



## MEMORANDUM

**TO:** Mayor Gregg and Members of Town Council  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Rezoning Request for 2726 Old Forest Drive  
**MEETING DATE:** November 17, 2020

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Council is asked to review and approve a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive (Block 40, Lot 6). The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property is surrounded on three sides by parcels zoned SR Single-Family Residential. The property also backs up to a lake at the rear.

Subject to rezoning approval, this property is intended to remain as an undeveloped "open space" lot. Uses permitted within the AGC district are limited to the following:

- (a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.
- (b) Bulkhead and erosion control devices.

A copy of the draft rezoning ordinance is attached for review.


### **Staff Recommendation**

Staff recommends in favor of **APPROVAL** of the rezoning request.

### **Planning Commission Recommendation**

The Planning Commission will review the proposed rezoning request during its regular meeting on November 4.

Respectfully submitted,

  
Joseph M. Cronin  
Town Administrator

Aerial Image



Zoning Map



**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2020-17**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 149-06-00-010, CONTAINING APPROXIMATELY 0.25 +/- ACRES LOCATED AT 2726 OLD FOREST DRIVE, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT**

**WHEREAS**, on or about October 20, 2020, the Seabrook Island Property Owners Association filed Rezoning Application #83 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on November 4, 2020, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

**WHEREAS**, a public hearing was held on the above referenced rezoning application on November 17, 2020, as required by law;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Zoning Map Amendment.** The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

**SECTION 2. Severability.** If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SECTION 3. Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. Effective Date.** This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2020.

First Reading: November 17, 2020  
Public Hearing: November 17, 2020  
Second Reading: December 15, 2020

TOWN OF SEABROOK ISLAND

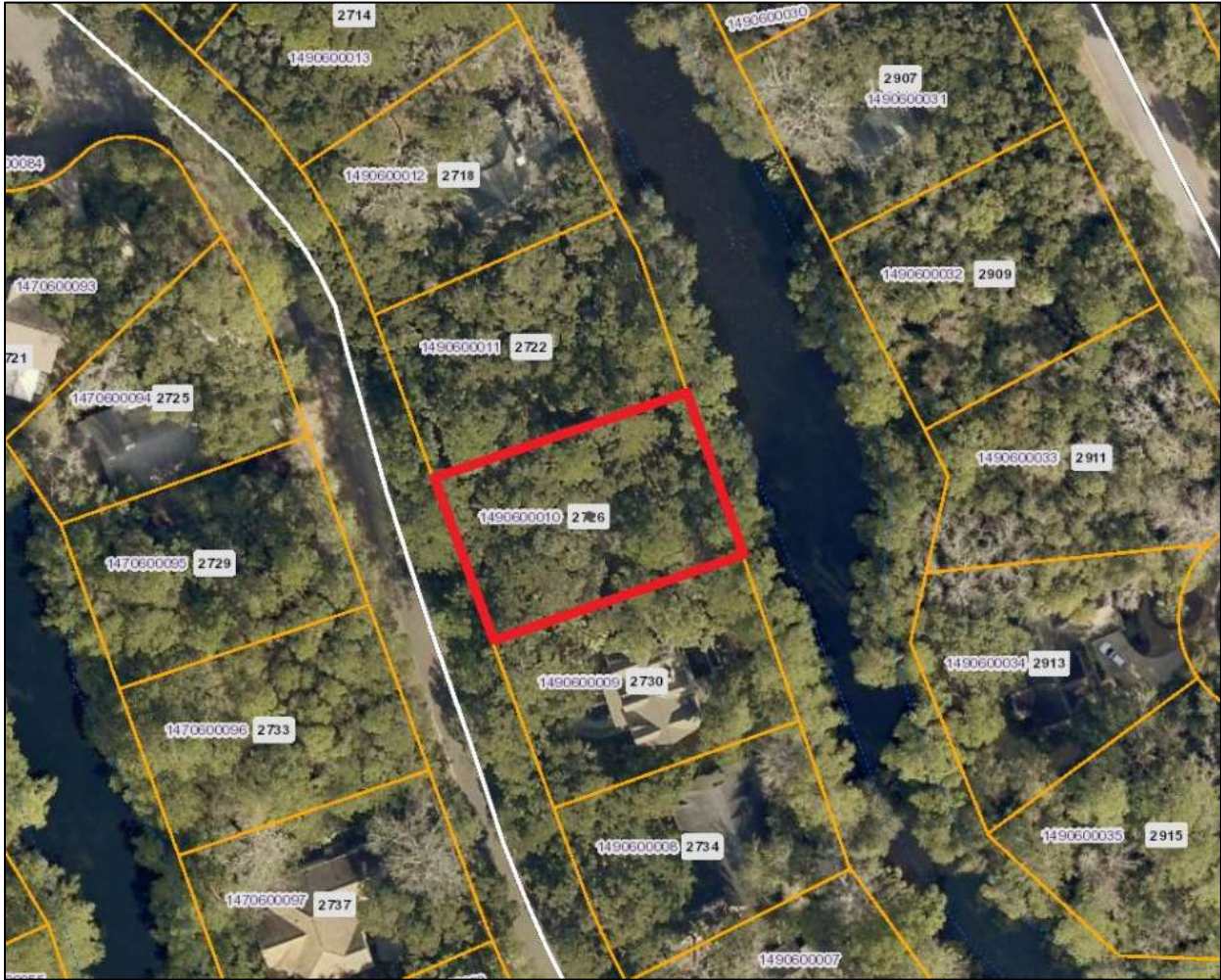
\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Faye Allbritton, Town Clerk

