

Planning Commission

November 16, 2022

A meeting of the Planning Commission was held this date at 5:01 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 (arrived at 5:07), Jimmy Bailey, Jr., Loquita Bryant-Jenkins, Erika Harrison (arrived at 5:08), Donna Jacobs, Angie Johnson (arrived at 5:08), McKenna Joyce, and Sunday Lempesis (left at 6:15).

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

Others: George Elias, Barry Whalen, Hannah Giddens, Karyn Buckley, Bruce Hoch, Ian Lindell, Chris Cannon, John Burly, Barry Cohen, Kristen DeWitt, Brent Mattox, Bradley Taggart, John Zlogar, Barry Whalen, Matt Byzet, Marion Hawkins, Jo Cannon, Cashion Drolet, Will Greene, George Holt, William Schandall, Chuck Waring, Allison Schandall, Susan Griffin, Sam Spence, Nicole Scott, and Roy Waites.

Link to meeting recording: https://www.youtube.com/watch?v=hEyK3_tukrg&t=1978s

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

Mr. Morgan introduced Planning staff.

MINUTES

1. Request approval of minutes from September 21, 2022 Planning Commission Meeting

The minutes were taken at the end of the meeting.

On a motion of Donna Jacobs, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to approve the September 21, 2022 minutes.

REZONINGS

1. Property on Southwick Dr Fenwick Hills - Johns Island | TMS # 2790000018 | Approx. 60.61 ac. Request rezoning from Single Family Residential (SR-1) to Conservation (C - approx. 22.35 ac.) and Diverse Residential (DR-6 - approx. 38.26).

Owner: Fenwick Hills Corp

Applicant: Middleburg Communities

Mr. Morgan explained the application. The applicants had originally suggested that the entire tract go to DR-6. Now, they had modified their application to include DR-6 and about 22 acres of Conservation Zoning. He showed where it was on a map. The areas that would have no development would be even wider, because there needed to be buffered.

He described the location of the property.

The development team had already started a similar development on a neighboring property.

Images of the property were shown.

It was designated Suburban and Natural/Wetland in the Comprehensive Plan. The Plan did not include the exact boundaries. The applicant had requested Conservation Zoning on some of the Natural/Wetland area. This fit within the Plan.

SR-1 allowed single family dwellings at 4.8 units/acre, and DR-6 allowed diverse residential with up to 6 units/acre.

Something to point out was that within Single Family Residential, there could also be a Conservation Subdivision, which would allow for clustering of lots and for townhouses if 20% were affordable, and that was an option that could have been pursued. He was explaining this because he wanted people to understand that even in SR-1, there could be more than 4.8 units/acre allowed if a Conservation Development were pursued.

The Plan recommended for density on the site because Maybank had some of the highest land in the City, and definitely the highest land on Johns Island. The bulk of the site was at 19-25ft of elevation. Yes, there were wetlands, but they were not in critical areas.

He knew traffic concerns were important to the residents. Southwick was definitely a street that connected to a lot of different developments and had a very important connection to Maybank. However, they had been working for the past 15 years to ultimately get Southwick realigned with St Johns Woods Parkway, which would help meet the justifications for a traffic signal. That had been held up by funding issues and the development potential of nearby tracts that could help fund the intersection change. It was shown in the Johns Island Plan. They felt it was the ultimate fix for Southwick when it came to its issues with Maybank. It would not reduce traffic on Southwick, but it would help the people on Southwick get out to Maybank in a safer fashion.

Further images of the site were shown.

There would be a 25ft buffer that would not be built upon between the developed and conserved areas.

Staff recommended approval.

Mr. George Elias with Middleburg said Middleburg was a fully integrated development, construction, and property management firm that focused on the Southeastern United States. Their regional office was on East Bay Street.

The previous week, they held a voluntary neighborhood meeting at Berkeley Electric Cooperative to share their detailed plans and take questions and feedback. He said Middleburg prided itself on transparency and integrity, so they appreciated all of the valuable dialogue. They were there that night to publicly address all of the comments from that meeting and the comments made online. They would also address the formal opposition letter from Mr. Follmer and the Fenwick Woods HOA that was written and signed prior to the neighborhood meeting. He said that the letter unfortunately did not have all of the facts.

The parcel on Southwick Drive was approximately 61 acres, with over 33 acres of wetlands and 26.75 developable acres. The current SR-1 Zoning allowed for 4.8 units/acre, which, by right, allowed for 128 single family homes. Their application was requesting DR-6 Zoning, which would allow 6 units/acre, equaling up to 160 units. The 6 units/acre request fit squarely within the Comprehensive Plan's recommended density of 4-8 units/acre for that area. They believed their request corresponded to the Comprehensive Plan's request.

