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IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge
Case No. 2015-CP-18-00991

Appellate Case No. 2015-002199

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SC Court of Appeals

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr.; South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Appellants,

v.

Town of Summerville and Town of Summerville Board of Architectural Review, Respondents.

RECORD ON APPEAL
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STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

C.A. NO.: 2015-CP-18-991

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,

Appellants,

vs.

Town of Summerville and Town of Summerville Board of Architectural Review;

Respondents.

ORDER AFFIRMING DECISIONS OF TOWN OF SUMMERVILLE BOARD OF ARCHITECTURAL REVIEW

RECEIVED
OCT 22 2015
SC Court of Appeals

This matter came before the Court on August 14, 2015, for a hearing on Appellants' Petitions for appeal of the decisions of the Town of Summerville Board of Architectural Review of April 6, 2015 and May 11, 2015.[1] After due deliberation, and having considered the parties' submissions and memoranda, arguments of counsel, and applicable law, including S.C. Code Ann. § 6-29-900 *et seq.*, the Court hereby affirms the decisions of the Town of Summerville Board of Architectural Review.

BACKGROUND

The materials before this Court reveal the Town of Summerville entered into a Public-Private Partnership Agreement with developer Applegate & Co. on July 9, 2014 for a mixed use project known as "The Dorchester," which consists of a Town-owned conference center, Town-owned parking garage, and privately owned boutique hotel and privately

[1] Appellants filed two separate appeals, at C.A. Nos. 2015-CP-18-877 and 2015-CP-18-991, which were subsequently consolidated by consent order. The Petitions are therefore addressed collectively herein.

owned condominiums, to be developed in downtown Summerville. The Town of Summerville, Applegate & Co. and/or the architects, Goff D'Antonio Architects, and three private other property owners, the Gayle F.E. Cates Revocable Trust, the Faith Partnership and Anne Gaither, thereafter applied for approval of the project to the Town of Summerville Board of Architectural Review ("BAR" or "Board"), which was responsible for considering the aesthetics, design, architecture, height, mass, scale and harmony of the design project within the historical district of the Town of Summerville and for considering attendant demolitions for the project.

The BAR held a total of six (6) public meetings related to The Dorchester project. These meetings were held on October 6, 2014; November 3, 2014; January 5, 2015; January 12, 2015; April 6, 2015; and May 11, 2015. All of these meetings were advertised to and open to the public. Minutes of each of these meetings were prepared and subsequently approved by the Board at the following regular meeting. Additionally, each meeting was audio recorded, and transcripts of the audio recordings were subsequently prepared and submitted to the Court. At these meetings, permit applicants presented architectural renderings, drawings, site plans and specifications, and discussed salvaging of materials of the existing structures. During each of these presentations, members of the BAR commented, expressed concerns, and suggested changes. Members of the public were allowed to speak and comment. The minutes of each meeting, the transcripts of the audio recordings of each meeting, and the various submissions of the project applicants show revisions to the plans and specifications in accordance with the suggestions of the BAR and the public at each stage of the process.

The BAR gave conceptual approval of The Dorchester project, to include demolition and/or salvaging of materials of existing structures as well as construction of the development project, at its public meeting of January 5, 2015. At its January 12, 2015 public

meeting, the BAR approved demolition of the existing structures contingent only upon the final approval of the project. At its public meeting of April 6, 2015, the BAR gave conditional final approval of the project, requesting only minor changes and samples of certain building materials from the design team. On May 11, 2015, the BAR granted final approval of the project.

Appellants filed a Petition for appeal on May 6, 2015 of the BAR's April 6, 2015 decision, and filed an additional appeal on May 22, 2015 of the BAR's May 11, 2015 decision.

On August 5, 2015, Respondents filed with this Court and served upon Appellants a copy of the proceedings held before the Board, including a transcript of the evidence heard before the Board and the decision of the Board including its findings of fact and conclusions. These materials were duly certified as a complete copy of the relevant proceedings held before the Board. This duly certified copy of the proceedings included, among other things: minutes of each of the six public meetings; transcripts of the audio recordings of each of the public meetings; the agenda for each of the public meetings; advertisements, notices and letters to members of the public regarding each of the meetings; sign-in sheets by which members of the public requested and were granted time to provide comment on the project; and the various submissions of the applicants by and through the design team, including architectural and three-dimensional drawings, site plans and specifications.

The duly certified copy of the proceedings held before the Board further included the "Decision of the Town of Summerville Board of Architectural Review, Including Findings of Fact and Conclusions of Law" (hereinafter "BAR Order"), which was adopted by the Board at its public meeting of August 3, 2015. The BAR Order provides a chronological history of events, including a summary of presentations, discussions, comments, and motions made and passed at the various public meetings; provides references to applicable legal authority;

and provides the conclusions or decisions of the BAR. At the request of the Court, Respondents also provided minutes of the BAR meetings of June, July and August of 2015, wherein the BAR Order was discussed and ultimately approved.

STANDARD OF REVIEW

The statute governing BAR appeals, S.C. Code Ann. § 6-29-930, provides "the findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. . . . In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law."

On appeal to the circuit court, the findings of fact by a board of architectural review shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. See S.C. Code Ann. § 6-29-930..

The BAR has broad discretion under both the Summerville Town Code and the law of South Carolina to approve or disapprove demolitions of existing structures and construction of new buildings. See, *e.g.*, Town of Summerville Code of Ordinances §§ 32-175(f) & 32-176(h) (it is the duty of the BAR to determine the appropriateness of moving or demolishing any structure within the historic district upon consideration of historic, architectural and aesthetic features); Gurganious v. City of Beaufort BAR, 454 S.E.2d 912 (S.C. Ct. App. 1995).

A decision of a board of architectural review is to be given "great deference," such that it must remain "undisturbed if the propriety of that decision is even 'fairly debatable.'" Gurganious, 454 S.E.2d at 915 (quoting Knowles v. City of Aiken, 407 S.E.2d 639 (S.C. 1991) (other internal citations omitted)).

OPINION

As an initial matter, the Court finds the Board acted appropriately in signing the written BAR Order of August 3, 2015. The Appellants argue that the Court should not consider the written BAR Order prepared after the filing of the appeal and yet also contend the record contains inadequate findings for review. Appellants suggest the matter be remanded for the Board to prepare another order. The Court rejects this position. The statute governing BAR appeals allows the Court to remit the matter so an order with findings of facts and law can be prepared. S.C. Code Ann. § 6-29-930. However, the Court cannot find any reason why it should remand to the Board with directions to prepare an order with findings of fact and law when the Board has already done so. There is nothing in the statutes prohibiting the BAR from preparing an order after the notice of appeal is filed. The BAR Order has assisted this Court including presenting the issues and conclusions in a concise fashion. However, even without the BAR Order, the Court finds there is sufficient information and documentation in the record to affirm the decisions of the Board. Specifically, the records and materials presented to this Court, by way of the transcripts, minutes, and supporting materials, are entirely sufficient to support the Board's decisions. These records evidence the decisions of the BAR were appropriate and were supported by the evidence before it.

It is clear from the record that appropriate plans were submitted to the Board by the applicants and the Board, in turn, reviewed, considered and made appropriate requests for changes and revisions. In this regard, the record reveals the Board requested certain changes or improvements from the design team during initial public meetings, and those requested changes were in fact incorporated into the design plans at subsequent meetings. Fundamentally, the role of the BAR is to approve the aesthetics of a project and to consider its compatibility with surrounding areas. There are substantial facts in the record to support

that the BAR did perform that task, including its ultimate approval of the project by a 5-to-1 vote.

It is clear from the transcripts of the audio recordings that the BAR chairman's suggestion that speakers address the issues relevant to the aesthetics, design, architecture, height, mass, scale and harmony within the historical district of the Town was entirely appropriate given the scope of the BAR's duties. There is no indication that the Board unreasonably restricted public comment or participation. Indeed, members of the public were allowed by the Board to speak to matters outside the scope of the BAR's review despite the chairman's requests to keep the discussion to matters within the Board's purview.

The Court rejects Appellants' argument regarding alleged "secret meetings" of the BAR. There is no evidence in the record of secret meetings of a quorum of the Board. Furthermore, the Court is not permitted to receive evidence outside the record. Likewise, numerous other "grounds for appeal" raised by Appellants in their Petition would require reliance on additional evidence beyond the facts and arguments raised to the Board and thus cannot be a basis for reversing the decision of the Board. Many "grounds for appeal" raised by Appellants, such as issues related to the Town's request for proposal process or to the funding for the project, were matters beyond the purview of the Board and accordingly would have been inappropriate for the Board's or this Court's consideration.

Finally, Appellants' assertion that the BAR acted without rules of procedure is not supported by the record, nor is it a ground to reverse the decision of the BAR. To the contrary, the minutes of the meetings and the transcripts of audio recordings of the meetings show the basic rules of the proceeding were explained at the start of the meetings by the Board's chairman. Further, there is no evidence that Appellants suffered from a lack of procedure.

The Court finds that the Board acted within its broad discretion in approving demolition and/or salvaging of existing structures and in approving plans for construction of new structures. None of the grounds for appeal warrants this Court's reversal of the decisions of the Board. The Board had the authority to act as it did, and there is no basis to reverse the decisions of the Board.

IT IS, THEREFORE, ORDERED that Appellants' Petition is DENIED and the decisions of the Town of Summerville Board of Architectural Review are hereby AFFIRMED.

Edgar W. Dickson
First Judicial Circuit

Orangeburg, South Carolina
September 24, 2015

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

RECEIVED
OCT 22 2015
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Case No. 2015-CP-18-991

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated .....Appellants,

v.

Town of Summerville and
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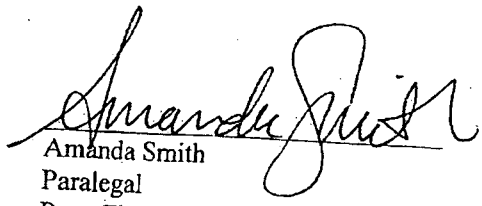
PROOF OF SERVICE

I, Amanda Smith, of Pratt-Thomas Walker, P.A., hereby certify that I have served a true and accurate copy of the NOTICE OF APPEAL by U.S. Mail on October 20, 2015 to counsel of record as shown below:

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Laura Greaver
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144

G. W. Parker
907 N. Main Street
Summerville, SC 29483

[Signature on following page]



Amanda Smith
Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247

October 20, 2015
Charleston, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2015CP1800991

PLAINTIFF(S)		DEFENDANT(S)	
Faye P Croft	James A Croft	Summerville Town Of	Town of Summerville Board of Architectural Review
James A Croft Trust Heyward G Hutson South Carolina Public Interest Foundation Dorchester County Taxpayers Association	William A Harbeson James Stephen Greene Jr Summerville Preservation Society		

CERTIFIED COPY
2015 OCT 23 PM 3:16
CLERK OF COURT
DORCHESTER COUNTY

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☒ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☒ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

Edgar Dickson

Circuit Court Judge | 2153 **Judge Code** | 10/23/2015 **Date**

For Clerk of Court Office Use Only

This judgment was entered on **10/23/2015**, and a copy mailed first class or placed in the appropriate attorney's box on **10/23/2015**, to attorneys of record or to parties (when appearing pro se) as follows:

W. Andrew Gowder Jr. PO Drawer 22247 Charleston, SC 29413-2247
Michael T. Rose 409 Central Ave. Summerville, SC 29483

ATTORNEY(S) FOR THE PLAINTIFF(S)

Timothy Alan Domin 126 Seven Farms Dr., Ste. 200 Charleston, SC 29492
G. Waring Parker 518 W. Carolina Avenue Summerville, SC 29483-6632

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Cheryl Graham

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,

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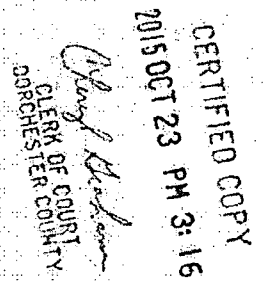
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IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

C.A. NO.: 2015-CP-18-991

ORDER AFFIRMING DECISIONS OF TOWN OF SUMMERVILLE BOARD OF ARCHITECTURAL REVIEW



This matter came before the Court on August 14, 2015, for a hearing on Appellants' Petitions for appeal of the decisions of the Town of Summerville Board of Architectural Review of April 6, 2015 and May 11, 2015.[1] After due deliberation, and having considered the parties' submissions and memoranda, arguments of counsel, and applicable law, including S.C. Code Ann. § 6-29-900 *et seq.*, the Court hereby affirms the decisions of the Town of Summerville Board of Architectural Review.

BACKGROUND

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STANDARD OF REVIEW

The statute governing BAR appeals, S.C. Code Ann. § 6-29-930, provides "the findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. . . . In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law."

On appeal to the circuit court, the findings of fact by a board of architectural review shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. See S.C. Code Ann. § 6-29-930..

The BAR has broad discretion under both the Summerville Town Code and the law of South Carolina to approve or disapprove demolitions of existing structures and construction of new buildings. See, *e.g.*, Town of Summerville Code of Ordinances §§ 32-175(f) & 32-176(h) (it is the duty of the BAR to determine the appropriateness of moving or demolishing any structure within the historic district upon consideration of historic, architectural and aesthetic features); Gurganious v. City of Beaufort BAR, 454 S.E.2d 912 (S.C. Ct. App. 1995).

A decision of a board of architectural review is to be given "great deference," such that it must remain "undisturbed if the propriety of that decision is even 'fairly debatable.'" Gurganious, 454 S.E.2d at 915 (quoting Knowles v. City of Aiken, 407 S.E.2d 639 (S.C. 1991) (other internal citations omitted)).

OPINION

As an initial matter, the Court finds the Board acted appropriately in signing the written BAR Order of August 3, 2015. The Appellants argue that the Court should not consider the written BAR Order prepared after the filing of the appeal and yet also contend the record contains inadequate findings for review. Appellants suggest the matter be remanded for the Board to prepare another order. The Court rejects this position. The statute governing BAR appeals allows the Court to remit the matter so an order with findings of facts and law can be prepared. S.C. Code Ann. § 6-29-930. However, the Court cannot find any reason why it should remand to the Board with directions to prepare an order with findings of fact and law when the Board has already done so. There is nothing in the statutes prohibiting the BAR from preparing an order after the notice of appeal is filed. The BAR Order has assisted this Court including presenting the issues and conclusions in a concise fashion. However, even without the BAR Order, the Court finds there is sufficient information and documentation in the record to affirm the decisions of the Board. Specifically, the records and materials presented to this Court, by way of the transcripts, minutes, and supporting materials, are entirely sufficient to support the Board's decisions. These records evidence the decisions of the BAR were appropriate and were supported by the evidence before it.

It is clear from the record that appropriate plans were submitted to the Board by the applicants and the Board, in turn, reviewed, considered and made appropriate requests for changes and revisions. In this regard, the record reveals the Board requested certain changes or improvements from the design team during initial public meetings, and those requested changes were in fact incorporated into the design plans at subsequent meetings. Fundamentally, the role of the BAR is to approve the aesthetics of a project and to consider its compatibility with surrounding areas. There are substantial facts in the record to support

that the BAR did perform that task, including its ultimate approval of the project by a 5-to-1 vote.

It is clear from the transcripts of the audio recordings that the BAR chairman's suggestion that speakers address the issues relevant to the aesthetics, design, architecture, height, mass, scale and harmony within the historical district of the Town was entirely appropriate given the scope of the BAR's duties. There is no indication that the Board unreasonably restricted public comment or participation. Indeed, members of the public were allowed by the Board to speak to matters outside the scope of the BAR's review despite the chairman's requests to keep the discussion to matters within the Board's purview.

The Court rejects Appellants' argument regarding alleged "secret meetings" of the BAR. There is no evidence in the record of secret meetings of a quorum of the Board. Furthermore, the Court is not permitted to receive evidence outside the record. Likewise, numerous other "grounds for appeal" raised by Appellants in their Petition would require reliance on additional evidence beyond the facts and arguments raised to the Board and thus cannot be a basis for reversing the decision of the Board. Many "grounds for appeal" raised by Appellants, such as issues related to the Town's request for proposal process or to the funding for the project, were matters beyond the purview of the Board and accordingly would have been inappropriate for the Board's or this Court's consideration.

Finally, Appellants' assertion that the BAR acted without rules of procedure is not supported by the record, nor is it a ground to reverse the decision of the BAR. To the contrary, the minutes of the meetings and the transcripts of audio recordings of the meetings show the basic rules of the proceeding were explained at the start of the meetings by the Board's chairman. Further, there is no evidence that Appellants suffered from a lack of procedure.

The Court finds that the Board acted within its broad discretion in approving demolition and/or salvaging of existing structures and in approving plans for construction of new structures. None of the grounds for appeal warrants this Court's reversal of the decisions of the Board. The Board had the authority to act as it did, and there is no basis to reverse the decisions of the Board.

IT IS, THEREFORE, ORDERED that Appellants' Petition is DENIED and the decisions of the Town of Summerville Board of Architectural Review are hereby AFFIRMED.

Edgar W. Dickson
First Judicial Circuit

Orangeburg, South Carolina
September 24, 2015

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,

Appellants,

vs.

Town of Summerville and Town of Summerville Board of Architectural Review;

Respondents.

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

C.A. NO.: 2015-CP-18-991

CONSENT ORDER FOR CONSOLIDATION OF CASES

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,

Appellants,

vs.

Town of Summerville and Town of Summerville Board of Architectural Review;

Respondents.

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

C.A. NO.: 2015-CP-18-877

Based upon the consent of the parties hereto, as evidenced by the signatures of their undersigned counsel, it is hereby **ORDERED** that the above-captioned matters be consolidated for all purposes on the basis that the matters involve common questions of law and fact. It is further **ORDERED** that the Clerk of Court for Dorchester County shall use the later-filed Civil Action Number, namely C.A. No.: 2015-CP-18-991, for all future purposes.

AND IT IS SO ORDERED.

_____
Edgar W. Dickson
First Judicial Circuit

_____, South Carolina

_____, 2015

WE CONSENT:

Timothy A. Domin
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492-8144
Phone: (843) 577-2026
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Attorney for Appellants

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Appellants, vs. Town of Summerville and Town of Summerville Board of Architectural Review; Respondents.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT C.A. NO.: 2015-CP-18-991 **ORDER AFFIRMING DECISIONS OF TOWN OF SUMMERVILLE BOARD OF ARCHITECTURAL REVIEW**

This matter came before the Court on August 14, 2015, for a hearing on Appellants' Petitions for appeal of the decisions of the Town of Summerville Board of Architectural Review of April 6, 2015 and May 11, 2015.[1] After due deliberation, and having considered the parties' submissions and memoranda, arguments of counsel, and applicable law, including S.C. Code Ann. § 6-29-900 *et seq.*, the Court hereby affirms the decisions of the Town of Summerville Board of Architectural Review.

BACKGROUND

The materials before this Court reveal the Town of Summerville entered into a Public-Private Partnership Agreement with developer Applegate & Co. on July 9, 2014 for a mixed use project known as "The Dorchester," which consists of a Town-owned conference center, Town-owned parking garage, and privately owned boutique hotel and privately

[1] Appellants filed two separate appeals, at C.A. Nos. 2015-CP-18-877 and 2015-CP-18-991, which were subsequently consolidated by consent order. The Petitions are therefore addressed collectively herein.

owned condominiums, to be developed in downtown Summerville. The Town of Summerville, Applegate & Co. and/or the architects, Goff D'Antonio Architects, and three private other property owners, the Gayle F.E. Cates Revocable Trust, the Faith Partnership and Anne Gaither, thereafter applied for approval of the project to the Town of Summerville Board of Architectural Review ("BAR" or "Board"), which was responsible for considering the aesthetics, design, architecture, height, mass, scale and harmony of the design project within the historical district of the Town of Summerville and for considering attendant demolitions for the project.