**EXHIBIT A**

Property Map  
Charleston County Tax Map Number 149-06-00-010



TOWN OF SEABROOK ISLAND  
2001 SEABROOK ISLAND ROAD  
SEABROOK ISLAND, SC 29455  
Phone (843) 768-9121 Fax (843) 768-9830

REZONING APPLICATION NO. #83  
DATE 10/20/2020

**PROPERTY INFORMATION:**

1. Present Zoning SFR
2. Proposed Zoning AGR/CONS.
3. Tax Map Number (s) 149 06 00 010
4. Address 2726 Old Forest Dr.
5. Lot Dimensions \_\_\_\_\_
6. Deed Recorded: Book 0914 Page 106 Date 9/1/2020
7. Plat Recorded: Book \_\_\_\_\_ Page \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT/OWNER/REPRESENTATIVE:**

8. Applicant SIPA - Donation Accepted 10/19/2020  
Address 1202 Landfall Way  
Phone No. (Home) 843 768 0061 (Business) 843 768 0061
9. Owner(s) (if different from applicant) SIGSC  
Address \_\_\_\_\_  
Phone No. (Home) \_\_\_\_\_ (Business) \_\_\_\_\_
10. Representative (if different from applicant) Weather Paton
11. I (We) certify that \_\_\_\_\_ is my (our) authorized representative for this zoning change.

\_\_\_\_\_  
Signature of Owner(s)/Date

Weather Paton  
\_\_\_\_\_  
Signature of Applicant/Date  
and/or representative if different from owner

\*\*A copy of an approved recorded plat showing present boundaries of the property to be rezoned and the appropriate fee is required upon application.







**EXHIBIT A**

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and shown and designated as Lot No. 6, Block 40, on a plat by E.M. Seabrook, Jr., CE & LS, dated September 22, 1978 and recorded in the Charleston County RMC Office in Plat Book AN, at Page 76. Said lot having the size, shape, dimensions, buttings and boundings, more or less, as are shown on said plat, which is specifically incorporated herein by reference.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property located at 2726 Old Forest Drive, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-06-00-010, was transferred by **Samuel Hazell** to **Seabrook Island Green Space Conservancy, Inc.** on September 1, 2020.
3. Check one of the following: The deed is
  - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c) \_\_\_\_\_ exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
  - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$60,000.00
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_

5. Check YES \_\_\_\_\_ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.

6. The deed recording fee is computed as follows:
 

(a) Place the amount listed in item 4 above here:	<u>60,000.00</u>
(b) Place the amount listed in item 5 above here:	\$0
(If no amount is listed, place zero here.)	
(c) Subtract line 6(b) from Line 6(a) and place result here:	<u>60,000.00</u>

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : Legal Representative

8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

\_\_\_\_\_  
Legal Representative  
BUIST B YARS & TAYLOR LLC

Sworn to before me this 1<sup>st</sup> day  
of September, 2020.

Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

KRISTIN M. BRADSHAW  
Notary Public, South Carolina  
My Commission Expires  
August 19, 2024

# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

**Filed By:**

BUIST BYARS & TAYLOR, LLC  
 FRESHFIELDS VILLAGE  
 130 GARDNER'S CR PMB 138  
 JOHNS ISLAND SC 29455 (BOX)

RECORDED		
Date:	September 10, 2020	
Time:	3:05:16 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0914	106	Deed
Michael Miller, Register Charleston County, SC		

**MAKER:**

HAZELL SAMUEL

Note:

**RECIPIENT:**

SEABROOK ISLD GREEN SPACE

# of Pages:

Recording Fee	\$ 15.00
State Fee	\$ 156.00
County Fee	\$ 66.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 237.00</b>

**Original Book:**

**Original Page:**

AUDITOR STAMP HERE  
 RECEIVED From ROD  
 Sep 17, 2020  
 Peter J. Tecklenburg  
 Charleston County Auditor

PID VERIFIED BY ASSESSOR  
 RJB  
 REP \_\_\_\_\_  
 09/18/2020  
 DATE \_\_\_\_\_  
 4

**DRAWER**   
**CLERK**



0914  
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106  
Page



09/10/2020  
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5  
# Pgs



Original Book



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15:05:16  
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# A.H. SCHWACKE & ASSOCIATES

## LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

### REFERENCE:

PLAT BY: E.M. SEABROOK, JR. TAX MAP No. 149-06-00-010  
DATED: SEPTEMBER 22, 1978 No. 2726 OLD FOREST DRIVE  
BOOK: Z PAGE: 149 Requested by: CYNTHIA CARV  
RMC CHAS. CO.

