

PLANNING COMMISSION

January 19, 2022

A meeting of the Planning Commission was held this date at 5:01 p.m. via Zoom Webinar.

Notice of this meeting was sent to all local news media.

PRESENT

Mr. Charles Karesh, Chair, Mr. Harry Lesesne, Vice-chair, Mr. Jimmy Bailey, Jr., Ms. Loquita Bryant-Jenkins, Ms. Donna Jacobs, Ms. Angie Johnson, and Ms. Sunday Lempesis. **CITY STAFF:** Mr. Christopher Morgan, Planning Manager, Mr. Lee Batchelder, Zoning Administrator, Mr. Philip Overcash, Senior Planner, Ms. Ana Harp, Senior Zoning Planner, Ms. Chloe Stuber, Planner, and Philip Clapper, Clerk. **Also in attendance were:** Mr. Kyle Taylor, and Ms. Anna Faenza.

Chair Karesh explained the rules and procedures of the meeting, and introduced the Commissioners.

Mr. Morgan introduced Planning staff, and explained that the City would not be back to in-person meetings due to a rise in COVID-19 cases. It was possible that they could meet in person again in March.

MINUTES

Request approval of minutes from December 15, 2021

On the motion of Donna Jacobs, seconded by Harry Lesesne, the Commission voted unanimously to approve the December 15, 2021 minutes, with corrections. Erika Harrison was absent.

REZONINGS

1. **3351, 3357 & 3363 Maybank Hwy (Johns Island) TMS # 2790000189, 184, 185 & 307 – approx. 6.9 ac. Request rezoning from General Office (GO) to Business Park (BP).**

Owners: Berkeley Electric Cooperative, LLC

Applicant: Hoyt+Berenyi, LLC

Mr. Morgan explained the map layout. There was not a lot of property in the City on that portion of Maybank. One area was zoned CT, and the old Berkeley Electric Coop was GO. The PSD had a fire station to the east. There were PUDs in the City towards the north by the Tattooed Moose restaurant. The remainder of the area was primarily Charleston County's Maybank Highway Overlay, which allowed for lower intensity commercial uses, as well as residential uses. To the south were single-family residential areas. The area was designated Neighborhood Edge in the Comprehensive Plan.

An aerial image of the property was shown. An entity that was either under contract or had recently purchased the property was interested in reusing the site.

An oblique image of the property was shown. Quasi-industrial buildings, previously used by Berkeley Electric, could be seen, as well as the office space and parking areas fronting on the highway.

Street view images were also shown.

The applicants wanted to have warehouse storage and similar uses on the site, and would use the old office building as a preschool. They were requesting the Business Park zoning district, which would allow for that. That fit with Neighborhood Edge, as well. It was not a location that staff could have endorsed for something like GB or industrial uses, but they were comfortable with BP.

Mr. Taylor said he was a civil engineer with Hoyt+Berenyi representing Berkeley Electric Coop and Richter Development, the imminent owner of the property, who was under contract and intended to purchase the property. The applicant and the owner both concurred with the BP recommendation. They felt it would be a great fit for the property.

Chair Karesh closed the public aspect.

Mr. Lesesne said he thought everyone on the Commission had concerns about Johns Island, and one of the things that would help address some of the traffic issues there would be the creation of job centers on the Island. While the immediate plan did not create many jobs beyond what the Berkeley Electric Coop had, he thought BP would be a positive zoning category for the Island over the long run.

On the motion of Harry Lesesne, seconded by Sunday Lempesis, the Commission voted unanimously to approve Rezoning Item 1. Erika Harrison was absent.

ORDINANCE AMENDMENT

1. To Amend Article 3 (Site Regulations), Part 4 (Off-Street Parking Requirements) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding two new sections to provide for shared parking.

Mr. Batchelder said Ordinance Amendment 1 dealt with shared parking. If there was a mixture of uses within a large enough commercial development, or a commercial/residential development, there would be parking demands at various times of the day for those different uses. So, instead of adding up parking requirements for commercial + residential + office components and creating an overall number to fit all of those uses, shared parking would reduce the number of parking spaces, but would still have adequate parking to account for different needs during different times of day. It would be an incentive to help redevelop some of the properties in West Ashley.