The BAR held a total of six (6) public meetings related to The Dorchester project. These meetings were held on October 6, 2014; November 3, 2014; January 5, 2015; January 12, 2015; April 6, 2015; and May 11, 2015. All of these meetings were advertised to and open to the public. Minutes of each of these meetings were prepared and subsequently approved by the Board at the following regular meeting. Additionally, each meeting was audio recorded, and transcripts of the audio recordings were subsequently prepared and submitted to the Court. At these meetings, permit applicants presented architectural renderings, drawings, site plans and specifications, and discussed salvaging of materials of the existing structures. During each of these presentations, members of the BAR commented, expressed concerns, and suggested changes. Members of the public were allowed to speak and comment. The minutes of each meeting, the transcripts of the audio recordings of each meeting, and the various submissions of the project applicants show revisions to the plans and specifications in accordance with the suggestions of the BAR and the public at each stage of the process.

The BAR gave conceptual approval of The Dorchester project, to include demolition and/or salvaging of materials of existing structures as well as construction of the development project, at its public meeting of January 5, 2015. At its January 12, 2015 public

meeting, the BAR approved demolition of the existing structures contingent only upon the final approval of the project. At its public meeting of April 6, 2015, the BAR gave conditional final approval of the project, requesting only minor changes and samples of certain building materials from the design team. On May 11, 2015, the BAR granted final approval of the project.

Appellants filed a Petition for appeal on May 6, 2015 of the BAR's April 6, 2015 decision, and filed an additional appeal on May 22, 2015 of the BAR's May 11, 2015 decision.

On August 5, 2015, Respondents filed with this Court and served upon Appellants a copy of the proceedings held before the Board, including a transcript of the evidence heard before the Board and the decision of the Board including its findings of fact and conclusions. These materials were duly certified as a complete copy of the relevant proceedings held before the Board. This duly certified copy of the proceedings included, among other things: minutes of each of the six public meetings; transcripts of the audio recordings of each of the public meetings; the agenda for each of the public meetings; advertisements, notices and letters to members of the public regarding each of the meetings; sign-in sheets by which members of the public requested and were granted time to provide comment on the project; and the various submissions of the applicants by and through the design team, including architectural and three-dimensional drawings, site plans and specifications.

The duly certified copy of the proceedings held before the Board further included the "Decision of the Town of Summerville Board of Architectural Review, Including Findings of Fact and Conclusions of Law" (hereinafter "BAR Order"), which was adopted by the Board at its public meeting of August 3, 2015. The BAR Order provides a chronological history of events, including a summary of presentations, discussions, comments, and motions made and passed at the various public meetings; provides references to applicable legal authority;

and provides the conclusions or decisions of the BAR. At the request of the Court, Respondents also provided minutes of the BAR meetings of June, July and August of 2015, wherein the BAR Order was discussed and ultimately approved.

STANDARD OF REVIEW

The statute governing BAR appeals, S.C. Code Ann. § 6-29-930, provides "the findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. . . . In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law."

On appeal to the circuit court, the findings of fact by a board of architectural review shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. See S.C. Code Ann. § 6-29-930..

The BAR has broad discretion under both the Summerville Town Code and the law of South Carolina to approve or disapprove demolitions of existing structures and construction of new buildings. See, *e.g.*, Town of Summerville Code of Ordinances §§ 32-175(f) & 32-176(h) (it is the duty of the BAR to determine the appropriateness of moving or demolishing any structure within the historic district upon consideration of historic, architectural and aesthetic features); Gurganious v. City of Beaufort BAR, 454 S.E.2d 912 (S.C. Ct. App. 1995).

A decision of a board of architectural review is to be given "great deference," such that it must remain "undisturbed if the propriety of that decision is even 'fairly debatable.'" Gurganious, 454 S.E.2d at 915 (quoting Knowles v. City of Aiken, 407 S.E.2d 639 (S.C. 1991) (other internal citations omitted)).

OPINION

As an initial matter, the Court finds the Board acted appropriately in signing the written BAR Order of August 3, 2015. The Appellants argue that the Court should not consider the written BAR Order prepared after the filing of the appeal and yet also contend the record contains inadequate findings for review. Appellants suggest the matter be remanded for the Board to prepare another order. The Court rejects this position. The statute governing BAR appeals allows the Court to remit the matter so an order with findings of facts and law can be prepared. S.C. Code Ann. § 6-29-930. However, the Court cannot find any reason why it should remand to the Board with directions to prepare an order with findings of fact and law when the Board has already done so. There is nothing in the statutes prohibiting the BAR from preparing an order after the notice of appeal is filed. The BAR Order has assisted this Court including presenting the issues and conclusions in a concise fashion. However, even without the BAR Order, the Court finds there is sufficient information and documentation in the record to affirm the decisions of the Board. Specifically, the records and materials presented to this Court, by way of the transcripts, minutes, and supporting materials, are entirely sufficient to support the Board's decisions. These records evidence the decisions of the BAR were appropriate and were supported by the evidence before it.

It is clear from the record that appropriate plans were submitted to the Board by the applicants and the Board, in turn, reviewed, considered and made appropriate requests for changes and revisions. In this regard, the record reveals the Board requested certain changes or improvements from the design team during initial public meetings, and those requested changes were in fact incorporated into the design plans at subsequent meetings. Fundamentally, the role of the BAR is to approve the aesthetics of a project and to consider its compatibility with surrounding areas. There are substantial facts in the record to support

that the BAR did perform that task, including its ultimate approval of the project by a 5-to-1 vote.

It is clear from the transcripts of the audio recordings that the BAR chairman's suggestion that speakers address the issues relevant to the aesthetics, design, architecture, height, mass, scale and harmony within the historical district of the Town was entirely appropriate given the scope of the BAR's duties. There is no indication that the Board unreasonably restricted public comment or participation. Indeed, members of the public were allowed by the Board to speak to matters outside the scope of the BAR's review despite the chairman's requests to keep the discussion to matters within the Board's purview.

The Court rejects Appellants' argument regarding alleged "secret meetings" of the BAR. There is no evidence in the record of secret meetings of a quorum of the Board. Furthermore, the Court is not permitted to receive evidence outside the record. Likewise, numerous other "grounds for appeal" raised by Appellants in their Petition would require reliance on additional evidence beyond the facts and arguments raised to the Board and thus cannot be a basis for reversing the decision of the Board. Many "grounds for appeal" raised by Appellants, such as issues related to the Town's request for proposal process or to the funding for the project, were matters beyond the purview of the Board and accordingly would have been inappropriate for the Board's or this Court's consideration.

Finally, Appellants' assertion that the BAR acted without rules of procedure is not supported by the record, nor is it a ground to reverse the decision of the BAR. To the contrary, the minutes of the meetings and the transcripts of audio recordings of the meetings show the basic rules of the proceeding were explained at the start of the meetings by the Board's chairman. Further, there is no evidence that Appellants suffered from a lack of procedure.

The Court finds that the Board acted within its broad discretion in approving demolition and/or salvaging of existing structures and in approving plans for construction of new structures. None of the grounds for appeal warrants this Court's reversal of the decisions of the Board. The Board had the authority to act as it did, and there is no basis to reverse the decisions of the Board.

IT IS, THEREFORE, ORDERED that Appellants' Petition is DENIED and the decisions of the Town of Summerville Board of Architectural Review are hereby AFFIRMED.

Edgar W. Dickson
First Judicial Circuit

Orangeburg, South Carolina
September 24, 2015

CLAWSON AND STAUBES LLC

Timothy A. Domin
Licensed in SC
tdomin@clawsonandstaubes.com

August 5, 2015

File No.: 20150083.000

VIA HAND DELIVERY
The Honorable Cheryl L. Graham
Dorchester County Clerk of Court
5200 E Jim Bilton Blvd
Saint George, SC 29477-8020

Re: Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated vs. Town of Summerville and Town of Summerville Board of Architectural Review
Case No.: 2015-CP-18-00877

Dear Madam or Sir:

Enclosed please find an original duly certified copy of the proceedings held before the Town of Summerville Board of Architectural Review for filing in the above-referenced case. Please file this original along with the other documents in this case. Should you have any questions, please do not hesitate to contact me.

Thank you very much for your attention to this matter.

Very truly yours,

CLAWSON and STAUBES, LLC

Timothy A. Domin

TAD/LSG

Enclosure

cc: W. Andrew Gowder, Jr. Esq. (via e-mail and hand delivery)
Michael T. Rose, Esq. (via e-mail)
G. Waring Parker, Esq.

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Appellants, vs. Town of Summerville and Town of Summerville Board of Architectural Review; Respondents.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT C.A. NO.: 2015-CP-18-877

I, Madelyn H. Robinson, AICP, as Director of Planning and Economic Development for the Town of Summerville, am charged with maintaining the records of the Town of Summerville Board of Architectural Review (the "Board"). I hereby certify that the documents enclosed herewith for filing with the Dorchester County Clerk of Court constitute a complete copy of the proceedings held before the Board with respect to the project at issue in the above-entitled appeal, including a transcript of the evidence heard before the Board and the decision of the Board including its findings of fact and conclusions.

Madelyn H. Robinson, AICP

Summerville, South Carolina

August 4, 2015

DECISION OF THE TOWN OF SUMMERVILLE BOARD OF ARCHITECTURAL REVIEW, INCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW

IN THE MATTER OF:

208 S. Cedar Street; 213 W. 2nd South Street; 200, 206, and 210 W. Richardson Avenue – Demolition of Existing Buildings and Mixed Use Development

The Town of Summerville Board of Architectural Review (hereinafter "BAR" or "Board") hereby issues the following Findings of Fact, Conclusions of Law, and Decision with respect to the above-referenced matter. Incorporated herein by reference and attached as **Exhibit A** hereto is a duly certified copy of the proceedings held before the Board.

FINDINGS OF FACT

October 6, 2014 Meeting

1. On October 6, 2014, the BAR held a regularly scheduled meeting, open to the public, to consider the applications of Goff D'Antonio Architects and Applegate & Co. for conceptual approval to demolish structures located on the above-referenced real properties and to build a mixed use development consisting of a 65-room hotel, restaurant with rooftop bar, 34-36 condominiums, conference center, and 157-space parking garage (such demolition and construction to be hereinafter collectively referenced as "the Project").

2. Reasonable notice of the time and place of the October 6, 2014 meeting was provided to the public. On September 19, 2014, an advertisement ran in the *Summerville Journal Scene* notifying the public of the time and place of the upcoming BAR meeting; noting that the BAR would be considering demolition requests for each of the specified properties and considering approval of conceptual plans for the mixed use redevelopment project; and providing multiple resources for the public to ask questions or seek additional

information related to the Project in the meantime, by way of telephone contact information for the Planning Department and physical access to documents. Additionally, the Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on September 29, 2014. Finally, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated September 29, 2014.

3. Hank D'Antonio, architect for the Project, presented drawings and site plans and elevations for the Project.

4. Thereafter, the meeting was opened to the Board for comments and questions, during which Board members shared their likes, dislikes, concerns, and sought additional information from the architect.

5. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was reminded to speak only to the issues within the purview of the BAR, namely, as to the aesthetics, design, architecture, height, mass, scale and harmony of the Project within the historical district of the Town of Summerville, and to limit their comments to three minutes to allow time for all interested persons to speak. All members of the public who signed in for comment period were permitted to comment.

6. No motions were made and no decisions rendered with respect to this item. Rather, the Board requested that the architect take the comments under consideration and come back before the Board with a re-design for conceptual approval.

7. Minutes of the October 6, 2014 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio

recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

November 3, 2014 Meeting

8. On November 3, 2014, the BAR held a regularly scheduled meeting, open to the public, to again consider giving conceptual approval to demolish structures located on the above-referenced real properties and to build a mixed use development consisting of a 65-room hotel, restaurant with rooftop bar, 34-36 condominiums, conference center, and 157-space parking garage.

9. Reasonable notice of the time and place of the November 3, 2014 meeting was provided to the public. The Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on October 27, 2014. Further, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated October 27, 2014.

10. Arthur Applegate of Applegate & Co. presented drawings showing site plans and elevations for the Project, and explained the improvements made from the prior proposal based upon the comments and suggestions of the Board and members of the public. For example, both the front entrance of the hotel and the conference center had been redesigned in accordance with prior comments and suggestions.

11. Applegate and his team significantly improved the site plans and specifications from the initial submission, making it more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district.

12. Thereafter, the meeting was opened to the Board for comments and questions, during which Board members shared their likes, dislikes, concerns, and sought additional information from Applegate.

13. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was reminded to speak only to the issues within the purview of the BAR, namely, as to the aesthetics, design, architecture, height, mass, scale and harmony of the Project within the historical district of the Town of Summerville, and to limit their comments to three minutes to allow time for all interested persons to speak. All members of the public who signed in for comment period were permitted to comment.

14. No motions were made and no decisions rendered with respect to this item. Rather, the Board requested that Applegate and his team take the comments under consideration and come back before the Board for conceptual approval with a re-design.

15. Minutes of the November 3, 2014 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

January 5, 2015 Meeting

16. On January 5, 2015, the BAR held a regularly scheduled meeting, open to the public, to again consider giving conceptual approval to demolish structures located on the above-referenced real properties and to build the mixed use development consisting of a 65-room hotel, restaurant with rooftop bar, 34-36 condominiums, conference center, and 157-space parking garage.

17. Reasonable notice of the time and place of the January 5, 2015 meeting was provided to the public. On December 19, 2014, an advertisement ran in the *Summerville*

Journal Scene notifying the public of the time and place of the upcoming BAR meeting; noting that the BAR would be considering demolition requests for each of the specified properties and considering approval of conceptual and preliminary plans for the mixed use redevelopment project; and providing multiple resources for the public to ask questions or seek additional information related to the Project in the meantime, by way of telephone contact information for the Planning Department and physical access to documents. Further, the Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on December 29, 2014. Finally, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated December 29, 2014.

18. Applegate & Co. placed an advertisement in the *Summerville Journal Scene* that began running December 31, 2014, notifying the public that it was offering, free of charge, each of the structures located at 206 W. Richardson Avenue and 213 S. 2nd Street South to anyone willing to relocate the structure(s).

19. During the January 5, 2015 meeting, Applegate and D'Antonio presented drawings for the project and explained the differences and improvements made from the prior submission based upon the comments and suggestions of the Board and members of the public. For example, additional property was purchased to allow the conference center to be one story versus two, and the condominiums had been reduced to three stories versus four and reduced in number to 27 units.

20. Applegate and his team made significant improvements to the site plans from the prior submission, making it more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district.

21. Applegate additionally discussed the efforts his team had made, and would continue to make, to salvage or relocate the structures located at 206 W. Richardson Avenue and 213 S. 2nd Street South.

22. Neyle Jones of 134 Gadsen Street presented his request to move the small cottage located at the rear of 206 W. Richardson Avenue to his property at 134 Gadsen. He said the cottage would not be relocated unless the Project received final approval. The Board unanimously approved this request.

23. It was determined by the Board that the structure located at 200 W. Richardson Avenue, which formerly was a gas station, was not possible to relocate.

24. The Board unanimously approved the demolition of the structure located at 200 W. Richardson Avenue.

25. The Board was informed by Rich Palmer, Town of Summerville Building Official, that the house located at 210 W. Richardson Avenue is in terrible condition with plant material growing within the wall cavities, wood rot and mold in the walls and ceilings, and asbestos material throughout the entire structure.

26. The Board gave conceptual/preliminary approval of the Project as presented.

27. Minutes of the January 5, 2015 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

January 12, 2015 Meeting

28. On January 12, 2015, the BAR held a special meeting, open to the public, to consider giving final approval of demolition of all structures necessary for the Project.

29. Reasonable notice of the time and place of the January 12, 2015 meeting was provided to the public. The Agenda, including the date, time, and place of the meeting,

was posted both on the Town's website and within the Town Hall more than 24 hours in advance of the special meeting.

30. Applegate explained the numerous options his team had explored regarding salvage, relocation, or demolition of all remaining structures on the subject properties. Present with him was a representative from Johnson House Movers who discussed the difficulties, impracticalities and significant expense associated with moving the structures. They said that the individuals who expressed interest in moving the structures had lost interest when they learned of the extent and cost of the undertaking. Applegate explained that his team was communicating with a nonprofit salvage company that was interested in salvaging materials from the houses.

31. A motion was made to approve demolition of the structures upon the condition that demolition would not start until final approval of the Project was given by the Board. This motion passed by unanimous vote of those present. In this regard, it was requested of Applegate that his team continue to pursue possible relocation or salvage of the structures until the time of final approval.

32. Minutes of the January 12, 2015 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

April 6, 2015 Meeting

33. On April 6, 2015, the BAR held a regularly scheduled meeting, open to the public, to consider giving final approval of the mixed use development project consisting of a 65-room hotel, restaurant with rooftop bar, 27 condominiums, conference center, and 157-space parking garage.

34. Reasonable notice of the time and place of the April 6, 2015 meeting was provided to the public. The Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on March 30, 2015. Further, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated March 30, 2015.

35. Applegate explained additional refinements that had been made to the design to meet the comments and concerns of the Board. D'Antonio, architect for the Project, explained the color and material samples within the context of the corresponding drawings. They presented, among other things, the colors and textures of bricks, texture of cement siding, wood details for windows, and the exterior finishes for the retail and restaurant spaces and the condominiums. They also discussed underground drainage for the project, and discussed the three-dimensional renderings the team had prepared showing details of the Project.

36. Applegate and his team made significant improvements to the site plans from the prior submission, making it more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district.

37. Thereafter, the meeting was opened to the Board for comments and questions, during which Board members shared their likes, dislikes, concerns, and sought additional information from Applegate and the architect.

38. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was again reminded to speak only to the issues within the purview of the BAR. All members of the public who signed in for comment period were permitted to comment.

39. The Board, by majority vote, gave final approval of the Project with the following conditions: (1) color/material sample boards were to be submitted to include brick with mortar color and window detail; (2) the conference center was to be redesigned to make it more welcoming with warmer details; (3) the design of the north elevation of the residential units was to be revised to more closely replicate the Richardson Avenue appearance; (4) design details for railings were to be shown; and (5) downspouts were to be added to drawings.

40. Minutes of the April 6, 2015 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

May 11, 2015 Meeting

41. On May 11, 2015, the BAR held a special meeting, open to the public, to consider giving final approval for demolition of all structures and final approval of the aesthetics of the Project.

42. Reasonable notice of the time and place of the May 11, 2015 meeting was provided to the public. The secretary of the board provided written notice of the meeting to adjacent property owners and to Peter Gorman, who had requested such notifications, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated April 23, 2015. Further, on April 24, 2015, an advertisement ran in the *Summerville Journal Scene* notifying the public of the time and place of the upcoming BAR meeting; noting that the BAR would be considering final approval for demolition of the specified structures and aesthetic approval for the mixed use development project; and providing multiple resources for the public to ask questions or seek additional information related to the Project in the meantime,

by way of telephone contact information for the Planning Department and physical access to documents. Finally, the Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on April 27, 2015.

