

Planning Commission

September 21, 2022

A meeting of the Planning Commission was held this date at 5:00 p.m. in the public meeting room at 2 George Street. A special presentation was given to the Commission at 4:30 p.m. prior to the start of the full meeting.

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

PRESENT

Commission Members: Charles Karesh, Chair, Harry Lesesne, Vice-chair (arrived at 5:00 p.m.), Jimmy Bailey, Jr., Loquita Bryant-Jenkins (arrived at 4:47 p.m.), Erika Harrison (arrived at 4:32 p.m.), Donna Jacobs, and Angie Johnson (arrived at 4:57 p.m.).

City staff: Christopher Morgan, Lee Batchelder, Ana Harp, Philip Overcash, Jim Hemphill, Mollie Jones, Philip Clapper, and Geona Shaw Johnson.

Others: F.A. Johnson, Cashion Drolet, Arthur Lawrence, Rob Leahy, Sam Spence, Todd Richardson, Chamberlain Chesnut, Antoinette Laverne, Marcus Williams, Garry Lesesne, Tai Cohen, Jerry Scheer, Joshua Robinson, Rick Agius, George Richardson, Joseph Wright, Sheila Palmer, Julia Francine Burden, Isaac Washington, Elizabeth Greene, William Greene, James Greene, and Octavia Brown.

SPECIAL PRESENTATION - BEGINNING AT 4:30 P.M.

A special presentation from Charleston Redevelopment Corporation regarding affordable housing efforts will begin at 4:30 p.m., Wednesday, September 21, 2022 in the Public Meeting Room, 1st Floor, 2 George Street. Note: This presentation is separate from the regular meeting of the Planning Commission.

Chair Karesh said he wanted to welcome the folks from the Charleston Redevelopment Corporation. He appreciated them coming to talk. They wanted to see if there was anything they could do to help. The Commission was very concerned about affordable housing.

Mr. Johnson thanked Chair Karesh and the Commission. The CRC welcomed the opportunity to have a dialogue with the Commission.

A presentation was shown.

Mr. Johnson said that as they moved forward through the slides, they would hopefully see more of the "coming soon" signs around the City as they continued. They were fortunate to have a lot of activity they wanted to cover. It was just a few months prior that they were before the Commission for the 1890 Ashley River Rd. project.

He showed a conceptual rendering of the building. There would likely be 6 affordable units on the top, and mixed-use office space downstairs. They were working through the process of permitting, etc.

He wanted to paint a picture of the CRC. It was a relatively new entity to the City, regarding their activity. There were four basic "pots" their money went into. The first was financing. They financed homeownership, conservation, and scattered site infill.

What had garnered the most attention was their Affordable Housing Bond Program.

They were also extremely excited to talk about their relationship with the Historic Charleston Foundation in terms of own-occupied rehab through their Common Cause initiative.

Ms. Shaw Johnson was also the Vice-chair of the board.

Chair Karesh said she did a wonderful job at the City, as well.

Mr. Johnson said that having key players that understood the challenges of affordable housing, particularly when they started going into the entitlement process and balancing competing interests was important.

Their by-laws allowed them to work throughout the entire County, but they had thus far worked primarily within City limits. They were actively looking to expand into North Charleston and Charleston County.

The flagship component of the CRC was the Palmetto Community Land Trust. Land trusts, while not a new concept or a new tool, still required a lot of education, particularly when speaking about homeownership. Most of the units they would see that they had produced were being held in the Land Trust to preserve them long-term in perpetuity as affordable units. On the for sale side, they did that through ground leases, whereby the owners were truly owning the homes on top of the property, which did require an education process because it was such a different concept.

They were a community-based board. The HUD called it a CHDO, a community housing development organization, which meant that one-third of their board was elected from neighborhood and community representatives.

Mr. Johnson showed a map of the affordable properties they had achieved in a relatively short amount of time.

They were currently in the infrastructure stage of putting in roads, water, and sewer for what was referred to as the Bermuda Pointe project. It would be 40 units as townhouses for sale. They would not be in the land trust, but 30 would still be long-term affordable. They were spread across 80% AMI affordability all the way up to 100% AMI.

The CRC could, under its by-laws, work on projects up to 120% of AMI.

There was another townhouse development in West Ashley that was in the planning and conceptual stage.

The affordability challenge in the City remained difficult. They were only one tool in the toolbox. They could not afford to lose affordable units, either. So, as affordable housing tax credits aged out of their compliance period, they took the initiative to attempt to purchase them to keep them from becoming market rate units so that they could keep them as long-term affordable. They had done that with many units in order to preserve affordability.

That all sounded good, but it was tough, because continuing to serve 60% and below as affordable continued to be a challenge, just as much as getting those units on the ground was a challenge.

He elaborated on various homes which they had been able to sell to first-time homebuyers. He explained that the homes they built respected the fabric of the neighborhoods they were put in so that they could fit in as a part of them.

From a planning perspective, one of the challenges was minimum lot sizes from what the neighborhood wanted to see compared to what made economic sense.

The City, working in conjunction with SCDOT, transferred the site at Fishburne and Coming to the CRC. They were in the permitting stage of creating four units of affordable housing there that would be rental units. Balancing existing setbacks, the fabrics of existing neighborhoods, and all other different elements while still achieving the product were important, and that site had it all. It would not trigger any unintended consequence and would still achieve density.

The CRC was entrusted with \$20 million from the City to bring land into affordable housing multifamily projects. They had one that had been completed and three under construction. They had issued loan commitments of \$17.5 million in support of 500 units of rental apartments. They had just had the ribbon cutting for Bulls Creek Apartments recently.

Some projects were renovations and were not new construction, like the former Archer School being turned into apartments for seniors.

When they had neighborhood meetings and started having conversations about affordable housing, the issue of “what does it mean to be affordable?” and “who are you targeting?” always became a part of the conversation. He showed a chart that provided an opportunity to look at a mixture of income thresholds. If a family made \$45,000-\$64,000/year, based on typical mortgage components, the questions were what kind of mortgage could that person afford, and what kinds of subsidies it took to make a unit affordable. As incomes rose, the subsidy amount decreased. Somebody at 120% AMI might not need but \$10,000 in assistance to purchase one of the homes, but someone at 80% AMI might need \$80,000 in assistance. So, when they approached their elected officials and boards like the Planning Commission and started to have a conversation about how much subsidy they were going to put into a unit, the chart allowed them to directly correlate that in terms of who they were serving. If they wanted to serve someone making less than 80% AMI, then they were talking about having to put in \$100,000/unit, which some people might see as not making sense and did not consider it as achieving a public purpose, but someone else might say that they were not serving someone else who might have been in deeper need. So, that chart gave them some perspective and helped quantify and give understanding to the struggle of balancing the problem.

When they talked about preservation of existing apartments, that was a key piece of what they did. Lending to create new units was a key piece. Developing to create new product was a key piece of what they did. But, for their existing homeowners and seniors who owned their homes but might not have necessarily had the means to continue to maintain them, they needed to find out how they could preserve the exterior of their homes. Growth, windows, siding, and keeping those units tight was important. They had worked out a program to provide up to \$60,000 to provide those types of repairs for homeowners so that they could apply for and get assistance to do stabilization work for their homes. They had that week closed their first three in that program. It was still new and they were still learning, but they were certainly proud of the fact that they had closed their first three. They were trying to serve every segment of the market as possible that they could touch, from rental to homeownership to preservation.

He said that was a good summary of the work the CRC was doing. He wanted to emphasize that, from a lending standpoint, they had touched on 500 units of affordable housing. In the Land Trust, they had close to 200 units that were in the pipeline, and they had preserved another 84 existing units as affordable. So, it was a decent track record. They appreciated the Planning Commission’s assistance in that, and as they continued to move forward, the Commission’s input would become key as they looked to figure out how the structure of the transactions would be put together.

Chair Karesh thanked Mr. Johnson. He said he hit it right on the head when he was talking about the word “affordable,” because it was an ambiguous word that confused a lot of people. He thought about the schoolteachers who could not afford to live in the City of Charleston, and housing was a problem in Charleston, generally. He appreciated their work. He said if they could think of ideas, in terms of zoning, that could help them with the affordable aspect of their projects, to tell them, because they were really interested in that and were focused on improving the situation and get more units out there in the City.

Ms. Harrison said she knew that the CRC had focused a lot on between the 120% AMI and the 60% AMI range. One of the things they had been talking about was the concept of naturally occurring affordable housing, as well as missing middle housing. She asked if there was anything they should have been looking at in terms of zoning or how they could approach using the Affordable Housing Dashboard. She thought the recent rental registration ordinance to catalog the existing naturally affordable and missing middle housing.

Mr. Johnson said he first wanted to compliment the Commission and the City as a whole in having done the homework and getting the tools into the toolbox for affordable housing developers. But, most of the tools were prescriptive. There was a hard line, and you either met it, or you didn’t. He said he would think about her question and see if there was anything further that made sense in terms of recommendations to bring forward. He said it was also important to be aware not just of those just above the threshold, but

also those just within the threshold, because sometimes he went through some of the files, and saw someone where if they had any single major life event, the margins were so thin that they could really be in trouble. No one wanted to foreclose or anything like that. He looked at both sides of that threshold as real tender issues. For him, the biggest problem, and it was an approval process problem, not a Planning Commission problem, was site requirements. Doing a market rate project, they could afford to pay for it, but they wanted more relief when doing an affordable project.

