

Planning Commission

June 15, 2022

A meeting of the Planning Commission was held this date at 5:03 p.m. in the public meeting room at 2 George Street.

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

PRESENT

Commission Members: Charles Karesh, Chair, Jimmy Bailey, Jr. (at 5:21), Loquita Bryant-Jenkins, Donna Jacobs, Angie Johnson, McKenna Joyce, and Sunday Lempesis.

City staff: Christopher Morgan, Jim Hemphill, Philip Overcash, Philip Clapper, and Mollie Jones.

Others: Cashion Drolet, Russ Seamon, Hank Hofford, Colin Colbert, and Hamlin O'Kelly.

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

Mr. Morgan introduced Planning staff.

Rezoning Item 3, 4, 5, PUD Amendment Item 2, Subdivision Property Conversion Item 1, and Zonings Item 2 were deferred.

MINUTES

Request approval of minutes from the December 19, 2018, July 17, 2019, March 16, 2022, and May 18, 2022 Planning Commission meetings.

On a motion of Angie Johnson, seconded by Sunday Lempesis, the Commission voted unanimously to approve the minutes from December 19, 2018.

On a motion of Sunday Lempesis, seconded by Angie Johnson, the Commission voted unanimously to approve the minutes from July 17, 2019.

On a motion of Donna Jacobs, seconded by Angie Johnson, the Commission voted unanimously to approve the minutes from March 16, 2022 and May 18, 2022.

REZONING

- 1. 24 N Market St (Downtown – Peninsula) TMS # 4580504023, 031 and 029 – approx. 0.67 ac. Request rezoning from 3 Story and WP Old City Height District to 4 Story Old City Height District.**

Owner: Carroll Building, LLC

Applicant: K&L Gates LLP/City of Charleston

Mr. Morgan said it was an unusual item because the City was the applicant. The GIS did not have certain height districts in the exactly correct areas. The Item was primarily cleaning up the height districts. However, the applicants were interested in potential redevelopment on the site.

The site was subject to restrictive covenants and easements from the Historic Charleston Foundation.

There was currently a combination of height districts on the site. They included 3 Story, WP Old City, and 4 Story Height Districts. The applicant wanted to rezone everything to 4 Story.

He felt the public would be pleased with the changes on the site because of the easements HCF held, which would make for a better corner, which would eventually come to BAR.

The location and surroundings of the property were shown.

The area was designated City Center in the Comprehensive Plan. Staff was therefore comfortable with the increase in height.

Images of the property were shown.

Staff recommended approval.

Ms. Drolet with HCF said that because the City was the applicant, HCF took no position on the height rezoning. However, HCF held a date of conservation easement on the site, which imposed restrictive covenants on the use of any changes that could be made to the property, inclusive of erection of a new building or expansion of existing structures, and also governed the existing space above the land.

The height of any actual structure on the property was governed and controlled by the easement regardless of its zoning. HCF would review all changes to ensure they were consistent with the conservation values protected by the easement and HCF's values.

On a motion of Sunday Lempesis, seconded by Angie Johnson, the Commission voted unanimously to approve Rezoning Item 1.

2. 810 Meeting St (East Central - Peninsula) TMS # 4610901010 - approx. 0.45 ac. Request rezoning from the 6 Story Old City Height District to the 4-12 Story Old City Height District.

Owner: TMG 810 Meeting Street LLC

Applicant: City of Charleston

Mr. Morgan said this was another unusual request. The City had missed something in its review on the project. When it was put into the UP District, the height was not changed to the 4-12 Story Old City Height District. Staff had assumed that because it was in the UP, it would therefore be in the 4-12 District, as well, and when working with an applicant, had told them that, and worked with them within the points system to help them get up to a 9 Story building. They had received BAR approval and were nearing completion of the TRC process when it was noticed that the map was inaccurate.

The location and surroundings of the property were described.

It was designated City Center in the Comprehensive Plan.

Images of the property were shown.

Image renderings of the proposed building that BAR had approved were shown.

Staff recommended approval.

Ms. Jacobs asked what the applicant had used to receive their additional height credits.