43. Applegate and Josh Good of Goff D'Antonio Architects made a presentation wherein they showed the final refinements made to the drawings and the design to comport with the issues or concerns raised by the Board. They also presented physical samples of materials to be utilized.

44. These final revisions met all of the conditions for final approval enumerated by the Board at the April 6, 2015 meeting.

45. Members of the public were invited and given time to review the samples and drawings before the floor was opened for public comment.

46. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was again reminded to speak only to the issues within the purview of the BAR. All members of the public who signed in for comment period were permitted to comment.

47. The Board, by majority vote, gave final approval of the Project.

48. The Board found the Project to be appropriate in terms of aesthetics, general exterior design, architecture, height, mass, scale, proportion, arrangement, texture and material, and to be compatible with the general character of its immediate neighborhood within the historical district of the Town of Summerville.

49. Minutes of the May 11, 2105 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

50. At no time did a quorum of the membership of the Board meet to discuss the Project outside of the above-referenced, public meetings.

Standards of Evaluation

51. This Board operates pursuant to the South Carolina Code, including section 6-29-880 entitled "Powers of the board of architectural review" and sections 30-4-10 *et seq.* entitled "Freedom of Information Act," and pursuant to the Town of Summerville Code of Ordinances, including Chapter 2, Article III entitled "Boards, Commissions and Committees," and Chapter 32, Article IV entitled "Historic Preservation."

52. Section 6-29-880 of the South Carolina Code provides that a board of architectural review "has those powers involving the structures and neighborhoods as may be determined by the zoning ordinance."

53. The South Carolina Freedom of Information Act provides that members of the public have the right to inspect or copy public records, excluding personal or private information exempt from disclosure, for which the public body has the right to establish and collect fees for the costs of searching for and making copies of such records. S.C. Code Ann. §§ 30-4-30, 30-4-40. Further, the Act provides that a "meeting" of a public body, which is defined as the convening of a quorum of its membership, shall be open to the public unless closed pursuant to certain exceptions. S.C. Code Ann. § 30-4-60. Finally, the Act provides that specified notices must be provided to the public of regular and special meetings, and that written minutes must be kept of all public meetings. S.C. Code Ann. §§ 30-4-80, 30-4-90.

54. Pursuant to Section 32-172 of the Town of Summerville Code of Ordinances, the "purpose and intent" of the Town's Historic Preservation Ordinance is as follows:

> (a) The purpose of this article is to protect, preserve and enhance the distinctive architectural and cultural heritage of the town; to promote the educational, cultural, economic and general welfare of the people of the

town; to foster civic pride; to encourage the harmonious, orderly and efficient growth and development of the municipality; to ensure that new buildings and developments will be harmonious with the existing structures and sites; and to establish a mechanism for accomplishing these objectives.

(b) It is the intention of the town in enacting this article to delegate to the board of architectural review those powers approved under the United States Constitution by the United States Supreme Court in *Penn Central Transportation Company v. New York City*, 438 U.S. 104 (1978), in *Keystone Bituminous Coal Association v. DeBenedictis* (No. 85-1092) (55 U.S.L.W. 4326) and any subsequent decisions interpreting the power of municipalities to use police powers to preserve their architectural heritage and protect the quality of life for local residents. Similar state statutes are the basis for this article.

(c) It is the further intention of the town in enacting this article to encourage a harmonious, though not necessarily homogeneous, outward appearance of structures within locally designated historic districts and individually designated landmarks in order to preserve property values and continue to attract business and residents.

(d) It is the hope of the town that by encouraging a general harmony to include, but not be limited to, style, form, proportion, texture and material between buildings of historic design and those of contemporary design, it will be possible for the town's historic districts or historic properties to continue to contribute to the distinctive character of the town and to serve as visible reminders of the significant historical and cultural heritage of the town and the state.

55. Pursuant to Section 32-175(f) of the Town of Summerville Code of Ordinances, the "duties and powers" of the Board of Architectural Review are as follows:

> Duties and powers; generally. It shall be the duty of the board of architectural review to promote the purposes and objectives of this article through the review of plans and applications, as provided in this article, for all construction within the historic districts or historic properties, including both modifications to existing buildings, demolition and construction of new buildings. The board of architectural review shall have the power to approve or deny approval of such applications in accordance with prescribed procedures and guidelines.

56. Pursuant to Section 32-176(a)-(i) of the Town of Summerville Code of Ordinances, the "powers and duties" of the Board of Architectural Review are further set forth as follows:

(a) *Regular meetings.* Regular meetings for transaction of business of the board of architectural review shall be held the first Monday of each month.

. . .

(c) *Special meetings.* Special meetings of the board of architectural review may be held at any time upon call of the chairperson.

(d) *Public notice.* All meetings of the board of architectural review shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of meetings shall be posted at the Town Hall and sent to the news media as required by the Freedom of Information Act. The secretary of the board shall provide a letter of notification to adjacent property owners of the time and place of the meeting for any application that proposes new construction of 700 square feet or more. For a request to demolish a structure the notification procedure is detailed in subsection 32-182(c) [providing that issuance of certificate of appropriateness may be delayed or postponed for 180 days from the time of filing of the application].

(e) *Rules and records.* The board of architectural review shall adopt rules of order and shall keep records or minutes of its findings and approvals and denials. Such records shall be a public record. A quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business.

(f) *Board of architectural review action.* Decisions or actions by the board shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

. . .

(h) *Powers and duties.* It shall be the duty of the board of architectural review to make the following determinations with respect to the historic districts or historic properties:

(1) Appropriateness of altering, moving or demolishing any designated building or structure within a designated historic district. The board shall consider the historic, architectural and aesthetic features of buildings, their relationship and importance to the district.

(2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be considered within the historic district.

(3) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.

(4) Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the building or structure in question and the relation of such factors to the street scene and to similar buildings in the immediate vicinity. The board's concern shall

be exterior features so that they will be compatible with the general character of their immediate neighborhood and preserve the existing street scene. The board shall have the right to review and approve colors of structures in the historic district and shall develop guidelines for the administration of the section. The board shall not make requirements as to the use of structures as long as this use in not in violation of existing zoning requirements.

(5) Appropriateness of site development features including driveways, fences, outbuildings or other site appurtenances.

(6) It shall be the duty of the board of architectural review to follow the established guidelines governing modifications, rehabilitations, additions and new construction within the boundaries of the town historic districts or historic properties.

(i) *Submittal requirements.* Complete applications must be received by the town's planning department at least ten days prior to the regularly scheduled meeting and shall include items listed on the current checklist.

57. Pursuant to Section 32-182 of the Town of Summerville Code of Ordinances, the "review criteria" of the Board of Architectural Review are set forth in part as follows:

(a) *Intent.* It is the intent of this article to ensure, insofar as possible, that buildings or structures designated as historic shall remain in harmony with the architectural and historical character of the town. In granting a certificate of appropriateness, the board shall take into account the architectural or historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

. . .

(d) *New construction, modification, repair, restoration.* When considering an application for a certificate of appropriateness for new construction, modification, repair or restoration, the board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the board may adopt more specific guidelines for local historic districts or historic properties, and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications or denial of an application. The Secretary's Standards for Rehabilitation are:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or modification of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize property shall be preserved.

(6) Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior modifications or related new construction shall not destroy historic materials that characterize the property. The new work shall be in harmony with the old, matching color, design, material and texture as much as possible.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

CONCLUSIONS OF LAW AND DECISION

58. The BAR complied with all relevant obligations and requirements set forth within the Town of Summerville Code of Ordinances.

59. The BAR complied with all relevant obligations of the South Carolina Freedom of Information Act, including but not limited to the records inspection and copying requirements of sections 30-4-30 and 30-4-40; public meeting requirements of section 30-4-60; notice requirements of section 30-4-80; and written minutes requirements of section 30-4-90.

60. Complete and timely applications were received by the Town's planning department in accordance with the requirements set forth in Section 32-176(l) of the Town of Summerville Code of Ordinances.

61. Appropriate and timely notice of each of the above-referenced meetings was given in accordance with Section 32-176(d) of the Town of Summerville Code of Ordinances and section 30-4-80 of the South Carolina Code.

62. The appropriate "review criteria" as set forth in Section 32-182 of the Town of Summerville Code of Ordinances, including the Secretary of the Interior's Standards for Rehabilitation, were properly utilized by the BAR in making all of the decisions referenced in the Findings of Fact set forth herein.

63. All of the actions of the BAR, set forth more fully in the Findings of Fact, were in accordance with and in furtherance of the "purpose and intent" of the Town's Historic Preservation Ordinance as set forth in Section 32-172 of the Town of Summerville Code of Ordinances.

64. All of the actions of the BAR, set forth more fully in the Findings of Fact, were in accordance with the duties and powers conferred upon it under both South Carolina law and Sections 32-175 and 32-176 of the Town of Summerville Code of Ordinances.

65. The BAR reviewed and ultimately approved subject plans and applications in accordance with prescribed procedures and guidelines, as contemplated within Section 32-175 of the Town of Summerville Code of Ordinances.

66. All decisions or actions taken by the BAR were by concurring majority vote of qualified members present and voting.

67. In accordance with Section 32-176(h) of the Town of Summerville Code of Ordinances, the BAR made determinations in accordance with established guidelines with respect to each of the following: (1) appropriateness of altering, moving or demolishing structures; (2) appropriateness of exterior architectural features and fixtures; (3) appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the structure and its compatibility with the character of the neighborhood; and (4) appropriateness of site development features including driveways and appurtenances.

68. The Project is in compliance with all relevant provisions of the Town of Summerville Historic Preservation Ordinance.

69. The BAR's decisions and determinations regarding demolition of existing structures and salvage of materials where appropriate and practical are in compliance with all relevant provisions of the Town of Summerville Historic Preservation Ordinance.

70. The mixed use development project, as approved by the BAR, is appropriate in terms of aesthetics, design, architecture, height, mass, scale, proportion, arrangement, texture and material, and is compatible with the general character of its immediate neighborhood within the historical district of the Town of Summerville.

Signed this 3rd day of August, 2015.

Philip G. Dixon, PE, CFM
Board Chair

Historic District

Board of Architectural Review

Certificate of Appropriateness

Owner Name: Applegate & Co/Town of Summerville **Approval Date:** May 11, 2015

Applicant Name: Applegate & Co.

Work Approved: Final approval given for the mixed use development consisting of hotel, restaurant with roof top bar, condos, conference center and parking garage. Final approval includes demolition (as approved on January 12, 2015 by the BAR pending final approval of the submitted project) of structures at 208 S. Cedar Street, 213 W. 2nd South Street, 200, 206 and 210 W. Richardson Avenue.

Approved:

Chairman, Board of Architectural Review

Note: This card should be prominently displayed where visible from the street next to the building permit.

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October 20, 2015

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SC Court of Appeals

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The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Faye P. Croft, Personally and as Trustee of the James A. Croft Trust, et al. v. Town of Summerville, et al.
Case No.: 2015-CP-18-991
PTW File No.: 7754.001

Dear Ms. Kitchings,

Enclosed please find the original Notice of Appeal of the Order of the Honorable Edgar W. Dickson dated September 24, 2015, in the above referenced matter. Also included are our check for the filing fee and Proof of Service upon counsel for the Respondents.

Thank you for your assistance. Please contact us if you have any questions.

With kindest regards,
PRATT-THOMAS WALKER

Amanda Smith
Paralegal

/abs
Enclosures
C: Tim Domin
Laura Greaver
G.W. Parker
The Honorable Cheryl Graham

E. DOUGLAS PRATT-THOMAS | S. TRENHOLM WALKER | W. ANDREW GOWDER, JR. | JON L. AUSTEN | LINDSAY K. SMITH-YANCEY (SC, NC) | THOMAS H. HESSE (SC, GA)
IAN W. FREEMAN (SC, CA) | THOMAS P. GRESSETTE, JR. (SC, USVI) | KATHLEEN POWLER MOROC | JOHN P. LINTON, JR.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2015-CP-18-991

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated .....Appellants,

v.

Town of Summerville and
Town of Summerville Board of Architectural Review .....Respondents.

NOTICE OF APPEAL

Appellants listed above appeal the order of the Honorable Edgar W. Dickson dated September 24, 2015. Appellant received written notice of entry of this order on September 24, 2015.

October 20, 2015

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ATTORNEYS FOR RESPONDENTS.

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER Faye P. Croft, personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr.; South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Appellants, v. Town of Summerville and Town of Summerville Board of Architectural Review; Respondents.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT Civil Action No.: 2015-CP-18-877 **PETITION**

Each of the above-named Appellants files this petition appealing decisions of the Town of Summerville Board of Architectural Review ("BAR" or "board") in which they each have a substantial interest, as follows:

I. PRELIMINARY STATEMENT

1. This is a petition to appeal decisions of the BAR, as authorized by S.C. Code Ann. § 6-29-900 *et seq.* and Summerville Town Code of Ordinances, Article IV, Historic Preservation, Sec 32-182(f).

2. The decisions of the BAR being appealed in this petition are all those pertaining to the construction and the demolition of buildings for a hotel, restaurant, bar, garage, convention center and condominium complex sought to be built in Summerville, South Carolina ("Hotel

project" or "project"), including but not limited to the decisions made by the BAR at its meeting on April 6, 2015. The legality of this Hotel project and of the purported contractual agreements on which the Hotel project is based are being disputed in a pending lawsuit captioned Faye P. Croft, et al. vs Town of Summerville, *et al.*, Case No. 2-15-CP-18-713 (1st Judicial Circuit).

3. Appellants appeal all BAR decisions and actions regarding this Hotel project. In sum, the BAR's decisions in this case must be reversed because the board failed to follow its own procedures in accepting, considering and ruling on applications filed by the Town and its partner developer. The BAR did not allow for public scrutiny of the application and its own deliberations and refused to allow meaningful comment by the public during the board's consideration of this application, all contrary to law. Further, the board has not meaningfully considered or based its decision on the criteria listed in the Town's Code as necessary for approval of a certificate of appropriateness. The dearth of a record on these criteria bear that out.

The Appellant's grounds for appeal are as follows:

A. The BAR knowingly considered, evaluated, and made decisions and took other actions regarding the Hotel project even though the BAR lacked the legal authority and jurisdiction to do so for several reasons, including but not limited to each of the following:

(1) The Hotel project is based entirely on an unlawful Request for Proposal ("RFP") and an unlawful award of the Hotel project based on that RFP, made by the Town of Summerville without legal authority and in violation of its own Purchasing Ordinance;

(2) The Hotel project is based on and authorized by contractual agreements between parties requesting decisions by the BAR, that for numerous reasons are unlawful, *ultra vires* and void *ab initio*;

(3) Before each meeting of the BAR regarding the Hotel project the applicants failed to comply with the contractual requirement between them that "[p]rior to submission for review and approval to [the BAR] for permitting or [sic] certificate of appropriateness, DEVELOPER will submit a final design . . . to the RDC for review and approval" (emphasis added);

(4) The Hotel project is a purported "redevelopment project" involving financing, the acquisition and conveyance of property, entering into contracts and other actions by a purported "redevelopment commission" based on a purported "redevelopment plan" that, in violation of S.C. Code Ann. § 31-10-100(e),(f), was not submitted by the "redevelopment commission" to the Town of Summerville; was not created by the purported "redevelopment commission" following required criteria and procedures; and otherwise violated the South Carolina Community Development Law, S.C. Code Ann. § 31 10 10 *et. seq.*;

(5) The Hotel project is a purported "redevelopment project" based on a purported "redevelopment plan" and regarding which the Town's purported "redevelopment commission" intends and has contracted to acquire and to sell, transfer and convey redevelopment property to a private developer, without having published public notices, invited proposals and made available all pertinent information to any persons interested in purchasing the property or the redevelopment of the area in which the Hotel project may be built, in violation of S.C. Code Ann. § 31-10-110(c);

(6) Because the Hotel project is based on incorrect and invalid findings that the area in which the Hotel project would be built is a "blighted area" or a "conservation area" within the meaning of S.C. Code Ann. § 31-10-20(2),(5), the Town of Summerville improperly and unlawfully designated the Hotel project area as a "redevelopment project," in violation of S.C. Code Ann. § 31-10-20(b)(2),(5) and (16); and

B. The BAR has violated S.C. Code Ann. § 6-29-870(D) regarding its decisions and actions about the Hotel project by the BAR's (1) failing to adopt and follow rules of procedure ("The board shall . . . adopt rules of procedure . . . ."); (2) failing to keep minutes of some of its proceedings; (3) failing to keep minutes that are accurate and timely when it does keep minutes of some of its proceedings; (4) failing to keep records of some of its examinations and other official actions; (5) failing to file minutes of proceedings and records of examinations and other official actions "immediately;" and (6) failing to make minutes of proceedings and records of examinations and other official actions a public record and to do so in a timely manner;

C. The BAR has violated Section 32-173 of the Town of Summerville's Code of Ordinances by failing to have and to have followed a "prescribed review procedure" for issuing a certificate or appropriateness;

D. The BAR has failed to adopt and to follow reasonable standards or criteria for certifying and determining that proposed actions by an applicant are acceptable in terms of design criteria relating to the Hotel project, as required by Section 32-173 of the Town of Summerville's Code of Ordinances;

E. The BAR has violated Section 32-175(f) of the Town of Summerville's Code of Ordinances by failing to fulfill its duties and exercise its powers to promote the purposes and objectives of Article IV of said Code of Ordinances by reviewing plans and applications as provided in said Article;

F. The BAR deliberately, willfully and repeatedly has violated Section 32-176(d) of the Town of Summerville's Code of Ordinances by (1) holding meetings of the BAR or committees or subcommittees of the BAR where public business was conducted about the Hotel project among BAR members, a developer and/or with other Town officials, that were secret, private and not made open to the public; (2) not providing public notice of the time and place of said secret, private meetings that were not made open to the public; (3) not posting notices of meetings at the town hall and sending notices to the news media as required by the South Carolina Freedom of Information Act; and (4) not providing a letter of notification to adjacent property owners of the time and place of said secret, private meetings that were not made open to the public;

G. The BAR deliberately, willfully and repeatedly has violated the South Carolina Freedom of Information Act, including but not limited to S.C. Code Ann. §§ 30-4-20(a) ("public body" defined), 30-4-60 ("Every meeting of all public bodies shall be open to the public . . ."), 30-4-70(c), 30-4-80 and 30-4-110, by (1) holding meetings of the BAR or committees or subcommittees of the BAR where public business was conducted about the Hotel project, among BAR members, a developer and/or with other Town officials, that were secret, private and not made open to the public; (2) not providing public notice of the time and place of said secret, private meetings that were not made open to the public; and (3) not posting notices of meetings at the town hall and sending notices to the news media;

H. The BAR has violated Section 32-176(e) of the Town of Summerville's Code of Ordinances by (1) failing to adopt rules of order; (2) failing to keep accurate, timely and complete records of all its findings and approvals and denials; (3) failing to make those records public timely; and (4) transacting business of the BAR without the presence of a quorum;

I. The BAR has violated Section 32-176(h)(4) of the Town of Summerville's Code of Ordinances by failing to develop and follow "guidelines for the administration of the section;"

J. The BAR has violated Section 32-176(h)(6) of the Town of Summerville's Code of Ordinances by failing to develop and follow "established guidelines governing modifications, rehabilitations, additions and new construction . . .;"