Ms. Jacobs thanked Mr. Johnson for coming. They were getting ready to go into their Zoning Code rewrite, and during their City Plan, they got a real education on their affordable housing situation in the City. They had committed themselves to learning and to doing everything they could to assist. Just having Mr. Johnson there that day was a part of that process. What she heard was that they had a lot of tools in the toolbox that they were using, and it didn't hurt to get more. She had been spending time watching videos from other municipalities that were also going through zoning code rewrites, and most of what they talked about was affordable housing. That was their big crisis. Most of what they said was that there was no silver bullet, so they had to understand it and have as many tools, depending on what they were looking at, to help. She appreciated the CRC because they had laid the groundwork and had been quite successful. As they moved into the next phase, she thought they could provide some assistance to escalate what was happening already. She said she wanted to have access to their program, whether they shared it with the City or with the Commission.

Mr. Bailey said he wanted to say the same things. He applauded Mr. Johnson for coming. He said on one of the slides, he believed it was in Maryville, he talked about how they were trying to develop housing that worked with what was already in the neighborhood. He knew they were turning every nail over twice just to make the project work, but respecting the surroundings was to be applauded, as well.

Mr. Leahy said he understood they were just in the planning stages. He said he lived at the corner of Fishburne and Coming, on the opposite corner of the site that they said they had had some unintended consequences with. He said they didn't want to be one of the unintended consequences. He asked why they were leaning towards rental when homeownership seemed to be their charter. He said four units seemed to be too much for the small lot, especially in terms of parking.

Mr. Johnson said they would certainly reach back out through the neighborhood organization and those surrounding the area to continue the conversation. They had gone back and forth with City staff on five drafts for the conceptual site plan. One key piece of that was parking, the other was maintaining 10-ft separation between the buildings. In terms of rental vs. homeownership, they felt that rental was the most appropriate approach. By keeping it in the land trust, then they would have a public partner that was very concerned about maintenance, appearance, and those types of things. They would likely end up being one-bedroom apartments, so they would not be family units. When they got into interior architecture, they would reach back out.

Mr. Leahy thanked Mr. Johnson.

Mr. Lawrence said there was a problem with developers double-stacking apartments and causing problems in the community, so they had to look at the area of Fishburne and Coming to ensure that it didn't change the fabric of the community. He hoped that they showed their designs to the neighborhood association in that area.

Chair Karesh said Mr. Leahy had a good ally in Mr. Lawrence. He thanked Mr. Johnson for coming, and said if he had any ideas that the Commission could help with, they were all ears.

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

Mr. Morgan introduced Planning staff and listed deferrals.

MINUTES- BEGINNING AT 5:00 P.M.

The minutes were taken up at the end of the meeting.

1. **Request approval of minutes from July 20, 2022 Planning Commission Meeting**
2. **Request approval of minutes from August 17, 2022 Planning Commission Meeting**

Ms. Jacobs said she had already spoken with Mr. Clapper about some issues in the minutes, including that she was listed as having voted in a fashion she had not on page 6, Item 5, of the August 17 minutes.

On a motion of Donna Jacobs, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve Minutes Items 1 and 2, with changes.

REZONING RECONSIDERATION - BEGINNING AT 5:00 P.M.

1. **179 & 181 Fishburne St Westside - Peninsula | TMS # 4600702173, 175 & 242 | Approx. 0.23 ac. Request reconsideration of the Planning Commission's recommendation on July 20, 2022 under Article V Section 4 of the Zoning Code of disapproval to rezone 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 BY APPLICANT

REZONINGS

1. **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

2. **0 Orrs Ct Westside - Peninsula | TMS # 4600702071 | Approx. 0.07 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

3. **18 Orrs Ct Westside - Peninsula | TMS # 4600702070 | Approx. 0.06 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

4. **20 Orrs Ct Westside - Peninsula | TMS # 4600702069 | 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

Rezoning Items 1-4 were explained together.

Mr. Morgan explained the location and surroundings of the parcels. Most everything in all directions was in the 2.5 Story Height District. It would be an unprecedented mid-block change.

The area was designated Neighborhood in the Comprehensive Plan, which kept with the traditional character in that area.

Aerial images of the properties were shown.

A very important aspect, and staff had not emphasized it enough in the past, but they would moving forward, was the context of the height rezonings. He quoted: "An applicant seeking a height rezoning shall only be able to request a rezoning to the next higher height district, except for applicants seeking a

rezoning to the Upper Peninsula Zoning district” and “Requests to rezone to a higher height district shall be evaluated, in part, on the context of the property, the character of the immediate area, street widths around the property, and whether the requested rezoning will be compatible with surrounding properties.” Staff felt that none of the criteria were met, so, the Commission would need to show how the changes were in character with the surrounding if they were to recommend for the height change.

In the case of the Ashley Avenue property, they did have a very large property to its right that was built before the height districts were in place. It could be viewed as almost four stories, or perhaps 3.5, something like that, but it was one of the “poster children” for when the Westside said that they only wanted 2.5 stories. When that was taken out of the equation, everything else on the site was in the 1-2.5 story area. He explained the surroundings of the area. The Westside was very heavily populated with just one-story houses, and he said he would hazard a guess that they made up about half of the neighborhood. Those were very important things to take into context. Thinking about the utilization of the properties, lots of things could still be built on the properties at 2.5 stories.

Images of the Ashley Avenue site were shown. An elevation map was shown.

The remaining properties were read into the record by Chair Karesh.

A very important thing about the Orrs Court properties were that the houses were lower in height than on Ashley Avenue, and the distance of the right-of-way on Orrs Court was really constrained, and was one of the narrowest streets in the City. He showed several images of the surroundings on Orrs Court.

Staff recommended disapproval on Rezoning Items 1-4.

Mr. Morgan showed a video of the area and surroundings.

Ms. Johnson asked Mr. Morgan to use his cursor to show where the roofline of the three story blue house shown in the presentation would be if it had been built in the 2.5 Story Height District guidelines.

Mr. Morgan said he would not be able to say. It would be around 38-40ft., and some of the third floor would be cut into.

Ms. Johnson said it would then potentially not affect the overall height.

Mr. Morgan said it would absolutely not affect the overall height. It was about the character of the neighborhood.

Ms. Johnson said the height could remain the same.

Mr. Morgan said that was correct, it would just have more dormers and more roof activity, which was very common in that neighborhood.

Ms. Johnson thanked Mr. Morgan.

Chair Karesh called on the applicant, Mr. Richardson.

Mr. Richardson said he wanted to point out that they presented on the ordinance amendment change as concerned citizens because that change would not have impacted their application because of the time.

He said what was before the Commission was another flood-condition-derived request and application. Their site ranged from 8ft down to 3.85ft at the rear. Because of that and where they were, they were an AE-10 flood zone. Adding the City’s freeboard height, they needed to be at 12ft.

In a lot of their projects downtown, they worked on projects for affordable and attainable housing. They were truly trying to repopulate the peninsula with young professionals and young families who were often priced out with access and affordability. They had worked with several houses on the Eastside, in particular, there were historic homes that had to be elevated in order to be preserved, while also meeting all of the City’s ordinances, to make sure those new structures met flood conditions. Piling in stormwater and everything else, and they could get some complicated projects.

The reason for their request was that they wanted to have a collection of small homes that would fall into an attainable price range. The homes would be proposed to be on average two bedrooms and 2.5 bathrooms. It would not be large or loud. Their request went from the 2.5 Story Height District at a maximum of 40ft to the 3 Story Height District, which was two building floors over a garage story with a maximum of 40ft. The reason why they were coming in as an assemblage was because they had a property that was the last to be developed on the block. The plat was so old that what was submitted in their application was handwritten. They were trying to come in with small homes that, in a combined approach, would deal with the stormwater measures before them.

He said some people would not go to the extent that they would. In trying to build homes on the properties, others would subvert the TRC process and avoid 95% of the stormwater measures that they had to fix. That was a concern of theirs for anyone who would take the project on other than a willing developer.

He said 10 years prior, he probably had 12 developers who could do infill projects, and he now had about two or three, and they were going away almost weekly because it was difficult to do. So, they were working with problematic projects on a daily basis.

By combining the four parcels, they were able to come in with a total site stormwater solution and also achieve the goals they had as a firm, which was to bring in affordable and attainable homes.

They had met with the Westside a lot, both individually and at board meetings. They talked about why they felt their solution was a great solution, and their concerns about proposed staff solutions. Their request was to come in and fix the drainage problem, which would only become worse. He said they were not building for today, but for tomorrow, and they had to be responsible when they faced resilient urbanism challenges by coming up with smart solutions. What they were proposing was two living stories above a garage. The other option was the same program, only under a crawlspace. They were applying so that they could ensure that they could park the required vehicles by the City's parking code. They were going over the 1.5 required to ensure that they didn't put extra cars onto the right-of-ways, and they were providing guest parking, which was not required.

He said they were asking for the Commission's consideration so that they could deal with the property responsibly and make sure that it was something that was going to endure.