In response to the request to come up with the ordinance, Mr. Batchelder had found two examples of shared parking ordinances that he thought were very good. The first was in Fort Lauderdale, the second in Raleigh. Raleigh had a zoning ordinance that he looked at when examining zoning regulations. While he didn't spend much time looking at Fort Lauderdale's, he thought their shared parking section made a lot of sense. He took both of those examples, combined them, and modified the language so that it fit within the City's zoning ordinance.

The shared parking option would only be an option if TRC approved an applicant's request for it. TRC was made up of engineers and people from the Zoning and Planning Divisions, and the Traffic and Transportation Department. The ordinance then went into how staff's analysis would be prepared. It used the Urban Land Institute's shared parking model, which was updated occasionally, and so the ordinance referenced the latest edition. That was something the consultants that worked on projects related to shared parking were familiar with, as well as staff. The analysis would need to be prepared by a registered engineer in the State of South Carolina, and sealed.

The ordinance then explained that the final decision would be a part of a parking reduction order, and that order would be recorded in the County's RMC or Register of Deeds Office so that it would become a public record. That was important, because properties changed ownership and plans over time, and the important thing was to have a mechanism that triggered a review of the shared parking arrangement if a new owner wanted to change the uses.

There was also a termination of agreement explanation in the ordinance amendment.

Finally, the ordinance dealt with off-site parking arrangements. Sometimes, some or all of the parking might be provided at an off-site location. If that were the case, then it would need to be recorded with the Register of Deeds to guarantee that that parking would remain available. If there was any change to that circumstance, then the shared parking arrangement would be terminated.

He said he believed the ordinance had been before City Council, and asked Mr. Morgan if that was correct.

Mr. Morgan confirmed that it was. City Council had passed first reading.

Mr. Batchelder said he believed the ordinance was being thought about for the former Piggly Wiggly site that the City owned on Sam Rittenberg.

Mr. Morgan said that was correct.

Mr. Batchelder said he would be happy to answer any questions from the Commissioners.

Chair Karesh closed the public aspect.

Ms. Jacobs said she had been excited to hear about the focusing on West Ashley revitalization. She lived in Byrnes Downs, and there was a continual problem with parking. She knew there was nothing at the moment that would be changing over, but perhaps it would initiate some good conversations around uses for some of the larger lots that were available.

She said Mr. Batchelder had talked about a change of ownership with regard to the sale of the property, and she asked if there was a change of use just by leasing a property. She asked how that would be addressed. She did not get a full understanding of how such things would be reviewed and monitored, which was a very staff-heavy situation.

In section 1b, regarding change in use, where it said "shall have the option," she said the language did not feel very strong to her. She thought it should have been done. She also said that the document did not identify

consequences for a violation of the Zoning Ordinance. They dealt with parking issues in Avondale, and they needed to be creative. She wanted to ensure that they got an ordinance that both saw the problems, and ensured no secondary problem was created.

Mr. Batchelder said they could pursue violations through court and obtain remedies that way.

If there were changes in use that were contrary to the shared parking agreement, then that would become a failure of any condition.

Ms. Jacobs asked how that would be monitored. She asked if it would be through a business license application. It seemed very staff-heavy. Use could change, but she asked who would notice it, and how the City would notice it.

Mr. Batchelder said he supposed that that order would also be available on the GIS record for that property, which was how they now kept records. Their permitting system, which included business licenses, was based on properties, so everything was linked to the City's GIS system. When looking at a property to find its permitting documents, the other documents were also available. They could perhaps add another layer on their GIS maps to identify the shared parking properties. He did not think shared parking would be widely used, but would be primarily targeted towards larger properties, where there could be significant reduction of parking based on different uses. Otherwise, it wouldn't have been worth going through the headache of just trying to eliminate only a few spaces.

Ms. Jacobs said she didn't want it to become a burden on staff to monitor violations. Otherwise, she was very excited about the ordinance. She thought it was creative.

She thought it would be worth looking into to see if they could seek retrofitting in certain situations by approaching property owners and asking them to consider shared parking without a change of use.

Ms. Lempeis asked if the current properties were grandfathered in, or if they were expecting to change existing properties.

Mr. Batchelder asked if "existing properties" meant existing properties that provided a lot of parking.

Ms. Lempeis clarified that she also meant properties that had parking the way they were already. She asked if existing properties and owners would have to modify their parking, or if they would be grandfathered in.

