

Planning Commission

March 15, 2023

A meeting of the Planning Commission was held this date at 5:07 p.m. in the public meeting room at 2 George Street.

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

PRESENT

Commission Members: Charles Karesh, Chair, Harry Lesesne, Vice-Chair, Jimmy Bailey, Loquita Bryant-Jenkins, Erika Harrison, Donna Jacobs, Angie Johnson, and McKenna Joyce.

City staff: Christopher Morgan, Ana Harp, Jim Hemphill, Mollie Conner, Philip Clapper, and Dale Morris.

Others: Carol Jackson, Susan Lyons, Mark Clancy, Sebastian Davis, Frank Copeland, Krysten Patel, Amar Patel, Scott Neslage, Janet Larkin, and Brandon Szmidt.

Link to meeting recording: https://www.youtube.com/watch?v=RMwylfW9_i8

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

Mr. Morgan introduced Planning staff.

PRESENTATION

1. Dale Morris, Chief Resilience Officer for the City, will present on the Army Corps 3x3x3 study of a storm surge barrier around the Charleston Peninsula.

Mr. Morris, Chief Resiliency Officer for the City of Charleston, introduced himself and his work with the City and his background.

He said he would be talking about the Comprehensive Integrated Water Plan that was under development and about the surge protection project and how that integrated with the water management plan.

He had experience working with the Army Corps of Engineers on big infrastructure challenges. If the Commission had any questions, he said he wanted them to ask, because the topics he would explain were complex.

The Dutch Dialogues had made a number of recommendations. The City had adopted a number of those things. One of those was a mid-term and long-term comprehensive water plan. How did they stay where they were through sea level rise, climate change, and land use challenges? The Dutch planned in 100-year segments, with 10-, 20-, and 50-year planning horizons.

City Council did not fund the Water Plan, as there were other priorities during Covid.

The City established the Army Corps 3x3 Advisory Committee. They recommended that the City fund a Comprehensive City-wide Water Plan. This was eventually funded. Work was started in September, and it was anticipated to be finished by the end of that year.

The Comprehensive, Integrated Water Plan was not an engineering plan. It looked at current and future flood risk mitigation and adaptation. It assumed 14-18 inches of sea level rise over

the next 25 years. 14-18 inches was a solid estimate based on current scientific models. Sea level rise would fill those ditches, and they needed to understand that and what it meant for land use.

Their zones of inquiry included the hydrologic basin, floodplain, neighborhood, and edge.

The water hazards included surge, tide, rainfall, groundwater, and compound hazards.

The outcomes of the Plan would affect land use, infrastructure, drainage, adaptation strategies, policy, and prioritization, and would inform the Peninsula Plan and Zoning Ordinance Rewrite. City Council would have a lot of hard decisions to make, because the problems would be expensive.

He said Charleston was not unique, most coastal cities were facing the same problems. However, Charleston was addressing it. Some cities were ignoring it, and some were silent.

The team lead was Black & Veatch. Biohabitats worked on nature-based solutions. Moffatt & Nichol were working on coastal solutions. Waggoner & Ball was the Water Plan Lead. Community Solutions Consulting was doing community engagement. There were a number of other firms that were experts on certain subject matters that would contribute to the document. Their goal was to make an important document that the City would look back on in the future as positive.

Ms. Jacobs asked if she understood correctly that Waggoner & Ball had done a water plan before.

Mr. Morris said the City of New Orleans was the first city to develop a comprehensive integrated water plan. That came out of the Dutch Dialogues. He had been an advisor on that plan, too.

He wanted it made known that Mr. Waggoner was his friend, but he had not been involved in the selection process for choosing Waggoner & Ball.

They had already started on the work. Public outreach would be starting soon in April.

Ms. Jacobs said they could not put a moratorium on changing the Zoning Code or making other changes until the Water Plan and the Zoning Rewrite were complete. She asked if there would be points in time where the Commission could be updated on what would likely be in the Water Plan and Zoning Rewrite so that they could use that information to inform their decisions until the Plan and Rewrite were finalized, so mistakes were not made in the interim.

Mr. Morris said his colleagues within the relevant departments of the City were doing work. They were not waiting. City Council would consider an ordinance in a couple of weeks to ban slab-on-grade construction in the 100-year floodplain. Work on improvements would continue, and the team would meet with City staff as the Plan developed.

Ms. Jacobs thanked Mr. Morris.

Mr. Lesesne asked Mr. Morris to explain how the Water Plan would integrate with the Peninsula Plan and the Zoning Rewrite from a timing standpoint.

Mr. Morris said the Peninsula Plan had just started. The Water Plan would be finished before the Peninsula Plan, but the team working on the Peninsula Plan had met with the Water Plan the previous week.