He had concerns about some of the adjacent contextual homes which were mostly below the flood line because they were built before the standards they had today, which themselves would increase continually. If another foot of freeboard were added, the standard they had would fit with that.

He said he appreciated the Commission's time. He understood it got a bit technical, but that was something the Commission had to deal with from time to time.

Chair Karesh asked if anyone wanted to speak in favor of the application.

Mr. Chesnut said he wanted to speak. He said they were proposing 26 parking spaces for the site. They were only required to have 20. They were providing six extra guest spaces. He said their open greenspace went from 10% to 25% in the neighborhood. He said it didn't make sense to him to have residents park in a parking garage instead of in a garage under the house. They made it so they faced the garages towards the alleyways on purpose so that they did not look elevated from the street level. With all of those items, they were still only 38ft. Whether it was a 2.5 story house or a three-story house, both would still be at 38ft. He said most of the homes shown in the video were nonconforming. He had tried to sell one the previous year, and the flood insurance was \$7,800/year. He said there was hardly any difference in the aesthetics of the house between the 2.5 story and the three story, however, the benefits of the three story were so much greater than the 2.5 story without changing the height at all.

Ms. Laverne said she was the third generation that had lived at 312 Ashley Avenue. She was there with her 81-year-old father and her 35 year old daughter. She said she also had a 31-year-old daughter who was working overseas as a civilian.

She said she'd had conversations with Mr. Chesnut. They had stood out in the waiting room and spook for nearly two hours. She said he had promised to provide the plans which the Commission saw that night. However, he had failed them. They lived adjacent to the property, and the previous night, at 7:12 p.m., he sent her half of what was received by the Commission. He had only sent the three-story part, not the 2.5 story part. The plan was that she would meet with the neighbors, since she had the technology, and get them all of the information so that they could review it. There were multigenerational families living adjacent to 313 Ashley Avenue that were saying 'no' simply because none of them had true, factual information that they were looking at. They were told it was three bedrooms, and now it was two. She asked what it was. The information she was sent wasn't even what was presented completely that night. Since they had 315 Ashley Avenue "rammed down our throats," they did not have a lot of trust that what being presented was what was actually going to be built. She said she could not support a project when she did not even have all of the factual information. She would have loved to have had that in a timely manner to present to all of the residents who lived adjacent to the project to review, keeping in mind that they all knew that the neighborhood was going through gentrification. Many of the residents that lived there were her father's age, and so therefore their children, like herself, were the ones who were coming back and trying to hold onto their neighborhood, but she felt as though their voices were not important. They had been disrespected. To send them with a timestamp of 7:12 and to call her at 6:30 for a meeting that was that day, she didn't even have time to present anything to any of the neighbors. She could not support a project she could not get factual information from.

They had concerns about what happened to their infrastructure if the site plan went through. She said Mr. Chesnut had said to her that "I could just build it as-is," and she said that they had said to him, "fine, do what you want," but they were not going to support it without all of the facts. On July 28 after move-out weekend, they had two fire calls. One was for a minor kitchen fire that was put out, however, that required seven engines to come out due to the close proximity of the buildings. One kitchen fire that got out of hand could potentially wipe the whole block out. So, her concern was what was going to happen to the infrastructure. It was great that they were talking about stormwater and flooding, but she asked how they were going to handle water and water pressure, and how they were going to handle sewerage, and how all of those things would be handled as they increased the density. There was a four bedroom 4.5 bathroom monstrosity at 315. The only thing they could do with that was renting it out. She didn't see any family in their right mind moving to the opposite site and actually purchasing and living there. The property would become an investor property. She said she had actually been told by the owner of 315 that he was trying to get the Item through so that he could dump all of his property off on the next investor. So, they were not happy with how things were going. She just wanted Mr. Chesnut and Mr. Richardson to be forthcoming with the information so the neighbors could make a decision on whether to support the Item or not.

Chair Karesh thanked Ms. Laverne.

Mr. Spence said the Preservation Society was opposed to the request to upzone to a three-story height district. Their concern had to do with all of the proposals across the board on the agenda. On Ashley Avenue, the streetscape was predominantly one to 2.5 story building, with the exception of isolated out of scale new construction. They felt confident that a reasonable new construction program could be achieved with the current zoning and would better respect the scale and character of the surrounding neighborhood. Orrs Court was characterized by even smaller scale developments, with a number of freedman's cottages and other one-story structures composing a very sensitive historic context.

They also wanted to point out that the amendments to the ordinance would make projects more feasible. They provided a little more flexibility in the flood zones and, if adopted, they felt the project could be built feasibly with two stories over an elevated foundation, which they felt was reasonable and compatible with the context.

Further, they appreciated the Commission's previous discussion about making piecemeal changes to the zone map, and they felt it was important to uphold the integrity of the height districts which were

intentionally drawn to respond to the existing contexts. They supported staff's position and asked the Commission to recommend disapproval of the request.

Mr. Lawrence said he had lived in the community for over 70 years. He said City staff were working hard to build a bridge between the developers and the people that lived in the neighborhood. He thanked them for their hard work.

He said they created a recommendation for heights. Developers had to follow the guidelines. There were people who had lived in the freedman's cottages since the 1940s, and they had worked hard to live there. They were now being harassed and the sun being blocked from them by high buildings.

He said they had a whole lot of greenspace in the area. The City's Stormwater Department had guidelines that ensured that water would not run off onto another property. If the gate was opened for a three-story building, as they had seen all over the Westside, all of the senior citizens in the freedman's cottages would be overshadowed and would cause problems. He said when developers said they were going to build affordable housing, he responded by saying that the people who worked on the peninsula could not afford anything on the peninsula. He asked who it would be affordable to. Medical students at MUSC and students studying at the Citadel did not have parking spaces. He said not to destroy the freedman's cottages and not to displace the residents.

Mr. Williams said he heard that a couple of meetings ago that the City was not requiring people to have space underneath their houses as the houses went up. He wanted to make sure that was true or not, because if the developers built what they were trying to build, it was not up to the residents to make sure that they had room to have under a garage. He said a resident could just buy a smaller car and leave it underneath. He said the space would not be utilized anyway.

He said the turning radius on a car next to 315 would be congested. He said someone would get eliminated from the available parking spaces. It was a first come first serve situation. That was why he thought they should not approve of the project.

Ms. Drolet said the Historic Charleston Foundation opposed Rezoning Items 1-4. While they sympathized with the applicant, they were concerned by the precedent the rezoning would establish. Three stories was not appropriate for the historic Westside neighborhood. Section 54-306 15 obligated the Planning Commission to review the requests for height rezonings on context and compatibility. The properties in question were located on small scale residential streets and were surrounded by buildings ranging from one to 2.5 stories. The half story was the predominant roof form in the Westside and an important element. Using the evaluation criteria, HCF had significant concerns about scaling, compatibility, and character. They encouraged the Commission to recommend denial.

Chair Karesh asked the applicant for a response.

Mr. Richardson said he wanted to apologize to Ms. Laverne. He said it was a team coordination drop on their part. Mr. Chesnut thought they were going to be at the following month's hearing and set his schedule accordingly. Regardless of the outcome that night, they would meet with her and provide her with all of the information. There were a lot of items that came up that they could help clarify and dispel.

With ten units, it was considered by zoning to be a multifamily property. That meant that they were required to have 1.5 spaces per unit. That was not realistic, so they would provide two. They also provided guest parking, which they were not required to do, but they felt that was unrealistic. As far as turning radius for cars and access, through the TRC process, they had to provide what were called auto turn models, which were computer-aided drafting. He said it was almost like playing with matchboxes. They had all of the cars, and they had to show how they would get in and out. The headlights were required to not be visible, you could not back into the driveway. They had a legal provision where they had to still honor a driveway easement with 315 Ashley Avenue. So, they had to model all of those spaces to ensure access.

The properties were within the hose length of the right-of-ways.

For the flood conditions in the garage space, it did not matter if the owner drove a Tesla or a Tahoe. The building code height was still the same regardless.

He said he was not surprised that HCF and the Preservation Society opposed them. He said they opposed them years ago when they were elevating structures in the Eastside to preserve them. He said they felt that nothing should have been elevated and that Charleston should have stayed “frozen in time” and allow the weather conditions to do what they may. They didn’t agree with that. Further, anytime they did new construction, with the TRC process, they were not allowed to build anything below flooding levels. They did not think it was responsible to leave things as they were. Most of the historic properties around them were nonconforming, and they faced very high flood insurance rates. That was a huge burden for people to bare. They believed in the project and the request. They were not asking for additional height. They were asking to have two full levels above garage storage. They were modest homes that averaged 1200 sq. ft. with tight floorplans. They did infill projects like that all the time. None of the easy projects were left. He said it was too difficult to find a site for affordable housing. They were doing it on the private development side. The City had a mechanism that currently existed in the Zoning Code in the Height Ordinance section that was very reasonable. That was why it was created and why it was used from time to time. That was their modest and respectful advice.

Chair Karesh thanked Mr. Richardson and closed the public aspect.

