

Planning Commission

May 17, 2023

A meeting of the Planning Commission was held this date at 5:00 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: Charlie Karesh, Chair, Harry Lesesne, Vice-Chair, Jimmy Bailey, Jr., Erika Harrison, Donna Jacobs, McKenna Joyce, and Sunday Lempesis.

City staff: Christopher Morgan, Ana Harp, Philip Overcash, Eric Pohlman, Mollie Conner, and Philip Clapper.

Others: Jim Palassis, James Wilson, Ross Hostetter, Jim McGee, Bernard Fielding, Jr., Lilian Johnson, Jason Peigh, and Joseph Kessinger.

Link to meeting recording: <https://www.youtube.com/watch?v=SSZONpv9SSA>

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

He opened the meeting with a moment of silence for Chief Luther Reynolds.

Mr. Morgan introduced Planning staff. He introduced Mr. Omar Muhammad, who was now working in the Planning Division.

Rezoning Item 4 and Zonings Item 11 were deferred.

MINUTES

1. Request Approval of Minutes from February 15, 2023, and March 15, 2023 Planning Commission Meetings

The minutes were taken at the end.

On a motion of Donna Jacobs, seconded by Harry Lesesne, the Commission voted unanimously to approve the February 15, 2023 minutes.

The March 15, 2023 minutes were deferred.

REZONINGS

- 1. 813 Dupont Rd & 804 Orleans Rd
Orleans Estates - West Ashley | TMS #3511300047, 067 | Approx. 3.09 ac.
Request rezoning of a portion of the property from Diverse Residential (DR-2) to
General Business (GB) and to include the entirety of the property in the
Accommodations Overlay Zone (A).**

Owner: Palas Holdings LLC

Applicant: Palas Holdings LLC

Mr. Morgan explained the history of the property and purpose of the application. He described the property and provided visual references via aerial maps. The applicant wanted to rezone from DR-2 to GB in order to build a hotel on the property. He already owned a hotel property that fronted on Savannah Highway. A hotel would fall in line with the general development of the DuWap area.

It was designated Job Center in the Comprehensive Plan, which fit the proposed use.

Images of the property and surroundings were shown.

They were working to incorporate as many of the existing trees as possible into the project.

Staff recommended approval.

Mr. Palassis said the hotel would be an affordable Hilton product. There were a few obstacles for them to overcome, but the project was ready to begin and they were excited about making it work.

Chair Karesh asked Mr. Palassis how many hotels he owned in the area.

Mr. Palassis said that he used to own five, but sold two.

Chair Karesh closed the public aspect.

Ms. Jacobs asked Mr. Palassis if either Orleans Rd. or Dupont Rd. were to be the primary ingress point for the hotel.

Mr. Palassis said it would be Orleans Rd. There would be a side entrance on Dulsey Rd.

Ms. Harrison asked Mr. Morgan to explain why the area was designated Job Center and to define the term.

Mr. Morgan said that the Comprehensive Plan said that Job Center contained primarily light manufacturing, warehousing, office, and some commercial uses that could not conform to traditional block patterns. That be considered a hotel. Residential areas in Job Center were very limited in order to help preserve the areas for business expansions and job generation. Examples included areas along Clements Ferry Rd., the Dupont-Wappoo area, the Fort Johnson research area, and the area around the Charleston Executive Airport on Johns Island.

Mr. Lesesne asked Mr. Morgan to expand on what the DuWap Recommendations were, if they went beyond the Job Center recommendations.

Mr. Morgan said there was not much difference. When they had first studied the DuWap area, they saw that there was a successful core of office and warehouse-type uses that had a lot of entrepreneurial business in them. The idea was that those might be able to expand. The County worked with them on that, but then the County allowed for a hotel across the street from the one currently proposed, which affected what they intended to do. As they reviewed it, when Mr. Palassis came to them with the idea for a hotel, they felt it fit in with the surrounding area.

Staff recommended approval for the request.