They often heard the Commission say that they wanted to promote more continuity. Middleburg was in a unique position because it was already developing the neighboring parcels. With both parcels and consistent zoning, they could provide the best possible product.

Although the site had 27 developable acres, they only planned to develop on 16.7 acres. DR-6 Zoning was crucial in allowing them to concentrate their development and minimize their footprint and wetland impacts. They believed that was unique to Middleburg. Any other developer would present a plan with more acres used.

Their proposal would have less than half an acre of wetland impacts. They had also voluntarily requested for Conservation Zoning so that the wetlands could not be impacted. That way, neither they nor a future developer could impact the wetlands without a rezoning.

He said the Fenwick Woods HOA opposition letter stated some inaccurate information about wildlife habitats. They had engaged a professional consultant engineer to perform a thorough Threatened and Endangered Species due diligence evaluation on the site. They utilized the South Carolina Heritage Trust program and the U.S. Fish and Wildlife Endangered Species database. They had not identified any occurrences of or suitable habitats for threatened or endangered species.

In all of their communities, they maintained public and private outdoor spaces, including preserving grand trees, vegetation, protected wetlands, and wildlife habitats, should they have existed.

Flooding and drainage were important topics on Johns Island and throughout Charleston. He said they understood and agreed with the principles of the Dutch Dialogues. The parcel was on very high ground, but it was in an SPA, so the requirements were very stringent and meticulously reviewed by the City in regard to stormwater management. That included increased water retention, sizing and buffers, and a mandated 25% peak reduction flow from the existing level. That helped them to make up for the existing Fenwick Hills area, which had no stormwater retention, making it prone to ponding. They had already designed the adjacent project to those standards. A concentrated townhome project had a smaller footprint and less impervious roads than a single family community, resulting in a smaller stormwater impact.

Many of the flooding impacts on the island were due to old, poorly designed, and unmaintained infrastructure, not the impacts of new development. He said their new development would only improve the situation, and would not have upstream or downstream impacts. The last thing they would want was for their residents or management staff to have to deal with flooding. They would be impacting less than a half-acre of wetlands, and would be leaving over 10 developable acres without units, leaving over 43 total acres of the site unimpacted. Some of that developable acres would be put towards a large bioswale for additional drainage. They believed that that was a unique feature, and something that any other developer would not be able to use, as they would squeeze that area with inefficient roads and large homes.

He said their civil engineer, Barry Whalen, was there to answer any specific stormwater questions.

Another utility benefit was power and sewer infrastructure. He had learned that some families experienced power outages from just a windy night due to some of the old overhead power lines. With their new development, they could add redundancy to the power grid. He also learned that many of the homes did not have permanent sewer. Their new development would provide sewer infrastructure on Southwick Drive for those homes to contemplate tying into in the future.

He said they understood that traffic was a huge concern for Johns Island. By right, on SR-1, 128 large single family homes would undoubtedly house two, three, or even four cars per household. That amounted to far more daily trips than the residents of a rental community with 85% one or two-bedroom units. Middleburg's renter profile was a young professional or empty nester with less cars/unit and less daily trips taken. Townhomes generated 65% less trips than single family homes did.

While a formal traffic impact analysis was not a part of the rezoning process, they performed a calculation using the ITE data, and it proved that their existing use, even with the increased unit count, produced less trips than the existing zoning.

They understood that the Southwick and Maybank intersection was less than ideal. Their ownership of the adjacent property would allow residents to access Maybank, helping to decrease the impact on Southwick Drive. Any other developer would be forced to send all of their traffic to Southwick.

They had reserved land for a future east-west connection, including for a traffic circle, and for a north connection. They were not proposed in their current plan, but preserving them would allow for future flexibility.

In addition to the road improvements they would provide, the fees from their Hamlet project, as well as their current project, would contribute millions of dollars that would go directly towards those road improvements.

He sympathized with the speeding problems. From what he had heard, much of the speeding was from non-residents using Southwick as a cut-through. They did not believe that their residents would contribute to the speeding problem. However, regardless of their impact, they wanted to improve the situation. They had spoken directly to SCDOT about the issue. They had done analysis on the road in 2016, and the 85th percentile of their observed drivers were at 42 MPH, and in the three years prior to the study, there was only one accident reported. So, at the time, there were no adjustments recommended for the road. Unfortunately, other traffic calming measures, such as speed humps, could not be installed on roads over 25 MPH. They supported the 35 MPH speed limit, and as such, they were in discussions with the City and SCDOT about funding the installation of reflective paver markings and speed limit signs with built-in radar detection, which were both proven to be very effective.