K. The BAR has violated Section 32-176(h) of the Town of Summerville's Code of Ordinances by failing to fulfill its "duty" "to make . . . determinations" required by Section 32-176(h) and to consider and apply the criteria and guidelines specifically required by Section 32-176(h) to make those determinations;

L. The BAR has violated Section 32-176(i) of the Town of Summerville's Code of Ordinances by the Town's planning department failing to receive complete applications that included all items on the "current checklist" at least ten days prior to the BAR's applicable scheduled meetings, and by failing to have created, published and made available to the public the "current checklist;"

M. The BAR has violated Section 32-181(c)(4) of the Town of Summerville's Code of Ordinances by the BAR's failing to consider, and failing to have a recording showing the BAR considered, among other things, each of the criteria stated in Section 32-181(c)(4), including but not limited to the historic, architectural and aesthetic features of the Hotel project and of the buildings that would be demolished due to the Hotel project; the nature and character of the area or any new design or addition as stated in the application; and the general design scale, proportion, material and setback of the buildings, additions or structures of the Hotel project "as more completely defined in subsection 32-176(h) and the relation of such factors to the surrounding area;"

N. The BAR has violated Section 32-182(d) of the Town of Summerville's Code of Ordinances by the BAR's failing to use the Secretary of Interior's Standards for Rehabilitation as guidelines in making its decisions, and any other more specific guidelines or rules adopted by the BAR, as the basis for determining the approval, approval with modifications or denial of an application;

O. The BAR has violated Section 32-181(c)(6) of the Town of Summerville's Code of Ordinances by failing to take action upon an application to the BAR at the BAR's next regularly scheduled meeting following receipt of the application and violated Section 32-181(c)(6)c of the Town of Summerville's Code of Ordinances by either not deferring action on the application until the next scheduled meeting of the BAR or not taking action to approve or disapprove the application at the next scheduled meeting of the BAR, with respect to the undated application by the Town and Applegate & Co. regarding the Hotel project for the upcoming meeting of the BAR on September 8, 2014;

P. The BAR has violated Section 32-181(c)(6) of the Town of Summerville's Code of Ordinances by failing to take action upon an application to the BAR at the BAR's next regularly scheduled meeting following receipt of the application and Section 32-181(c)(6)c of the Town of Summerville's Code of Ordinances by either not deferring action on the application until the next scheduled meeting of the BAR or not taking action to approve or disapprove the application at the next scheduled meeting of the BAR, with respect to each of the following applicants

who filed with the BAR applications regarding the Hotel project: (1) the Town; (2) Applegate & Co.; (3) Faith Partnership; (4) Gayle F. E. Cates Revocable Trust; and (5) Anne Gaither;

Q. The BAR deliberately and willfully violated the South Carolina Freedom of Information Act, including but not limited to S.C. Code Ann. §§ 30-4-20(a) ("public body" defined), 30-4-60 ("Every meeting of all public bodies shall be open to the public . . .) and 30-4-110, by the BAR deliberately and unnecessarily holding a meeting on January 5, 2015, in a tiny room unable to hold most of the members of the public wanting to attend that meeting, thereby requiring members of the public either not to attend the BAR meeting or to stand or sit in a hallway without a speaker system or a microphone outside the BAR meeting, and by the BAR Chairman refusing to move the BAR meeting to a larger room where previous BAR meetings about the Hotel project had been conducted and that was large enough to hold those wanting to attend the meeting, thereby depriving numerous members of the public of their right to hear, observe, participate in or speak at the meeting;

R. The BAR deliberately and willfully violated the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-80, and other applicable laws, by either not providing required notices of its meetings or by providing notices that were insufficient because they were unclear, ambiguous, vague, evasive, misleading and/or unintelligible;

S. The BAR and the Town of Summerville, including the Town's redevelopment corporation, have refused to allow the inspection and copying of documents, in violation of the South Carolina Freedom of Information Act and of S.C. Code Ann. § 31-10-160(a) ("The books and records of a commission are at all times open and subject to inspection by the public" (emphasis added));

T. The BAR has failed and refused to provide Appellants and others a copy of the recordings of its meetings, thereby depriving the Appellants of evidence of inaccuracies and inadequacies in the BAR's records and of some of the allegations in this appeal;

U. The BAR's records are incomplete, incorrect, confusing, ambiguous, difficult or impossible to obtain and understand, and misleading in some cases;

V. The BAR has no findings of fact, conclusions, reasoning and records of dealing with objections and complying with legal criteria, procedures and other requirements to support the BAR's decisions and actions to allow the Hotel project to proceed and the demolition of buildings to enable the Hotel project to proceed;

W. The BAR has violated Section 32-182(b) of the Town of Summerville's Code of Ordinances by failing to have published regarding each application (i.e., by (1) the Town; (2) Applegate & Co.; (3) Faith Partnership; (4) Gayle F. E. Cates

Revocable Trust; and (5) Anne Gaither) to demolish buildings in furtherance of the Hotel project a display advertisement in a newspaper of general circulation in the Town of Summerville at least 14 days before a meeting at which each said application to demolish buildings was received by the BAR "informing the public that such application has been received, detailing the date, time and place of the meeting at which it will be considered and stating that the public will have an opportunity to comment at such meeting;"

X. The BAR has failed to evaluate, discuss, consider, and make any decision or take any corrective action regarding, appeals to the BAR objecting to actions by BAR and Town members and staff;

Y. In some cases BAR notices and records did not document or clarify, and therefore Appellants and other citizens did not know, before or even after BAR meetings the identity of which applications the BAR would or did consider, vote on, grant, deny or carry over to a future meeting, and the complete contents of each said application;

Z. Because the Appellants and other members of the public could not see applications to the BAR before the BAR meetings at which the BAR applications were considered, they were unable to comment on those applications to the BAR members or otherwise attempt to influence the BAR members regarding those applications, before or at the BAR meetings at which the BAR applications were considered;

AA. Because minutes of BAR meetings were not disclosed to the public until weeks after a subsequent BAR meeting, because BAR meeting minutes were not created or approved until a subsequent BAR meeting, because the BAR has failed and refused to provide Appellants and others recordings of its meetings, because minutes of BAR meetings sometimes contain errors which the BAR refuses to correct, because BAR members have conducted secret, private, non-public meetings among themselves and with developers at which they discussed the Hotel project with the developer and BAR staff, and because in other respects the BAR provided insufficient, untimely, confusing, misleading, ambiguous, unclear and sometimes literally no information, Appellants and other citizens could not know, and did not know, timely what the BAR did, and therefore could not and cannot adequately appeal BAR decisions within time deadlines and could not and cannot adequately comment on and attempt to influence the actions and decisions of the BAR;

AB. Because all applications to the BAR are undated and have no record of the date of their receipt by the BAR, Appellants and other citizens cannot determine the date on which BAR applications are received by the BAR and, therefore, cannot determine whether the BAR has taken actions and made decisions within the time deadlines established by law after the BAR's receipts of applications;

AC. The BAR did not define, and Appellants do not know and cannot reasonably be expected to know, the meaning of the words "conceptual & preliminary only" which BAR Chairman Phillip Dixon wrote after the typewritten words "Approved as Noted" on an undated Board of Architectural Review Application purporting to be regarding an upcoming BAR meeting on January 5, 2015;

AD. The BAR did not define, and Appellants do not know and cannot reasonably be expected to know, the meaning of the words "conceptual & preliminary approval only," which BAR Chairman Phillip Dixon wrote after the typewritten words "Approved as Noted" on an undated Board of Architectural Review Application purporting to be regarding only the "demolition of structures" to be considered at an upcoming BAR meeting on January 12, 2015;

E. The BAR unlawfully withheld information about the Hotel project from the Appellants and other members of the public;

AF. The BAR misled Appellants and the public, by actions including but not limited to failing to provide timely, clear and understandable notices of proposed zoning changes, scheduled meetings, hearings and other events and actions; and by obfuscating the true nature of the Hotel project by calling it, first, an "economic development project" and, later, a "boutique hotel," both of which are unclear, misleading and misnomers;

AG. The BAR gave the developer much more time and opportunity to promote than the BAR gave to Appellants and other Town residents to oppose the Hotel project, including but not limited to the hours BAR members gave the developer in secret, private, non-public meetings with the developer; members of the public were restricted to 3 minutes but the developer was given more than 30 minutes to speak at public meetings; citizens opposing the project, but not the developer and others supporting the project, were rudely interrupted, prohibited from continuing to speak and told by the BAR that their time to speak was expired or not available and that if they did not cease speaking they would be removed from the meeting forcibly by law enforcement officers attending the meeting;

AH. The BAR restricted what opponents of the Hotel project were allowed to say at BAR meetings; for example, the BAR limited public comments to design elements only and the BAR Chairman prohibited public comments about architectural context to the effect that the Hotel project is totally unrelated to its surrounding buildings;

AI. The BAR posted a sketch of the proposed design of the Hotel project only 24 hours in advance of BAR meetings, publishing inadequate information and allowing insufficient time for the public to analyze and to be able to respond at BAR meetings to proposed Hotel project designs;

AJ. The BAR did not publish and grant public access to applications regarding the Hotel project prior to allowing a developer to present the Hotel project applications to the BAR;

AK. The public has not been allowed to inspect and obtain a copy of BAR minutes, recordings, designs and other documents timely to verify their scope and content and to correct any errors;

AL. The BAR has refused and failed to correct errors in minutes of meetings about the Hotel project; and

AM. The BAR has refused and failed to make decisions and take actions in compliance with the purposes and intent of Section 32-172(a),(b),(d) of the Town of Summerville's Code of Ordinances.

4. This court has jurisdiction over this subject matter and the parties to this action and venue is proper in this court.

II. PARTIES

A. The Appellants

5. Faye P. Croft ("Croft" or "Faye Croft") is a taxpayer in the Town of Summerville, South Carolina ("Town" or "Summerville"), and is the Trustee and the beneficiary of the James A. Croft Trust, which owns and rents a residence on land located at 214 West Richardson Avenue, Summerville, SC. Croft has standing as a Petitioner in this appeal as a taxpayer and due to direct and unique damages to Croft and the James A. Croft Trust that have been caused and that will continue to be caused by the actions of the BAR described herein, including but not limited to the reduction in value of their property and the ability to use and rent their property due to increased traffic and noise, the obstruction of views, and other impairments to the use and enjoyment of their property. Croft has paid and will continue to pay taxes, including hospitality taxes, which fund the Town of Summerville and brings this action individually on her behalf and on behalf of all others similarly situated.

6. The James A. Croft Trust ("Croft Trust") is a trust created under the laws of the State of South Carolina, for which Faye Croft is the trustee and the beneficiary; owns and rents a residence on land located at 214 West Richardson Avenue, Summerville, SC; and is a taxpayer in and to the Town. The Croft Trust has standing as a Petitioner in this action as a taxpayer and due to direct and unique damages to the Croft Trust that have been caused and that will continue to be caused by the actions of the BAR described herein, including but not limited to the reduction in value of its property and the ability to use and rent its property due to increased traffic and noise, the obstruction of views, and other impairments to the use and enjoyment of its property. The Croft Trust brings this action individually on its behalf and on behalf of all others similarly situated.

7. The Summerville Preservation Society ("Preservation Society") is a non-profit corporation incorporated in 1972 under the laws of the State of South Carolina; and is a 501 (c)(3) federally tax-exempt organization. The mission of the Preservation Society is to protect the historic fabric of Summerville by preserving Summerville's historic structures, neighborhoods and public spaces, by controlling the growth and development that affects it, and by enhancing the quality of life in the Town. The Preservation Society is appealing as a representative of its members who reside in and are citizens, qualified electors and taxpayers in Summerville and/or Dorchester County, South Carolina, and who have a substantial interest in the decisions of the BAR. The Preservation Society brings this action individually on its behalf and on behalf of all others similarly situated, as a representative of taxpayers and of those who otherwise have a substantial interest in the decisions of the BAR, and because of the great public importance of the issues that this appeal raises and that are capable of being repeated.

8. The Dorchester County Taxpayers Association ("DCTA") is a non-profit corporation incorporated in 1998 under the laws of the State of South Carolina. The mission of the DCTA is to encourage government to tax its citizens less and to work more efficiently with the taxes collected. DCTA is appealing as a representative of its members who reside in and are citizens, qualified electors and taxpayers in the Town of Summerville and/or Dorchester County, South Carolina, and who have a substantial interest in the decisions of the BAR. DCTA brings this action individually on its behalf and on behalf of all others similarly situated, as a representative of taxpayers and of those who otherwise have a substantial interest in the decisions of the BAR, and because of the great public importance of the issues that this appeal raises and that are capable of being repeated.

9. The South Carolina Public Interest Foundation ("SCPIF") is a not-for-profit corporation organized and existing under the laws of the State of South Carolina and dedicated to the public interest, including the upholding and proper application of the South Carolina Constitution. The SCPIF brings this action individually on its behalf and on behalf of all others similarly situated, as a representative of taxpayers and of those who otherwise have a substantial interest in the decisions of the BAR, and because of the great public importance of the issues that this appeal raises and that are capable of being repeated.

10. William A. Harbeson ("Harbeson") is a citizen, resident and taxpayer of the Town of Summerville, and owns land located in Summerville. Harbeson has standing as a Petitioner in this action due to his having a substantial interest in the decisions of the BAR, including direct and unique damages to Harbeson that have been caused and that will continue to be caused by the decisions of the BAR, including but not limited to the reduction in value of his property, increased traffic and noise, flooding, and other impairments to the use and enjoyment of his

property. Harbeson has paid and will continue to pay taxes, including hospitality taxes, which fund the Town of Summerville, and brings this action individually on his behalf and on behalf of all others similarly situated.

11. Heyward G. Hutson ("Hutson") is a citizen, resident and taxpayer of the Town of Summerville, owns residences on land located in Summerville at 207 West Richardson Avenue and 200 South Pine Street, and is President of Petitioner Summerville Preservation Society. Hutson has standing as a Petitioner in this action due to his having a substantial interest in the decisions of the BAR, including direct and unique damages to Hutson that have been caused and that will continue to be caused by the decisions of the BAR, including but not limited to the diminishment in value of his property and the ability to use and rent his property due to increased traffic and noise, the obstruction of views, and other impairments to the use and enjoyment of his property. Hutson has paid and will continue to pay taxes, including hospitality taxes that fund the Town of Summerville, and brings this action individually on his behalf and on behalf of all others similarly situated.

12. James Stephen Greene, Jr. ("Greene") is a citizen, resident and taxpayer of Summerville, and has standing as a Petitioner in this action due to his having a substantial interest in the decisions of the BAR, including direct and unique damages to Greene that have been caused and that will continue to be caused by the decisions of the BAR, including but not limited to due to the diminishment in value of his property and the ability to use his property due to increased traffic and noise, the obstruction of views, and other impairments to the use and enjoyment of his property. Greene has paid and will continue to pay taxes, including hospitality taxes, which fund the Town of Summerville and brings this action individually on his behalf and on behalf of all others similarly situated.

13. Each of the above-named Appellants is a real party in interest having a real, personal, material, and substantial interest in the subject matter of this action and the decisions of the BAR. As a result of the actions of the BAR alleged in this complaint, the individual Appellants and those represented by the organizations named as Appellants will sustain or are in imminent danger of sustaining direct injury of a personal nature to the Appellants, not common to all members of the general public.

14. Each Petitioner has a real, material, and substantial interest in whether the Town and the BAR followed the requirements and procedures set out in applicable laws, including the South Carolina Constitution, state enabling statutes and Town ordinances, procedures, rules, guidelines and customs specifically designed to regulate the BAR and to ensure wise management of the historic district of Summerville and of the public fisc.

15. Each of the organization Appellants (the SCPIF, Preservation Society and DCTA) has standing based on the individualized injuries that have been or will be suffered by its members as a result of the decisions of the BAR. Members of these organizations would otherwise have standing to appeal in their own right. The interests at stake in this appeal are germane to each organization's purpose. Neither the claim the organizations assert, nor the relief they request, requires the participation of the individual members of those organizations in this action.

16. Each of the Appellants, whether alleging actual injury to his or her real or personal property or acting on behalf of organizational members, has suffered or will suffer an injury in fact causally connected to the conduct complained of, which is likely to be redressed by a favorable decision in this appeal.

B. The Respondents

17. The Town of Summerville is a body corporate and a municipal corporation of the State of South Carolina located in Dorchester County, South Carolina.

18. The Town of Summerville Board of Architectural Review is an organization created by the Town of Summerville by Ord. No. 2000-0901, § 13-5, 10-11-2000 and Ord. No. 06-0701, 8-9-2006, as provided in S.C. Code Ann. § 6-29-870 *et seq.* *See* Section 32-175 of the Summerville Town Ordinances. The members of the BAR are appointed and removed by the Mayor of Summerville with the approval of the Summerville Town Council; serve on the BAR as fiduciaries of the Town of Summerville and its citizens; and are prohibited from conflicts of interest while serving and performing duties as a member of the BAR. *See* Sec. 32-175(h) of the Summerville Town Ordinances.

19. Phil Dixon ("Dixon") is the Chairman and a member of the BAR.

III. STATUTORY AND REGULATORY FRAMEWORK

20. The purposes, duties, authority, creation, activity, decision-making criteria, procedures and regulation of the Town of Summerville BAR are governed by (a) the United States Constitution; (b) the South Carolina Constitution; (c) the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. § 6-29-870 *et seq.*; (c) the South Carolina Community Development Law, S.C. Code Ann. § 31-10-10 *et. seq.*; and (d) the Town of Summerville's Code of Ordinances, Article IV, Historic Preservation, Sec 32-175 through 32-182 (Board of Architectural Review).

A. SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994

21. S.C. Code Ann. § 6-29-870 states in part as follows:

"Board of architectural review; . . .

(A) A local government which enacts a zoning ordinance which makes specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods . . . by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas, may provide for appointment of a board of architectural review . . . .

. . . .

(D) . . . The board shall . . . adopt rules of procedure in accordance with the provisions of any ordinance adopted pursuant to this chapter. . . . The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed in the office of the board and must be a public record." (Emphasis added.)

22. S.C. Code Ann. § 6-29-880 states in part as follows:

"Powers of board of architectural review.

The board of architectural review has those powers involving the structures and neighborhoods as may be determined by the zoning ordinance." (Emphasis added.)

23. S.C. Code Ann. § 6-29-900(A) states as follows:

"Appeal from board of architectural review to circuit court; pre-litigation mediation; filing requirements.

(A) A person who may have a substantial interest in any decision of the board of architectural review or any officer, or agent of the appropriate governing authority may appeal from any decision of the board to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party receives actual notice of the decision of the board of architectural review. (Emphasis added.)

24. S.C. Code Ann. § 6-29-920(A) states in part as follows:

(A) Upon filing of an appeal with a petition as provided in Section 6-29-900(A) . . . the clerk of the circuit court must give immediate notice of the appeal to the

secretary of the board and within thirty days from the time of the notice, the board must file with the clerk a duly certified copy of the proceedings held before the board of architectural review, including a transcript of the evidence heard before the board, if any, and the decision of the board including its findings of fact and conclusions. (Emphasis added.)

25. S.C. Code Ann. § 6-29-930(A) states in part as follows:

"Determination of appeal; costs; trial by jury.

"(A) At the next term of the circuit court or in chambers upon ten days' notice to the parties, the resident presiding judge of the circuit court of the county must proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter must be remanded to the board of architectural review for rehearing. In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law . . . ." (Emphasis added.)