On a motion of Harry Lesesne, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve Rezoning Item 1.

2. **7 Magazine St
Harleston Village - Peninsula | TMS #4570804081 | Approx. 0.07 ac.
Request rezoning to include property in the School Overlay Zone (S).**

Owner: 7 Magazine Street LLC

Applicant: Womble Bond Dickinson LLP, James Wilson

3. **108, 116, 122 Logan St & 2, 10 Magazine St
Harleston Village - Peninsula | TMS #4570802085, 084, 082, 080, 079 | Approx.
0.656 ac.
Request amendment of Restrictive Covenants to allow school use.
Owner: Fielding Home for Funerals**

Applicant: Womble Bond Dickinson LLP, James Wilson

Mr. Morgan said that items 2 and 3 were connected, but the two would be addressed separately.

He explained the location and surroundings of the property.

Essentially, the applications were for the expansion of the Charleston Day School.

He said in general, staff had been in favor of such requests, because the details were covered by the Special Exceptions process, which looked at access points, number of students, lights, sounds, etc. He said those details were good stopgaps for zoning considerations.

Mr. Morgan showed aerial maps of the area and the zoning plans, as well as photos of the residential property in question.

Staff recommended approval.

Mr. Wilson said that Rezonings Items 2 and 3 were related. He asked that they be discussed together.

Chair Karesh agreed.

Mr. Morgan showed aerial maps of the area in question.

The request was for an amendment of a Restrictive Covenant to allow for school use.

In the past, sometimes when there were rezonings of properties, there were restrictive covenants placed on them to narrow the districts. They did not do that anymore because they felt it was not the City's place to be involved with that, but it was done in the past and ran with the land.

The only use that the Restrictive Covenant in place allowed for was for that of a funeral home in the designated Limited Business area.

The application proposed to include school uses and uses allowed under DR-2F. The change would run with the land.

Staff recommended approval.

Mr. Bailey asked if the City would be able to change the restriction because it was the institution that put it in place.

Mr. Morgan said that was correct.

Ms. Harrison asked for clarification on if the Restrictive Covenant was being changed instead of just gotten rid of entirely.

Mr. Morgan confirmed. Members of the neighborhood would be speaking in favor of the rezoning later on. He said that the neighborhood was assured and confident that the limited use

of businesses in the areas would keep activity to a minimum, as opposed to if the Restrictive Covenant was completely lifted.

Mr. Hostetter gave the history of the Charleston Day School and the board's discussions on what they wanted to do with the school's property and location.

The properties being discussed would secure more space for the school, which they had been trying to allocate for years.

He was a firm believer in having schools in their communities.

Mr. Wilson explained more of the history of the Day School in relation to its neighbors over the years and its importance to the history of the City. The school had always tried to be a respectful neighbor to those around it.

Modifying the Restrictive Covenant would preserve the Fielding Property's historic value, as it was the least expansive way of doing the rezoning.

Magazine St. would be used as a cross point for the school.

The applicants had already discussed the creation of a crosswalk and appropriate signage with City Traffic & Transportation for the area.

7 Magazine St. would eventually be added to the School Overlay and to get to the same place from two different properties, which would hopefully spread out traffic in the area.

The neighborhood had a history of schools in the area, either through rezoning or building conversion.

Under the Comprehensive Plan the property was designated as Neighborhood, which allowed for multiple uses and neighborhood compatible purposes. The applicants found the proposed items satisfied the Comprehensive Plan.

The applicants had been actively reaching out to meet with members of the community and neighborhood and have found largely positive support for the rezoning plans. The local Housing Authority had also submitted a letter in support of the application.

Chair Karesh asked if any were in support of the application.

Public Comment

In Favor

Jim McGee

- Said he was a resident of the area being considered for rezoning and confirmed that he and others submitted a letter in support of the Overlay.
- Said that they had concerns about the traffic pattern once people would have access to the second property. Residents of 7 Magazine St. hoped to minimize this, as the streets were narrow.
- He said he was confident this could be resolved and that there were no further objections.

