

Planning Commission

August 17, 2022

A meeting of the Planning Commission was held this date at 5:08 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, Loquita Bryant-Jenkins, Erika Harrison, Donna Jacobs, and McKenna Joyce.

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

Others: Lindsay Van Slambrook, Stephanie Wilson Gentile, Scott Benedict, Anna-Catherine Carrol, Cashion Drolet, Scott Ebbott, and Edward K. Pritchard III, Esq.

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

Mr. Morgan introduced Planning staff.

Mr. Morgan said there were some late deferrals. Rezoning Reconsideration Item 1 had been deferred by the applicant, as had Rezoning Items 1-4.

STAFF UPDATE ON PENDING HEIGHT DISTRICT CHANGES

Chair Karesh asked what the height district changes update was about.

Mr. Morgan said that was going to be more of a discussion. The deferrals that had happened were related to the discussion, and City Council had deferred some things the previous night, as well. An amendment to the height regulations would be coming to the Commission in September. It could have been separate from a large height amendment, as well.

Staff had heard from the Planning Commission loud and clear that they felt that there needed to be some sort of assistance to situations where 2.5 story height districts existed. Mr. Batchelder had drafted an amendment in a very fast timeframe that would allow for new principal buildings in the AE or VE zones on flood insurance rate maps to have two stories over a first floor structure that exceeded six feet in height, provided the first floor elevation did not exceed the elevation required to meet FEMA and City freeboard measurements. It would therefore allow some parking underneath a property without counting as a story in certain circumstances. There would only be two stories allowed above the parking story. They felt that that would help keep the character of the 2.5 Story Height District, but also gave some flexibility to those lots that were a little bit lower. It would not for certain help every case, but they felt it would be a good start towards helping with some of that situation.

Ms. Jacobs asked what the minimums and maximums were in regard to the allowance needed in order to overcome FEMA and City freeboard guidelines.

Mr. Morgan said the City of Charleston required 2 ft. on top of all the FEMA flood zone guidelines for new construction.

Ms. Jacobs said FEMA could therefore vary.

Mr. Morgan said it would vary depending on where one was in town. For instance, some of the area of the Westside was an AE-10 Zone, and in those instances, the lowest structural element would have to be at 12 ft. At an elevation of four ft., that was an eight ft. differential that a parking zone could be in. At an AE-5, that would be a seven ft. differential. There might have been other codes that came into play there, but they thought it was a good effort. They couldn't help every situation, but they could help some. If they

started going above that flood zone requirement, then they ran into all kinds of problems throughout height districts around town, so that was why it had to stay at the FEMA regulation height.

Ms. Jacobs said it was FEMA, plus two ft.

Mr. Morgan said that was correct. The ordinance would be up before the Commission the following month.

Mr. Lesesne said that the ordinance had been deferred the previous night at City Council for first reading.

Mr. Morgan said that was correct. It was a part of a whole group of ordinance changes to the height districts, and the anticipation was that, at a minimum, they would have the 2.5 Story Height District amendment to the Commission at the September Meeting. In a perfect world, they wanted all of the height amendments by September, but they knew that that one had particular urgency.

REZONING RECONSIDERATION

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

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

DEFERRED

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

DEFERRED

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

DEFERRED

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

DEFERRED

5. **35 & 37 Prioleau St (French Quarter - Peninsula) TMS # 4580902007 - approx. 0.22 ac. Request rezoning to be included into the Accommodations Overlay (A-1).**

Owner: Prioleau Enterprises, LLC

Applicant: AJ Capital Partners LLC

Mr. Morgan said the property was commonly known as the Harbour Club building. They were no longer there, and had moved to the WestEdge development.

He described the location and surroundings of the property.

It was designated Neighborhood in the Comprehensive Plan. Theoretically, accommodations usages could fit, so the request would be in conformance with the Plan.

Images of the property were shown.

In 2013, there was an analysis of the Accommodations Overlay. At that time, the property had been in the Overlay. There were a number of changes that year, and properties were pulled out that people thought were not needed in the Overlay.

The Overlay had evolved from 1987, to 1998, and then 2013. Maps were shown to display the difference. Staff recommended disapproval based on consistency with the 2013 decisions.

Ms. Van Slambrook spoke on behalf of AJ Capital Partners, LLC, the potential redeveloper. They were asking for approval to rezone the property to the Accommodations Overlay. For almost 70 years, the property had been used commercially, and it used to be in the Overlay. At one point, the City considered it appropriate. Directly to the north, there was property that was in the Overlay, and it extended north. They would not be setting any precedent for the future, it would not be spot zoning. It would simply be a slight extension to the south.