B. TOWN OF SUMMERVILLE CODE OF ORDINANCES

26. Section 32-172 of the Town of Summerville's Code of Ordinances states in part as follows:

"Purpose and intent of article.

(a) The purpose of this article is to protect, preserve and enhance the distinctive architectural and cultural heritage of the town; to promote the educational, cultural, economic and general welfare of the people of the town; to foster civic pride; to encourage the harmonious, orderly and efficient growth and development of the municipality; to ensure that new buildings and developments will be harmonious with the existing structures and sites; and to establish a mechanism for accomplishing these objectives.

. . . .

(b) It is the further intention of the town in enacting this article to encourage a harmonious, though not necessarily homogeneous, outward appearance of structures within locally designated historic districts and individually designated landmarks in order to preserve property values and continue to attract business and residents.

(d) It is the hope of the town that by encouraging a general harmony to include, but not be limited to, style, form, proportion, texture and material between buildings of historic design and those of contemporary design, it will be possible for the town's historic districts or historic properties to continue to contribute to the distinctive character of the town and to serve as visible reminders of the significant historical and cultural heritage of the town and the state."

27. Section 32-173 of the Town of Summerville's Code of Ordinances states in part as follows:

"Definitions.

Certificate of appropriateness means document issued by the board of architectural review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Demolition by neglect means the allowing of any place, building, structure, work of art, fixture or similar object to deteriorate past the point of reasonable repair through willful inaction by its owner.

Historic district means an area or group of areas, not necessarily having contiguous boundaries, designated by the town council, upon recommendation of the board of architectural review and pursuant to the provisions of this article.

Historic property means any place, building, structure, work of art, fixture or similar object that has been individually designated by the town council or designated as a contributing property within a historic district." (Emphasis added.)

28. Section 32-175 of the Town of Summerville's Code of Ordinances states in part as follows:

"Board of architectural review.

(a) Creation. In order to implement the provisions of this article, there is hereby established the town board or architectural review, referred to in this article as "the board of architectural review."

(b) *Membership; composition.* The board of architectural shall consist of seven members to be appointed by the mayor subject to confirmation by the town council. Members shall have a demonstrated interest in, or competence and knowledge of, historic preservation, including specific knowledge in at least one of the following areas: architecture, history, design, architectural history, planning, archaeology, urban planning, American studies, American civilization, cultural geography, cultural anthropology, engineering, law, banking and real estate. All appointed members shall have demonstrated independent judgment . . . .

(f) *Duties and powers; generally.* It shall be the duty of the board of architectural review to promote the purposes and objectives of this article through the review of plans and applications, as provided in this article, for all construction within the historic districts or historic properties, including both modifications to existing buildings, demolition and construction of new buildings. The board of architectural review shall have the power to approve or deny approval of such applications in accordance with prescribed procedures and guidelines.

(h) *Conflict of interest.* Any member of the board of architectural review who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the board shall be disqualified from participating in the discussion, decision or proceedings of the board in connection therewith." (Emphasis added.)

29. Section 32-176 of the Town of Summerville's Code of Ordinances states in part as follows:

"Meetings, rules and records.

(d) Public notice. All meetings of the board of architectural review shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of meetings shall be posted at the town hall and sent to the news media as required by the Freedom of Information Act. The secretary of the board shall provide a letter of notification to adjacent property owners of the time and place of the meeting for any application that proposes new construction of 700 square feet or more. For a request to demolish a structure the notification procedure is detailed in subsection 32-182(c).

(e) Rules and records. The board of architectural review shall adopt rules of order and shall keep records or minutes of its findings and approvals and denials. Such records

shall be a public record. A quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business." (Emphasis added.)

(f) Board of architectural review action. Decisions or actions by the board shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

(h) Powers and duties. It shall be the duty of the board of architectural review to make the following determinations with respect to the historic districts or historic properties:

(1) Appropriateness of altering, moving or demolishing any designated building or structure within a designated historic district. The board shall consider the historic, architectural and aesthetic features of buildings, their relationship and importance to the district.

(2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be considered within the historic district.

(4) Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the building or structure in question and the relation of such factors to the street scene and to similar buildings in the immediate vicinity. The board's concern shall be exterior features so that they will be compatible with the general character of their immediate neighborhood and preserve the existing street scene. The board shall have the right to review and approve colors of structures in the historic district and shall develop guidelines for the administration of the section.

(5) Appropriateness of site development features including driveways, fences, outbuildings or other site appurtenances.

(6) It shall be the duty of the board of architectural review to follow the established guidelines governing modifications, rehabilitations, additions and new construction within the boundaries of the town historic districts or historic properties.

(i) Submittal requirements. Complete applications must be received by the town's planning department at least ten days prior to the regularly scheduled meeting and shall include items listed on the current checklist.

All governmental agencies and all public and private utility companies shall be required to go before the board of architectural review in accordance with this article prior to initiating any changes covered by this article." (Emphasis added.)

30. Section 32-181 of the Town of Summerville's Code of Ordinances states in part as follows:

"Certificate of appropriateness.

(a) Certificate of appropriateness, general. A certificate of appropriateness is required from the board of architectural review prior to a building permit being issued for any construction within the district, any modification or repair to a building or structure within the district, any demolition of a building or structure within the district or the moving of any building into or out of the district.

(b) Establishment of a certificate of appropriateness. The certificate of appropriateness shall be a standardized format signed by either the chairman or vice-chairman of the board stating that the removal, demolition or changes including any conditions set by the board in the exterior architectural appearance of the proposed construction, reconstruction, modification or restoration for which the application has been made are approved by the board. The activities covered by the certificate must be started within six months of the date issuance, otherwise the certificate expires and the applicant must reapply.

(c) Certificate of appropriateness—Procedure.

(1) The application for the certificate of appropriateness must be submitted by the owner or agent of the property in question.

(2) Upon receiving an application for a building permit for property within the historic districts or historic properties, the building inspector shall notify the secretary of the board of architectural review within three days of receipt of application.

(3) The secretary of the board shall review the application to insure that all information necessary for review is available. All plans, elevations and other information needed for review shall be part of the application or may be requested as determined by the secretary. The application, if deemed technically correct and containing the necessary information for review, shall be placed on the agenda for the next regularly scheduled meeting of the board.

(4) Upon receiving the completed application, the board shall consider, among other things, the historic, architectural and aesthetic features of the building, the nature and character of the area or any new design or addition as stated in the application. In passing upon the application, the board shall consider the general design scale, proportion, material and setback of the building or structure in question or proposed building or addition as more completely defined in subsection 32-176(h) and the relation of such factors to the surrounding area.

(5) The board may, if it so desires, seek the opinion of appropriate professionals, consultants or historic preservation organizations if a review of an application is required which requires expertise not available among board members.

(6) The board shall take action upon such applications at the next regularly scheduled meeting following receipt of the application, which should be submitted to the board's secretary at least seven days before that meeting unless the application is for new construction of 700 or more square feet or for a demolition then the application should be submitted to the board's secretary at least 14 days before the meeting.

a. If the application is approved, the board shall execute a certificate of appropriateness, which is to be signed by the chairman or vice-chairman. The certificate shall be attached to the building permit application and immediately transmitted to the building inspector. The board may give approval with conditions.

b. If the application is disapproved, the board shall state its reasons for doing so and transmit a record of such action and reasons therefore in writing to the building inspector and the applicant. In addition to stating the reasons for denial, the board shall also make recommendations as to what it deems proper and in keeping with the building's character, relationship to surroundings or designs for new construction or additions. The applicant, if so desiring, may make modifications to the plans and re-submit the application.

c. If the application is found to be incomplete or unanswerable questions arise during the board's review of the application, the board may defer action on the application until the next scheduled meeting."

31. Section 32-182 of the Town of Summerville's Code of Ordinances states in part as follows:

"Sec. 32-182. - Review criteria.

(a) Intent. It is the intent of this article to ensure, insofar as possible, that buildings or structures designated as historic shall remain in harmony with the architectural and historical character of the town. In granting a certificate of appropriateness, the board shall take into account the architectural or historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(b) Demolition. No building or structure designated as historic shall be demolished or otherwise removed until the owner thereof has received a certificate of appropriateness from the board. Upon receipt of an application to demolish a structure, the secretary to the board shall publish a display advertisement in a newspaper of general circulation in the town at least 14 days before the meeting informing the public that such application has been received, detailing the date, time and place of the meeting at which it will be considered and

stating the public will have an opportunity to comment at such meeting. In addition, any group or organization which requests in writing to the secretary that they be informed of any demolition applications shall be sent a notice in the form of a letter to the address provided by the organization to the secretary.

(c) Delays and postponements. The board may delay the granting of the certificate of appropriateness for a period of up to 180 days from the time of the filing of the application with the designated town official. The board may extend this postponement for a certificate of appropriateness with regards to a request to demolish a structure for another 180 days after a finding by the board that the structure is of extreme historical importance to the people and town.

(1) Within the period of postponement of such demolition of any building, the board shall take steps to ascertain what can be done to preserve such buildings. Such steps shall include, but will not be limited to, consultation with civic groups, interested citizens and public boards and agencies. Additionally, the building inspector shall be instructed to ensure that the intent of the board is not thwarted through demolition by neglect.

(2) After the postponement has elapsed, if the board has been unable to determine an adequate alternative to demolition, the certificate of appropriateness may be granted.

(3) If the board finds that a building proposed for demolition is of no particular historical significance or value towards maintaining the historical character of the town, it may issue the certificate of appropriateness in the normal manner.

(d) *New construction, modification, repair, restoration.* When considering an application for a certificate of appropriateness for new construction, modification, repair or restoration, the board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the board may adopt more specific guidelines for local historic districts or historic properties, and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications or denial of an application. The Secretary's Standards for Rehabilitation are:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or modification of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize property shall be preserved.

(6) Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior modifications or related new construction shall not destroy historic materials that characterize the property. The new work shall be in harmony with the old, matching color, design, material and texture as much as possible.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(e) Specific guidelines. The board of architectural review may adopt specific guidelines to be used in reviewing applications for a certificate of appropriateness.

(f) Appeals. Any persons or officer, department or board aggrieved by any final decision of the board of architectural review must follow the procedures for appeal, as outlined in the South Carolina Code of Laws.

C. SOUTH CAROLINA COMMUNITY DEVELOPMENT LAW

32. The Town of Summerville Redevelopment Corporation ("RDC") is a corporation established by the State of South Carolina; is a redevelopment "commission" as defined by S.C. Code Ann. § 31-10-10(4); and is governed by the South Carolina Community Development Law, S.C. Code Ann. § 31-10-10 *et. seq.*

33. Applegate & Co. ("Developer" or "Applegate") is a corporation incorporated under the laws of the State of South Carolina and a "redeveloper" as defined in S.C. Code Ann. § 31-10-20(11).

34. On July 9, 2014, the Town of Summerville, the Town of Summerville Redevelopment Corporation and Applegate & Co. signed a purported agreement and contract entitled a "PARTICIPATION AGREEMENT" and a "PUBLIC-PRIVATE PARTNERSHIP

AGREEMENT ["Partnership Agreement"] BETWEEN TOWN OF SUMMERVILLE, TOWN OF SUMMERVILLE REDEVELOPMENT CORPORATION AND APPLEGATE & CO." (the "PARTIES"), attached as Exhibit "A" to the Amended Complaint in Croft, et al. vs. Town of Summerville, et al., Case No. 2014-CP-10-7739 (9th Judicial Circuit),and incorporated herein by reference. This Partnership Agreement causes the Town of Summerville and the RDC to be general "partners" with the Developer, which is a private entity owned and controlled and that may become owned and controlled by persons unknown to the Town and the RDC and who may be or become undesirable as partners to the Town and the RDC. By being general partners with the Developer, the Town and the RDC, and therefore taxpayers, have or may have unlimited liability for paying damages to third parties caused by all unlawful or negligent acts of the Developer. Further, this Partnership Agreement requires the Town and the RDC to indemnify the Developer for any damages, including environmental damages, caused to the Developer regarding the Hotel project, which the Partnership Agreement provides will be built on a location where a gas station operated for decades.

35. This Partnership Agreement is a "Redevelopment Contract" as defined by S.C. Code Ann. § 31-10-20(14), and requires the Town and the RDC to contribute property, including real property, and millions of dollars of loans, interest free, subordinated and unsecured, to the Developer in a partnership for the purpose and with the intended effect of making profits for the Developer, a private for-profit entity, the Town and the RDC.

36. Regarding this Partnership Agreement, Applegate & Co. is a "redeveloper" within the meaning of S.C. Code Ann. § 31-10-20(11), and the Hotel project purportedly is a "redevelopment project" as defined in S.C. Code Ann. § 31-10-20(16), within a purported "redevelopment area" as defined in S.C. Code Ann. § 31-10-20(13). S.C. Code Ann. § 31-10-20

(15) defines a "redevelopment plan" as "a plan for the redevelopment of a redevelopment area made by a [redevelopment] commission . . . ." S.C. Code Ann. § 31-10-20(13) defines a "redevelopment area" as "any area that a commission may find to be a blighted area, a conservation area, or any combination thereof, so as to require redevelopment under the provisions of this chapter."

37. S.C. Code Ann. § 31-10-90(4) authorizes the RDC to "prepare or cause to be prepared and recommend redevelopment plans to [the Town of Summerville] and to undertake and carry out redevelopment projects within its area of operations." (Emphasis added.) S.C. Code Ann. § 31-10-90(6) authorizes the RDC to "acquire . . . any real or personal property [and] to enter into contracts . . . with redevelopers . . . in accordance with the redevelopment plan." (Emphasis added.) Moreover, S.C. Code Ann. § 31-10-100(b) states that a redevelopment "commission shall not acquire real property for a development project unless the governing body of its parent municipality has approved the redevelopment plan as hereinafter prescribed." (Emphasis added.)

38. Paragraph 2a of the Partnership Agreement requires that the Town convey real property to the RDC. Paragraph 3bi of the Partnership Agreement requires that the RDC convey real property to Applegate and Co. Applegate & Co. and the RDC have entered into the Partnership Agreement and other agreements, which are contracts. Therefore, the RDC must have a "redevelopment plan" created in accordance with the South Carolina Community Development Law, S.C. Code Ann. § 31-10-10 *et seq.*, as a prerequisite to the RDC acquiring real property and conveying real property to Applegate and Co. as provided in the Partnership Agreement, and as a prerequisite to having entered into contracts with Applegate & Co.

39. The RDC has failed to create a "redevelopment plan" using the criteria and following the procedures, and the RDC failed to submit to the Town of Summerville a "redevelopment plan," as required by the South Carolina Community Development Law, S.C. Code Ann. § 31-10-10 *et. seq.*, including but not limited to, S.C. Code Ann. § 31-10-100(e), (f), which states in part as follows:

> "(e) The commission shall submit to the governing body the redevelopment plan. Prior to recommending a redevelopment plan to the governing body for approval, the commission shall utilize the local private planning, financing, and financial services to the greatest extent possible and shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the community and its environs, that will in accordance with present and future needs promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational, and community facilities, and other public requirements, the promotion of sound design and arrangements, the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, slums, or conditions of blight.
>
> (f) The governing body shall approve, amend, or reject the redevelopment plan as submitted." (Emphasis added.)

IV. CHRONOLOGICAL HISTORY OF EVENTS

40. On December 19, 2014, several individuals and organizations filed a lawsuit, captioned Faye P. Croft, et al. vs Town of Summerville, et al., Case No. 2014-CP-10-7739 (9th Judicial Circuit) ("Croft, et al. vs. Town of Summerville, et al."), disputing the legality of, and seeking cessation of all actions by the Town, the BAR and other parties to implement, the Partnership Agreement. This lawsuit was amended on February 23, 2015, and was transferred by

a court order dated April 2, 2015, from Charleston County to Dorchester County, where it received the new caption Faye P. Croft, et al. vs Town of Summerville, et al., Case No. 2-15-CP-18-713 (1st Judicial Circuit). All pleadings in this lawsuit are restated as if specifically pleaded herein and are incorporated herein by reference.

41. The lawsuit Croft, et al. vs. Town of Summerville, et al. seeks declaratory, mandamus and injunctive relief for violations and threatened violations of, and to enforce the requirements of, *inter alia*, Article I, Article VIII and Article X of the South Carolina Constitution; the South Carolina Community Development Law, S.C. Code Ann. § 31-10-10 et. seq.; the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. § 6-29-310 *et seq.*; the South Carolina Building Codes law, S.C. Code Ann. § 6-9-5 *et seq.*; the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. § 30-4-10 *et seq.*; S.C. Code Ann. § 6-1-730 (use of revenue from local hospitality tax); S.C. Code Ann. § 6-7-10 (planning by local governments); the South Carolina Uniform Declaratory Judgments Act, S.C. Code Ann. § 15-53-10; the Summerville Historic Preservation Ordinance, Article IV, Sec. 32-171, *et seq.*; the Summerville Planning Commission Ordinance, Article II, Sec. 20-31, *et seq.*; the Summerville Tree Protection Ordinance, Article VIII, Sec. 32-324; the Summerville Purchasing Ordinance Sec. 2-320 - Sec. 2-326; the Summerville Noise Ordinance; the United States Constitution; and 42 U.S.C. § 1983 ("Section 1983").

42. On April 6, 2015, the Appellants in Croft, et al. vs. Town of Summerville, et al., some of whom are Appellants in this BAR appeal, filed a Motion for Partial Summary Judgment, which shows that:

> A. The Town of Summerville violated its own Purchasing Ordinance in entering into a contract with the Developer Applegate & Co. following a Request for Proposal ("RFP") process, rather than requesting competitive sealed bids as required in its Purchasing Ordinance;

B. Even if the Town were able to proceed under its Purchasing Ordinance through an RFP procedure, it failed to follow the terms of that request and failed to follow its Ordinance by accepting a proposal that was not responsive to the RFP; and

C. As a result of both these deficiencies, the Town's entry into the design and development contract with developer Applegate & Co. was *ultra vires*, and is unlawful, void and unenforceable as a matter of law.

This Motion and its supporting Memorandum, incorporated herein by reference, demonstrate that the RFP issued by the Town regarding the Hotel project and the award of the design and construction of the Hotel project to Applegate & Co., upon which the Partnership Agreement is based, are unlawful, *ultra vires*, without legal authority and void *ab initio*. Therefore, the BAR lacks jurisdiction regarding the Hotel project and the BAR may not consider, evaluate, make decisions about, take actions regarding or otherwise implement the Hotel project based on the Partnership Agreement.

43. At an unknown date before September 8, 2014, Applegate & Co. and the Town of Summerville filed with the BAR a purported Board of Architectural Review Application for consideration by the BAR at its meeting to be held on September 8, 2014, containing the following: "Project Description:" "The Dorchester – mixed use development to include conference center, +/- 187 space parking deck, +/- 61 room hotel, +/- 36 condominiums, and demolition of existing structures." This filed Application does not include, and does not reference, any attachment. This Application does not state what these applicants requested the BAR to do regarding this Application; the date on which the Application was submitted to the BAR; the date of the Application; and what items listed on an applicable checklist, if any, were included with the Application. As a result, the Application is invalid and deprived Appellants of public notice of the substance of the application. The BAR's record fails to show, and therefore

the Appellants cannot know, whether this Application was received by the BAR at least ten days prior to its next regularly scheduled meeting and whether the Application included items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

44. The BAR did not take action on the Application referenced in the paragraph immediately above, at its next regularly scheduled meeting, on September 8, 2014, following receipt of the Application by the BAR, in violation of Section 32-181(c)(6) of the Town of Summerville's Code of Ordinances. The BAR violated Section 32-181(c)(6)c of the Town of Summerville's Code of Ordinances by either not deferring action on the application until the next scheduled meeting of the BAR or by not taking action to approve or disapprove the application at the next scheduled meeting of the BAR.