Bernard Fielding, Jr.

- Spoke on behalf of the Fielding family in favor of the rezoning. He cited the history of the funeral home property and expressed support for the positive repurposing of the property for the school.
- He said that he had no complaints and that the Fielding family believed the Day School would be good stewards of the property.

Lilian Johnson

- Said she and her husband were residents of 3 Magazine St. and that she was in support of the rezoning but seconded the concern about the noise from traffic down her street.

Opposed

Jason Peigh

- Said he was a realtor on Legare St. He stood in representation of his client Mr. Gatch, who was out of town on business and had submitted a letter to the Commission.
- He said that the rezoning would affect the quality of life of his client and offered to read the letter his client had written to the Commission.

Chair Karesh said that they had all received a copy of the letter and would read it into record.

- Mr. Peigh said that the contents of the letter had been discussed with Mr. Hostetter.
- His client believed there wasn't enough information available on what this rezoning would do, and that there was no need to change the zoning. His client said that the property could only be two things: a funeral home or a residence.
- His client was not in favor of the rezoning, as there were too many unknowns, and that he would like it if the Commission were to defer deciding on it.

Chair Karesh asked for a response from the applicant.

Mr. Wilson said that there were no oversight plans for the property, as it was a historic property.

He said that the planning needed to be developed with the input of the neighbors.

Chair Karesh closed the public aspect.

Chair Karesh asked Mr. Morgan if the application would go before TRC and other boards if the Commission approved it.

Mr. Morgan confirmed. The School Overlay would have to go through a special exceptions process, which would be heard at the Board of Zoning appeals. It would need to have sight plans to explain how that site works, traffic studies, and more things of that nature.

He said that the change to the Restrictive Covenants for the Fielding Home would go forward to City Council, who would then have to approve it and make it official. It would then have to go through a TRC review process, as well as a public BAR process for any changes to the structure or construction of new structures.

Chair Karesh asked if this would require further dialogue and public access.

Mr. Morgan confirmed this.

Mr. Lesesne asked if there was no need to place the Fielding property in the School Overlay Zone.

Mr. Morgan said there was not, because the School Overlay Zone was for residentially owned properties. Including the Fielding property via the Restricted Covenant would bypass that.

Ms. Harrison said that traffic in the area was known to be bad, particularly around the time when school let out.

Mr. Bailey said that the application was a dream for the City and that the Day School had a history of being a good neighbor and reusing residential properties for good. He said that the further discussion process at BZA and other boards would be good for the neighbors.

On a motion by Erika Harrison, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve Rezoning Item 2.

Public Comment

Opposed

Jason Peigh

- Spoke in opposition to the Item because of the amount of traffic that would be added to the existing traffic pattern.
- He said that the Commission should defer the vote because agreeing to it now was tantamount to agreeing to it later. There would not be room for further discussion afterwards.

Chair Karesh closed the public aspect.

Mr. Lesesne said that Mr. Bailey had said all that Mr. Lesesne had wanted to say, but requested that the school recognize the historic use of the Fielding Funeral Home and of the Fielding family for its role in the history of Charleston.

On a motion of Harry Lesesne, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve Rezoning Item 3.

4. **1739 Hollydale Ct
Johns Island | TMS #313000023 | Approx. 5.37 ac.
Request rezoning from Single-Family Residential (SR-1) to General Business (GB).**

Owner: TBLB LLC

Applicant: Timothy Cook

DEFERRED

SUBDIVISION PROPERTY CONVERSION

1. **2 River Reach Way
Governors Pointe - West Ashley | TMS #3520300123 & 124 | Approx. 0.24 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: Timothy Gray and Amy FitzPatrick and Governors Pointe HOA

Applicants: Timothy Gray and Amy FitzPatrick

Ms. Harp explained the Item.