Ms. Jacobs thanked Chair Karesh for allowing her to speak first. She said she remembered hearing about the Item a few meetings ago, and she recalled that the first thing out of Mr. Bailey’s mouth was “We’re not a technical review committee, we’re the Planning Commission.” She said they could not live without thinking about all of the other things, but it was not their responsibility to handle that. They had the TRC. Additionally, Mr. Morgan had pointed out that their *raison d’être* in reviewing the Item was about context. While she was listening to everything, she opened up her copy of the ordinance that they had. She always kept it at the meeting because it was very important. She quoted Sec. 54-944. What that said to her was that they had a “do no harm” statement in their ordinance. It didn’t mean they shouldn’t think about or consider things. She thought the Item in question was one of the very important things. There was no guarantee that if they approved the rezoning that the project would be done. Further, they had spent a lot of time reviewing an ordinance from Mr. Jeffrey Roberts that showed how they could build really small houses and make them work. She asked why that creativity was not being used in this case. She asked to here from the other Commissioners, but she thought they had to consider the Item very carefully.

Chair Karesh thanked Ms. Jacobs. He said he appreciated Mr. Richardson and Mr. Chesnut. It was very tough to do a project with what could be fit in with the flood zones and everything else. He asked for responses from other Commissioners.

Mr. Lesesne said he appreciated Mr. Richardson’s comment about how he worked on the hard projects, and he said the hard questions came to the Planning Commission, too, and the easy ones were dealt with somewhere else. Among the things they had heard about that were important to everyone was affordability of housing, flooding, neighborhood character, height, among all sorts of other things. In a perfect world, among all of the decisions that they made, those things would all align every time. They could say they were all good or all bad, but there were projects where they had to make judgements because they were in conflict. They were dealing with all of the things they were supposed to consider, and they had to make a judgement about what was most important, which would not be the same on every project. He heard what the neighbors were saying. He appreciated Mr. Morgan’s presentation. In his opinion, his priority was the character of the neighborhood. He said Mr. Chesnut had done a great job. They saw Mr. Richardson a lot and he always made a compelling presentation, and he was very good at what he did, but in this case, he would motion to deny.

Ms. Johnson said she could sense which way the wind was blowing, and she could tell she would be the outlier. She agreed with everything Mr. Lesesne had just said, but what was challenging for her was that they were not looking at a height issue, but a massing and flood zone issue. If it were presented as a

conforming garage with two stories above, she thought it would be a different conversation, because the height was limited. The garage had to be conforming. While she understood, she still felt there was a lot of misunderstanding happening. To hear people saying that the height would block views was incorrect, the height would be the same regardless. She loved the idea of affordable housing there, though she agreed that affordable housing in Charleston was not truly affordable, but it was better than some of the other things that could have been built there.

Chair Karesh said he heard her, and it was a tough situation.

Mr. Lesesne asked Mr. Richardson to explain a page of his handout to everyone.

Mr. Richardson said there was a lot of mystery, and as humans, mystery bred fear, so he thought it would be a good idea to map it out. On the bottom was a 2.5 story building, and on the top was a three story. Below was their current conditions with an allowable garage, and above was what a three story would allow. They were asking to get it up to three stories so they could have a garage and three stories above. The garage was what people were focusing on, but, when comparing elevation along with the floor plans, they could see the impact. There was a difference of one bedroom and one bathroom between the 2.5 story and the three-story building.

Mr. Lesesne asked which of the parking schemes corresponded to the 2.5 story version.

Mr. Richardson said the 2.5 story version showed an example of what would happen if they were precluded from building parking. They could build that version currently, but they would only have a story and a half, and it would kill the project, which was why they were asking for the extra half-story, so they could go from one bedrooms to two. He said it was a very modest request.

Mr. Lesesne asked if the under-unit parking could be done in the 2.5 story version.

Mr. Richardson said it could, but there would only be a story and a half above it, which was not feasible or logical. He said one could argue that one-bedrooms were worse on the peninsula than two-bedrooms, because they were able to accommodate more people.

Ms. Johnson said she thought it also came down to presentation. When she heard “three story,” that sounded massive and scary. If they went back to the ordinance amendment and it instead read “two full stories above a conforming garage, to her, that sounded sensible and reasonable, as opposed to “three stories,” which sounded tall, looming, and out of scale with the neighborhood.

Chair Karesh agreed. There was still the 40ft limit. He said he appreciated Mr. Richardson’s work and his explanation before the Commission.

On a motion of Harry Lesesne, seconded by Donna Jacobs, the Commission voted to recommend disapproval of the Rezoning Items 1-4. The vote was not unanimous. Angie Johnson voted against. Erika Harrison recused herself from each Item.

5. 1040 Gardner Rd. Jenkins Woods - West Ashley | TMS # 3511500027 | Approx. 0.94 ac. Request rezoning from Job Center (JC) to Business Park (BP).

Owner: Molony Investments

Applicant: Kevin Molony

Mr. Morgan said the property was in an area of West Ashley that the Dupont-Wappoo Plan was done for. Some properties were zoned for Job Center. A lot of them had existing development on them. The applicants were interested in having another use in the development that did not fit in Job Center’s description in the Zoning Code. They wanted to rezone to Business Park, which was also predominant in the area. There were some differences. BP was a little bit more flexible in the hours of operation and more like Industrial zoning.

The location and surroundings were described. It was a location that was nearby to a Settlement Area.

The difference between BP and JC were highlighted.

Images of the property were shown.

Staff recommended approval. BP was not a huge difference from JC, and the owners could utilize the property more effectively in the zoning.

Ms. Jacobs said she would support staff's recommendation, but wanted the following in the record. She said she had done a lot of work with the City when they were working on the Settlement Areas, and what they didn't realize was that the area comprising Wappoo Road, Ashley River Road, Savage Road, and all the way to Epic Center (formerly the Citadel Mall) was originally a Settlement Area. It had been slowly dissolved over time with the highway coming in and commercial buildings being built in the area, but there were little enclaves everywhere. She knew about the area, known as Jenkins Woods and Jenkins Hill, when she was helping the City. The mapping was very loose because they didn't have anything that said where the community exactly was. She drove down there to refresh her memory, and there were still people that lived in cottages there on large plats of land. She had seen a man swinging on a swing attached to a tree, but it was all industrial around them. The rezoning would not be out of context, but her big concern was the hours of operation, because there were still people that lived in that area. They were going from a business zoning and moving to a zoning that placed no limits on hours of operation.

Further, they had put in their City Plan that they would respect Settlement Communities as they made land use choices moving forward. She respectfully asked that they continue to do that as a part of the agenda whenever they had even a tiny address to at least have the conversation before making any decision.

On a motion of Donna Jacobs, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to approve Rezoning Item 5.

PLANNED UNIT DEVELOPMENT (PUD)

- 1. Properties on Battery Island Dr Bee Field - James Island | TMS #3340500023, 022, 055 | Approx. 7.08 ac Request rezoning of two properties (TMS# 3340500023 & 022) from Rural Residential (RR-1) and zoning of one property (TMS# 3340500055) to Planned Unit Development (Battery Island PUD).**

Owner: Battery Island Community LLC

Applicant: Robinson Design Engineers/ Joshua Robinson, PE

Mr. Morgan described the location and surroundings of the property. The subject properties that were in the City had been within the City for quite a while. The PUD made up a little over seven acres. Both frontages of Folly Road were included within the Urban Growth Boundary because the feeling was that Folly Road was developed more in an urban fashion. However, once one moved past Folly Road, it became a good bit more rural. It was only properties that fronted on Folly Road that were inside the UGB. All of the subject properties that were in the PUD were outside the UGB. Typically, what they looked for was much, much lower density, typically one unit/acre or less. There was the quandary that the area already had RR-1 zoning at three units/acre and there was the County's Neighborhood Commercial zoning within the County's Folly Road Overlay.

Within the Comprehensive Plan, the area was designated Low Impact/Conserved, which meant they were supposed to recommend only one unit/acre or less. But there was already existing density that was higher than that. Another aspect of the Low Impact/Conserved portion of the Comprehensive Plan was that when there was development in those areas, it needed to be with structures that would be elevated so as not to impair the intertidal systems.

The PUD had densities close to that, and there would be elevated structures and stormwater innovations, but he didn't want to gloss over the fact that the PUD was in a very challenged area that, over time, would be challenged with stormwater and sea level rise issues.

The parcels were undeveloped. One provided access to an adjacent developed parcel. At present, there were a number of uses that were allowed there, such as a hotel, a bar or lounge, a farmers' market, and things like that. The idea that it was only a residential area was not really correct. There were a diversity of uses allowed already under the County zoning.

Images of the property were shown.

Documents from the TRC review were shown. There would be a small inn with 20 rooms, and 16 residential lots, as well as access to the other existing residences. There would be a pump station that would handle the sewer on the site, and there would be a good bit of greenspace.

The site plan had a good bit of stormwater management area and a tremendous amount of greenspace, around 40% of the property. It ended up being 2.4 units/acre, which was less dense than the current allowance, but not quite to the level of the recommended densities outside the UGB and within the Low Impact/Conserved designation in the Plan.