45. At an unknown date, one or more unidentified persons submitted to the BAR documents entitled "Conceptual BAR Submittal," dated September 26, 2014. This "Conceptual BAR Submittal" was not attached to or referenced in an Application to the BAR; there is no explanation in the BAR record about what this "Conceptual BAR Submittal" is; there is no BAR record of when this "Conceptual BAR Submittal" was received by the BAR; and there is no record that identifies the meaning, authority for, the purpose or the disposition of this "Conceptual BAR Submittal." Moreover, there is no legal authority allowing the BAR to receive, consider or make a decision or take an action regarding a "Conceptual BAR Submittal," without being part of an Application.

46. On an unknown date, the Town of Summerville provided the BAR a letter dated September 29, 2014, requesting BAR permission to demolish a building at 210 W. Richardson Ave., Summerville, SC. This letter does not state the date on which the letter was submitted to

the BAR, and what items listed on an applicable checklist, if any, were included with the letter, and therefore the letter failed to be a valid application to the BAR and deprived Appellants of public notice of the substance of the application. On information and belief, this letter was not a valid "application" filed with the BAR on its required form, was not received by the BAR at least ten days prior to its next regularly scheduled meeting and did not include items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

47. At an unknown date before October 6, 2014, the Gayle F. E. Cates Revocable Trust filed with the BAR a purported Board of Architectural Review Application for consideration by the BAR at its meeting to be held on October 6, 2014, containing the following "Project Description:

> "The demolition of the existing structures located on the parcel of property located at 206 and 208 West Richardson Ave. in conjunction with the multi-use development known as The Dorchester planned by Applegate & CO. Demolition is conditioned on final approval of the development by the BAR and closing of the contract to purchase the property." (Emphasis added.)

This Application does not state, and therefore failed to be a valid Application and deprived Appellants of public notice of, the date on which the Application was submitted to the BAR, and what items listed on an applicable checklist, if any, were included with the Application. Upon information and belief, this Application was not received by the BAR at least ten days prior to its next regularly scheduled meeting and did not include items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

48. At an unknown date before October 6, 2014, the Faith Partnership filed with the BAR a purported Board of Architectural Review Application for consideration by the BAR at its meeting to be held on October 6, 2014, containing the following "Project Description:

> "The demolition of the existing structures located on the parcel of property located at the corner of South Cedar Street and West Richardson Ave. in conjunction with the multi-use development known as The Dorchester planned by Applegate & CO. Demolition is conditioned on final approval of the development by the BAR and closing of the contract to purchase the property." (Emphasis added.)

This Application does not state, and therefore failed to be a valid Application and deprived Appellants of public notice of, the date on which the Application was submitted to the BAR, and what items listed on an applicable checklist, if any, were included with the Application. Upon information and belief, this application was not received by the BAR at least ten days prior to its next regularly scheduled meeting and did not include items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

49. At unknown date before October 6, 2014, Anne Gaither filed with the BAR a purported Board of Architectural Review Application for consideration by the BAR at its meeting to be held on October 6, 2014, containing the following Project Description:

> "The demolition of the existing structures located on the parcel of property located at 213 W. 2nd Street South in conjunction with the multi-use development known as The Dorchester planned by Applegate & CO. Demolition is conditioned on final approval of the development by the BAR and closing of the contract to purchase the property." (Emphasis added.)

This Application does not state, and therefore failed to be a valid Application and deprived Appellants of public notice of, the date on which the Application was submitted to the BAR, and what items listed on an applicable checklist, if any, were included with the Application. Upon

information and belief, this Application was not received by the BAR at least ten days prior to its next regularly scheduled meeting and did not include items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

50. At an unknown date the BAR "Planning Staff" provided the BAR a "Staff Report" dated September 29, 2014, regarding an upcoming BAR meeting scheduled to occur on October 6, 2014, stating in part the following:

> "Applicant: Goff D' Antonio Architects
> Property Owner: Applegate & Co. and the Town of Summerville
> Requested Action: Demo and Conceptual Approval of Mixed Use Development"
> Background and Analysis: Applicant [Applegate & Co. and the Town of Summerville] is [sic] requesting conceptual approvel [sic] to demo all structures listed above and replace with a mixed use development consisting of a 65 room hotel, restaurant with roof top bar, 34-36 unit condos, conference center and 157 space parking garage. . . ." (Emphasis added.)

The Applicants referenced in the above referenced Report, Applegate & Co. and the Town, did not request in their Application to the BAR "conceptual approval" as represented in this Report but, instead, requested approval. Moreover, no authority exists in law for the BAR to seek or grant "conceptual approval," and the meaning of the words "conceptual approval" is not defined by law and therefore is unknown regarding a BAR application.

51. On October 6, 2014, the BAR held a meeting at which Applegate was allowed to present to the BAR, for over thirty minutes, his plans for the Hotel project. At this meeting BAR Chairman Phillip Dixon intimidated and denied the free speech rights of citizens attending the meeting as provided by the United States and South Carolina Constitutions, by restricting the content of comments and questions by members of the public and unreasonably limiting the amount of time for those comments and questions to three minutes. Dixon repeatedly stated that

the public could address only the appearance of the Developer's drawings but make no other comment, and warned that if any member of the public spoke in opposition to the project, he or she would be gaveled out of order and escorted from the room by the two policemen standing at the back of the meeting room for that purpose. Dixon limited statements by the public about the Hotel project to comments about the Developer's drawings, even though most or all members of the public had not seen and could not obtain these drawings or any other submission regarding the Hotel project prior to this October 6, 2014 BAR meeting. These and other actions by the BAR to limit public input and knowledge about and public evaluation of the Hotel project and about the BAR's consideration of the Developer's plans for the Hotel project violated the rights of Appellants and others under the First Amendment of the United States Constitution and under the South Carolina Constitution, and the due process and equal protection rights of Appellants and others under the United States and the South Carolina Constitutions. In addition, Developer Applegate's plans were reviewed without, as required by law, the Developer previously having submitted to the BAR a completed application made available for review by the public and without those plans previously having been reviewed and approved by the RDC and the Town as required by Section 8a of the Partnership Agreement and by the Community Development Law, S.C. Code Ann. § 31-10-10 *et seq.*

52. At this BAR meeting on October 6, 2014, BAR members expressed dozens of objections to and concerns about the Hotel Project. At the end of this meeting, "Chairman Dixon announced that no decision would be made at this meeting [and] requested that the architect take comments under consideration and come back for conceptual approvel [sic] with a re-design." BAR Minutes, October 6, 2014, at 3. (Emphasis added.) At the time of this October 6, 2014, meeting, no person or entity had

submitted to the BAR an application for "conceptual approval" of anything, no authority existed for the BAR to grant conceptual approval of anything and no legal authority defined the meaning of the words "conceptual approval." Therefore, the BAR could not lawfully consider or grant conceptual approval of the Hotel project.

53. At an unknown date the BAR "Planning Staff" provided the BAR a "Staff Report" dated October 27, 2014, regarding an upcoming BAR meeting scheduled to occur on November 3, 2014, stating in part the following:

> "Applicant: Goff D' Antonio Architects
> Property Owner: Applegate & Co. and the Town of Summerville
> Requested Action: Demo and Conceptual Approval of Mixed Use Development
>
> Background and Analysis: Applicant is requesting conceptual approvel [sic] to demo all structures listed above and replace with a mixed use development consisting of a 65 room hotel, restaurant with roof top bar, 34-36 unit condos, conference center and 157 space parking garage. . . ." (Emphasis added.)

The Applicants referenced in the above referenced Report, Applegate & Co. and the Town, did not request in their Application to the BAR "conceptual approval" as represented in this Report but, in fact, requested approval. Moreover, no authority exists in law for the BAR to seek or grant "conceptual approval," and the meaning of the words "conceptual approval" is not defined by law and therefore is unknown regarding a BAR application.

54. At an unknown date, one or more unidentified persons submitted to the BAR documents entitled "Conceptual BAR Submittal," dated November 4, 2014. This "Conceptual BAR Submittal" was not attached to or referenced in an Application to the BAR; there is no explanation in the BAR record about what this "Conceptual BAR Submittal" is, and there is no

record of the BAR or other authority that identifies the authority for, the meaning of or the purpose or disposition of this "Conceptual BAR Submittal." There is no legal authority allowing the BAR to receive, consider or make a decision regarding a "Conceptual BAR Submittal."

55. On November 3, 2014, the BAR held a meeting at which Developer Applegate was allowed to present to the BAR, for over thirty minutes, his plans for the Hotel project. At this meeting BAR Chairman Phillip Dixon again limited public input, in violation of the rights to free speech, due process and the equal protection of the laws for the Appellants and other members of the public, as described above regarding the previous BAR meeting held on October 6, 2014. These actions by the BAR and this consideration by the BAR of the Developer's plans for the Hotel project were illegal because they violated the free speech, due process and equal protection rights of Appellants and others; because the Developer's and the Town's application and plans were reviewed without, as required by law, the Developer having previously submitted to the BAR a proper completed application available for review by the public; and because the Developer's "final design" plans had not previously been reviewed and approved by the RDC and the Town.

56. At this November 3, 2014 BAR meeting Appellant Hutson objected to the BAR's consideration of Applegate's plans for the Hotel project because the BAR's doing so violated the requirement in Paragraph 8a of the Partnership Agreement that:

> "The project site and architectural design will be based on the conceptual provided in Exhibit F . . . . Prior to submission for review and approval to any required public agency for permitting or certificate of appropriateness, DEVELOPER will submit a final design for both the PRIVATE and PUBLIC IMPROVEMENTS to the RDC for review and approval. (Emphasis added.)

Partnership Agreement, Paragraph 8a. Chairman Dixon tried to stop Appellant Hutson from stating the above at the BAR meeting, but relented and allowed him to do so when members of the public attending the meeting shouted repeatedly that Chairman Dixon should "[L]et him speak!" Despite Appellant Hutson's objection as stated above, the BAR did consider, in violation of Paragraph 8a of the Partnership Agreement, Developer Applegate's and the Town's application for the Hotel project at the BAR's November 3, 2014 meeting, and has done so at subsequent meetings of the BAR. The BAR's consideration of the Hotel project in violation of Paragraph 8a of the Partnership Agreement is unlawful, without jurisdiction, and *ultra vires*.

57. At this BAR meeting on November 3, 2014, BAR members expressed dozens of objections to and concerns about the Hotel Project. At the end of this BAR meeting "Chairman Dixon announced that no decision would be made at this meeting. It was requested that Mr. Applegate and his team consider comments made and come back with revised drawings. The Board would consider a special meeting if the applicant is ready before our next regularly scheduled meeting on December 1st." BAR Minutes, November 3, 2014, at 3.

58. In an undated letter received by the BAR on January 15, 2015, Appellant Heyward Hutson appealed to the BAR to correct errors in minutes of the BAR meeting on November 3, 2014, written by BAR Secretary Lucy Dreyer. This letter, incorporated by reference herein, describes the significant and material manner in which the minutes of the BAR meeting on November 3, 2014, incorrectly describes what Appellant Hutson said at the November 3, 2014 BAR meeting, and admonishes the BAR to stop considering the Developer's designs for the Hotel project without the Developer first having submitted its final designs for the Hotel project to the RDC as required by paragraph 8a of the Partnership Agreement. The BAR unlawfully has

ignored, and has failed to respond to or to take action regarding, this letter appeal from Appellant Hutson.

59. At an unknown date, one or more unidentified persons submitted to the BAR documents entitled "Conceptual & Preliminary BAR Submittal," dated January 5, 2014. This "Conceptual & Preliminary BAR Submittal" was not attached to or referenced in an Application to the BAR; there is no explanation in the BAR record about what this "Conceptual & Preliminary BAR Submittal" is; and there is no record of the BAR or other authority that identifies the authority for, the meaning of or the purpose or disposition of this "Conceptual & Preliminary BAR Submittal." Moreover, there is no legal authority allowing the BAR to receive, consider or make a decision regarding a "Conceptual & Preliminary BAR Submittal."

60. At an unknown date before January 5, 2015, Applegate & Co. and the Town of Summerville filed with the BAR a purported Board of Architectural Review Application for consideration by the BAR at its meeting to be held on January 5, 2015, containing the following:

> "PROJECT DESCRIPTION: The Dorchester – mixed use development to include conference center, +/- 166 spaces parking deck, +/- 61 room hotel, +/- 27 condominiums, and demolition of using structures. . . . PROJECT'S COMPLETE ADDRESS: 200, 206, & 210 West Richardson Ave., 213 W. 2nd S St & 208 South Cedar St."

This Application does not state, and therefore failed to be a valid Application and deprived Appellants of public notice of, what these applicants requested the BAR to do regarding this Application; the date on which the Application was submitted to the BAR, and what items listed on an applicable checklist, if any, were included with the Application. Upon information and belief, this Application was not received by the BAR at least ten days prior to its next regularly scheduled meeting and did not include items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

61. Public notice of this BAR meeting held on January 5, 2015, was published on the Town's website on December 29, 2014. On January 2, 2015, members of the public, including some of the Appellants, asked BAR Secretary Lucy Dreyer to allow them to inspect and obtain a copy of the exact application and all other documents regarding the Hotel project that the BAR would consider at the BAR's January 5, 2015 meeting. Lucy Dreyer refused to let any of these citizens inspect or obtain a copy of any of these documents on before the January 5, 2015 BAR meeting, and told them that they could obtain a copy of these documents only by requesting them in writing pursuant to the Freedom of Information Act and waiting up to fifteen days for the BAR to respond. When these citizens objected that they would be unable to inspect and obtain a copy of these documents prior to the January 5, 2015 BAR meeting if they had to wait fifteen days from January 2, 2015, to receive a response from the BAR to a written FOIA request, BAR Secretary Lucy Dreyer again refused to allow these citizens to inspect or obtain a copy of these documents before the January 5, 2015, BAR meeting and claimed they could inspect and obtain a copy of these documents only by submitting a written FOIA request and waiting up to fifteen days for a response from the BAR to that request. As a result of these refusals to allow inspection and disclosure of these BAR documents, none of these citizens, including the Appellants, were permitted to inspect or obtain a copy of these documents prior to the January 5, 2015 BAR meeting, and, therefore, they were prevented from being informed before the January 5, 2015, BAR meeting about what specifically the BAR would consider at that meeting about the Hotel project. These refusals to allow citizens to inspect and to give them a copy of these documents violated the Freedom of Information Act.

62. The RDC did not submit to the Town of Summerville a redevelopment plan, as required by S.C. Code Ann. § 31-10-100(e) quoted above, which was a prerequisite to the RDC's

participating in developing the Hotel project. Indeed, the RDC has never submitted to the Town any redevelopment plan, and the RDC has never created or adopted a redevelopment plan, including a plan involving the Hotel project, after the RDC (a) "utilize[d] the local private planning, financing, and financial services to the greatest extent possible" and considered the numerous other factors as mandated by S.C. Code Ann. § 31-10-100(e). Therefore, the Town has never approved, amended or rejected a redevelopment plan created by the RDC, including a redevelopment plan involving the Hotel project, as required by S.C. Code Ann. § 31-10-100(f). Therefore, the RDC's involvement in financing the Hotel project, as required in the Partnership Agreement, is unlawful. Because the Hotel project area is not a "redevelopment project," for the reasons set forth above, and because the Town is unlawfully using the RDC to finance, acquire, own and convey property, enter into contracts and otherwise implement and conduct business regarding the Hotel project, the BAR cannot consider, approve, or make decisions or take other actions regarding the Hotel project.

63. On January 5, 2015, the BAR held a public meeting to consider the Hotel project. The BAR deliberately and unnecessarily held that meeting in a room that was much smaller than the Town Council chambers that were available for that meeting and where previous BAR meetings regarding the Hotel project had been held, for the purpose and with the effect of causing numerous citizens, including the Appellants, not to be able to attend, view, hear and participate in the meeting. BAR Chairman Dixon refused several requests to move that meeting to the Town Council chambers, in which previous BAR meetings involving the Hotel project had been held, which had much more space for attendees at a meeting, and which was not in use at the time of the meeting. As a result, there was insufficient room for most citizens desiring to attend that BAR meeting to attend the meeting, and many citizens, including many who were

elderly, were forced to stand or sit on the floor in a hallway without a speaker and a microphone and outside of the room where the BAR meeting was held. As a result, many persons desiring to attend, observe, hear and participate in this BAR meeting were unable to do so, and had to leave the meeting before the meeting had ended. Further, at that BAR meeting Mayor William Collins and Town Councilman Terry Jenkins positioned themselves directly in front of the members of the BAR, for the apparent purpose and with the effect of influencing and intimidating the BAR members and members of the public at the meeting and taking up limited space, thereby depriving Appellants and other citizens of the opportunity to observe, hear and participate in the meeting. In contrast, Town Councilman William McIntosh refused to attend BAR meetings expressly to avoid, as stated by him, influencing and intimidating BAR members and real or apparent conflicts of interest, and the appearance thereof. As a result of this deliberate and willful conduct of Chairman Dixon and the other members of the BAR, the BAR meeting on January 5, 2015 was not "open to the public" as required by Section 30-4-60 of the South Carolina Freedom of Information Act, and all actions taken at the meeting are and should be declared invalid.

64. Before this BAR meeting on January 5, 2015, the BAR stated and advertised that at that meeting citizens would be able to speak about the Hotel project. In addition, at the beginning of this BAR meeting Chairman Phillip Dixon announced that citizens would be allowed to speak about the Hotel project at the BAR meeting, and asked members of the public to limit their remarks to three minutes and not to repeat previous statements. Anticipating this opportunity to speak based on these specific representations of the BAR, numerous citizens attended that BAR meeting prepared and expecting to speak and for the purpose of speaking against the Hotel project. Despite these representations by the BAR and Chairman Dixon, no citizen was allowed

to speak at the meeting, even after Developer Applegate had spoken and promoted, and was allowed to speak and promote, the Hotel project for more than 45 minutes. After Developer Applegate finished speaking at the meeting, the BAR members spoke among themselves, without their remarks being heard by the public, and then immediately voted followed by immediately declaring the meeting closed, thereby depriving the public of an opportunity to hear, observe or otherwise participate in the decisions of the BAR regarding how public tax monies would be spent by the Town on the Hotel project.

65. Citizens desiring to express their opinions about and to observe the conduct of public business about the Hotel project and hoping to have some influence on the BAR's decisions at the meeting on January 5, 2015, and other members of the public, were unaware that all or nearly all BAR members had already discussed BAR business regarding the Hotel project with Developer Applegate and Town officials, and among themselves, and had decided how they would vote, at and as the result of multiple secret, private, non-public meetings they attended with Developer Applegate and Town officials. These secret, private, non-public meetings about BAR business were meetings of a "committee" or a "subcommittee" of the BAR or otherwise meetings of a "public body" as defined in S.C. Code Ann. § 30-4-20(a) and, therefore, were held in violation of the South Carolina Freedom of Information Act. See S.C. Code Ann. § 3-4-60 ("Meetings of public bodies shall be open . . . ."); Quality Towing v City of Myrtle Beach, 345 S.C. 156 (2001).