Mr. Batchelder said they would be grandfathered in. Shared parking would only happen if someone applied to go through the process and completed the necessary steps in order to obtain a shared parking arrangement on the property. It was not meant to be retroactive in any way.

Mr. Bailey asked if the Daniel Island Town Center had a shared parking component.

Mr. Batchelder said it did.

Mr. Bailey said he thought it had been successful there, and asked if that was correct.

Mr. Batchelder said he believed it was. He had never heard of any problems with that arrangement.

Mr. Lesesne thanked Mr. Batchelder. He thought the ordinance was a creative way of encouraging property owners, in particular suburban strip centers that had asphalt seas around them, to find a higher and better use apart from asphalt parking.

He asked about the mechanics of how the off-site parking agreement worked. He understood that there was a document that would be recorded with the subject property, but he was trying to imagine a scenario where the off-site parking became a problem. He asked Mr. Batchelder to explain how that would work, because it did not seem like off-site parking was recorded with its own property, but with another piece of property. If 25 years down the road, the owner of the off-site and on-site parking were different, and information didn't flow between the two owners, he asked how the City could ensure that there was sufficient off-site parking.

Mr. Batchelder said the agreement would be recorded for the property where the off-site parking would be occurring. If there would be a change in the ownership of the off-site parking property, there would be notice. It would be recorded with both the on-site and off-site properties.

On the motion of Donna Jacobs, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve Ordinance Amendment Item 1. Erika Harrison was absent.

2. To amend Article 2 (Land Use Regulations), Part 4 (Accessory Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify certain allowed outdoor activities under Home Occupations.

Mr. Batchelder said home occupations were non-residential uses that the Zoning Ordinance allowed on residentially-zoned property. They were typically very low-impact uses that neighbors would not even realize would be there. One of the requirements that had always been on the books for such home occupations was that they needed to be uses that took place within the dwelling or an accessory building, which made it more difficult to notice non-residential activities taking place on a residential property. However, a situation had come up recently. A homeowner with a pool in their backyard had been using it for swimming lessons for small children and infants. They had met with the homeowner and learned about the business. It was extremely important for small children to learn how to swim. A big pool was not needed for those kinds of lessons. It seemed like a worthy use and like something they wanted to encourage people to do. Item 2 sought to delete or add language to the existing home occupation section of the Zoning Ordinance to make it allowable to have that type of outdoor home occupation activity. Language was also added to address parking and traffic.

Staff recommended approval.

Ms. Faenza said she was a certified infant aquatics survival swim instructor at Holy Mackerel Infant Aquatics, her licensed home occupation. She taught children ages 6 months to 6 years of age the aquatic skills needed to survive in case of a water accident. There had been some confusion over whether a backyard swimming pool counted as a home occupation because the pool was not inside the dwelling. The amended ordinance would make it clear that swimming instruction qualified as a home occupation, and that that type of instruction did not have to occur within an enclosed building. She said that if the amended ordinance did not pass, parents would have limited, if any access to a type of instruction that could potentially save a child's life. She thanked the Commission for their time and consideration.

Chair Karesh thanked Ms. Faenza for her work.

He said there had been 58 written public comments in favor of the amended ordinance, with none in opposition.

Ms. Jacobs said the strikethrough in the first part of the amendment probably should have included "in a." It should have been changed to "on a," because "on a property" made more sense than "in a property."

Mr. Batchelder thanked Ms. Jacobs for her correction.

On the motion of Sunday Lempeis, seconded by Donna Jacobs, the Commission voted unanimously to approve Ordinance Amendment Item 2. Jimmy Bailey, Jr., and Erika Harrison were absent.

ZONING

1. 2221 S Dallerton Circle (Sylcope - West Ashley) - TMS # 3100700059 – approx. 0.5 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Zachary Carnevale

Mr. Morgan said Zoning Item 1 was in West Ashley and was in a neighborhood that was SR-1 in the City. It was in the Low Impact/Conserved area in the Comprehensive Plan, but the lot lines had already been set, and the house was already there.

On the motion of Harry Lesesne, seconded by Angie Johnson, the Commission voted to approve Zoning Item 1. The vote was not unanimous. Jimmy Bailey, Jr., abstained. Erika Harrison was absent.