Staff feeling was that the applicant had made an excellent effort when it came to stormwater. They were making a good effort to get the densities closer to what the recommendations were. They had heard about concerns with the hotel, and so there were some staff recommendations he wanted to go over, which the Commission could add to and subtract from if they so chose. The suggestions followed thusly:

- 1. The operation of a bar or restaurant in the proposed Inn is prohibited.**
- 2. If the Inn is not developed, future uses for the commercial area of the PUD will be limited to office or limited farm/produce sales.**
- 3. The Applicant for the Inn use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: \$5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells, and elevators.**
- 4. The Inn provides off-street parking at the rate of two spaces that meet the design requirements of Section 54-316 of the Zoning Ordinance for each three sleeping units.**
- 5. The Inn commits to environmental sustainability and recycling.**
- 6. The long-term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided.**

Mr. Morgan said all of the conditions were pulled from the criteria from the Special Exceptions process, which was the normal hotel process. Staff felt they were relevant to the site.

Staff recommended approval, with the conditions outlined above.

Chair Karesh called for the applicant to present.

Mr. Garry Lesesne said he was one of the owners of Battery Island Community LLC. He introduced Mr. Tai Cohen and Mr. Jerry Scheer. They were three of the four owners of Battery Island Community LLC. They wanted to ensure that the Commission knew that they were "local guys here in Charleston." He said Mr. Cohen's father was the fourth owner. The four of them together had a development background and a building background.

He said he would give a chronology of where they started and how they got to where they were, and then he would turn it over to Mr. Joshua Robinson to talk about all of the technical stuff.

He said he had been spearheading the project from the community development standpoint. Mr. Robinson as their project engineer, and was an award winning engineer who had developed innovative, ecofriendly conservation projects.

His team wanted to extend a thank you to Mr. Morgan and the TRC staff, because they felt that they had a better product that day post-TRC. It was daunting, but staff was honest and forced them to make necessary changes.

He also wanted to voluntarily amend their master plan on record to clarify that the sixteen residential homes' uses would be limited solely to long-term rentals or for-sale housing. There would be no short-term rentals involved. Further, as was stated within the master plan, there would be no ADUs constructed. So, there would be no back-end situation where there was a house at first, and then an ADU six months later.

Recognizing the Future Land Use Regulations came into effect after their submittals, they had worked diligently towards respecting the land use by capping their density to 2.4 units/acre, as opposed to the zoning at the time of submittals, which allowed for 3.5 homes/acre. They were preserving 2.77 acres of open preservation greenspace. That greenspace would be open to the neighboring communities. They had also ensured that there would be parking within the development for the neighboring communities that chose to come in and utilize the preserved space to their benefit.

The property totaled 7.1 acres. They had close to an acre within Charleston County and zoned commercially in the Folly Road Overlay. The zoning allowed for an array of by-right opportunities.

They had purchased the property in late 2020, and continued to assemble. In early 2021, They began working with the community and the leadership of Beefield. He thanked the residents of Beefield in the audience. The community was comprised of approximately 27 homes, eight to nine of which were in the City, the rest in the County.

To discuss their goals and to coexist in the community, they held their first Zoom meeting in 2021 and invited all residents to participate. Some participated, some did not. Some provided great questions and offered wonderful feedback, all of which they implemented within their plan.

He quoted the association leadership from August 7, 2022, well over a year into the process: "Garry, I am so grateful for you all's commitment. I speak on behalf of the community when I say we welcome the Battery Island LLC. As stated, I believe we will be able to support each other's existence. Again, thank the partners for being supportive." He said Battery Island Community LLC felt great about it. Following their initial meeting, they introduced the project to then-Councilmember Carol Jackson. That came with another list of boxes they had to check to garner her support.

Chair Karesh said they knew Ms. Jackson.

There was laughter in the meeting room.

Mr. Garry Lesesne said former Councilmember Jackson introduced their team to the engineer Mr. Joshua Robinson. They then stayed the course and garnered her support and maintained full support of the Neighborhood Association through September 16, 2022, as they went through TRC and started preparing for the Planning Commission. Most recently, they had heard remarks related to the Accommodations Use area of their project.

He said Beefield residents were concerned that traffic, higher taxation, flooding, and noise might be issues. They were also concerned that their guests would ride bikes to Folly Beach. He said they were all valid concerns that they had addressed and would continue addressing. He said they had a favorable traffic report. It was their belief that the residents' property taxes would not increase so long as they were permanently residing in their homes. Their values could increase, but that would be good for everybody. They had successfully passed, and hoped they had exceeded, the Stormwater requirements. Noise would be managed by professional management that would ensure that they did not have a "party facility." Lastly, they would encourage their guests to ride bikes to Folly Beach, as they fully supported "Rethink Folly Road." It was good for traffic in the environment.

He said the PUD reflected the new City Plan and would be a model for innovative, low-impact developments. He stressed that they had done their best to address the project in a holistic manner. They had walked away from their by-right options in the County to make something better for the City of Charleston. He asked that the project be given a unanimous vote, with conditions. The PUD would be

designed and permitted in a single phase, which allowed everyone to be on the same page. They had no intention of developing the residential portion and selling off the commercial portion.

Chair Karesh asked if they had considered staff's conditions.

Mr. Garry Lesesne said they were 100% in support of staff's conditions. He believed they were all proper and in the best interest of the City of Charleston.

Mr. Robinson said he and some of his colleagues were participants in the Dutch Dialogues. That relationship led to them working on the City Plan. They were introduced to Battery Island Community LLC by former Councilmember Carol Jackson. They worked together to come up with ways to implement the City Plan in the challenged site of an area in the 100-year floodplain. That was one of the requirements to be a part of the project. He wanted nature-based solutions to Stormwater development. It was a conservation-development inspired project, and followed the City Plan's recommendations explicitly. They had conserved an acre and a half of natural greenspace. They had incorporated 100% green infrastructure.

It would be a single-phase project by a builder-developer by an ownership team. The ownership team owned the land outright and were also builders, and so it had the greatest chance of success and follow-through.

All of the buildings would be elevated above the flood zone. Parking would be under the building with two stories above, which was fully consistent with the City Plan. The buildings themselves would have green roofs. There would be no rooftop deck or bar space.

The sewer would be provided by JIPSD. Part of the project included a pump station and a new public sewer force main. They did not have the details worked out yet, but it would be tied in with the existing residents and would hopefully improve the sanitary sewer conditions of the rest of the neighborhood.

Chair Karesh asked if anyone wanted to speak in favor of the project.

Mr. Agius said he owned the restaurant on the corner of Battery Island Drive. He said he thought the project would be great for the area and would bring in more people to help with employment.

Chair Karesh asked if anyone wanted to speak in opposition to the project.

Mr. George Richardson said he was the president of the Battery Island Drive Neighborhood Association/Beefield Community. He said their neighborhood had been recognized as a historic district in Charleston County.

He said that, up until the previous Monday, they had been led to believe that there was "no point" in them coming to the Planning Commission meeting because "everything was laid out" and what they had to say "didn't matter." He said he found that to be not true when Mr. Morgan welcomed the community to come out. He did not know why they were being told there was no point in coming. If they didn't want the community to come, that showed that they really didn't care about what the community thought.

He said they were not opposed to changes. They were a very small community. Half of them were elderly people in their 80s and above. The oldest was 96-years-old, just a few minutes away from the development. She still drove. Not Folly Road, but Battery Island Drive.

They had seen a lot of changes in the last few years. He said Mr. Agius naturally supported it since it would increase his revenue, but he didn't live there. They did. They didn't have sidewalks, and had only just added a speed limit added. There were residents in his community that would be directly impacted by the development. They were not opposed to a development coming in and building homes, but they were opposed to a hotel, even if they dressed it up as a bed and breakfast.

He said former Councilmember Jackson was initially opposed to the project because the development would only be affordable to well-off white Northerners, and not to local residents. They already had problems with hotels.

At the last community meeting, they asked what the price of the homes would be. The answer was \$700,000. That was not what they would have called affordable living. The developers were trying to upset their quiet living. He had just moved back home from Myrtle Beach and he had seen what hotels did to a community. The young people who fought their way to Folly Beach on the road would stay at the hotels and drunkenly “trash the place.” The restaurant already there would contribute to that problem. It would mean loud noise keeping people up in the existing community. When they got to their age, they had the right to walk and exist in their community without the vagrants that the hotel would bring in.

Mr. Wright said he had moved back home in 2014. He had lived in hotels and knew what it would bring to the area. The restaurant was already disruptive. There was previously an establishment that played music until 2:00 and 3:00 a.m. They wanted more affordable housing, but they did not want a hotel. It would bring only chaos. It would feel like King Street at 2:00 a.m. He was against that.

Ms. Palmer said she did not live in Beefield, but she had come to represent her grandmother. It was an elderly community that walked and biked. There had been a noise problem with a previous establishment. People used to park on the side of the road, and it blocked the road. Her grandmother was bothered by the noise at the restaurant there. They were being confined to their home and their lifespans were being shortened. The hotel would be busy and bring in noise that would disrupt the community. They had been living there for years. \$700,000 meant the community wouldn't even have the option to buy the houses. Residential was fine, though she questioned what was affordable.

Ms. Burden distributed pictures of her house. She said she loved her front porch. They had gone through a horrendous experience with noise. Her house would be right next to the development. She did not relish the idea of coming on her front porch and seeing a bunch of strangers ride past her house. She asked how the noise would be maintained. There were cars parked everywhere on Cinco de Mayo, and when they asked them to move, they were cursed out and told to move. She was not opposed to the new people, but she was opposed to the hotel. People would park along her house and she had to put cones up. She said livability would be an issue for her when the development was developed. They already had greenspace. It was a rural area. She wanted to see her home passed to her daughter and grandchildren. It was important that the Commission consider them as a community.