The Zoning Rewrite was underway. Waggoner & Ball and himself were a part of the Land and Water Analysis that supported the Comprehensive Plan that set the new ways to develop, and that would underpin how the Zoning Rewrite looked at elevation as the lens through which development should occur going forward. That would take a year or two. The Water Plan would also be finished before the Rewrite.

Mr. Morris continued with his presentation.

The City had developed a Sea Level Rise Strategy in 2015, which was updated in 2019. When he had come on board, they had to update it. It was a static document that was out of date the day it was printed, which happened all the time. What he decided to do was to use the update to explain all the things the City had done to adhere to the previous requirements. The update would be a living document that would be updated all the time. It would address problems and plans for key areas. The City had been pretty busy, and the citizens did not always understand what was happening. This would help inform the citizens of what was happening in the City.

The major policy change in the new Strategy changed the sea-level rise prediction from 2ft-4ft by 2070 to 14in-18in by 2050 because the gap from 2ft to 4ft was very large and hard to plan for.

He worked with the Dutch Government and the U.S. Army Corps of Engineers in the past. The City had developed its own All Hazard Vulnerability Analysis between 2019 and 2021 done by a number of very good firms separate from the Army Corps.

The highest vulnerability the City had was storm surge. It did not occur very often. The last major storm surge was Hurricane Hugo in 1989. There had been close calls since then with other hurricanes. Storm surge was the highest vulnerability because it would destroy the most things. He said, "It will knock the City down."

There were other vulnerabilities associated with water, including tides and rainfall.

In 2018, Congress gave the USACE money to do a Coastal Storm Risk Management project. Congressman Mark Sanford requested that money and worked with the City to get it. It was a standard process that the Corps used. It was not a "supple process." The reason the Corps set the process in place was because they had previously been having to stop and start projects as they received funding. In 2014, they shifted to the 3x3x3 system: three years, \$3 million, and three levels of review.

He explained the history of how the Corps and the City worked to build the plan, and how public input was included at each stage, and how the plans changed because of it.

In December of 2022, Congress authorized the next phase of the project, giving the Corps \$13 million to continue into the next phase, the Feasibility Plan. The question was whether or not it was feasible for the Federal Government to help the City of Charleston protect the Peninsula. Feasibility meant that there needed to be space to build it and that it would have a positive cost-benefit ratio.

They recommended an 8-mile storm surge structure around the margin of the Peninsula at 12' NAVD 88. The lowest part of the Peninsula was about 3.5' NAVD 88, so the tallest part of the structure would reach 8.5ft high. In some places, the structure would only need to be 5ft or 4ft because the ground was already about 8ft or 9ft.

The alignment would be completely on public property. No private property would need to be taken for the construction of the structure. Because of that, the cost of donating the easement would be credited back to the City.

Nature-based features were added. The City thought more were possible. Because they were putting a structure at 12' NAVD 88, they were creating a bathtub. What happened if they got a 14' storm surge? The maximum storm surge they could ever receive, because of the nature of the City's foreshore was 17'. With a 14' wave and a 12' wall, that was 2' that would get into the City. That would be dealt with using pumps.

In current dollars, total cost would be \$1.3 billion, cost-shared at 65%-35%. The City's net cost would be +/- \$250 million. There was a 10.8-1 benefit-cost ratio. That was the highest BCR for a project of that kind in the nation. That was because the Peninsula was rather small, but had a lot of value. The Federal government saw that for every dollar they gave, they saved \$11 in future avoided losses. It was really feasible, so they were excited to do the project.

The City's design goal was not to build a wall around the City. No one wanted that. However, people liked things like the Low Battery. They could take that extend it around the City, but they had to be careful in the design phase.

The challenge was getting the structure across the tidal marshes and creeks. They needed to know what level of tide or surge they could close the gates at. Most of the City was good at 7.5'. Lockwood got wet at 7', and 8' was bad. If they made sure to include the drainage pumps within the City's existing drainage structure, and if they paid the marginal cost to increase the size of the new pumps, then they would have a better drainage system.

The Army Corps could be the most frustrating entity in the Federal Government. They followed orders. They needed someone to push back on them. That's what they did. The problem was that the USACE was under guidance from 1983 where all Federal entities needed to achieve the highest benefit-cost ratio. The Army Corps was only looking at storm surge, but not other flood risks, because of that. He said that that was "really stupid," but the Army Corps followed orders and Congress had not changed those orders. In 2014, Federal Agencies tried to change it, but in 2016 and early 2017, that process had stopped. It had restarted again recently. If that changed, they could consider healthy and resilient ecosystems, sustainable economic development, floodplain focus, public safety, a watershed approach, and environmental justice. They expected a ruling on that from the Federal Government soon.