Their plan featured a walking path along Southwick, full interconnectivity of their sidewalks, a passive park with walking trails, and a boardwalk through the undisturbed wetland with benches and observation lookouts, all of which would be open to the public.

While DR-6 allowed increased maximum height, their townhomes would not exceed two stories. Their designs had already been vetted by the DRB for the Hamlet project.

They had voluntarily increased the buffer on Southwick Drive by 2.5 times and set back the units 25ft from the property line, and proposed dense landscaping and trees to shield the views of units from Southwick.

Middleburg fully owned and managed the entire property long term, which meant professional management for the entire property. As the single owner, they contracted with a stormwater specialist who was on site monthly to maintain their eco-sensitive developments.

He said homebuilders had no long term investment in a community, whereas Middleburg was invested for the long term. They knew developers had a bad reputation, but they were working on the Hamlet project. He asked them to use that as an example. He said they had done the things they said they were going to do. They were local, and had won awards.

He said they supported missing middle housing. They provided a more attainable, simplified lifestyle. They wanted everyone to have housing available to them.

Chair Karesh asked how many units they expected to build.

Mr. Elias said they meant to build 160 units.

Public Comment

Opposed

Hannah Giddens

- Thanked the applicant for the neighborhood meeting.
- Opposed to rezoning to higher density.
 - o It was out of character.
 - o Showed disregard for lack of infrastructure.
 - o The proposed cut-through was unlikely to alleviate traffic.
 - o Flooding would result.
 - o Would disrupt drainage.

- Asked what safeguards would be put in place to maintain the Conservation easement.
- She had been told that the project would be eco-friendly, and she wanted to know what that meant.
- Why not use pervious pavers?
- Why not use native plants?
- Why not endorse not using pesticides?
- Wanted citizen scientists, College of Charleston scientists, or DHEC to be able to monitor their ponds.
- Wanted a guarantee that the reserved uplands would not be built on in the future.
- Upzoning opened Pandora's box. Somebody else could buy the property.

Karyn Buckley

- Said there was a lot of avoidance from the developer. There had been changes since the neighborhood meeting.
- She said she asked a question regarding why the applicant couldn't develop single family homes, and said the applicant had avoided answering the question, and had told her that if they didn't get their approval, they would build on every inch of buildable space, though it was said in a different tone.
- Everything looked great on paper, but it wasn't like reality.
- She shared photos of the drainage system.
- There were also photos of vehicles wrecked in the ditches.
- Recently, a car had smashed into an electrical poll, causing a power outage.

Bruce Hoch

- He didn't think anyone wanted to see the backs of townhouses.
- Distributed pictures of flooding.
- Thought every household would have at least two cars, and that concerned him.
- Said he was terrified of disturbing the delicate wetlands.
 - o Would cause flooding.

Ian Lindell

- Middleburg seemed to be sensitive to their concerns.
- He was promised previously that there would be no water issues, and there were, and so he had a hard time believing it a second time.
- Did not understand why they would approve further development if there were still traffic problems.
- While home developers didn't have a long term interest, homeowners did.
- Urged the community to think about the long term.

Chris Cannon

- Wanted to see the land preserved.
- Current zoning did not deprive the owner from developing the property, it just deprived them of higher profits. That was not a reason to change zoning.
- The townhomes would be out of character.
- Johns Island Council was opposed.

Chair Karesh thanked Mr. Cannon for his work on the Johns Island Council.

John Burly

- Agreed with what everyone else had said.
- It took him more than 30 minutes to get off of Johns Island every morning.
- Adding 160 more people would be "pretty messed up."

Barry Cohen

- He had bought his home because he was okay with the zoning. Changing it now would completely change the character, and he thought it was a shame.
- It would affect their property values.
- Opposed to townhomes.
- Asked who would own the Conservation land.
 - o Who would police that land?

Christian DeWitt

- Floodwater was already in their front yards. Any flooding would result in going inside of their homes. Not from hurricanes, just from heavy rain.
- Barred owls were protected, one was in her backyard. Coopers hawks were also in the area. They did have wildlife that would be affected.
- She purchased her home because she did not want to live near rental communities.
- Proposed road across Southwick was across from her street.
- Adding another road would cause a cluster from people trying to get out of Traywick. There would be accidents.