Mr. Washington said he opposed the project because it was only compounding the problems they already had, including traffic and crowds. It would bring people who were not concerned with the community. Drinking and drugs destroyed communities. He felt that, at their age, they deserved peace. They just wanted peace. He applauded business prospects, but not at the expense of the community.

Ms. Greene said Beefield was an elderly community living on fixed income, and the homes in Charleston County had received historic preservation statuses. Homes not in the County were now threatened by overdevelopment, both residential and commercial. They may not have been able to stop development, but their concerns were valid when it undermined their ability to keep their homes, with newly developed homes priced in the high six figures and a bed and breakfast hotels. The development could only subject the community to safety concerns, increased property taxes, and being swallowed up by excessive development. It was low-lying, which led to flooding. She asked if the development would adversely affect the existing community. There was a beautiful inlet that was being compromised under their noses for the purpose of development. Nature was being destroyed. The community could not get onto Folly Road. The Fire Department had trouble getting to their community. Change and development was inevitable, but she asked the Commission to be mindful that the area was their home.

Mr. Greene said he used to be a firefighter. He had to make signs telling drivers to not block the intersection. The previous mentioned inlet, the drain pipe there had been dug up. It had run from Old Folly Road to there, and now the other part of Folly Road and Battery Island Drive became completely flooded. He went to the PSD and told them about it. He said change was inevitable, but the way you went about it was important. The PUD would be a total disruption of livability.

Mr. James Greene said he had lived there for 49 years. He opposed the hotel, but had no problem with the residences, which might be a blessing to him. However, his driveway was right next to the proposed hotel.

Ms. Brown said she lived in Summerville, SC, but she was one of Mr. Greene's children. She wanted to say that she also opposed the hotel. Her parents asked them to come and speak, and so she did. The driveway the hotel would be next to led to her parents' home. They'd had consistent issues with the existing restaurant. She was sometimes fearful coming over to see them. She was sometimes unable to get to them or leave, and had had to call an officer to locate the person who was blocking the driveway. The FD Chief had come to the house and had said that it would be difficult to get to them because of the restaurant.

She said she did not disagree with change, but she felt traffic could be an issue. They also wanted it to be affordable housing that would compliment and go along with the other houses.

Chair Karesh asked the applicant for a response.

Mr. Garry Lesesne asked Mr. Morgan to pull up the Zone Map for Old Folly Road.

Mr. Morgan said they had the City zoning, but not the County zoning.

Mr. Garry Lesesne said he would pass around a physical version. He said what they would notice was that the homes on Old Folly Road had the same zoning the applicant had in the County, which was commercial zoning. In hindsight, that meant they could set some criteria for a proper project within that area. If he were advising someone who was wanting to sell one of those properties, he would have said that they should have sold their property for the best and highest value, which would not be based on having a residential home, but a commercial piece of property, since the zoning was commercial. Then, the buyer would pay the commercial price, and would build something that fit within the Folly Road Overlay. It was just inevitable. Their goal was to try to set a standard instead of kicking the can down the road.

Chair Karesh said there had been a lot of discussion of noise. He asked how many rooms the proposed bed and breakfast would have.

Mr. Garry Lesesne said there would be two units, each with ten rooms. There would be no rooftop area for people to hang out. There was no bar or restaurant. He said they would do themselves an injustice to the people staying in their residential homes if they also had noisy people staying in the inn. It would be contradictory of good business.

Chair Karesh said he was sure the City had a noise ordinance that would pertain, as well.

Mr. Garry Lesesne said one of the residents had made a great point about traffic in front of the streets and not being able to get through. He wanted to say that they would be advocates for that, because it would affect their guests and residents, as well. They would be right there on the phone calling the City or the Police to get that done.

In terms of affordability, they had agreed to staff's conditions, which meant that they would be giving money that would be going towards affordable housing, and it would be a quantifiable amount that they would be proud of.

Mr. Bailey said that early in the comments, Mr. Garry Lesesne had said he wanted to state very emphatically "no ADUs" and no short-term rentals.

Mr. Garry Lesesne said that was correct.

Mr. Bailey asked if there would be a problem in adding those to staff's conditions.

Mr. Garry Lesesne said there would be no problem at all.

Mr. Robinson said they had already done the traffic study, and they did know that it recommended some small intersection improvements at both intersections. He did not know exactly what they would be, but they would have to coordinate with DOT.

Because there were no flooding problems in the area, they were in a special protection area. A wetland crossed the parcel included in the PUD, which connected to the salt marsh. Whatever work they did on site would drain into that wetland after it had gone through the on-site stormwater management features, which would require a lot of coordination with the County. They knew about the pipe problems, and they would work to improve it.

Chair Karesh closed the public aspect.

Ms. Harrison said she would be as frank as possible. She wanted to recognize that the Beefield Community was there first, before the Planning Commission, before her, before the restaurant, and they were trying to protect their land, and saying "I don't want to step off the sidewalk, but doggone it, there's no sidewalk to step off of." She understood the issue. She had a parent that was older, and all she wanted was peace and quiet. What she had started observing years ago was that it was really hard to bring people to "big, high concepts," when all they wanted was to have their peace and quiet and to be left alone, and for people to respect them. That created a lot of ambiguity about what was affordable, what was a bed and breakfast, etc. She herself had a bed and breakfast and a short-term rental, and she had just finished building the 20-room bed and breakfast right off Line Street, which was just the tip of the iceberg of what would be considered gentrification, and it dawned on her that when they were talking about property values going up with property taxes, what that really meant was gentrification, and that was what they were really most concerned about. What they were most concerned about was that new things in an area always brought the pressure of someone wanting to push them out, or the space being built around them wasn't inviting them to be a part of that space. She did not understand that until she had observed it where she lived on King Street, where people will not enter places because they felt they were not spaces they could enter. When she was building the place on Line Street, she asked what the rental rate would be, and she cringed, because she knew that it would seem as though they were not trying to participate with the people across the street. Not being able to get people to park in front of your house stuck with you.

She said the better approach would be to understand how the project would not result in gentrification. A real hotel was already permitted on the property. It was zoned commercially. The problem came was after what was built was finished, would it give enough peace and quiet to the community? That was what they had to find out. A hotel or a bed and breakfast didn't have to be noisy. It was actually supposed to be more quiet because it was inside a residential area. The PUD was actually reducing the amount of density. Also, the unfortunate part of affordability was that they would never get to the point where there would be a balance between what it cost to build a house, what it cost to buy a house, and what people would pay. She hoped they got there one day.

Ms. Johnson said she thought Ms. Harrison had been eloquent. However, one of the things she thought would be beneficial if the Item passed was that because there would be an on-site manager 24/7, that could take the burden off the community since they would have a point of contact. The manager could be an asset to the community if they could work together.

Mr. Garry Lesesne said they would be glad ensure that there would be direct communication between the community and the inn's staff.

Mr. Bailey said if he could wave a wand, he would have loved for a conservation organization to buy the land as it was, but Battery Island Community LLC owned it, and he thought they would develop it, whether they approved the PUD or not. He had not heard a lot of opposition, other than affordability, to the housing piece. By his calculations, they were proposing 16 houses, whereas the current zoning allowed over 20, so there were fewer houses than what they could go build as it already was. He understood the problem with the hotel part, but they could go and build that piece currently, also. He

understood that transients in hotels bothered people, but the applicants were saying no short-term rentals and no ADUs. So, he thought the net-net of it was that what they were proposing was better than what they currently had, in addition to the fact that they had hired an engineer with all sorts of experience with hydrology and environmentally friendly building practices. They understood the angst, but, short of a conservation organization buying the land, what the applicant was offering was probably the best they could get.

Ms. Jacobs said she heard what the residents were saying strongly. She also lived on what she called a residential-commercial border. They had to have the houses and allow the commercial areas to exist. The most important thing to do, which she thought the PUD would, was to become a good neighbor. She told them to write their good neighborliness into the PUD, so they could have the best commercial and residential opportunity, and the Beefield Community could have peace. They had heard their concerns, and she encouraged them to incorporate them. She sort of trusted that they would.

A couple things she wanted to consider adding to the PUD was that since they had committed to not allowing STRs, that needed to be written in, since it was allowed in the City and therefore had to be restricted. The other thing she wanted to ensure was that all parking pavers under houses be pervious. She would have loved to see the right-of-way also be pervious, though she was unsure if that was possible with the City's conditions, but if they could get around it somehow, it would be good. Lastly, she wanted them to consider buffering the community by putting the proposed pool in the front of the hotel, that way people did not gather in the back of the hotel, have a party, and be noisy to the neighbors, and move the pump station and the drainage ponds to the back, in addition to the vegetative buffer. She wouldn't mandate that, but she thought it spoke to their neighborliness.

She wanted to reiterate that the applicant, by right, could already do much worse things. What they were doing by coming to the Planning Commission was showing that they had listened to the Community and they were going to make the best product they could. She asked if they could add no short-term rentals in the houses and use only pervious material in parking areas.