2. 2216 S Dallerton Circle (Sylcope - West Ashley) - TMS # 3100700044– approx. 0.26 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Danielle D. Cerasi

Mr. Morgan said Zoning Item 2 was a similar situation to Zoning Item 1. An image of the property was shown.

On the motion of Harry Lesesne, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to approve Zoning Item 2. Erika Harrison was absent.

3. 1506 N Edgewater Dr (Edgewater Park - West Ashley) - TMS # 3490900026 – approx. 1.59 ac. Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owners: Ellison C. Livingston, III and Jeanne R. Livingston

Mr. Morgan said that in the past, the area Zoning Item 3 was concerned with was one that staff would normally recommend for SR-1, as it was R-4 in the County. However, the area was in both the Natural/Wetland and Low Impact/Conserved designations of the Comprehensive Plan. It was fully developed, but did have a much larger lot. Staff felt it was important to indicate that the area needed to be lower density, so that in the future there would not be any ability to further subdivide. RR-1 required a 12,500 ft. minimum lot, and the property had well over that amount, although much of it was wetlands and marsh.

An image of the property was shown.

Chair Karesh thanked Mr. Morgan.

On the motion of Donna Jacobs, seconded by Angie Johnson, the Commission voted unanimously to approve Zoning Item 3. Erika Harrison was absent.

4. 30, 32 & 34 Wedgepark Rd, 43 & 49 Lolandra Ave (Carolina Terrace – West Ashley) – TMS # 4181300254-256, 260 & 262 – approx. 0.99 ac. Request zoning of Single-Family Residential (SR-2) for properties fronting Wedgepark Rd and Single-Family Residential (SR-1) for properties fronting Lolandra Ave. Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Glory Holdings LLC

Mr. Morgan said each of the properties in Zoning Item 4 were owned by a single owner who had brought them into the City all together. The neighborhood was typically a mix of SR-1 and SR-2, based on the lot size they had been developed to. There were smaller lots on Wedgepark that had a tougher time meeting the SR-1 standards, so those were recommended for SR-2. There were two lots on Lolandra which met the SR-1 standards, so they were recommended for SR-1.

Most of the lots were in the Suburban designation in the Comprehensive Plan. However, one lot was Low Impact/Conserved based on elevation.

Images of the lots were shown.

Ms. Lempesis said it looked like there were houses built on lot lines.

Mr. Morgan said they were not houses, but other structures at the back of the lots.

Ms. Lempesis thanked Mr. Morgan.

On the motion of Sunday Lempesis, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to approve Zoning Item 4. Erika Harrison was absent.

5. 2319 Lazy River Dr (Parkdale – West Ashley) – TMS # 3101400014 – approx. 0.62 ac. Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owners: Carl E. Seel, Jr. and Jean B. Seel

Mr. Morgan said Zoning Item 5 was a lot in a waterfront location. In the past, they would have simply zoned the area as SR-1. However, it was a larger lot in the Low Impact/Conserved area, and the lot was well over a half-acre in size, so staff was recommending RR-1. An image of the lot was shown.

On the motion of Harry Lesesne, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve Zoning Item 5. Erika Harrison was absent.

ELECTION OF CHAIR AND VICE-CHAIR

Ms. Lempesis proposed that the Commission keep the Chair and Vice-chair the same, because the Commission had held a year of virtual meetings, and everyone deserved to have their day in-person.

Ms. Jacobs and Ms. Johnson both agreed.

Mr. Lesesne said Chair Karesh did a great job keeping the meetings moving and allowing the public an even-handed way of giving input. He said Chair Karesh had offered to step aside if he had wanted to be Chair, which Mr. Lesesne felt was a gracious move, and wanted the rest of the Commission to know that. He had told him “absolutely not,” and that he was doing a great job.

Chair Karesh thanked Mr. Lesesne and the rest of the Commission. He said he thought he was a good Chair because of the other Commissioners, and the great staff. He was proud to serve with them.

He said during his conversation with Mr. Lesesne, they had reiterate points about affordable housing, and said they were ready to tackle it.

On the motion of Sunday Lempesis, seconded by Donna Jacobs, the Commission voted unanimously to elect Charles Karesh as Chair of the Planning Commission, and to elect Harry Lesesne as Vice-chair. Erika Harrison was absent.

There being no further business to discuss, the meeting was adjourned at 5:58 p.m.

Philip Clapper
Clerk of Council's Office