Mr. Morgan said he would have to check in with TRC. He did not have the information readily available. He knew it related to public space areas, rooftop uses, and potential green roofs.

Ms. Jacobs said she was curious because another site was using Mobility funds, and they were still wondering how those funds were being used.

Mr. Morgan said it was possible that they were using Mobility funds.

Ms. Jacobs said that when they were creating such things in the area, they needed to figure out how to move people around better.

On a motion of Donna Jacobs, seconded by McKenna Joyce, the Commission voted unanimously to approve Rezoning Item 2.

3. 179 & 181 Fishburne St (Westside- Peninsula) TMS # 4600702173, 175 and 242 - approx. 0.23 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.

Owner: Mt. Hermon Reformed Methodist Episcopal Church

Applicant: Matthew Campbell

DEFERRED

4. **313 Ashley Ave (Westside - Peninsula) TMS # 4600702053- approx. 0.13 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.**

Owner: RCC Properties, LLC

Applicant: Synchronicity

DEFERRED

5. **20 Orrs Ct (Westside - Peninsula) TMS # 4600702069- approx. 0.12 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.**

Owner: RCC Properties, LLC

Applicant: Synchronicity

DEFERRED

6. **properties on Travis Ln (Honey Hill- Cainhoy Peninsula) TMS # 2680000005 & 039 - approx. 11.4 ac. Request rezoning from Single Family Residential (SR-1) to Diverse Residential (DR-9).**

Owner: Clements Ferry Land SC LLC

Applicant: Seamon Whiteside + Associates

Mr. Morgan said the property that was adjacent to the Cainhoy Properties, which was a very large PUD, was being developed.

The location and surroundings of the property were described.

The change would allow for a diverse residential building pattern.

It was designated Neighborhood Edge in the Comprehensive Plan. A portion of the area was wet and would not be built upon.

Neighborhood Edge recommended 6-20 units/acre.

Staff recommended approval.

Mr. Seamon with Seamon Whiteside thanked Mr. Morgan for the presentation. He said the site was high, with an elevation of 25ft and higher in upland areas. What they were asking for was in line with the Comprehensive Plan. They felt it was a good rezoning and asked for the Commission's support.

Chair Karesh closed the public aspect.

On a motion of Angie Johnson, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to approve Rezoning Item 6.

PLANNED UNIT DEVELOPMENT (PUD) AMENDMENTS

1. **65 Barre St (Harleston Village - Peninsula) TMS# 4570204025 - approx. 0.19 ac. Request an amendment to the Barre/Halsey Planned Unit Development (PUD) Master Plan and Development Guidelines by rezoning the subject property from Single-Family Residential (SR-2) to Single-Family Residential Barre/Halsey PUD (SR-5, B/H PUD) and by increasing the maximum number of dwelling units from 21 to 23.**

Owner: 221 Ashley LLC

Applicant: CKC Properties LLC

Mr. Morgan said the Item was a simple addition of a small lot into the PUD, and added a couple of additional units based on that additional land area.

The location and surroundings of the property were described.

21 units, in addition to common open space, had already been built on the PUD.

An older structure in deteriorated condition was on the parcel in question. The structure would be demolished, and new structures in line with the other existing structures in the PUD would be built.

It was designated Neighborhood in the Comprehensive Plan, which was in line with the area.

It was adjacent to Campus recommendations that were a part of the Medical District.

It was a minor change to the PUD, and it was viewed as an attractive addition to the neighborhood.

The applicant had support from the HOA.

Images of the property were shown.

Staff recommended approval.

Mr. Hofford said he was with the original builders of the site. They had one lot left, and Mr. Colbert had asked about buying the lot and building a home there.

He said he had no financial interest in how it was resolved, he was just there to support the application because he thought it was the right thing to do.

When they originally put the project together, they had tried to purchase the lot, but the owner didn't want to sell.

He said it had been a neglected piece of property, due to college rentals, trash, and parties, which had been a problem over the years. When Mr. Colbert bought the property, he asked Mr. Hofford if they could fold it into the existing HOA.

The original project included less units than they could have built because they built a park in the middle.

He asked the Commission to approve the amendment.