They acknowledged the sensitivity of the request and anything related to the Accommodations Overlay in the City of Charleston.

She said the applicant believed they could satisfy all the criteria for the BZA. They had engaged a local historical consultant because it was a historical property. They had engaged a local architectural group familiar with the City's requirements to come up with a design that would comply with ordinances.

They had also engaged with community involvement. They had reached out to local neighborhood groups, including the French Quarter Neighborhood Association and the One Vendue Range Condominium Association. They had also spoken with the local preservation groups and Councilmember Seekings, whom she understood would be the representative for the district.

While there were no plans yet, they intended to work with the aforementioned groups as they went through the process. She understood that the desire of those groups was that the building ought to be utilized. It had been vacant since 2019, and was in a location without a lot of foot traffic. The position was that an accommodations use would be the most viable for the area.

To conclude, based on the commercial history of the property, the fact that it used to be in the Accommodations Overlay, and the fact that it was directly adjacent to the current Accommodations Overlay, plus the applicant's belief that they could come up with a design with the community that would really work with the space and comply with the City's requirements, they were asking for approval.

Ms. Gentile, president of the French Quarter Neighborhood Association, said they had met with AJ Capital several times. The building had been abandoned for three years and had become an eyesore. They would obviously have preferred the building be used for residential units because they were a neighborhood, however, between a vacant, abandoned building that they had to 'chase the homeless out of' vs. a boutique hotel, they were in favor and in support of the project. They knew they would be working with the applicant to address things like noise and parking. They wanted the building utilized.

Mr. Benedict said he represented the owner of the building. He was the commercial agent who had been trying to lease or sell it for nearly the past four years. It was a very old building, and very hard to alter. They had put it on the market for office use, restaurant use, special event use, condos, and apartments. They had had people look at it for all types of uses. Nothing other than something like an inn was feasible. The building was built in 1813. The parking lots across the street were built later. Colony House had a lot of traffic there, and later the Harbour Club did, as well. He had been in the building numerous times when there had been hundreds of people inside. A high-end inn would mean a greatly reduced traffic load in the neighborhood. AJ Capital developed properties all over the world. They planned on putting \$30 million into the project. That was a lot of money for that square footage. He had found in marketing the property that it was either too small, or too big.

The owner was 82 years old and had dementia. They couldn't sell it, and couldn't use it in any way apart from an offer like AJ Capital's that would put that kind of money into it. It couldn't be too large because the limit was 50 rooms south of Calhoun. He was unsure how many were planned. He said that the patrons of the hotel would also be quality people, and would not bring any trouble with them. There was valet parking. He knew they would keep the quality of the building. Mr. Batchelder had requested that they turn the building into apartments and condos. They had tried that, but it would not be able to happen. His client spent almost \$80,000/year on taxes for the building, not including insurance, power, and water. Something had to be done with the building.

He had been there numerous times chasing people out of the foyer. Some had even broken into the building through the top at one point, and they had to be chased out.

His client said he was never notified that the zoning had been changed in 2013.

Altering the building for residential was not feasible. Parking could not be done.

He asked for approval. He said AJ Capital was a "top notch company."

Ms. Carrol thanked the development team for meeting with the Preservation Society early in the conceptual development of the project. However, in keeping with their traditional position on expanding the Accommodations Overlay Zone, the Society was not supportive of piecemeal expansions of the Overlay, which was intended to provide predictability of the location and size of the hotels within the City. In studying impacts of the request on the character of the district and the community at large, the Society encouraged the Commission to form a line against overconcentration of accommodations uses at a time when downtown Charleston faced a significant housing shortage and a loss of neighborhood-serving businesses. They understood the arguments made in support of the project and understood that it was a challenging situation, but they asked that the Commission recommend disapproval of the request.

Ms. Drolet said Historic Charleston Foundation wanted to echo the Preservation Society's comments. She thanked the applicant for bringing their concept to them. HCF was opposed to including the property in the Accommodations Overlay. The property was designated Neighborhood in the Comprehensive Plan, which was not even a full year old yet. Neighborhood land uses could and should have included commercial properties. However, as the Plan stipulated, those services needed to be compatible with the neighborhood and of use to the residences. An accommodations use was not a neighborhood use, and did not add value or convenience for residents. Further, there was also an overwhelming presence of multiple large hotels in the area. The property posed a threat for monocultural abuse, serving only visitors to Charleston. Great neighborhoods had a mix of uses, serving both residents and visitors.