Brent Mattox

- The speeding was much higher than 40 MPH.
- He was afraid someone would die.
- The entire road needed to be re-engineered.
- He said he thought the current exit was not abiding by the Code, so he wanted to know where the exit would be.

Bradley Taggart

- Neighborhood opposition was apparent.
- Johns Island was the most infrastructure-challenged area of the City.
- The upzone did not appear to fit with the City Plan.

John Zlogar

- The City would have an easement on the phase 1 roads, so the idea that there would never be a connection was incorrect.
- The buffers were only promised. They could go away if they so chose.
- The applicant could use a Conservation Development, but they instead wanted to rezone.
- He asked if all the developer had to do was say they would develop affordable housing in order to get an upzoning.

Applicant Rebuttal

Mr. Whalen explained the drainage system. There was nothing that could happen on the property that would send drainage uphill to the neighborhood.

Chair Karesh asked Mr. Whalen how the proposed development would not make anything worse.

Mr. Whalen said that in terms of drainage, they were downhill, so they couldn't make the water go uphill. It was that simple. He had been working out there for 36 years. At that particular site, the water could not go back uphill.

Chair Karesh thanked Mr. Whalen.

Mr. Elias said a lot of the comments were similar to what they heard at the neighborhood meeting.

They had a professional consultant come on the site and do a Threatened/Endangered Species analysis of their site and the surrounding site. They informed them that there were no threatened or endangered species on their site.

It had been said that they hadn't walked the site. That was not true. They had walked the site many times, along with their consultants. They were aware of the situation.

He reiterated that the by-right zoning would have more trips than what they were proposing. They were proposing a minimizing solution.

They had proposed reflective pavement, paying out of their pocket for a speed sign with a radar, and they intended to study the blind corner. They would do a site analysis of that corner.

If another developer were to develop a site there, they would have a non-exclusive easement for the road use, so they would have private roads with public access. They believed their proposed use fit better than the shotgun approach to development.

They believed any supply to the market helped alleviate demand for affordable housing. They were missing middle, and were the attainable rental option.

Chair Karesh asked if they would be maintaining the trails.

Mr. Elias said they would. It was their property, and they would maintain it.

Chair Karesh closed the public aspect.

Ms. Harrison asked how much of the promises made by the applicant would be translated to TRC.

Mr. Morgan said staff could relay what had been said, and it was in the minutes, but there was no conditioning or anything like that. However, they had followed through with the design of the first phase in the Hamlet project.

Mr. Lesesne said one question was what was to prevent a future developer to develop the developable land that was being set aside.

Mr. Morgan said there was not something that could prevent that. Conservation Zoning did help show that it would make no sense to build on the wetlands, but that was all.

Chair Karesh said there were 27 developable acres, but they were only going to develop a portion.

Ms. Jacobs said some of that would be taken up by buffers.

Mr. Lesesne said there would be boardwalks taking up space, also.

Ms. Jacobs said they would lose acreage from many things.

Mr. Elias said no more than 160 units could be built, even if another developer bought up the land.

Mr. Morgan confirmed that was correct.

Mr. Bailey said he tended to buy the argument that single family homes tended to have more cars and contributed more to traffic. He asked if 128 single family homes would fit.

Mr. Morgan said it depended on how they were configured. If a developer did a Conservation oriented subdivision, which required a tremendous of upfront work, they could have no limit on a minimum lot size for a single family house, as long as they did not develop 50% of the site. They could also do townhouses in that case, even though it was zoned Single Family, as long as they had the requisite amount of affordable housing in the townhouses.

Ms. Harrison said the idea was that 160 units would fit on 16 acres of land.

Chair Karesh said he understood the concerns. The speeding issue was something that needed to be taken up more with the police and Charleston County.

Ms. Jacobs said it was always hard when a community came out with passion. She knew that when most of Johns Island was built, it was built without the new Stormwater Manual. Just because someone had by-right zoning, that didn't mean they could pass their TRC application. It was a very extensive process, and one of the reasons they did that was residential concern. Applicants had to prove that their development would not impact anyone else. If they couldn't prove it, then they couldn't build. The applicant could be in TRC for two or three years before it was proved. That was how the City had responded to the public about flooding. As Mr. Whalen had said, water didn't flow uphill, and their development was downhill. The development might even help flooding.