There was an existing home next to the property that they had built. They had agreed to have additional setbacks on the front and sides to give the existing home additional breathing room.

If the lot was not brought into the PUD, it would have the right to have accessory buildings three feet off the property line directly next to the existing house, which, in his opinion, would be a worse situation. They felt it was a better resolution.

The HOA had approved and thought it would be a great addition.

Mr. Colbert with CKC Properties said they had met with all of the adjacent neighbors, and had support from other properties in the area. They were unable to get in touch with Roper, but he did not believe they had anything to say against the project.

Their goal was to try to extend the existing beautiful development. It had a central green space, as well as "living courts" throughout the development that allowed gathering places for houses that were not necessarily adjacent to the green space. Their goal was to do that in front of 64 Barre Street.

Mr. O'Kelly said he did not believe the Commission had the whole story. He was with one of the neighbors who owned one of the properties at Halsey Park.

He said the amendment basically sought to add two lots where there was one lot in existence. The addition would rezone the property. They did not think it was minor. It added two additional structures behind his client's property.

The Commission had received a letter in support from the HOA, but the HOA was still completely controlled by the developer. The last lot had been sold, and the development should have been turned over to the HOA, but it had not, despite the fact that the governing documents and the PUD said that the

moment the last lot was sold, it should have been turned over. He said it was a “fast one” being pulled on the Commission by a developer that was seeking to line his pockets. He said they should have gone through the BZA process to try and get a variance. The PUD amendment was not minor.

That area of town was very low. Adding more parking spaces would increase the flooding on a fairly regular basis. He said the PUD amendment was “all about the money.” Not everyone in Halsey Park was in favor.

Chair Karesh asked the applicant for a response.

Mr. Hofford said he was not a lawyer, but had read all the documents. They had administered the application according to all requirements. There was no financial benefit to him, he had sold the lot.

He said the documents stated that when the last home was built, the developer would then turn over the property to the HOA. That was what would happen. They had elected a board for the homeowners. There was a president. They had worked with them on a variety of fronts, and they controlled and administered all the things that went on there. They were the ones that had signed the letter.

They were not “lining pockets.” The lot had already been sold. They had met with the neighborhood. They felt their proposal was the right way to approach the site.

He said he believed Mr. O’Kelly was actually selling his house, so it was possible he would not be living in it in the future.

Ms. Lempesis asked Mr. Hofford to describe the location of the lot where Mr. O’Kelly lived.

Mr. Hofford did so. He said he had a six foot fence and a side porch. They had agreed to give him space. He explained how the existing building would be torn down and where exactly the new one would be built. They had agreed to additional setbacks.

If it was left as a single lot, the owner would be able to build accessory guest quarters, pool houses, and things like that within three feet of the property line.

Mr. Colbert said that, in regard to concerns about flooding, the lot coverage didn’t change whether it was in the PUD or under its current zoning. The lot could be covered one way or the other. As things stood, they could build the lot up to two feet off of Mr. O’Kelly’s back property line, which fronted his house. They shifted it to give him some space, and further extended the setback from 0 to six feet on another side.

Chair Karesh closed the public aspect.

Ms. Jacobs asked when the existing buildings had been built.

Mr. Colbert said they were built in the 1950s or 60s. They had already been approved for demolition by BAR.

Ms. Jacobs said she was talking about the new developments.

Mr. Hofford said they had finished about two years prior.

Ms. Jacobs said the previous development was under the old Stormwater Management Manual, and the new one would be under the new guidelines. Stormwater concerns were more stringent now.

Ms. Johnson said she understood the concerns of the neighbors, but she felt the PUD amendment was reasonable.

Ms. Lempesis agreed. A variance was not the way to do it. It absolutely needed to be incorporated into the PUD.

On the motion of Angie Johnson, seconded by Sunday Lempesis, the Commission voted unanimously to approve Planned Unit Development (PUD) Amendments Item 1.