Mr. Morgan said he added those.

Ms. Jacobs said he was sure they would design it that way, anyway, but she wanted it to be in writing.

Mr. Morgan said he also added "study the pump station and pool location relative to the hotel and neighbors."

Chair Karesh said that wouldn't be a hard limit, it just said to study it.

Mr. Morgan said that was correct. He knew that sometimes, pump stations had to be in specific locations.

Mr. Lesesne said he felt obligated to say that, since the property was outside the UGB, he felt grateful to staff for working with the property owner and the developer on the PUD, which, as Mr. Bailey rightly pointed out, resulted in a development with less density than was allowed by right. That edge of the UGB was always complicated whenever they dealt with it. He was somewhat disappointed that former Councilmember Jackson wasn't there, because she was a supporter of the boundary on James Island, whereas the County had abandoned it. But, he did think it was the best solution that could reasonably be gotten for a property on the edge of the boundary.

Ms. Bryant-Jenkins said she applauded the efforts of the property owners and the developers. She lived on the peninsula, and when she moved there, it was quiet. Now she was surrounded by noise and traffic. She was torn, but they had before them what the outline and elements were, and it was probably the best fit for the piece of property that they owned. It was hard for her to say given the fact that Beefield Community was what it was.

Chair Karesh said he wanted to say first that traffic was horrendous. It was Folly Beach. He wouldn't even talk about going out there on a Saturday, or even the weekend at all, and even during the week, it was crazy. He hoped the development didn't cause any more traffic. He was hopeful they would improve the

intersection, as they had talked about, they were required to, and hopefully it would alleviate some of the more local things. He recommended leaning on the Battery Island Community LLC owners, because he thought they could make the community even better. He knew they had concerns, but he hoped they would continue to meet with them. He hoped they would be an asset.

On a motion of Jimmy Bailey, Jr., seconded by Angie Johnson, the Commission voted unanimously to approve Planned Unit Development (PUD) Item 1, with the conditions outlined above.

ORDINANCE AMENDMENT

- 1. To amend Article 3, Part 2 (old city height districts and view corridor protection), section 54-306.A. HEIGHT DISTRICT 2.5 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to allow more flexibility for height for principal buildings within a VE or AE Flood Zone.**

Ms. Jacobs said the amendment wasn't sent to the commissioners.

Mr. Morgan said it wasn't in the initial packet, but it was sent out.

Mr. Bailey said he hadn't received it, either.

Chair Karesh said it was on the agenda.

Ms. Jacobs said it was on the agenda, but not the full text of the amendment.

Mr. Morgan said it was the short, one-page amendment.

On a motion of Harry Lesesne, seconded by Angie Johnson, the Commission voted unanimously to take Ordinance Amendment Item 1 before the Rezoning Reconsideration and the Rezoning.

Mr. Morgan said the ordinance was put together after a meeting where the Commission had been considering several different rezonings in the Westside area that had height amendments. The sentiment staff received from the Commission was that they were asking if there could be some provisions where there were lower-lying areas that encouraged use of the elevated area that had to be created because of the FEMA regulations and the City's freeboard requirements. Typically, the way their codes read at present, if they had 6ft or more under the house, that was considered a story if it was used as garage space and things like that, and that would cut into the 2.5 Story Height District if it was in the area they were talking about. The ordinance allowed for new principle buildings within the VE and AE Zone on the flood charts to have two stories over a first-floor structure that exceeded 6ft in height, provided the first floor elevation did not exceed the elevation required to meet FEMA and City freeboard requirements.

For example, they were looking at a lot of properties in the AE 12 zone. The Federal aspect of that flood zone required that a developer build to 12ft, but the City added 2ft on top of that. So, the threshold for a new structure there needed to be 14ft above sea level. A lot of the areas they were dealing with were ranging before 4.5ft and 6ft-7ft in height. If there was a 6ft property elevation, and the building had to be at 14ft. There would be a foot of structural flooring, and that was debatable and depended on how it was designed, but it was possible, which took the total from 14ft to 13ft. The 7ft zone that remained could be used as a garage area, and it would not penalize the developer from the standpoint of counting as a full story. There would still be two stories allowed over that in the 2.5 Story Height District. It was not a perfect situation. It would not fix every situation. There would be garages that would not be as tall as traditional garages, but it allowed for better use to be made of the space under the house because it was being elevated for FEMA and freeboard requirements.

Ms. Harrison asked how many other places besides the Westside the ordinance amendment would encompass.

Mr. Morgan said it would apply to any area where there was a 2.5 Story Height District. He showed a map showing the height districts and explained the neighborhoods that would be included.

Ms. Johnson asked if an area with a curb elevation of 8ft would have the same ability as the person at 7ft.

Mr. Morgan said they would have the space available to them from the difference between the 8ft and the 14ft minus the structural flooring, so the difference of 8ft and 13ft.

Ms. Johnson said it would therefore be limited.

Mr. Morgan said that was correct. When it got up to the 8ft zones, there was not as much the one could do.

Ms. Johnson asked if there was any relief for any garages that would be shorter than normal.

Mr. Morgan said there would not be through the ordinance in question. The building code would have to be met. There were probably a lot of houses that got built that didn't call the space under the house a garage. They had a garage floor and a concrete floor, and when they got built, people did park cars there.

Ms. Johnson said she liked the idea of getting cars off the street.

Mr. Morgan said that requirement would still apply. Parking always had to be provided on site, as per the City's codes.

Ms. Jacobs asked what the height of the story was, and if there was a height limit.

Mr. Morgan said it was about 11 or 12 ft. It was pretty generous floor-ceiling height.

Ms. Jacobs said the 8ft ceiling homes wouldn't be able to be built in the 2.5 Story District.

Mr. Morgan said that was correct. A part of the reason that the height regulations in 2017 were adopted was to get back to the traditional Charleston feel where there were greater floor-to-ceiling heights and not penalize structures for that.

Ms. Jacobs said people had concerns where they would get the 2.5 Story over the FEMA requirements, and they would not want to have any ultra-tall structures.

Ms. Johnson asked for Confirmation that there was a 12ft limit.

Mr. Morgan said there was, though he did not think they had run into that as of late.

Ms. Harrison asked if that was measured against the size of the right of way in certain parts of the City.

Mr. Batchelder said the overall height limitation was, but not the story limit.

Mr. Bailey asked if the amendment said two stories.

Mr. Morgan said that was correct.

Mr. Bailey said that if the provision was used, then two stories could be built above, not 2.5.

Mr. Morgan said the thing to remember was that the garage would make it essentially a three-story structure. It wasn't perfect, but it kept within the character of the neighborhood.

Mr. Bailey said he thought that was good.

Mr. Morgan said if they didn't want to utilize that area, then they could have 2.5.

Ms. Jacobs said the ordinance had not been before City Council.

Mr. Morgan said that was correct.

Ms. Jacobs asked if it was just coming to them for information.

Mr. Morgan said the Commission could make a recommendation on it.

Chair Karesh asked if anyone wanted to speak in favor of the application.

Mr. Spence, with the Preservation Society, said the Society supported the amendment to allow more flexibility for height and high flood zones. It would create more predictability of development in historic neighborhoods by reducing the number of requests to make piecemeal changes to the Zone Map.

Ms. Drolet said the Historic Charleston Foundation supported the ordinance amendment. There was no doubt that slight elevations presented challenges. She thought the ordinance provided a common ground solution while preventing piecemeal changes and respected the historic character of the neighborhood.

Chair Karesh asked if anyone wanted to speak in opposition to the application.

Mr. Richardson said he was a landscape architect and land planner with Synchronicity. He passed out a supplemental information packet. He said there were actually a lot of problems with the proposed amendment. They were licensed architects. They had a site that they used as an example for why the amendment was not a good solution and why the existing zoning ordinance provision should have remained in place.

He said there were some professional discrepancies in the Staff-presented material in terms of how the building codes actually worked. They could not promote the access and use of spaces that did not meet the International Building Code. There was a minimum clearance area for a garage. It was 6ft 8in. They had a site on the agenda which was a combination of properties at Ashley Ave and Orrs Ct. The topographic elevations got below 4ft. They were an AE10 flood zone. Because they were AE, the measurement went to the finished floor, like in a VE zone. With the City's +2, that put them at a total of 12 feet. It was not possible to have a garage below it. The ordinance would effectively create a parking lot. He said he had a cover letter that described the issues with FEMA, ADA, FHA, and all of the codes licensed professionals had to follow.

The first page was the site plan with their concept. Where they were, they were in a 2.5 Story Height District, and the maximum building height was 40ft. In applying for the upzone, which was the next height story category, being a 3 Story, that was also capped at 40ft, so there was no maximum building height increase that would be proposed in their application.

In the second exhibit, they had the site categorized by building coverage, greenspace, and hardscape. On the bottom was their proposed site plan. They had ten small homes on the property with the average square footage being 1,200 sq. ft. Most of the homes had cars that were parked under in garages. That complied with the 3 Story Height District upzoning. On the top was if they were disallowed to do that. He said that all of the cars that were under the home had to go out on the site. It would increase hardscape coverage, it would make meeting their Stormwater requirements at TRC much more difficult, and the Westside Neighborhood would be presented with a project that, effectively, was a parking lot. They had met with several member, and he said the last thing they wanted to see was a parking lot. They had astounding support to have garages to get cars off of the street. They also had guest parking. The proposed ordinance amendment would eliminate the guest parking.