Her own neighborhood flooded because a highway was raised, so it was hard to hear. However, the City had set out all of the regulations so people could continue to have housing. She was a big proponent of missing middle, and did not believe that townhomes were a detriment to the community. She lived next to many, and they did not impact the neighborhood.

Chair Karesh asked Mr. Morgan if he saw density being in the area.

Mr. Morgan said he did, it was designated in the Comprehensive Plan. 4-8 units/acre in the highland areas.

Chair Karesh said he understood the problems with the roads, and he hoped to see improvements, but he would support the application.

On a motion of Donna Jacobs, seconded by Chair Charles Karesh, the Commission voted to approve Rezonings Item 1. The vote was not unanimous. Angie Johnson and Sunday Lempesis voted against.

PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT

1. **3328 Maybank Hwy Maybank Highway - Johns Island | TMS # 2790000029, 030, 031, 035 | Approx. 10.6 ac. Request amendment to the Rhett's Cove Planned Unit Development (PUD) Master Plan and Development Guidelines to change the land use acreage and parking requirements.**

Owner: Kuluck Properties, Consultants LLC 24/7, Stanley Martin Homes LLC

Applicant: Stanley Martin Homes

DEFERRED

2. **Brewster Ct, Cannon St, Coming St & Saint Philip St Cannonborough - Elliotborough - Peninsula | TMS # 4600804015, 016, 017, 037, 042, 043, 075 through 081, 083 through 088, 090 & 094 through 110 | Approx. 1.39 ac. Request amendment to the Residences at Coming & Cannon Street Planned Unit Development (PUD) Master Plan and Development guidelines to change the permitted uses to allow commercial short-term rentals for all properties within the PUD.**

Owner: Ty Costa et al.

Applicant: Virginia Landon

Mr. Morgan explained the Item. He showed the location and surroundings.

The STR Overlay allowed STRs in commercially zoned properties within the neighborhood boundaries. He showed some of the commercial in the area. With the conversion of single family residential units, that set a precedent that could jeopardize the residential nature of certain streets.

He showed the existing PUD.

The amendment would allow things that were allowed within the GB to be there, but they would be limited to STRs.

Staff did not recommend that existing residential structures be turned into commercial. All previous similar applications had been turned down if they did not have a commercial history.

Staff recommended disapproval. They had been clear with the applicant during the application process. They were concerned that it would lead to a precedent that would lead to the conversion of other lots.

Chair Karesh called for the applicant to speak.

Mr. Byzet said the application was not seeking to commercialize the development. He had initially thought to just convert his land.

He said he used to live in that area, and it was primarily commercial, with restaurants, bars, and college students.

They had spoken with the Midtown Community Association, the surrounding neighbors, and local business owners. None objected. The area used to be a gas station. Mr. Costa and his family planned to live there for the majority of the time, but they wanted the option to use it as an STR. They did not believe the application, if approved, would turn Midtown into a transient commercial property.

The application would assist the owners in keeping the property in good repair when the owner was out of town.

That particular spot would not create a precedent because Midtown was a community association with a master deed and regulations. Those regulations would always apply and were strictly enforced. There was an established property management company that managed and oversaw Midtown, and there were regulations on STRs. Not all of the properties would become STRs. Most were owner-occupied, and would continue to be so. Housing and affordable housing were not being taken off the market. He quoted some of the STR regulations. The application would not set a precedent, and would be regulated.

Public Comment

Opposed

Marion Hawkins

- President of the Cannonborough-Elliottborough Neighborhood Association
- The PUD was developed in the mid-2000s, and the purpose of a PUD was density.
 - o Primary density was residences, with two commercial spaces.
 - o That area had always been full-time residences and non-student rentals.
 - o Their neighborhood was the only one to support the STR Overlay after two years of study.
 - o Their Neighborhood Association had consistently opposed upzone requests in order to keep their neighborhood diverse and preserve housing for residents.
- They did not want the neighborhood to turn into one large STR.
- Prospective owners and developers were encouraged to buy property with the zoning needed for the intended use.
 - o The owner of the property in question was an out-of-town investor.
- The existing 31 residences had no commercial history.
- Once an upzone was provided, it could not be taken back.
- If the request was granted, it would create a dangerous precedent.

Jo Cannon

- The area looked like a hotel in the making with no employees to keep things in check to her.
- People often complained about improperly-run STRs.
- The buyer did not live in their neighborhood.
- Something of that scale would be detrimental to their neighborhood.
- She was not against STRs, but she was against improper running of them.