The next phase of the process was the Pre-construction Engineering and Design Phase, or PED Phase. Once that was finished, Construction could begin. PED and Construction were two separate processes and required two separate actions by City Council.

Right now, the Army Corps and the City were pondering the negotiations of the design agreement that would say what would be done in the Design Phase. They already knew they wanted strong input on, if not management over the design process. Their Water Plan Team had a contract that allowed them to serve as an owner's agent to the City for the process if City Council chose to go forward.

They have told the Generals that the City did not trust the Corps to design it and that they wanted to do it themselves. It was not that the Corps couldn't do the work, but that the Corps just did not often work in urban environments. They understood that. Once the agreement was

negotiated, City Council would consider approving it, and then they would ask for funding for Phase 1 of PED. Phase 1 was the Westside, which was where their higher vulnerabilities were.

He showed images of outside interpretations of what the Army Corps might give them. He said it was really hard to want something like what was shown.

There was laughter in the meeting room.

Mr. Morris continued. The next slide showed a storm surge structure in the Netherlands that protected the Hague's beach of Scheveningen. It was good public space. He showed other examples of structures that were also used as public amenities. A city could get multiple benefits from their perimeter protection.

The City had the Battery, which was more or less a bin wall. Bin walls were being considered in the Norfolk Storm Surge Project, which was now almost fully designed. Bin walls were the same cost as a surge wall. You could put a walking path on top of a bin wall.

Conceptual designs for Charleston were shown.

One day before Hurricane Ian made landfall, the USACE and others ran models to see what would happen if it landed at Kiawah or nearby.

An image the described storm surge model was shown. Much of the City would have been under water. With 14" of sea level rise on top of that, the Peninsula would be uninhabitable if a structured edge was not built.

Images of flooding caused by Tropical Storm Nicole were shown, which Mr. Morris said was "nothing," and that Charleston received such tropical storms two or three times a year. He reiterated his point that 14" during such an event meant that people could not stay on the Peninsula without a structured edge.

The City had not yet spent a single dollar on the protection project. So far, it had been fully funded by the Federal Government. He felt the City had to try to move into the PED Phase, though he understood there was deep skepticism.

Ms. Joyce said she understood how the structure would integrate into Waterfront Park and in other pockets in the City. She asked how it would be built in places like the marsh near Wagener Terrace. She said misinformation would spread like crazy.

Mr. Morris said the City and the Army Corps had a goal to not take private property. The only way to protect such areas was to put the structure in the marsh, ideally 20-40' off the land. DHEC and DNR did not like stuff in the marsh, so they had to mitigate that. One of the interesting things about Wagener Terrace was that it could be severed from the project. They could keep the rest of the City watertight, and all they would have to do was to put a structure on a dip that occurred on Rutledge. That was not a decision the Corps would make, but one City Council would make, and Wagener Terrace had input on that. If they did not want the structure on the marsh, then they could accept their current flood risk.

Chair Karesh thanked Mr. Morris.

MINUTES

- 1. Request Approval of Minutes from November 16, 2022, December 15, 2022, January 18, 2023, and February 15, 2023 Planning Commission Meetings.**

Chair Karesh amended the December minutes, on page 4, to read “like affordable housing” instead of “life affordable housing.”

On a motion of Chair Charles Karesh, seconded by Harry Lesesne, the Commission voted unanimously to approve the minutes for December 15, 2022. Donna Jacobs abstained.

On a motion of Donna Jacobs, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve the minutes for November 16, 2022.

The minutes for January 18, 2023, and February 15, 2023 were deferred.

SUBDIVISION

- 1. River Rd. and Swygert Blvd. Swygert’s Landing - Johns Island | TMS #3120000050 | Approx. 55.08 ac. Request subdivision concept plan approval for a new CCDS District 9 elementary school.**

Owner: Charleston County School District

Applicant: ADC Engineering

Ms. Harp explained the Item.

Images of the property were shown.

It was designated Suburban Edge and Natural/Wetland in the Comprehensive Plan.

The 55 acres would be subdivided into three tracts and would create a new public right-of-way.

Usually, a three-lot subdivision did not require Planning Commission approval, but the creation of the right-of-way meant that it would.

The removal of trees was reviewed and approved with conditions by the Board of Zoning Appeals – Site Design.

Further coordination would be needed between the development team and SCDOT for any improvements or changes to River Rd.

The concept plan had been reviewed and approved by TRC. It would need to come back for preliminary plat approval, road construction plans, and a site plan.

Chair Karesh called for the applicant to speak.

