirements of this chapter.

3. For uses requiring three or fewer parking spaces, no off-street parking shall be required, except that no permit shall be granted that allows the exemption of more than fifteen parking spaces by this method.

Section 7. Chapter 54, Section 299.2, subsection c of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

b. Any use not permitted in a district is expressly prohibited, except that any property in a DR or SR zone district that fronts on two or more public rights-of-way and contains or is eligible for two or fewer dwelling units may be renovated in the interior only to have any of the uses allowed in the RO or GO zone districts subject to the restrictions of Sec. 54-204, Sec 54-207e, and Sec. 54-207j as appropriate to the proposed use as long as the property also maintains at least one legal dwelling unit and the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a federally-designated Opportunity Zone.

Section 8. This Ordinance shall become effective upon ratification.

Ratified in City Council this_____ day of _________ in the Year of Our Lord, 2018, in the _________ Year of Independence of the United States of America.

By: ______________________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: ____________________________________
Vanessa Turner-Maybank
Clerk of Council