Cashion Drolet

- Historic Charleston Foundation was opposed.
- The Planning Commission had been consistent with denials of similar applications.
- Eventually, all of the residences would become STRs.

Will Greene

- Vice President of the Neighborhood Association.
- He bought his house knowing what he was getting into, not looking to upzone it.
- The application was not in line with the City Plan.

George Holt

- Another developer had done it correctly by talking with the neighborhood and listening to them. The applicant had not done that.
- It was unclear to him what the applicant wanted. There was no communication.

William Schandall

- This flew in the face of the City's desire for owner-occupied residences.

Chuck Waring

- Owned 203 and 205 St. Philip.
- Zoned commercial when it was bought.
- The rezoning would not add anything to the community.

Allison Schandall

- Opposed to the rezoning.

Susan Griffin

- Believed the neighborhood would become a business district eventually if the application was approved.
- Lived at Peecksens Court Affordable Housing Development.
- Peecksens Court was a real, urban neighborhood with multiple generations. Homeowners were the community's backbone.
- STR residents would be worse than the current residents.

Sam Spence

- The Preservation Society was opposed.
- The development predated the Overlay.
- The City Plan spoke about the housing crisis and the need to create and preserve the housing stock.

Applicant Rebuttal

Mr. Byzet said he understood everyone's concerns, and appreciated their points. People had talked about out of town investors. He said Mr. Costa and his family were moving there, and the property manager had everyone's information.

The application would not turn the area into a big hotel. They were not seeking an upzone, but seeking a specific, limited purpose. The board had a fiduciary duty to protect the neighborhood around it.

Chair Karesh closed the public aspect.

Erika Harrison said because they were looking at a PUD, it already met State requirements for commercial. Looking at the PUD, she noticed the footprints of the building. If the area was zoned GB in the beginning, they would not be able to put that many houses on the site. A single family residence in

GB was required to have a 2,500 sq. ft. lot, and would only be able to occupy 50%. The PUD essentially eviscerated the setback and lot coverage requirements. Maintenance and upkeep were important. A PUD was about creating a neighborhood. Changing the permitted use to something on top of the PUD's permitted use was unnecessary.

Mr. Bailey said if they denied it, they would spare a future HOA board the headache.

Mr. Lesesne said the Commission had been very consistent on this issue. He did not recommend future property owners coming and asking the Commission for this again. He was confident they would give the same answer again. He wanted that on the record so that future applicants would see.

Ms. Jacobs agreed. She dealt with the same thing at her first Commission meeting. The Overlay was put there for a reason, but they had to preserve housing.

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

ORDINANCE AMENDMENT

- 1. To amend section 54-306 (Old City Height Districts) of Part 2 (Old City Height Districts and View Corridor Protection) of Article 3 (Site Regulations) and Section 54-506 (Exceptions to Setback Requirements) of Article 5 (Exceptions and Modifications) of the Zoning Ordinance of the City of Charleston to increase permitted heights of accessory structures.**

Mr. Batchelder said he was asked to write the amendment, but did not necessarily advocate it.

He explained the Item. It was an amendment to the exception in the ordinance that allowed residents to build ADUs in their backyards, notwithstanding any other setback rules that might have prohibited that. Large setbacks were common in many residential areas. This allowed those setbacks to be reduced to three feet off the side and rear property lines. To get that exception, some conditions had to be met. The size of the ADU, for instance. The height could not exceed 1.5 stories and the eave height was limited to 11ft. The amendment would change the limitation such that if the main house was two stories, then the ADU could be two stories, if the other conditions were also met. It also corrected language in the code to make it less confusing.

Three feet off the side of the building property meant that it would be very close to the neighbor. They did often get concerned calls regarding ADUs, and he imagined that would happen when two story ADUs were built.

Ms. Jacobs asked for and received clarification from Mr. Batchelder on the ordinance amendment to ensure that it was not in conflict with the general ADU ordinance.

Mr. Lesesne asked what the impetus for the amendment was.

Mr. Morgan said it allowed for more flexibility of ADU creation. Often times, homeowners were interested in building one if they could have a garage underneath, and a story and a half limited how many square feet could fit in.

On a motion of Chair Charles Karesh, seconded by Loquita Bryant-Jenkins, the Commission voted to approve Ordinance Amendment Item 1.

The vote was not unanimous. Angie Johnson and Jimmy Bailey, Jr., were opposed.

Mr. Bailey said he was not quite comfortable with the amendment.