She said that while the Zoning Code was used to convert buildings into construction lots, it didn't mean the property would be part of a construction lot. It would eventually be part of a residential lot.

The Comprehensive Plan showed that it was Low Impact and Conserved, which fit the definition of the property conversion.

She showed aerial maps of the property with the common area next to it, and the plans for the adjustment line, as well as photographs provided by the applicant of the property.

She said that the request was part of a transaction between the applicant and the HOA. A wall encroached onto part of the applicant's property.

She showed the minutes from the meeting between the HOA and the applicant where the application was discussed.

She said the applicant was available to answer further questions.

The City was in favor of the application in this case.

Staff recommended approval.

Chair Karesh asked if the applicant was present at the meeting.

Mr. Joseph Kessinger spoke in representation of Amy Fitzpatrick and as a member of the Governors Pointe HOA.

He said that the applicants moved into the neighborhood about two years prior.

He showed photos of the community property and aerial maps of the property.

He said that over a year prior, a car drove off of Sam Rittenberg Boulevard and ran into a berm on the applicants' property.

Afterwards, the applicants realized there was also water runoff from adjacent berms and had their property surveyed. The water from the runoff of the berms and Sam Rittenberg were determined to be running down onto the house, and that the houses were so close together that the sign for the neighborhood wound up on their property.

The answer the HOA came up with for the applicants was that they were to be allotted some property to put in drainage ditches to keep the water from beating the house. They would also be installing a sound buffer. The HOA would receive their sign back, as well.

The HOA approved because there was no more room in that space to put another house, and that the applicants were going to build a fence to create a sound buffer for their property.

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

Ms. Lempesis said that she always had questions when it involved common areas.

She said she realized there could have been surveys done of the property a few years ago, but that it wouldn't have been required.

As the Commission hadn't seen anyone from the HOA, she had an issue with the Commission approving the Item.

Chair Karesh asked if Mr. Kessinger represented the HOA.

Mr. Kessinger said that he represented the owner. He was a member of the HOA and they had included minutes from the HOA meeting where they discussed the Item and voted in favor of it with the application.

Ms. Harrison said that she understood where Ms. Lempesis was coming from, as the Commission had dealt with applications like it in the past.

She said that she didn't want to approve the application only for prior applicants to return the next week in order to ask for the same thing. Approving it would potentially hit a slippery slope.

Chair Karesh said that the Commission voted on applications on a case by case basis in the past.

Mr. Lesesne asked what the ultimate resolution for the rest of the property would be.

Ms. Harp explained which parts of the property outlined in the slides would remain in the HOA and which would belong to the applicants.

Mr. Lesesne asked if this would affect the entire common area.

Ms. Harp said that the common area would not entirely belong to the HOA, only the portion being indicated.

Ms. Lempesis said she had not understood how the house and the road in which the common area was located could be together, as she had not realized it was a subdivision of the common area. She said that Ms. Harp had clarified that for her.

Ms. Harp said that the road was private as it was part of the common area, which was why the parcel was that large.

Ms. Jacobs said that she wanted it on record that the Item was the exception to the rule in the face of their decisions on past Items of a similar nature. There was nothing to be built on, there was protection involved, and not all of the HOA space was being given away to the applicants. The Item was an exchange between involved parties so a betterment for the community could be made.

She reiterated for the minutes that in case people came back, the Commission could show that they had acted fairly and thoroughly on the Item and hadn't just picked winners or losers.

Ms. Lempesis asked to add to the minutes that the land was being exchanged for the continued existence of the HOA sign in order for a drainage ditch to be built.

Ms. Harrison said that the Commission had looked at Items like this in the past on a case by case basis, and the area that was being converted in this Item was not buildable and the conversion was being used to correct a construction error.

Ms. Jacobs said that it also wasn't a complete exchange of the HOA area.

On a motion of Mr. Lesesne, seconded by Ms. Jacobs, the Commission voted unanimously to approve Subdivision Property Conversion 1. The approval was made because there was a construction error that needed to be corrected and because it was not a complete exchange of the HOA area.