Mr. Clancy with Clancy+Wells introduced himself and Mr. Davis. He said they thought the site was appropriate for a school, and they believed they had everything where it needed to be. The bottom third was wetland area, and they had pushed the school as far down as possible to provide for as much space to the north as possible to serve as a play area, to have space for a detention pond, as well as to have a buffer area where the realigned River Rd. was located.

That had placed the school’s entrance facing south to create a proposed new tree-lined street with parallel parking on both sides.

The building was compact, with two stories, to have a small footprint to avoid removing trees and to enable traffic circulation on the site.

The plan put a traffic circle where there was an existing bend in River Rd., so they did not have to massively realign River Rd. or remove more trees in order to ease traffic. If it were located in any other spot, it would impact more trees.

Mr. Davis said that on the engineering side, the roundabout's location was studied, with input from City staff and SCDOT, and it was determined that its current place in the plan was the best location. It was on the School District's property, which allowed the contractor to build it almost completely without impacting River Rd. This would allow for the least amount of disruption.

The traffic circle was a speed reduction device that also allowed for traffic to turn into the school or move forward without stopping. Turn lanes were very problematic because it required vehicles to stop.

Two of the connections were to Moonbeam Dr. and Claybrook St., which were existing sub-outs that they were connecting to.

The PUD required two different types of streets. The connections would facilitate that.

Mr. Clancy said that connectivity to the neighborhood was a strong part of the concept. They wanted to try and encourage walking and biking. With the connections, they would have three legitimate ways to get on and off the site.

Mr. Davis said school sites usually had two or three entries. The roundabout was the main one, and provided one connection. It helped get traffic off of River Rd. quickly and allowed access to adjacent neighborhoods in addition to the school.

Public Comment

Opposed

Kim Steele

- Concerned about the location of the traffic circle.
 - o Directly in front of their home.
 - o Cannot turn right out of their driveway.
 - o No buffer.
 - o Headlights would face their front windows.
 - o Limits access to services.
 - o Worried about towing ability.
- Concerned about the bus lot.
 - o Increased traffic.
 - o Had not seen a copy of the traffic study.
 - o Stormwater drainage could cause pollution.
- Said she had not been contacted for input as a resident who would be directly impacted.

Mark Davis

- Said there was no clear understanding of how the project would work in relation to their properties.
- Would not be able to turn right out of his driveway.
- Asked the Commission to postpone the vote until the neighbors could get more answers.
- Concerned about stormwater discharge on his property and stormwater pollution.
- Concerned about traffic, and how there was no plan to address it.

Sarah Lowndes

- Agreed with earlier comments.

Chair Karesh asked the applicant for a response.

Mr. Clancy said they appreciated the comments and embraced the challenge of many of the issues that were raised.

There were many different ways to approach the changes to River Rd., all of which were under study. They would not want anyone to have difficulty getting a boat out of their driveway or to access their mail.

They had offered to have another neighborhood meeting. He said apologies were in order for whatever happened with respect to the invitation to the previous meeting. He did not understand how that happened. However, there had been multiple community meetings. The miscommunication was about the fourth meeting, which was the meeting exclusively for the neighbors directly impacted. Three other meetings which were open to the public had occurred.

Mr. Davis said the currently submitted version of the traffic circle was different than the designs Ms. Steele had submitted. One of the differences was that the driveway was separated out. It would not stay static through the design process. Input would be incorporated from various stakeholders over time. The present plan did not include landscaping. That would be planned later. They had received numerous comments from the City, and those had affected the plan.

There would be a 75ft buffer between the school and the residential area. Some grand trees would be removed, but many would remain.

The City required that they could not release more water than the land currently released. They had designed their drainage to that effect. No more stormwater would be released any faster than it currently did. The volume would not change. It had to meet pre-development conditions.

Chair Karesh asked who handled communication between the School District and the neighborhoods.

Mr. Copeland said he had been contracted to support the capital program, and the School District itself was in charge of communicating with the neighbors. He had been tasked to reach out once it was made known that the certified mail had not reached the neighbors in an attempt to get the message out.

Chair Karesh closed the public aspect.

He asked where the concept plan went after concept plan approval by the Commission.

Ms. Harp said it would go back to TRC and would have three reviews. Preliminary Plat Approval, Road Construction Plans, and a Site Plan.

Chair Karesh said there could be a lot of changes and moving parts.

Ms. Harp agreed. They would have to meet all requirements for the Stormwater Manual, as well.

Ms. Jacobs said they did have 60 days to make decisions on concept plans, so it would be easy to defer, if they wanted to.

However, the concept plan was just the beginning of the process. TRC was stringent. It would be impossible to release the amount of stormwater that the neighborhood residents feared given the requirements of the Stormwater Manual.