ZONINGS

- 1. 638 Tuxbury Farm Rd (a portion) & two adjacent parcels on Tuxbury Farm Rd Cainhoy | TMS # 2630004046 (a portion), 042 & 053 | Approx. 10.32 ac. Request zoning of Single-Family Residential (SR-1). Zoned Rural Single-Family Residential (R1-R) in Berkeley County.**

Owner: Ray Waits & Angela Waits

Mr. Morgan described the location and surroundings of the property, and the applicant's request.
Staff recommended approval.

Public Comment

In favor

Nicole Scott

- Less was more.
- The adjoining parcels were up for rezoning as well, and would be developed together but separately.
- No opposition from the adjoining property owners.

Roy Waites

- Appreciated the opportunity to be annexed into the City.

Chair Karesh closed the public aspect.

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

2. **715 Yaupon Dr & 2682 Hwy 41 Cainhoy | TMS # 2630004007 & 006 | Approx. 5.71 ac. Request zoning of Diverse Residential (DR-12). Zoned General Commercial (GC) in Berkeley County.**

Owner: Rumphs Auto Service et al.

Mr. Morgan described the location and surroundings of the property, and the applicant's request.
Staff recommended approval.

On a motion of Erika Harrison, seconded by Angie Johnson, the Commission voted unanimously to approve Zonings Item 2.

3. **1737 Jessamine Rd Pinecrest Gardens - West Ashley | TMS # 3511200029 | Approx. 0.18 ac. Request zoning of Single Family Residential (SR-2). Zoned Single-Family Residential (R-4) in Charleston County.**

Owner: Edgar John David Life EST

Zonings Items 3 and 5 were taken together.

4. **326 Cessna Ave Air Harbor - West Ashley | TMS # 3511200085 | Approx. 0.13 ac. Request zoning of Single Family Residential (SR-2). Zoned Single-Family Residential (R-4) in Charleston County.**

Owner: Diane Desantis

DEFERRED

5. **12 Riverdale Dr Avondale - West Ashley | TMS # 4181400088 | Approx. 0.25 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.**

Owner: Joseph J. Nemeth III

Mr. Morgan described the location and surroundings of the properties, and the applicant's request.
Staff recommended approval.

On a motion of Donna Jacobs, seconded by Harry Lesesne, the Commission voted unanimously to approve Zonings Items 3 and 5.

6. 3306 Bonanza Rd Carolina Bay- West Ashley | TMS # 3070000006 | Approx. 0.91 ac. Request zoning of General Office (GO). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Jaime Raul Gomez and Marlene D. Hernandez

Mr. Morgan described the location and surroundings of the property, and the applicant's request. The owner wanted flexibility to rent or sell the space for office space.

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

Staff recommended approval.

Ms. Harrison asked if they would have to come back for a rezoning after annexation.

Mr. Morgan said they had their annexation in process, and they were recommending the zoning tonight.

Erika Harrison moved for approval. There was no second.

Ms. Jacobs said she was opposed to the zoning. She had driven the area, and it gave her a totally different flavor. There was no time limit in GO, and the surroundings were all residential.

Chair Karesh said GO was 24/7.

Ms. Jacobs said that was correct. There was an intensity of uses that could go in GO, and the street didn't have a light on Savannah Highway to get out, so the only way to get out was to go through the neighborhood or through the frontage road and through Carolina Bay. She would not support the motion.

Chair Karesh asked Mr. Morgan the difference between the hours of operation in GB and GO.

Mr. Morgan said GB did have uses that went 24 hours/day, and GO had no limits on hours of operation, but it did limit uses. There could be medical offices, which went into the evenings. It allowed for daycare centers, nail salons, haircut places, but not huge ones. But, in general, GO was used for offices. Those were not often used 24/7, but there was no limitation in GO.

Ms. Harrison said the general contractor would be allowed to park his vehicles there.

Mr. Morgan said he could have vehicles, but he couldn't have anything like dump trucks or excavation equipment.

Ms. Jacobs said that if it did go to GO, it was also outside the purview of Design Review, so there would be no fencing or landscaping buffers, or lighting.

Mr. Morgan said it would have to have buffers if they wanted a business license.

Chair Karesh asked if RO could be considered.

Mr. Morgan said RO allowed for pretty much the same type of uses, however, there was a difference. RO did not allow for a daycare or a school on the property. However, to intensify the use and to get a business license, they had to have a buffer.

Ms. Jacobs said she was not against the softest commercial zoning. They did recently have a lot of issues with a daycare application.

Mr. Morgan said RO would not allow for a daycare, but did allow for offices.