66. On December 15, 2014, several BAR members and Town officials and Developer Arthur Applegate attended secret "workshop" meetings with Developer Applegate to discuss the Hotel project. The first secret "workshop" meeting was attended by BAR members Phil Dixon, Rachel Burton and Cecile Cothran; Developer Arthur Applegate; and Town and BAR staff

member Madelyn Robinson. The second secret "workshop" meeting was attended by BAR members David Price, Beth Huggins and John Kwist; Developer Arthur Applegate; and Town and BAR staff member Madelyn Robinson. In addition, on numerous occasions BAR members have attended other secret, non-public, private meetings, where BAR members discussed and decided BAR business about the Hotel project. The BAR and the Town deliberately did not have a quorum of the BAR members attending some or all of these meetings in an effort to circumvent the public notice and open public meeting requirements of the South Carolina Freedom of Information Act. The public deliberately was not noticed, informed about or allowed to attend, observe, hear or participate in any of these secret meetings, at which BAR members and Developer Applegate privately discussed, negotiated and considered Developer Applegate's and the Town's Hotel project, a matter of great controversy, public interest and public importance. By holding these secret, non-public private meetings where BAR members and other Town officials discussed, made decisions regarding and otherwise transacted business about the Hotel project, the BAR violated Section 32-176(e) of the Town of Summerville's Code of Ordinances requiring that "[a] quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business" (emphasis added), and the members of the BAR willfully, knowingly and deliberately circumvented and violated the Freedom of Information Act, in numerous respects, including, inter alia, S.C. Code Ann. §§ 30-4-20(a)("public body" defined), 3-4-60 ("Every meeting of all public bodies shall be open to the public . . . ,") and S.C. Code Ann. § 30-4-70(c), which states:

> "No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power." (Emphasis added.)

67. At the BAR meeting on January 5, 2015, BAR members expressed dozens of objections to and concerns about the Hotel Project. Despite these objections and concerns, at the end of this meeting, the BAR voted 5-1 to give "conceptual/preliminary approval," Minutes, BAR, January 5, 2014, and "conceptual & preliminary [approval] only," Review Application, BAR, undated (for January 5, 2015 meeting), to the Hotel project. The Town and Developer Applegate did not ask for conceptual or preliminary approval, the BAR does not define what is the meaning of conceptual or preliminary approval, and no authority exists to define, or for the BAR to consider or grant, "conceptual/preliminary approval" to a BAR application. Therefore, the BAR's grant of "conceptual/preliminary approval" is unlawful and void. Moreover, the BAR failed to state any rationale, make any findings or identify any evidence in any way supporting the BAR's grant of "conceptual/preliminary approval" or "conceptual & preliminary [approval] only" or compliance by the BAR with legally required criteria and procedures for granting "conceptual/preliminary approval" or "conceptual & preliminary [approval] only."

68. At an unknown date before January 12, 2015, the Town and Applegate & Co. filed with the BAR a purported Board of Architectural Review Application for consideration by the BAR at its meeting to be held on January 12, 2015, containing the following "Project Description:"

> "The Dorchester mixed-use development. Applicant requests final approval for demolition of structures located on parcels below and as shown on the attached plan." (Emphasis added.)

Upon information and belief, this application was not received by the BAR at least ten days prior to its next regularly scheduled meeting and did not include items listed on the applicable checklist, as required by Section 32-176(i) of the Town of Summerville's Code of Ordinances.

69. On January 12, 2015, the BAR held a Special Meeting with the following on the meeting's agenda:

> "208 S.Cedar Street, 213 W. 2nd South Street, 200, 206 and 210 W. Richardson Avenue – Demo[lition] of existing buildings for construction of a Mixed Use Development consisting of 65 room hotel, restaurant with roof top bar, 27 unit condos, conference center and 157 space parking garage."

This agenda does not indicate who made the application for demolition referenced in the agenda, or when that application was delivered to the BAR, and therefore is ineffective and void.

70. At this January 12, 2015 meeting, the BAR voted "to approve demolition of the structures on the construction site with approval being contingent on the entire project receiving final approval. Developer is requested [not] [sic] to pursue possible relocation or salvage of buildings until project [is] finalized." (Emphasis added.) Minutes, BAR, January 12, 2015, at 2. At this meeting the BAR emphasized that BAR approval of demolition of property at the requested locations "is contingent upon the entire project receiving final approval. No demolition will be allowed until this project is shovel ready . . . demo [lition] is contingent upon final approval of the project." Id. at 1 (emphasis added). According to another BAR document signed by BAR Chairman Dixon, the BAR also gave "conceptual & final approval only" to the Application filed with the BAR by Applegate & Co. and the Town for the January 12, 2015 meeting. The Town and Applegate did not ask for "conceptual approval," no applicable law defines what is the meaning of "conceptual approval," and no authority exists to define, or for the BAR to grant, "conceptual approval," to a BAR application. Therefore, the BAR's grant of "conceptual approval" is unlawful and void. Moreover, the BAR failed to state any rationale, make any findings regarding or identify any evidence in any way supporting

the BAR's grant of this "conceptual approval" or compliance by the BAR with required criteria and procedures for its grant of "conceptual approval."

71. Notwithstanding Appellant Hutson's statements before the BAR on November 3, 2014, regarding the requirement that Developer Applegate was required to submit a final design of the Hotel project to the RDC for its review and approval before the BAR had authority to consider and approve an application for approval of the Hotel project, the BAR considered and gave "conceptual/preliminary approval" to the Hotel project on January 5, 2015, and considered and gave "contingent approval" on January 12, 2015, to the demolition of buildings for the Hotel project, without Developer Applegate having submitted a final design to the RDC and without the RDC having reviewed and approved that final design.

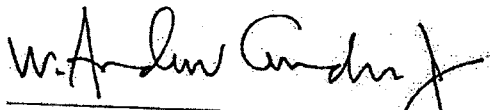
72. On information and belief, the BAR has not promulgated or published any rules, regulations, policies, procedures or guidelines regarding the conduct of its meetings or the criteria, standards, procedures and processes to be used by the BAR regarding its decision-making. As a result, the BAR follows processes, takes actions and makes decisions that are neither consistent nor fair, uses no reasonable or objective standards for its decision-making and conducts its meetings in an *ad hoc* and arbitrary manner.

73. The BAR held a meeting on April 6, 2015, during which by a 4-1 vote the BAR gave "conditional final approval" to the Hotel project whereby the BAR requires its approval of certain characteristics of the Hotel project before further BAR approval is given to proceed with construction of the Hotel project. Appellants cannot confirm precisely what the BAR claims it decided on April 6, 2015, because no minutes of that meeting are available and the BAR refuses to provide Appellants a copy of the tape recording of that meeting.

IV. RELIEF REQUESTED

WHEREFORE, Appellants request that this Court reverse the decisions of the BAR rendered on April 6, 2015, and those contingent on it or related to it, or, in the alternative, remand the matter to the BAR for a rehearing in accordance with S.C. Code Ann. Section 6-29-930; grant Appellants their costs and attorneys' fees under S.C. Code Ann. § 15-77-300, the Freedom of Information Act and any other applicable law; and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



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Counsel for Appellants

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

Faye P. Croft, personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutcson; James Stephen Greene, Jr.; South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,

Plaintiff(s)

vs.

Town of Summerville and Town of Summerville Board of Architectural Review,

Defendant(s)

CERTIFIED COPY
2015 MAY 22 PM 1:53
CLERK OF COURT
DORCHESTER COUNTY

CIVIL ACTION COVERSHEET

2015-CP - 18- 991

Submitted By: W. Andrew Gowder
Address: 16 Charlotte Street
Charleston, SC 29403

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NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☑ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20___-CP-____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799)

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☑ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

Submitting Party Signature: W. Andrew Gentry **Date:** 5-22-15

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)
)
Faye P. Croft, personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr.; South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,) Civil Action No.: 2015-cp-18 - 991

Appellants,

v.

Town of Summerville and Town of Summerville Board of Architectural Review;

Respondents.

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2015 MAY 22 PM 1:53
CLERK OF COURT
DORCHESTER COUNTY

PETITION

Each of the above-named Appellants files this petition appealing decisions of the Town of Summerville Board of Architectural Review ("BAR" or "board") in which they each have a substantial interest, as follows:

I. PRELIMINARY STATEMENT

1. This is a petition to appeal decisions of the BAR, as authorized by S.C. Code Ann. § 6-29-900 *et seq.* and Summerville Town Code of Ordinances, Article IV, Historic Preservation, Sec 32-182(f).

2. The decisions of the BAR being appealed in this petition are all those pertaining to the construction and the demolition of buildings for a hotel, restaurant, bar, garage, convention center and condominium complex sought to be built in Summerville, South Carolina ("Hotel

project" or "project"), including but not limited to the decisions made by the BAR at its meeting on May 11, 2015.

3. Appellants appeal all BAR decisions and actions regarding this Hotel project. In sum, the BAR's decisions in this case must be reversed because the board failed to follow its own procedures in accepting, considering and ruling on applications filed by the Town and its partner developer. The BAR did not allow for public scrutiny of the application and its own deliberations and refused to allow meaningful comment by the public during the board's consideration of this application, all contrary to law. Further, the board has not meaningfully considered or based its decision on the criteria listed in the Town's Code and other applicable laws as necessary for approval of a certificate of appropriateness. The dearth of a record on these criteria bear that out.

The Appellants' grounds for appeal are as follows:

A. The BAR knowingly considered, evaluated, and made decisions and took other actions regarding the Hotel project even thought the BAR lacked the legal authority and jurisdiction to do so for several reasons, including but not limited to each of the following:

(1) The Hotel project is based entirely on an illegal Request for Proposal and an illegal unresponsive award of the Hotel project based on that illegal Request for Proposal, made by the Town of Summerville without legal authority and in violation of law;

(2) The Hotel project is based on and authorized by contractual agreements between parties requesting decisions by the BAR, that for numerous reasons are unlawful, *ultra vires* and void *ab initio*;

(3) Before each meeting of the BAR regarding the Hotel project the applicants failed to comply with the contractual requirement between them that "[p]rior to submission for review and approval to [the BAR] for permitting or [sic] certificate of appropriateness, DEVELOPER will submit a final design . . . to the RDC for review and approval" (emphasis added);

(4) The Hotel project is a purported "redevelopment project" involving the financing, the acquisition and the conveyance of property, entering into contracts and other actions by an alleged "redevelopment commission" based on an alleged "redevelopment plan" that, in violation of S.C. Code Ann. § 31-10-100(e),(f), was not submitted by the "redevelopment commission" to the Town of Summerville; was not created by the alleged "redevelopment commission" following required criteria and procedures; and otherwise violated the South Carolina Community Development Law, S.C. Code Ann. § 31 10 10 et. seq.;

(5) The Hotel project is a purported "redevelopment project" based on a purported "redevelopment plan" and regarding which the Town's purported "redevelopment commission" intends and has contracted to acquire and to sell, transfer and convey redevelopment property to a private developer, without having published public notices, invited proposals and made available all pertinent information to any persons interested in purchasing the property or the redevelopment of the area in which the Hotel project may be built, in violation of S.C. Code Ann. § 31-10-110(c);

(6) Because the Hotel project is based on incorrect and invalid findings that the area in which the Hotel project would be built is a "blighted area" or a "conservation area" within the meaning of S.C. Code Ann. § 31-10-20(2),(5), the Town of Summerville created the alleged redevelopment commission that is a party to the contractual agreements on which the Hotel project is purportedly authorized and based, in violation of S.C. Code Ann. § 31-10-20(b)(1);" and

B. The BAR has violated S.C. Code Ann. § 6-29-870(D) regarding its decisions and actions about the Hotel project by the BAR's (1) failing to adopt and follow rules of procedure ("The board shall . . . adopt rules of procedure . . . ."); (2) failing to keep minutes of some of its proceedings; (3) failing to keep minutes that are accurate and timely when it does keep minutes of some of its proceedings; (4) failing to keep records of some of its examinations and other official actions; (5) failing to file minutes of proceedings and records of examinations and other official actions "immediately;" and (6) failing to make minutes of proceedings and records of examinations and other official actions a public record and to do so in a timely manner;

C. The BAR has violated Section 32-173 of the Town of Summerville's Code of Ordinances by failing to have and to have followed a "prescribed review procedure" for issuing a certificate of appropriateness;

D. The BAR has failed to adopt and to follow reasonable standards or criteria for certifying and determining that proposed actions by an applicant are acceptable in terms of design criteria relating to the Hotel project, as required by Section 32-173 of the Town of Summerville's Code of Ordinances;

E. The BAR has violated Section 32-175(f) of the Town of Summerville's Code of Ordinances by failing to fulfill its duties and exercise its powers to promote the purposes and objectives of Article IV of said Code of Ordinances by reviewing plans and applications as provided in said Article;

F. The BAR deliberately, willfully and repeatedly has violated Section 32-176(d) of the Town of Summerville's Code of Ordinances by (1) holding meetings of the BAR or committees or subcommittees of the BAR where public business was conducted about the Hotel project among BAR members, a developer and/or with other Town officials, that were secret, private and not made open to the public; (2) not providing public notice of the time and place of said secret, private meetings that were not made open to the public; (3) not posting notices of meetings at the town hall and sending notices to the news media as required by the South Carolina Freedom of Information Act; and (4) not providing a letter of notification to adjacent property owners of the time and place of said secret, private meetings that were not made open to the public;

G. The BAR deliberately, willfully and repeatedly has violated the South Carolina Freedom of Information Act, including but not limited to S.C. Code Ann. §§ 30-4-20(a) ("public body" defined), 30-4-60 ("Every meeting of all public bodies shall be open to the public . . .), 30-4-70(c), 30-4-80 and 30-4-110, by (1) holding meetings of the BAR or committees or subcommittees of the BAR where public business was conducted about the Hotel project, among BAR members, a developer and/or with other Town officials, that were secret, private and not made open to the public; (2) not providing public notice of the time and place of said secret, private meetings that were not made open to the public; and (3) not posting notices of meetings at the town hall and sending notices to the news media;

H. The BAR has violated Section 32-176(e) of the Town of Summerville's Code of Ordinances by (1) failing to adopt rules of order; (2) failing to keep accurate, timely and complete records of all its findings, approvals and denials; (3) failing to make those records public timely; and (4) transacting business of the BAR without the presence of a quorum;

I. The BAR has violated Section 32-176(h)(4) of the Town of Summerville's Code of Ordinances by failing to develop and follow "guidelines for the administration of the section;"

J. The BAR has violated Section 32-176(h)(6) of the Town of Summerville's Code of Ordinances by failing to develop and follow "established guidelines governing modifications, rehabilitations, additions and new construction . . . ;"

K. The BAR has violated Section 32-176(h) of the Town of Summerville's Code of Ordinances by failing to fulfill its "duty" "to make . . . determinations" required by Section 32-176(h) and to consider and apply the criteria and guidelines specifically required by Section 32-176(h) to make those determinations;

L. The BAR has violated Section 32-176(i) of the Town of Summerville's Code of Ordinances by the Town's planning department failing to receive complete applications that included all items on the "current checklist" at least ten days prior to the BAR's applicable scheduled meetings, and by failing to have created, published and made available to the public the "current checklist;"

M. The BAR has violated Section 32-181(c)(4) of the Town of Summerville's Code of Ordinances by the BAR's failing to consider, and failing to have a recording showing the BAR considered, among other things, each of the criteria stated in Section 32-181(c)(4), including but not limited to the historic, architectural and aesthetic features of the Hotel project and of the buildings that would be demolished due to the Hotel project; the nature and character of the area or any new design or addition as stated in the application; and the general design scale, proportion, material and setback of the buildings, additions or structures of the Hotel project "as more completely defined in subsection 32-176(h) and the relation of such factors to the surrounding area;"

N. The BAR has violated Section 32-182(d) of the Town of Summerville's Code of Ordinances by the BAR's failing to use the Secretary of Interior's Standards for Rehabilitation as guidelines in making its decisions, and any other more specific guidelines or rules adopted by the BAR, as the basis for determining the approval, approval with modifications or denial of an application;

O. The BAR has violated Section 32-181(c)(6) of the Town of Summerville's Code of Ordinances by failing to take action upon an application to the BAR at the BAR's next regularly scheduled meeting following receipt of the application and violated Section 32-181(c)(6)c of the Town of Summerville's Code of Ordinances by either not deferring action on the application until the next scheduled meeting of the BAR or not taking action to approve or disapprove the application at the next scheduled meeting of the BAR, with respect to the undated application by the Town and Applegate & Co. regarding the Hotel project for the upcoming meeting of the BAR on September 8, 2014;

P. The BAR has violated Section 32-181(c)(6) of the Town of Summerville's Code of Ordinances by failing to take action upon an application to the BAR at the BAR's next regularly scheduled meeting following receipt of the application and Section 32-181(c)(6)c of the Town of Summerville's Code of Ordinances by either not deferring action on the application until the next scheduled meeting of the BAR or not taking action to approve or disapprove the application at the next scheduled meeting of the BAR, with respect to each of the following applicants

who filed with the BAR applications regarding the Hotel project: (1) the Town; (2) Applegate & Co.; (3) Faith Partnership; (4) Gayle F. E. Cates Revocable Trust; and (5) Anne Gaither;

Q. The BAR deliberately and willfully violated the South Carolina Freedom of Information Act, including but not limited to S.C. Code Ann. §§ 30-4-20(a) ("public body" defined), 30-4-60 ("Every meeting of all public bodies shall be open to the public . . .) and 30-4-110, by the BAR deliberately and unnecessarily holding a meeting on January 5, 2015, in a tiny room unable to hold most of the members of the public wanting to attend that meeting, thereby requiring members of the public either not to attend the BAR meeting or to stand or sit in a hallway without a speaker system or a microphone outside the BAR meeting, and by the BAR Chairman refusing to move the BAR meeting to a larger room where previous BAR meetings about the Hotel project had been conducted and that was large enough to hold those wanting to attend the meeting, thereby depriving numerous members of the public of their right to hear, observe, participate in or speak at the meeting;

R. The BAR deliberately and willfully violated the South Carolina Freedom of Information Act, including but not limited to S.C. Code Ann. §§ 30-4-20(a) ("public body" defined), 30-4-60 ("Every meeting of all public bodies shall be open to the public . . .) and 30-4-110, by the BAR deliberately and unnecessarily holding a meeting on May 11, 2015, without sound amplification and otherwise arranged, configured and conducted by the BAR for the purpose and with the effect of depriving numerous members of the public of their right to hear, observe, participate in or speak at the meeting;

S. The BAR deliberately and willfully violated the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-80, and other applicable laws, by either not providing required notices of its meetings or by providing notices that were insufficient because they were unclear, ambiguous, vague, evasive, misleading and/or unintelligible;

T. The BAR and the Town of Summerville, including the Town's redevelopment corporation, have refused to allow the inspection and copying of documents, in violation of the South Carolina Freedom of Information Act and of S.C. Code Ann. § 31-10-160(a) ("The books and records of a commission are at all times open and subject to inspection by the public (emphasis added));

U. The BAR has failed and refused to provide Appellants and others a copy of the recordings of its meetings, thereby depriving the Appellants of evidence of inaccuracies and inadequacies in the BAR's records and of some of the allegations in this appeal;