ZONINGS

- 1. 2205 North Dallerton Cir**
Sylcope - West Ashley | TMS #3100700032 | Approx. 0.26 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Owner: John Maynard
- 2. 2246 North Dallerton Cir**
Sylcope - West Ashley | TMS #3100700019 | Approx. 0.39 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Owner: Pauline R. Johnson

3. 2142 South Dallerton Cir
Sylcope - West Ashley | TMS #3100700041 | Approx. 0.26 ac. Request zoning of
Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in
Charleston County.

Owner: Harold W. Owens, Jr.

4. 2237 South Dallerton Cir
Sylcope - West Ashley | TMS #3100700056 | Approx. 0.27 ac. Request zoning of
Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in
Charleston County.

Owner: Robert C. Branson

5. 2244 South Dallerton Cir
Sylcope - West Ashley | TMS #3100700049 | Approx. 0.26 ac. Request zoning of
Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in
Charleston County.

Owner: Thomas and Sue Dority

6. 2916 Doncaster Dr Hickory Hill - West Ashley | TMS #3581000123 | Approx. 0.28 ac.
Request zoning of Single Family Residential (SR-1). Zoned Single Family
Residential (R-4) in Charleston County.

Owner: Jared Parcell

7. 1962 Ivy Hall Rd South Pinepoint - West Ashley | TMS #3510300057 | Approx. 0.42
ac.
Request zoning of Single Family Residential (SR-1). Zoned Single Family
Residential (R-4) in Charleston County.

Owner: Leondas Cole

8. 525 Saint Andrews Blvd
Moreland - West Ashley | TMS #4210300112 | Approx. 0.18 ac.
Request zoning of Single Family Residential (SR-1). Zoned Saint Andrews
Corridor Overlay District (OD-STa) in Charleston County.

Owner: Stephanie O. Green

Zonings Items 1-8 were taken together.

On a motion of Donna Jacobs, seconded by Sunday Lempesis, the Commission voted unanimously to approve Zonings Items 1-8.

9. 1742 West Avalon Cir
Orange Grove Estates - West Ashley | TMS #3521300244 | Approx. 0.20 ac.
Request zoning of Single Family Residential (SR-2). Zoned Single Family

Residential (R-4) in Charleston County.

Owner: Danielle A. Scott

On a motion of Erika Harrison, seconded by McKenna Joyce, the Commission voted unanimously to approve Zonings Item 9.

10. 319 Wappoo Rd

Geddes Hall - West Ashley | TMS #3501000147 | Approx. 0.46 ac.

Request zoning of Single and Two-Family Residential (STR). Zoned Single Family Residential (R-4) in Charleston County.

Owner: Krista Tilly

On a motion of Jimmy Bailey Jr., seconded by Vice-Chair Harry Lesesne, the Commission voted unanimously to approve Zonings Item 10.

11. 3124 Maybank Hwy

Johns Island | TMS #3130000021 | Approx. 5.0 ac. Request zoning of General Business (GB). Zoned Maybank Highway Corridor Overlay Zone (OD-MHC) in Charleston County.

Owner: TBLB LLC

DEFERRED

OTHER BUSINESS

Mr. Morgan said that there was an upcoming Special Meeting on June 7 at 5:00 p.m. at the Ports Authority. Parking would be in the lots that were there. Doors would open 90 minutes in advance.

Chair Karesh asked if Commission members would need to park at their current location and then walk to the venue.

Mr. Morgan said that there would be parking available at the meeting.

Ms. Lempesis asked if their agendas could have the color TMS showing the property with different zonings next to it.

Mr. Morgan said Mr. Jim Hemphill had been doing that. They would get the template from his file.

Mr. Morgan said the next regular meeting would be on June 21.

There being no further business to discuss, the meeting was adjourned at 6:00 p.m.

Mae-Lee Colwell
Clerk of Council's Office