Ms. Van Slambrook said the applicant understood the resistance to the request, however, the Accommodations Overlay already was just north of the property, and the Neighborhood designation did allow for commercial use. Yes, it was a neighborhood area, but tourist commercial areas were in that part of the peninsula. It would be a small hotel, and she didn't know if they could even put 50 rooms into the building given the building itself would not be able to fit it.

Ms. Harrison asked what the constraint was that prevented them from using the building residentially.

Mr. Ebbott with AJ Capital said that with residential, they would need parking near the property, whereas hotel guests were more willing to use valet parking. There was a parking lot nearby, but it was a few blocks away. Additionally, there was the cost. A hotel use would make the most money per sq. ft., and with the need to renovate the building for residential while keeping its historic value, it would be incredibly expensive. It was prohibitive to think of it as residential, as opposed to hotel.

Ms. Harrison said there was no parking on-site.

Chair Karesh said there hadn't been for the Harbour Club, either, they had valet.

Mr. Ebbott said it was a much more conducive parking solution to do valet. There was no parking on-site.

Mr. Lesesne asked Mr. Morgan to give any insight into why the property was removed from the Accommodations Overlay in 2013. He knew that then, it was a thriving, functioning Harbour Club.

Mr. Morgan said he thought that did have a lot to do with it. Some of the other things that were removed, such as the properties developed for residential on Waterfront Park, and the City Gallery were also removed, as was a commercial building to the south, and the Custom House. He believed that the idea at the time was that they were narrowing down and removing things that they did not anticipate would become accommodations uses.

Chair Karesh said he understood staff's recommendation and the views of HCF and the Preservation Society, but it seemed to him to be an ideal place for accommodations. He knew the Plan had limitations, but even with the Plan, they always looked at specific items. He knew he did not usually move for approval, but he did in this case.

Ms. Harrison said there were many tools in the toolbox for any property in Charleston, and one of those tools was their MU Ordinance, which they used to collect fee-in-lieu money. She was not suggesting that the property in question was a prime location, but they also went through the process of amending that ordinance to accommodate for smaller-sized dwelling units that were 275 sq. ft. Also, the building was in walking distance of Harris Teeter. With MU, there was also the benefit of not having to have required parking for residents. There were a lot of combinations for the uses of the building, even though there were parking constraints.

Chair Karesh said that given the location of the building and the amount of money required, he didn't know if workforce housing would work there, but he appreciated what she was saying.

Mr. Lesesne said he agreed that the best use for the City would be residential ideal, but the developer investigated that and found it infeasible. He respected Chair Karesh's motion, and thought it ought to have a vote. One of the reasons he supported it was because the building had been commercially used for a long time. If the Harbour Club's use of the building had been in question in 2013, they would have looked a lot harder at shrinking the Overlay. It was not an area that was lacking in residential options. There was an accommodations use immediately to the north. They were not losing housing stock by allowing it. He was sympathetic to the owner. He didn't know what else could be done with the building when there was no parking.

Ms. Bryant-Jenkins said she supported Ms. Harrison's comments. She had mixed emotions on how to proceed. She had spent many evenings at the Harbour Club, and it was a great location. She understood the cost factor, as well, and did hear what the community wanted, but she felt it should have been something that the community already around it could enjoy.

Ms. Jacobs said there were tax credits that would make developing the building as MU-2/WH more affordable. The Federal government had money for those sorts of things. She was always nervous, when thoughtful boundaries were created, about crossing them, because there would always be places that came right up to the Accommodations Overlay boundary but were not within it. That was never an excuse to creep the boundary. It had gone through three evolutions for a reason. It was all LB, but LB supported housing. She challenged people to look at MU on the site.

Ms. Joyce said it was a tricky situation, and she was on the fence. However, she would support approval given the considerations for the use of the building and the parking issues, in addition to the neighborhood's comments.

Mr. Lesesne said he and Ms. Jacobs almost always agreed. The only reason he disagreed in this particular case was because Mr. Morgan had explained why the property and others were removed from the Accommodations Overlay in 2013, which was not because the City had any specific problems with accommodations being on the site, but because it was not contemplated that it would be an accommodations use in the future because it was the Harbour Club at that time, and the City was shrinking the Zone. It didn't say "accommodations on this site are really bad, and we need to not have them there." They identified properties like the City parking garage and properties like that that they didn't contemplate would become accommodations and took them out.

Ms. Harrison said she felt both options could work. She thought looking at the base zoning was also an option.

On a motion of Chair Charles Karesh, seconded by Harry Lesesne, the Commission voted to approve Rezonings Item 5. The vote was not unanimous. Donna Jacobs and Loquita Bryant-Jenkins voted against.