She asked if the school would be a charter, magnet, or general public school.

Mr. Clancy said it would be a general public school.

Ms. Jacobs said that when the school system had been redesigned in her neighborhood of Byrnes Downes, they had been assured that all traffic would be handled on-site. That had not happened there, so she hoped they would address the potential for that similar issue at TRC.

Mr. Bailey said to him, the issue was the impact of the realignment of River Rd. on the property owners. If he lived where the neighbors did, he would not feel good about the state of things. He knew problems would be mitigated by the process, but he also knew it was irritating.

He said it was irritating that the only people there were the design team, and not anyone from CCSD.

He said he was in favor of the idea of deferral to allow the neighborhood concerns to be addressed.

Ms. Johnson said she agreed. Adequate notice was a big part of the process.

On a motion of Angie Johnson, seconded by Donna Jacobs, the Commission voted unanimously to defer Subdivision Item 1.

SUBDIVISION PROPERTY CONVERSION

1. **Property on Nautical Chart Dr. Bolton's Landing - West Ashley | TMS #2860000047 | Approx. 0.3 ac. Request under Sec. 54-815 of the zoning code to convert common area/open space parcel (reserve parcel) to building sites on single-family lots.**

Owner: Jasmine Gate Homeowner's Association, Inc.

Applicants: Krysten and Amar Patel, Emmi and Scott Neslage, Tim Larkin

Ms. Harp explained the Item.

Images of the property were shown.

The applicants were seeking approval to remove the HOA designation and subdivide the property between their three properties, increasing the sizes of their lots.

The final plat labeled the space as "greenway." There was a 20ft drainage easement on the east and west.

The development summary from the final plat showed that the open space requirement for Bolton's Landing had been met.

If the Commission allowed the conversion, additional coordination would have to take place between Stormwater and the Legal Department to clarify the ownership of the easements. That decision would be conveyed to the surveyors, who would clarify what needed to be addressed.

She said that other than letting the Commission know that the City did not like to lose open space, the decision was in the Commission's hands.

Ms. Patel said that as stated, they were trying to absorb that portion of the plat. As she understood it, what they were asking to do was unique. The particular provision being used was generally for a building site. She wanted to assure the Commission that they were not intending to build on the site. If they were able to do it, they wanted to absorb the plat into their respective properties by essentially abandoning their current property line and extending it out like a piece of pie.

An image of the applicants' proposal was shown. They had commissioned for surveys, and that was what the surveyors had come up with.

She explained what properties would absorb what portions of the land.

Chair Karesh asked what they would be doing on that property that could not be done now.

Ms. Patel said that technically, the HOA owned the lot, but the applicants treated it as if they owned it, anyway. They were maintaining and mowing it. There were unkempt trees on the property. One of the trees had fallen during a previous storm. They had no intent to eliminate the trees, but they did want to clean up the area. It was not well cared for. Sometimes, things were missed when caring for the properties in their area.

Images of the property and surroundings were shown.

She said the area was not meeting its intended value as a "greenway" to the community, as defined by the original development documents.

In theory, one could use the area as a cut-through to go behind the retention pond and to the pool, utilizing the space for connectivity. However, the homes that would have been able to do that were in a separate HOA and therefore did not have access to that pool. It may have been originally contemplated as connectivity, but that was not how it turned out.

She presented images of what an actual greenway in the neighborhood looked like. It was paved and provided real connectivity, unlike the portion of the property in question.

She felt their proposal was in line with the original plan for the neighborhood, promoted safety, cleanliness, and protected privacy of the owners. A member of the HOA board was there to support their proposal. The community would benefit, and aesthetic beauty would increase.

There was no plan to build anything. No street changes were planned. There was proper drainage in the back of the area. They were only adding a small amount of land to each of their properties, so there was no concern of adding another large lot.

They were only looking to absorb about 12,694 sq. ft. The HOA owned 9.33 acres, and so they would still be about five acres above the required open space for the neighborhood area.

The absorption would financially benefit the neighborhood because property values of surrounding houses would increase due to the increase in aesthetic beauty that would be had given that the area would be maintained by private homeowners.

She thanked the Commission for their time.

Public Comment

In favor

Brandon Szmidt

- President of the HOA that approved the request.
- Would benefit the HOA.
 - o The original design was never met by Ryland.
- There was a drainage easement that went through the area, so building on the land was impossible.
- The land was useless to the HOA, and cost them more to maintain it.
 - o Alleviated cost to the HOA.

- There was erosion to the drainage. The homeowners had investigated repairing it.

Mr. Bailey asked Mr. Szmids if the governing documents of the HOA did not require a vote by the HOA to transfer ownership of HOA-owned property.