### NOTES:

BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.

AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT, THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 12') AS PER FEMA FLOOD MAPS.

PANEL No. 45019C 0785J  
DATED: NOVEMBER 17, 2004  
COMMUNITY No. 450256

• SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.

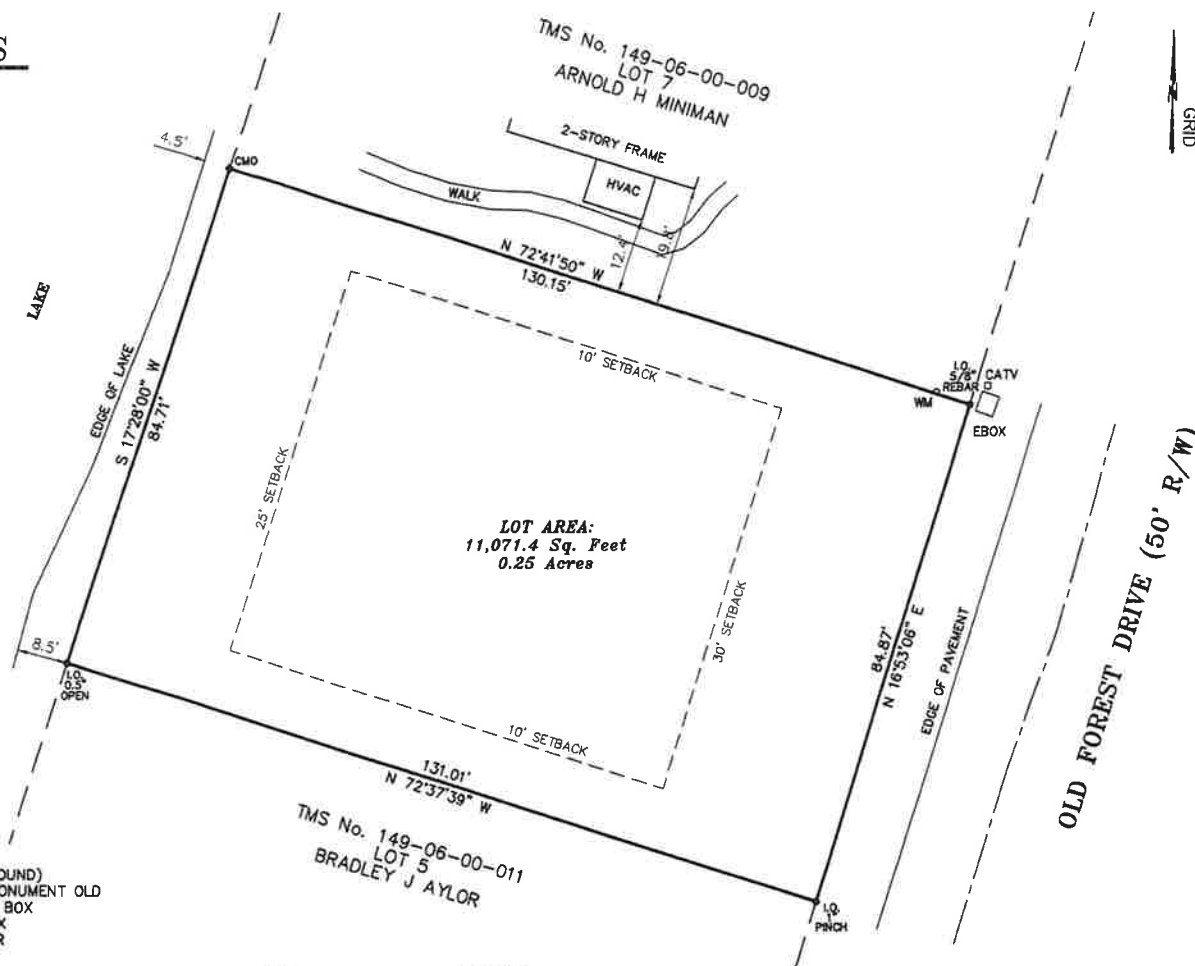
### SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.

KEVIN M. SCHWACKE, SR. PLS  
S.C. Registration Number 20468

### LEGEND:

I.O. IRON OLD (FOUND)  
CMO CONCRETE MONUMENT OLD  
CATV CABLE & TV BOX  
EBOX ELECTRIC BOX  
WM WATER METER



BOUNDARY SURVEY  
LOT 6 BLOCK 40  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: AUGUST 10, 2020 SCALE: 1" = 20'

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. KIM20 / 20232