2. 0 Castlereagh Rd (Hemmingwood - West Ashley) TMS# 3530200167 - approx. 0.28 ac. Request reconsideration of the Planning Commission's recommendation on May 18, 2022 of disapproval of an ordinance to amend the Zoning Ordinance of the City of Charleston, by amending Ordinance 2006- 187, which adopted the Hemmingwood Planned Unit Development (HW-PUD) Master Plan and Development Guidelines for a property located on Castlereagh Road (TMS# 3530200167) as Appendix L of the Zoning Ordinance, to delete references to a park common area, including subsection "VIII. Park Area" in its entirety, and increase the total number of single-family lots within the Hemmingwood PUD to 64 lots from 63 lots, to permit TMS# 3530200167 to be used for a single-family detached home.

Owner: 782A Rutledge, LLC

Applicant: O'Shea Law Firm

DEFERRED

SUBDIVISION PROPERTY CONVERSION

1. 0 Castlereagh Rd (Hemmingwood - West Ashley) TMS# 3530200167 – approx. 0.28 ac. Request reconsideration of the Planning Commission's recommendation on May 18, 2022 under Section 54- 815 of the Zoning Code of disapproval to convert the parcel from common area/park parcel (reserve parcel) to a building site for a single-family residence.

Owner: 782A Rutledge, LLC

Applicant: O'Shea Law Firm

DEFERRED

ORDINANCE AMENDMENT

1. To amend Article 3 (Site Regulations), Part 2 (Old City Height Districts and View Corridor Protection) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend Sec. 54-306.L. - Height District 85/200, Sec. 54-306.M. - Height District 85/125, and Sec. 54-306.N. - Height District 85/30.

Mr. Morgan said the Item sounded a lot more complicated than it was. It was an amendment to the Medical District Height Ordinance to help give medical providers more flexibility in building their structures, because medical uses took more floor-to-ceiling room. In an effort to help preserve the medical uses in that district, this amendment would require that unless an applicant was zoned Mixed-Use, or were using the property in a medical fashion as defined in the ordinance, they would need to limit their height to five stories.

He presented the layout of the height zonings in the medical district.

They wanted to ensure that new buildings not of a medical nature did not take advantage of the height allowances.

Chair Karesh closed the public aspect.

On a motion of Jimmy Bailey, Jr., seconded by Angie Johnson, the Commission voted unanimously to approve Ordinance Amendment Item 1.

ZONINGS

1. 2157 Fort Pemberton Dr (Riverland Terrace - James Island) TMS # 3430100104 – approx. 0.23 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owners: Jack Narusevich and Jennifer Moeggenberg

On a motion of Sunday Lempesis, seconded by Angie Johnson, the Commission voted unanimously to approve Zonings Item 1.

2. 2863 Maybank Hwy (Johns Island) TMS # 3130000135– approx. 1.14 ac. Request zoning of General Business (GB). Zoned Johns Island Maybank Highway Corridor Overlay District (JO-MHC-O) and Mixed Use (MU) in Charleston County.

Owner: Maybank Group LLC

DEFERRED

Chair Karesh asked for any updates from Mr. Morgan regarding the Zoning Code rewrites, or anything else.

Mr. Morgan said the Zoning Code rewrite and the Peninsular Plan RFPs were going to the City's procurement folks. They would both be hitting the streets within the following week or two. They would be accepting submittals for three or four more weeks. They would then review the proposals to see if there was one that fit the budget.

Ms. Lempesis asked if they ever approved any public boat landings. She had lately been receiving questions about that.

Mr. Morgan said the City was not involved in that, because the waterborne portion of such things were governed by OCRM and the DNR and entities like that, and the land typically always allowed it.

Ms. Lempesis said she was thinking about Laurel Island.

Mr. Morgan said they would not be able to have them there because of the nature of the fill on the site. There would be waterfront promenades and paths, and there would be a small dock, but he did not believe they could create a boat slip or ramp.

Ms. Jacobs said she had noticed that they were still "band-aiding" the Zoning Code, and she wished they could move towards a more global look as soon as possible.

Mr. Morgan said that if there were not things that they might have changed within the next six months to a year, they wouldn't have been creating zoning amendments. They were trying to deal with those quickly.

Ms. Jacobs said she knew they couldn't just stop, but she was hoping they could get to the real hard work.

There being no further business to discuss, the meeting was adjourned at 5:48 p.m.

Philip Clapper
Clerk of Council's Office