Mr. Szmids said he did not see anything in that regard.

Ms. Patel said there was nothing in the declarations that required a vote, but the Board had taken a vote, and there was a resolution that had already been signed by the Board approving the proposal and all its details. The declarations were attached to their initial submission to Planning. No community vote was required.

Mr. Bailey said he was shocked that there was nothing like that.

Mr. Szmids said the Master Association for Bolton's Landing had no bylaws governing it. There were lots of problems.

Chair Karesh closed the public aspect.

Ms. Jacobs said she was often concerned about what would happen in the future if they allowed a change based on current owner intentions, when intentions could change with future owners.

Initially, her response after viewing the location was a "hard no," because it looked like the area was managing stormwater. She did not know how water flowed in the area, and was concerned about filling the drainage area.

She asked if there was any possibility of conditioning use of the land for the future to ensure the protection of proper drainage.

Chair Karesh said he did not think they could.

Ms. Jacobs said the easements would stay, but there was still a lot of land in that area. It was an unusual request, so she wanted to ask.

Ms. Harrison said they could not put conditions on it, but there would be clear designations on who owned and maintained the easement, even before the finalized plat was completed. The HOA was abdicating its responsibility by conveying the land, so the new owners would have to maintain it. The question Ms. Jacobs was proposing was how they could enforce that maintenance.

Ms. Johnson said there were plenty of private properties with drainage easements on them, so as long as that was recorded anytime the property transferred hands, then it would have been fine. Such lots were numerous.

Chair Karesh asked staff for clarification.

Ms. Harp said the reference plat had conflicting information, so Legal and Stormwater would have to look at it.

From Planning Commission, if approved, it would have to go back to the Plat Review Committee, and that would be when they looked at that.

Ms. Jacobs said she was still concerned about what she physically saw. There were low areas not in the drainage easement.

Mr. Lesesne pointed out the easements on the map. There was a potential 0.25 acre lot that enterprising landowners could put together and make buildable. He did not know if they could prevent that.

Chair Karesh asked Mr. Szmidt if he had something to say.

Mr. Szmidt said the drainage easement that went through the back of the yard meant that nothing could be built on it. It was a 20ft drainage easement. The way the conveyance would be divided would prevent the construction of anything. Only the home on the corner would be able to build at all.

Chair Karesh motioned to approve Subdivision Property Conversion Item 1.

Ms. Johnson seconded the motion.

Mr. Bailey said the applicants were well-intentioned and had put a lot of work into their proposal. He thought there was a potential solution in what they were trying to accomplish, but he was not sure it was ready yet. He said that perhaps the HOA, as the current owner, could put some of the protections in place that would make the Commission far more likely to approve it, or perhaps there were other creative solutions.

He thought Mr. Lesesne was right. There was nothing stopping future changes to the property lines that could create the allowance for building another lot, which was something they did not want to see. He was not conceptually opposed to what they were trying to accomplish, but shared concerns with Mr. Lesesne and Ms. Jacobs.

Mr. Lesesne said he agreed 100% with Mr. Bailey.

He said they got such requests from neighborhoods seeking to abandon open space because people wanted to build on it. That was ultimately the Commission's concern. He was not suggesting that that was what the applicants wanted to do, but it was something that the Commission needed to consider.

If there was a way for the HOA to designate the area as open space and somehow prevent the possibility of a future home being built there, then he would be comfortable with the request.

Ms. Johnson asked what the HOA could do to create a restriction.

Ms. Harrison said they would need to outline it in the revised plat.

Ms. Johnson said she agreed with that, but she did not think the HOA itself could restrict building on the area except via the revised plat.

Chair Karesh withdrew his motion.

Chair Karesh said he understood what the applicants were trying to do, but the Commission had to safeguard the big picture.

Mr. Lesesne said the Commission was open and willing to listen to the landowners.

Chair Karesh said further clarification with legal documents that explained that the area could not be built upon might satisfy the Commission's worries.

The Commission, by acclamation, allowed further discussion by the applicants.

Mr. Szmidt asked if the application could be approved on the contingency that the Legal Department agreed that the land could not be built on.

Chair Karesh said he did not think the Commission had that power.

Mr. Bailey said they wished they did.

Ms. Harrison said it would have had to have been a part of the application.

Ms. Patel said the declaration currently in place outlined an entire process for changing even a bush. They had to submit a request to an architectural review committee, which had to sign off on it. No one could just decide they would build on the area, sell land to each other, and collude to build something. That could not happen.

Ms. Johnson said they were looking at the zoning instead of the individual neighborhood. She absolutely understood what Ms. Patel was saying, but the Commission looked at the question from the perspective of if it was allowed, it could potentially happen in the future, regardless of what any individual or HOA's intent was.