The next exhibit was a comparison, because a lot of people were still not quite sure what a half-story was. It showed what a 2.5 story plan would be and what a three-story plan would be. All they were doing was building out not up and utilizing the entire footprint. They were talking about modest homes with two bedrooms and 2.5 baths as proposed. If that was limited and there was only 1.5 stories above the garage, then there would be one bedroom and 1.5 baths.

The next exhibit was an elevation exhibit. It compared a 2.5 story and 3 story building. The height was capped already at 40ft. He said the ordinance amendment was attempting to fix something that was already fixed the Planning Commission had the power to recommend a height rezoning, and that was the mechanism that allowed them to achieve what they wanted. If the ordinance were to go through, then there would be people clearing their entire site to park cars, or they would have people committing code violations. He said there was a reason why the mechanism was put in by the previous Planning Director, reviewed extensively, and approved.

The flood issues were not going to go away, and they would get worse. In their proposed total site solution, they were dealing with a stormwater issue that would cost in excess of \$200,000, on top of all project and building costs because it was the right thing to do. The last thing they wanted were code violations or things that were unsafe.

Ms. Harrison asked how approving the ordinance amendment would affect other projects in terms of the efficiency of 2.5 stories.

Mr. Richardson said it could kill a project. It could create so many code violations down the road that it would be unbuildable, and there would be more of a project blight than what they currently had. Especially with affordable housing projects, which were held to even more standards.

Mr. Bailey said he wanted to challenge that assertion. He didn't think that the ordinance was forcing anyone to utilize the tool. It was simply presenting another option.

Mr. Richardson said it was not. He said it would hinder their ability to utilize the ability to do garages under the first living foot.

Mr. Bailey said he did not have the proposed language in front of him, but his read of it was that it just provided another avenue.

Chair Karesh said staff could answer the question in their rebuttal.

Mr. Richardson said it did not provide another option. It capped it. They would have six feet of space and the amendment would cap it at 12. A minimum garage height, by code, is 6ft 8in. When adding mechanicals, like doors, that went up to 8ft before even putting the structure in, which, because they were in an AE zone, would be 2ft higher. They would then have 3.5ft where they were beyond the line.

Ms. Johnson asked if it would provide relief if they clarified that the space under the house could only be utilized as a garage if it was at the 8ft or whatever the requirement was.

Mr. Richardson said it would not, because that put them in conflict with the International Building Code, which ruled all. They would basically have glorified crawlspaces that they could utilize as a garage.

Ms. Johnson said she was saying that if the ordinance said that if the space underneath were utilized as a garage then it had to be a minimum of whatever the International Building Code said.

Mr. Richardson said it was eight feet with mechanicals, but that could not be done if they were capped at the first-floor elevation height as shown in the proposal.

Ms. Johnson said she was just thinking of a way to do it where they didn't end up with random spaces underneath that were not usable.

Mr. Richardson said the answer was simple, and it was to not change it, because they already had the mechanism in place to provide code-compliant spaces. He said that for some reason, there was the perception that they did not have that mechanism, but they did, and their application was a clear sign of that.

Chair Karesh thanked Mr. Richardson and closed the public aspect. He asked staff to address some of the concerns.

Mr. Morgan said Mr. Richardson had met with himself and Mr. Batchelder and had shared the same documents with them. He felt there was a lot of good information there, but the ordinance amendment was not something that was going to fix every situation, but staff had heard the commission say that they wanted them to do something, and it was the most they felt they code do, because they felt very strongly that areas like the Westside that were set with 2.5 Story Height Districts would have a very unfortunate precedent if there were parcel-by-parcel rezonings for bigger houses. The site plans that Mr. Richardson showed were very nice, but there was nothing that guaranteed that site plan got built. The property could flip in a week. Also, every single site that was developed in the City had to adhere to their Stormwater Regulations, so they had to deal with the stormwater when they were building the developments.

Ms. Johnson asked if there was any consideration to just doing away with the half-story.

Mr. Morgan said it was very traditional to Charleston to have the half-story, and neighborhoods like the Westside had lots of houses with the half-story.

Ms. Johnson said that was correct, and she had no issue with that, but if they were looking at the issue from a height perspective, the difference could be fairly equal between a 2.5 and a three-story house. She asked if there was any conversation about that.

Mr. Morgan said no, because they had architects come in at great expense working with the preservation organizations and the community architects and things like that to develop the height districts they had based on the character of buildings and development in Charleston.

Ms. Johnson said she understood that, but felt that it was a little misleading when they were talking about height districts but the difference between 2.5 and three wasn't height, but massing. She was asking if there had been a conversation about that and if relief could be provided.

Mr. Morgan said they did not. And, when other things had been discussed about possible changes to the height regulations, they had never touched on the half-stories. They hadn't heard about it from architects, neighborhoods, preservation groups, or anything like that.

Chair Karesh asked if there were any motions or discussion questions.

Ms. Johnson said she felt like they didn't have enough information.

Mr. Lesesne said just because he hadn't seen enough of the ordinance before the meeting, he wanted to move to defer the amendment, and they could study and think in the meantime. He said he was curious about the statement that was made earlier in regard to the space being not up to the building code.

Mr. Morgan said one could not build a structure if it didn't meet building code.

Mr. Lesesne said he supposed non-occupiable was the operative word.

Mr. Morgan said that it could be that depending on the elevation, while the space might be accessible, then it would not be occupiable from a garage standpoint.

Chair Karesh said he appreciated staff and Mr. Morgan for trying to do what the Commission had asked them to do. He thought they had accomplished a lot. It was pretty technical, and he just wanted to make sure they were doing it 100% right.

On a motion of Harry Lesesne, seconded by Charles Karesh, the Commission voted unanimously to defer Ordinance Amendment Item 1.

ZONINGS

1. **827 Trent St Melrose - West Ashley | TMS # 3100200155 | Approx. 0.31 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.**
Owner: Taylor Green
2. **2 Trail Hollow Dr Shadowmoss - West Ashley | TMS # 3580700051 | Approx. 0.63 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.**
Owner: Jose A. Torres, Tracie A. Stemmer-Torres, Ann Stemmer
3. **7 Oakdale Pl Avondale - West Ashley | TMS # 4181500055 | Approx. 0.25 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.**
Owner: Greta Pierson
4. **1630 Wappoo Dr Pinecrest Gardens - West Ashley | TMS # 3511200006 | Approx. 0.05 ac. Request zoning of Single Family Residential (SR-2). Zoned Single Family Residential (R-4) in Charleston County.**

Owner: Joshua Mitchell

- 5. 1592 Southwick Dr Fenwick Hills - Johns Island | TMS # 2790700057 | Approx. 0.36 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.**

Owner: Matthew Antol

Zonings Items 1-5 were taken together.

Mr. Morgan wanted to point out that Zonings Item 4 was an odd one because it had already been subdivided and built on in the County. They were doing it as close as they could in SR-2, but there still may have been some nonconformities.

They were all single family residences, the closest zonings to the County.

Chair Karesh asked Ms. Jones if she went to homeowners in the County “donut holes” to talk with them about annexation.

Ms. Jones said she did, if they were eligible or would soon be eligible. If the Commission had any ideas, they could let her know.

On a motion of Jimmy Bailey, Jr., seconded by Harry Lesesne, the Commission voted unanimously to approve Zonings Items 1-5.

PP&S DEPARTMENT UPDATES

Mr. Morgan said on the Downtown/Peninsula Plan, they were having a meeting next week with the group that would select the proposers. That then had to be negotiated and sent to City Council. Assuming it would be selected next week, they could get Council approval in October and begin work in November, but they probably wouldn't get into a lot of engagement activities until the New Year.

The Zoning Ordinance RFPs were due back later that month or in October, and they would have to wait until October and November for selection on that. For both of those, he was talking about the selection committee for the planning work.

Union Pier would have an event on the 29th at Union Pier itself.

Ms. Jacobs asked about the open house at the BAR review. They were having a drop in from 2:00 p.m. to 4:00 p.m. that same day.

She also wanted to say that the Department had put in a budget request to get an Affordable Housing Concierge position.

Mr. Morgan said that they had actually done that for a number of years.

Ms. Jacobs said that what that person was supposed to do was to go to other communities across the nation and find other plans and what was working in other areas.

Mr. Morgan said they would also help facilitate affordable housing in the City. He said Ms. Chloe Stuber was already doing that, and it was about 25%-30% of her job, but they wanted a full-time position because there were so many projects coming in. He said he had been somewhat offended because someone that night had said that there was only one affordable housing development going on, which was completely not true, there had never been more affordable housing project in the City.

Chair Karesh said a couple of the Commissioners had said that it might have been helpful for the Planning Director to come back and give them updates. He asked if that was something they could do. He thought they would have liked to see him more regularly so they could look towards the future.

Ms. Harrison said they were so used to the previous Director, who was more forward-facing.

There being no further business to discuss, the meeting was adjourned at 8:21 p.m.

Philip Clapper
Clerk of Council's Office