On a motion of Donna Jacobs, seconded by Jimmy Bailey, Jr., the Commission voted unanimously to recommend zoning Zonings Item 6 as Residential Office.

PP&S DEPARTMENT UPDATES

Chair Karesh said he had wanted to discuss time management of the meetings, but he asked if they could talk about that the following month.

Ms. Jacobs said the problem with the following month was that their meeting had been moved to December 15.

Mr. Morgan said that was correct.

Ms. Jacobs said it was possible not all Commissioners would be able to make that meeting.

Mr. Morgan said the normal meeting date would have been December 21, but it was so close to the holidays that they instead scheduled it for Thursday, December 15.

Chair Karesh asked who could meet on December 15.

Ms. Johnson said she could be there, but would have to leave at 6:30.

Chair Karesh said Mr. Bailey and Ms. Jacobs would not be able to attend. He asked if it would be a big agenda.

Mr. Morgan said they did not have anything at that time, but they couldn't be certain.

Ms. Johnson said they could go back to a two-minute timer. She was a huge fan of that.

Chair Karesh said they could do that, but his concern was that the Commission had always allowed people to speak and be heard. He thought they should talk about that. What he tried to do was ask how many people wanted to speak, and let them know if they needed to be limited.

Ms. Johnson said there were times when people were brief, but people were now lengthy and redundant. What was hard for her was when many people spoke at one meeting, the Commission deferred, and then the same people came back and said the same things at the next meeting. She thought it was worth a 15-minute discussion on how best to manage that. She agreed that they should hear everyone, but there were times when it hurt the process.

Chair Karesh said they could implement polling to see who wanted to speak, and if it was a certain amount, then they could implement time limits.

Ms. Jacobs said the policy told them what to do, and they weren't following it.

Chair Karesh said they hadn't historically followed it.

Ms. Jacobs said it was in their code, and they didn't follow it. Secondly, when there were time limits, people consolidated what they wanted to say, so there was no repeating. Also, there were people who sat for a long time for the last Items who deserved for their time to be respected. Also, there were 40 people who wrote into the Commission, and those comments were not even summarized.

Ms. Johnson said some of those 40 were in person at the meeting. She felt that if they wrote a letter, then perhaps they shouldn't speak.

Ms. Jacobs said DRB and City Council went to a time management system because it had gotten out of hand. She wasn't saying that she didn't want people to speak, but even a limit of three minutes or two minutes was a long time.

Chair Karesh said he wanted everyone to think about it. He asked when they would speak about it. Since people wouldn't be there on December 15, they might have to delay it.

Succinct discussion was held between Commissioners indicating that there would be a quorum on December 15, but that not every Commissioner would be able to attend.

Chair Karesh said they could meet on December 15, but they could discuss time management in January at the end of the meeting.

Ms. Harrison said if they allocated the discussion to the end of the meeting, then that could exacerbate the time management problem. She suggested having a separate meeting dedicated to the subject via Zoom for an hour.

Chair Karesh said it would have to be a public meeting.

Ms. Harrison said they could make it public, she was not opposed to that.

Chair Karesh suggested coming a half hour before the start of the January meeting.

Mr. Morgan said they could add it to the January meeting agenda.

Chair Karesh agreed.

Ms. Jacobs said at the last Union Pier meeting, she had requested that Mr. Jacob Lindsey give a date for the joint workshop prior to TRC submission so that they could have time to get that on the calendar.

Mr. Morgan said he had talked with him about that, and they had discussed some November and December dates. They were talking about doing an afternoon meeting. As soon as he had dates that worked, they would work with the Commissioners.

Ms. Johnson asked if they could do it around midday.

Mr. Morgan said if that was better, that was fine. They had to allow the public to join. He asked if midday was better for the Commissioners.

There was assent among the Commissioners.

Mr. Morgan said it was not a public hearing, but was just a workshop.

Chair Karesh thanked Mr. Morgan.

Ms. Jacobs said they wanted as many of them there as possible.

Chair Karesh asked if Mr. Morgan had any further updates.

Mr. Morgan said they were still looking at potential consultants on the Peninsula Plan, and there was also an idea to get more money in the 2023 budget for that, which might delay the decision on the consultants to the spring, but could give them more money.

On the Zoning Ordinance, they were in negotiations with a consultant group that had been selected by the selection committee. They had \$500,000 allocated, and another planned \$500,000 in the budget for the next year.

There being no further business to discuss, the meeting was adjourned at 7:32 p.m.

Philip Clapper
Clerk of Council's Office