Ms. Patel said on another issue, she had misspoken. The applicants did not want to fill in or remove the drainage area, they wanted to clean it. References to leveling were in regard to the back portion that had been eroded.

Mr. Szmidt said there was a safety hazard where there was a hole that a child could fall into and be injured. It had been filled in.

He asked the Commission what exactly the HOA, which was in support of the conveyance, would need to provide to alleviate the Commission's concerns.

Chair Karesh said that current concern was that the boundaries could be abandoned by the homeowners, and something could be built on the property. There needed to be legal provisions preventing that.

Ms. Harrison said that theoretically, after subdividing the area in question, it could also be reassembled into a single lot. With the removal of the Greenway designation, even with easements that existed, that meant that a lot could be created that could be built upon. Whatever the zoning permitted could be built. They had seen the skinniest of houses built on such lots. In order to keep the space a greenspace but not belonging to the HOA, what had to happen was that they needed to see language on the Subdivision Conversion that said, regardless of reassemblage, that the individual owner(s) of the area were required to maintain greenspace there.

Chair Karesh suggested that the applicants hire an attorney to draw up language that would give the Commission security.

Ms. Harrison said the applicants probably had the language already, it was simply not a part of the application.

On a motion of Donna Jacobs, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to deny Subdivision Property Conversion Item 1.

Chair Karesh said that what he advised would be to go to a real estate attorney who could adjust the application to the Commission's comfort.

Ms. Harrison said that the concern was possible reassembly into a buildable lot.

ORDINANCE AMENDMENT

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 pertaining to conference space requirements in the Accommodations Overlay Zone District in the peninsula portion of the city.

Chair Karesh left the meeting at 7:15.

Mr. Morgan explained the Item. When the City had updated its Accommodations Ordinance several years prior, there were a lot of additional requirements placed on accommodations with the thinking process centered on and related to the downtown area. The Accommodations Ordinance was written as a “one size fits all” ordinance. The reality was that they had not had a new suburban hotel since the update. Now, however, they had one under consideration. It was a very nice hotel, but it would be limited in service. The Ordinance as written at present would have required them to have a good bit of meeting space, which was not something that the hotel had in any of its other locations all across the country. In fact, there were a lot of accommodations and hotels in suburban areas that did not have any kind of meeting space.

From a staff standpoint, they felt like meeting space in suburban areas was not critical. There was nothing in the updated Ordinance that would prevent meeting space, but they felt they did not need to require it in suburban areas. For downtown, however, they wanted to keep it exactly as it was. The amendment made it clear that the requirement for meeting space was only for peninsular locations.

Ms. Jacobs said she believed Council would likely send the amendment to Community Development. She saw the change as being that everything on the peninsula would stay the same, and hotels off the peninsula did not fall under the same requirements for meeting space. She felt entirely comfortable with that change.

On a motion of Donna Jacobs, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to recommend approval of Ordinance Amendment Item 1 to City Council. Chair Karesh was absent.

ZONINGS

1. 9 Apollo Rd. Carolina Terrace - West Ashley | TMS #4181300229 | Approx. 0.2 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Owner: Sue B. Chanson

2. 19 Oakdale Pl. Avondale - West Ashley | TMS #4181400003 | Approx. 0.47 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Owner: Elizabeth Oakley and Cindy Carter

3. 1419 Adele St. Ancrum Hill - West Ashley | TMS #3510700046 | Approx. 0.13 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Owner: Kerr Adele Properties LLC

Zonings Items 1-3 were taken together.

Mr. Morgan explained the Items.

Ms. Jacobs said she wanted it noted that Adele St. was in a Settlement Community, right behind where they had approved property to be built on for affordable housing offices.

On a motion of Donna Jacobs, seconded by McKenna Joyce, the Commission voted unanimously to approve Zonings Items 1-3. Chair Karesh was absent.

PP&S STAFF UPDATES (as needed)

Mr. Morgan said there would be three scheduled special meetings for discussion of Union Pier. The first meeting would focus on resiliency and stormwater issues. He was hopeful that the Commission would allow public comment on that issue at that meeting. There would also be allowance for written comments.

They were still refining details with the Gaillard, but that meeting was set for Thursday, April 6, at 5:00 p.m.

There would be a joint meeting with the Community Development Committee on Thursday, April 20, at the Gaillard. That would be a discussion of the affordable housing aspects.

Ms. Johnson asked if all meetings would have public comment.

Mr. Morgan said that was their suggestion.

Ms. Jacobs asked who the lead presenter at the resiliency meeting would be.