6. 92 President St (Cannonborough/Elliottborough - Peninsula) TMS # 4601104021 - approx. 0.05 ac. Request rezoning from the 4 Story Old City Height District to the 5 Story Old City Height District.

Owner: 96 President Street, LLC

Applicant: Edward K. Pritchard, III, Esq.

Mr. Morgan said the location had seen a lot of change, and more was coming. It was a very small lot.

He described the location and surroundings of the site.

Images of the property were shown.

It was designated Neighborhood Edge in the Comprehensive Plan, and 5 Story Old City Height District would not be out of character there.

There was a new slide that reminded the Planning Commission and Council to evaluate height rezonings based on the context of the property, the character of the immediate area, the street widths around the property, and whether the requested rezoning would be compatible with the surrounding properties.

Mr. Morgan said that given the heights of the parking deck and surrounding buildings, staff felt that the request was reasonable.

Staff recommended approval.

Mr. Pritchard showed on the map the changes the property had gone through. He said they were just asking to be consistent with the rest of the block.

Chair Karesh closed the public aspect.

On a motion of Donna Jacobs, seconded by Harry Lesesne, the Commission voted unanimously to approve Rezonings Item 6.

PLANNED UNIT DEVELOPMENT (PUD)

- 1. 0 Castlereagh Rd (Hemmingwood - West Ashley) TMS # 3530200167 - approx. 0.28 ac. Request reconsideration of the Planning Commission's recommendation on May 18, 2022 of disapproval of an ordinance to amend the Zoning Ordinance of the City of Charleston, by amending Ordinance 2006- 187, which adopted the Hemmingwood Planned Unit Development (HW-PUD) Master Plan and Development Guidelines for a property located**

on Castlereagh Road (TMS# 3530200167) as Appendix L of the Zoning Ordinance, to delete references to a park common area, including subsection "VIII. Park Area" in its entirety, and increase the total number of single-family lots within the Hemmingwood PUD to 64 lots from 63 lots, to permit TMS# 3530200167 to be used for a single-family detached home.

Owner: 782A Rutledge, LLC

Applicant: O'Shea Law Firm

DEFERRED

SUBDIVISION PROPERTY CONVERSION RECONSIDERATION

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

Owner: 782A Rutledge, LLC

Applicant: O'Shea Law Firm

DEFERRED

ZONINGS

1. 29 Avondale Ave (Avondale - West Ashley) TMS # 4181400030 - approx. 0.34 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
2. 309 Cessna Ave (Dupont Station - West Ashley) TMS # 3500900028 - approx. 0.18 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.
3. 2157 Wappoo Dr (Riverland Terrace - James Island) TMS # 3430600174 - approx. 0.22 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Owner: John and Maggie Guerry

Zonings Items 1-3 were taken together.

Mr. Morgan said the Items were all recent annexations.

The properties were coming into the City as SR-1.

Images of the property were shown.

Staff recommended approval for all.

On a motion of Erika Harrison, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to approve Zonings Items 1-3.

4. 1989 Maybank Hwy (Woodland Shores - James Island) TMS # 3430300208 - approx. 1.52 ac. - Request zoning of General Business (GB). Zoned James Island Maybank Highway Overlay and Planned Development (OD JA-MHC, PD) in Charleston County.

Owner: Maywood LLC

Mr. Morgan said the property was a recently developed site. It had been a planned development in Charleston County, which traced its origin to an earlier version of the Town of James Island that had approved it.

It was designated Neighborhood Edge in the Comprehensive Plan, but the commercial aspect of PD translated most directly to GB.

Images of the property were shown.

Staff recommended approval.

Ms. Jacobs asked if the planned development language would be gone if they put it into GB.

Mr. Morgan said that was correct.

Ms. Jacobs said she wanted to make sure none of those things moved forward.

Mr. Morgan said they would not, because they could not have conditions in their standard districts.

On a motion of Donna Jacobs, seconded by Loquita Bryant-Jenkins, the Commission voted unanimously to approve Zonings Item 4.

PP&S Department Update

Mr. Morgan said the next meeting would begin 30 minutes early to have a speaker from the Charleston housing group. There would be a height district discussion, as well.

Ms. Harrison said the way that City Council would potentially enforce the possible rental registry could potentially remove naturally occurring affordable housing and missing middle housing. She felt that if unruly tenants were moved out, that could have been a good way to move long-term City employees into those same places, and the City could help the owners make those improvements to generate that type of housing.

There being no further business to discuss, the meeting was adjourned at 6:01 p.m.

Philip Clapper
Clerk of Council's Office