Mr. Morgan said it would be the Union Pier Development Team. It was possible that Mr. Dale Morris would be there.

Mr. Lesesne asked if they could request that Mr. Morris be there.

Mr. Morgan said they could.

Ms. Jacobs asked if someone from Stormwater could be present. She believed it would be helpful to show the City's different entities working together, since there were concerns about that.

Mr. Bailey said he would strongly suggest that the public comments be specific to the topic being discussed at each given meeting, so people would not show up talking about irrelevant topics.

Mr. Morgan said their attorney was advising that, as well.

Ms. Johnson said they needed a plan, because it was a lot of meetings in a short period of time, and it would be a problem if each of them turned into a four-hour meeting.

Ms. Harrison said timed public comments provided decorum.

Ms. Johnson said they had a precedent for it. There had been many meetings where they had done it.

Ms. Jacobs said another aspect was that they were informational meetings, so they would not be making any decisions. Further, at the end of the day, they didn't technically make the decision anyway, that was done at Council, where there would be another chance for timed public comment, and where there would likely be multiple public hearings.

Ms. Johnson said she was interested in hearing the information and the public comments, but had no interest in spending ten hours doing that over a period of months.

Mr. Morgan said that at the library, there was a limit to how long they could be there. They needed to be out by 7:30 p.m. The Gaillard was somewhat similar, too.

Ms. Harrison said something they could do was increase the importance of the written comments so that people did not feel the need to also comment in person.

Mr. Lesesne said he felt there was a distinction between a public hearing and an informational session. He did not know what written comment would be about when the proposal was still being worked on. The point was that the design team got to hear what the public wanted to say. If there was written comment, they should give it to the design team. They were not voting on anything, so the comments did not need to be presented.

Ms. Jacobs asked if it was possible for the public to ask questions directly to the design team.

Mr. Morgan said they already had the ability to do that. But they could certainly relay other questions to them.

Ms. Jacobs said that if there was a consistent question asked by many, then she would want to see that integrated into the program.

Mr. Morgan said they would suggest that public comments be put at the very end, as opposed to when applications were heard at Planning Commission, where there was a quick presentation and then a public comment period. He suggested that the Commission's dialogue happen prior to public comments.

Ms. Jacobs asked what the driving force behind public comments at the informational meetings was.

Mr. Morgan said he thought Mayor Tecklenburg was very interested in the public having time to comment because there were so many different issues involved with Union Pier.

Mr. Bailey said they wanted to hear from as many people as they possibly could, and that would probably require some kind of time limit.

Mr. Lesesne said if they had to be out of a room by 7:30, then limits would need to be implemented.

Mr. Morgan said the presentations would be long, as they had a lot of innovative material.

Mr. Lesesne said he liked the fact that people could submit comments online to the design team.

Ms. Jacobs suggested encouraging the public to do that. That way the team could respond to concerns directly, instead of coming into the meeting cold.

Ms. Johnson said that the concern was that the same people who had been expressing their concerns already would come to the meetings and express their displeasure with any aspect of the project, not just the topic under discussion at each individual meeting. She did not think that would have been productive. She did not know how they could manage that.

Ms. Harrison said there was no way to do that. She asked if it was even possible to synthesize and allude to general comments.

Ms. Johnson said there was no way to do that. She had never seen a way where comment could be directed, other than when microphones were cut off.

Mr. Morgan said that on City Council, they now turned microphones off after the time for comment had elapsed.

Ms. Johnson said they had done that one time. It did not go well, but they had done it.

Mr. Morgan said the public was getting used to it, because that was what Council had been doing for the last couple of years.

Mr. Lesesne said if they could get an idea from the design team on about how long their presentation would be, subtract that from the 2.5-hour period, and then divide whatever was left over by two or three minutes apiece for public comment, then they could come up with a number of commenters they could hear.

Mr. Bailey said they could draw them out of a hat.

Mr. Lesesne said one of the criticisms was that the process had been rushed. Something of this size needed more opportunities for public comment.

Ms. Johnson agreed, but asked if this was the venue for it.

Mr. Lesesne said there was no other venue.

Ms. Jacobs asked if it was possible to advertise the length of public comment as "30 minutes."

Mr. Morgan said it happened at City Council all the time.

Ms. Jacobs said it could be first come, first serve, with two minutes each to give thoughts to the design team.

Mr. Lesesne said if they didn't have an opportunity to speak, they could submit comments online.

Ms. Jacobs agreed.

Ms. Harrison said the design team could address specific questions already known to be talked about among the public.

Ms. Johnson said she was sure that would occur.

There being no further business to discuss, the meeting was adjourned at 7:35 p.m.

Philip Clapper
Clerk of Council's Office