V. The BAR's records are incomplete, incorrect, confusing, ambiguous, difficult or impossible to obtain and understand, and misleading in some cases;

W. The BAR has no findings of fact, conclusions, reasoning and records of dealing with objections and complying with legal criteria, procedures and other requirements to support the BAR's decisions and actions to allow the Hotel project to proceed and the demolition of buildings to enable the Hotel project to proceed;

X. The BAR has violated Section 32-182(b) of the Town of Summerville's Code of Ordinances by failing to have published regarding each application (i.e., by (1) the Town; (2) Applegate & Co.; (3) Faith Partnership; (4) Gayle F. E. Cates Revocable Trust; and (5) Anne Gaither) to demolish buildings in furtherance of the Hotel project a display advertisement in a newspaper of general circulation in the Town of Summerville at least 14 days before a meeting at which each said application to demolish buildings was received by the BAR "informing the public that such application has been received, detailing the date, time and place of the meeting at which it will be considered and stating that the public will have an opportunity to comment at such meeting;"

Y. The BAR has failed to evaluate, discuss, consider, and make any decision or take any corrective action regarding, appeals to the BAR objecting to actions by BAR and Town members and staff;

Z. In some cases BAR notices and records did not document or clarify, and therefore Appellants and other citizens did not know, before or even after BAR meetings the identity of which applications the BAR would or did consider, vote on, grant, deny or carry over to a future meeting, and the complete contents of each said application;

AA. Because the Appellants and other members of the public could not see applications to the BAR before the BAR meetings at which the BAR applications were considered, they were unable to comment on those applications to the BAR members or otherwise attempt to influence the BAR members regarding those applications, before or at the BAR meetings at which the BAR applications were considered;

AB. Because minutes of BAR meetings were not disclosed to the public until weeks after a subsequent BAR meeting, because BAR meeting minutes were not created or approved until a subsequent BAR meeting, because the BAR has failed and refused to provide Appellants and others recordings of its meetings, because minutes of BAR meetings sometimes contains errors which the BAR refuses to correct, because BAR members have conducted secret, private, non-public meetings among themselves and with developers at which they discussed the Hotel project with the developer and BAR staff, and because in other respects the BAR provided insufficient, untimely, confusing, misleading, ambiguous, unclear and sometimes literally no information, Appellants and other citizens could not know, and did not know, timely what the BAR did, and therefore could not and cannot adequately appeal BAR decisions within time deadlines and could not and

cannot adequately comment on and attempt to influence the actions and decisions of the BAR;

AC. Because all applications to the BAR are undated and have no record of the date of their receipt by the BAR, Appellants and other citizens cannot determine the date on which BAR applications are received by the BAR and, therefore, cannot determine whether the BAR has taken actions and made decisions within the time deadlines established by law after the BAR's receipts of applications;

AD. The BAR did not define, and Appellants do not know and cannot reasonably be expected to know, the meaning of the words "conceptual & preliminary only" which BAR Chairman Phillip Dixon wrote after the typewritten words "Approved as Noted" on an undated Board of Architectural Review Application purporting to be regarding an upcoming BAR meeting on January 5, 2015;

AE. The BAR did not define, and Appellants do not know and cannot reasonably be expected to know, the meaning of the words "conceptual & preliminary approval only," which BAR Chairman Phillip Dixon wrote after the typewritten words "Approved as Noted" on an undated Board of Architectural Review Application purporting to be regarding only the "demolition of structures" to be considered at an upcoming BAR meeting on January 12, 2015;

AF. The BAR unlawfully withheld information about the Hotel project from the Appellants and other members of the public;

AG. The BAR misled Appellants and the public, by actions including but not limited to failing to provide timely, clear and understandable notices of proposed zoning changes, scheduled meetings, hearings and other events and actions; and by obfuscating the true nature of the Hotel project by calling it, first, an "economic development project" and, later, a "boutique hotel," both of which are unclear, misleading and misnomers;

AH. The BAR gave the developer much more time and opportunity to promote than the BAR gave to Appellants and other Town residents to oppose the Hotel project, including but not limited to the hours BAR members gave the developer in secret, private, non-public meetings with the developer; members of the public were restricted to 3 minutes but the developer was given more than 30 minutes to speak at public meetings; citizens opposing the project, but not the developer and others supporting the project, were rudely interrupted, prohibited from continuing to speak and told by the BAR that their time to speak was expired or not available and that if they did not cease speaking they would be removed from the meeting forcibly by law enforcement officers attending the meeting;

AI. The BAR restricted what opponents of the Hotel project were allowed to say at BAR meetings; for example, the BAR limited public comments to design elements only and the BAR Chairman prohibited public comments about

architectural context to the effect that the Hotel project is totally unrelated to its surrounding buildings;

AJ. The BAR posted a sketch of the proposed design of the Hotel project only 24 hours in advance of BAR meetings, publishing inadequate information and allowing insufficient time for the public to analyze and to be able to respond at BAR meetings to proposed Hotel project designs;

AK. The BAR did not publish and grant public access to applications regarding the Hotel project prior to allowing a developer to present the Hotel project applications to the BAR;

AL. The public has not been allowed to inspect and obtain a copy of BAR minutes, recordings, designs and other documents timely to verify their scope and content and to correct any errors;

AM. The BAR has refused and failed to correct errors in minutes of meetings about the Hotel project; and

AN. The BAR has refused and failed to make decisions and take actions in compliance with the purposes and intent of Section 32-172(a),(b),(d) of the Town of Summerville's Code of Ordinances

4. The Appellants repeat and restate herein all paragraphs in their appeal of BAR decisions filed with this Court on May 5, 2015, as if fully restated herein.

5. On May 11, 2015, the BAR voted to give final approval of the Hotel project.

6. On information and belief, the BAR has never voted to give a certificate of appropriateness to or regarding the Hotel project.

7. On information and belief, the BAR has not made findings, and has not received evidence on which to make findings, about the conditions imposed by the BAR regarding its prior approvals of the Hotel project, including but not limited to regarding materials and colors regarding buildings; board patterns; brick with mortar colors; a more welcoming appearance of the conference center; the Richardson street design; renderings of the north elevation of the residential buildings; balcony railings; and downspouts.

8. On information and belief, the BAR has not made findings, and has not received evidence on which to make findings, about concerns and objections of the public and of BAR members regarding the Hotel project, incliuding but not limited to anticipated noise; having to demolish houses and trees in the Historic District of Summerville to make way for the project; the need for a canopy at the entrance of the Hotel to shelter people from rain; the need for a scale model to enable BAR members and the public to see and understand what the developer proposed and what the BAR approved; and the excessive mass of the project's buildings.

9. The BAR willfully violated the South Carolina Freedom of Information Act by deliberately and unnecessarily conducting its May 11, 2015 meeting in a manner that prevented attendees at the meeting from seeing, hearing and participating in what transprired at the meeting. For example, no sound amplication was provided, resulting in attendees not being able to hear the proceedings at the meeting. Representatives of the Developer spoke to the BAR members with their backs to the audience. BAR members seated themselves at locations, and boards were placed between BAR members and the audience, so that the view by attendees of the proceedings of the meeting and of materials presented at the meeting was blocked. Even audience members sitting on the front row provided for attendees could not hear or see the presentation by the Developer or the discussions by the BAR members, who spoke in a low voice, regarding the Hotel project. At the meeting Petitioner Heyward Hutson complained it was not possible for the public to comment on the details provided at the meeting because the public could not hear or see any of the presentation by the Developer or the comments by the BAR members at the meeting. Comments by the public were unlawfully restricted by the BAR. Public speakers were ruled out of order when they questioned why a scale model of the Hotel project was not produced as two BAR members specifically has requested from Developer

Applegate, as had been provided to the BARs of Mt. Pleasant and Charleston, SC regarding other similar projects.

10. At the May 11, 2015 meeting of the BAR Petitioner Heyward Hutson complained that because the BAR already wrongfully had approved construction of an addition to the Caffe Italia & Alessandras restaurant at 100 Central Ave., Summerville, South Carolina, that is an inappropriate eyesore resembling a plywood barn shed painted black, the BAR lacked adequate procedures and criteria to be be able to adequately assess and approve the Hotel project properly. BAR member David Price responded that the BAR was going to meet with the owners of that restaurant to discuss the inappropriateness of that addition to the restaurant, and another BAR member stated that what had been built as an addition to the restaurant was not what the BAR had approved.

11. On May 12, 2015, an attendee at the BAR meeting on May 11, 2015, asked BAR Secretary Lucy Dryer to tell him when and where the BAR meeting would be held with the owners of the Caffe Italia & Alessandras restaurant as described at the May 11, 2015 BAR meeting, so that attendee could attend the upcoming meeting with the restaurant owners. Lucy Dryer replied that that meeting could not be attended by any member of the public and prior notice of the meeting would not be provided by the BAR because it was going to be a "social" meeting instead of a public meeting. The failures to publish prior notice of this meeting, to publish an agenda of the meeting, to make a record of the meeting and to allow members of the public to attend the meeting violate the South Carolina Freedom of Information Act and indicate a pattern by the BAR of failure to comply with the Town and the BAR's own ordinances, policies and procedures and the South Carolina Freedom of Information Act that has continued

throughout the approval process of this project, and has rendered this approval erroneous and reversible.

IV. RELIEF REQUESTED

WHEREFORE, Appellants request that this Court reverse the decisions of the BAR rendered on May 11, 2015, and those other BAR decisions contingent on or related to the BAR decisions rendered on May 11, 2015, or, in the alternative, remand the matter to the BAR for a rehearing in accordance with S.C. Code Ann. Section 6-29-930; grant Appellants their costs and attorneys' fees under S.C. Code Ann. § 15-77-300, the Freedom of Information Act and any other applicable law; and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this 22 day of May, 2015.

Amanda Smith

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Received From:	Gowder, W. Andrew Jr. PO Drawer 22247 Charleston, SC 294132247			Date: 5/22/2015 Receipt #: 74988 Clerk: c18mberry
Paying for:	Croft, Faye P			
Transaction Type:	Payment		Reference #: 79433	
Payment Type:	Check	$150.00	Comment:	
Total Paid:		$150.00	Non-Refundable	

Total Received:	$150.00
Change Due:	$0.00

Case #	Caption	Previous Balance	Amount Paid	Balance Due	S/T
2015CP1800991	Faye P Croft VS Summerville Town Of	**$150.00**	**$150.00**	**$0.00**	**999**
Total Cases:	**1**	**$150.00**	**$150.00**	**$0.00**	

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STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Appellants, vs. Town of Summerville and Town of Summerville Board of Architectural Review; Respondents.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT C.A. NO.: 2015-CP-18-877 C.A. NO.: 2015-CP-18-991 **RESPONDENTS' MEMORANDUM IN OPPOSITION TO PETITIONS FOR APPEAL**

This matter is before the Court on Appellants' Petitions for appeal of decisions of the Town of Summerville Board of Architectural Review of April 6, 2015 and May 11, 2015. Respondents Town of Summerville (the "Town") and Town of Summerville Board of Architectural Review ("BAR" or "Board") submit this memorandum in opposition to those Petitions.[1] Pursuant to S.C. Code Ann. § 6-29-900 *et seq.* and the authority and argument set forth herein, the Appellants' requests for relief must be denied and the decisions of the BAR affirmed.

FACTUAL BACKGROUND

1. History of Project and Ongoing Companion Action

It is first necessary to understand the history of this matter and the related action pending between these parties. Appellants are Plaintiffs in an ongoing action they filed

[1] As an initial matter, these two appeals should be consolidated as they are related and there is little point in duplicate filings.

against the Town, each of the members of the Town Council, the BAR, developer Applegate & Co., and several others, in which they ask the Court to shut down an urban Redevelopment Project in downtown Summerville. (C.A. No. 2015-CP-18-713). Specifically, the Town and Applegate & Co. entered into a Public-Private Partnership Agreement ("Agreement") on July 9, 2014 for a project known as "The Dorchester," which consists of a Town-owned conference center, Town-owned parking garage, and privately owned boutique hotel and condominiums. Plaintiffs allege the Agreement should be declared "invalid, null and void *ab initio*" on the basis that the Town should have awarded the project through competitive sealed bidding versus through a Request for Proposals—an issue which is the subject of a Motion for Partial Summary Judgment filed by Plaintiffs—and for a host of other reasons such as their argument that their constitutional rights were violated when their comments at public meetings were limited to three minutes in duration.

It is important to understand this background because Appellants, in their present Petitions, simply repeat many of the allegations of their Amended Complaint in the ongoing civil action in spite of the fact that they have no relevance whatsoever to the matter currently before the Court, which is the propriety of the BAR's April 6, 2015 and May 11, 2015 decisions. For example, Appellants allege that the decisions of the BAR should be reversed based upon the Town's publication of an RFP on November 10, 2013. (See, *e.g.*, Petition xxxx877, ¶ 3(A)(1)). These sorts of "grounds for appeal" raised by Appellants are irrelevant to the present appeals and are not properly considerable by the Court, and therefore are not addressed herein on their merits.

2. **Board of Architectural Review Approval**

The role of the BAR is limited to consideration and approval of aesthetics, design, architecture, height, mass, scale and harmony of a design project within the historical district of the Town of Summerville. Town of Summerville Code, "Historic Preservation

Ordinance," § 32-171 *et seq.* (Historic Preservation Ord. attached hereto as **Exhibit 1**). In this regard, the BAR took no part—and, indeed, is without authority to take part—in the solicitation of proposals for design of the development project, any attendant negotiations, or entering into agreements with developers or other third parties for construction of the project. The BAR's involvement in this matter was limited to consideration, comment, and ultimate approval of the aesthetics of The Dorchester project and associated applications for demolition of structures.

The BAR held a total of six (6) public meetings related to The Dorchester project, for which the public was duly notified and invited to attend. (Decision of BAR, attached hereto as **Exhibit 2**[2]). These meetings were held on October 6, 2014; November 3, 2014; January 5, 2015; January 12, 2015; April 6, 2015; and May 11, 2015. During all such meetings, members of the public were invited to view the presentations made by the permitee-applicant Applegate & Co., his architects and team, and at nearly all of these meetings were permitted to openly comment and express concerns. (See generally id.). At each of these meetings before final approval was ultimately granted, the BAR requested that improvements be made to the site plans and specifications to make the Project more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district. (Id.). Further, the conditions of the several structures to be demolished in connection with the Project were discussed at length. (Id.). It was noted that some of these structures were in extremely poor condition, with rotting wood, mold issues, plant material growing within wall cavities, and asbestos materials. (Id.). Salvageable structures were actually offered to the public free of charge, though no one accepted the offer, and salvageable wood and other materials were offered to nonprofit salvage

[2] A copy of the Decision of the Town of Summerville Board of Architectural Review, Including Findings of Fact and Conclusions of Law, is attached hereto. The "Exhibit A" attachment to the Decision was previously filed with the Court and served on opposing counsel on August 5, 2015, and because of the volume of that exhibit, Respondents crave reference to the Court's file without re-producing it herewith.

companies. (Id. at ¶ 30).

Significantly, the BAR gave conceptual approval of The Dorchester project, to include demolition and/or salvaging of materials of existing structures as well as construction of the development, as far back as January 5, 2015. Then, at its January 12, 2015 public meeting, the BAR approved demolition of the existing structures contingent only upon the final approval of the Project. At its public meeting of April 6, 2015, the BAR gave conditional final approval of the Project, requesting only minor changes or submissions, and on May 11, 2015, granted final approval of the Project.

Appellants filed their first Petition for appeal on May 6, 2015 of the BAR's April 6, 2015 decision, wherein it gave conditional final approval of the Project subject to a review of materials, and filed the second appeal on May 22, 2015 of the May 11, 2015 decision, wherein final approval of the project was granted. The filings are identical and therefore are addressed collectively herein unless otherwise noted. For all of the reasons and in accordance with the authority set forth herein, Appellants' Petitions are without merit and the decisions of the BAR must be upheld.

LEGAL AUTHORITY

I. BAR ACTED PROPERLY AND WITHIN ITS BROAD DISCRETION IN APPROVING DEMOLITION AND NEW CONSTRUCTION

On appeal to the circuit court, the findings of fact by a board of architectural review shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. See S.C. Code Ann. § 6-29-930; Austin v. Board of Zoning Appeals, Town of Hilton Head Island, 606 S.E.2d 209 (S.C. Ct. App. 2004); see also Heilker v. Zoning Bd. of Appeals for City of Beaufort, 552 S.E.2d 42, 44 (S.C. Ct. App. 2001). In this regard, it is well-settled that "the factual findings of the jury will not be disturbed unless a review of the record discloses that there is *no evidence* which reasonably supports the jury's findings." Vulcan Materials Co. v. County of Greenville, 536 S.E.2d 892 (S.C. Ct. App.

2000) (emphasis in original). Further, the court's review is "strictly limited to the facts and arguments raised to the board. Indeed, the circuit court is expressly forbidden from considering any new facts." Austin, 606 S.E.2d at 214. Additionally, "[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision." Restaurant Row Assocs. v. Horry County, 516 S.E.2d 442, 446 (S.C. 1999). The statute governing BAR appeals, S.C. Code Ann. § 6-29-930, specifically provides that "the findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. . . . In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law."

The BAR has broad discretion under both the Summerville Town Code and the law of South Carolina to approve or disapprove demolitions of existing structures and construction of new buildings. See, *e.g.*, Town of Summerville Code of Ordinances §§ 32-175(f) & 32-176(h) (it is the duty of the BAR to determine the appropriateness of moving or demolishing any structure within the historic district upon consideration of historic, architectural and aesthetic features); Austin v. BZA, Town of Hilton Head Island, 606 S.E.2d 209 (S.C. Ct. App. 2004); Gurganious v. City of Beaufort BAR, 454 S.E.2d 912 (S.C. Ct. App. 1995). South Carolina appellate courts repeatedly have held that a decision of a board of architectural review is to be given "great deference," such that it must remain "undisturbed if the propriety of that decision is even 'fairly debatable.'" Gurganious, 454 S.E.2d at 915 (quoting Knowles v. City of Aiken, 407 S.E.2d 639 (S.C. 1991) (other internal citations omitted)). Further, courts are "bound" to substantially defer "to the decisions of those charged with interpreting and applying local zoning ordinances," as they are in the best position to interpret, consider and apply those local rules. Id. at 916; Clear Channel Outdoor v. City of Myrtle Beach, 602 S.E.2d 76 (S.C. Ct. App. 2004). "To this end, a court

will uphold the decisions of a reviewing body if there is *any evidence* in the record to support its decision." Clear Channel, 602 S.E.2d at 79 (emphasis added). An appellate court is therefore not free to substitute its own judgment for that of the BAR, but rather must affirm the board's decision unless it is clear that the BAR's findings of fact have no evidentiary support or it has committed an error of law. Id.

In the present case, the proceedings before the BAR demonstrate that the existing structures on the premises are in poor condition and need to be demolished. For example, the Summerville Building Official requested permission of the BAR by way of letter of September 29, 2014 to demolish the structure located at 210 W. Richardson Avenue because there was significant "wood rot and mold in the walls and ceiling," and "vines growing within the wall cavity." (BAR Decision ¶ 25). Further, as evidenced by the various Meeting Minutes, the Summerville and Applegate Defendants made every effort to salvage entire structures or portions thereof wherever possible or practical, including by repeatedly advertising that the structures would be given free of charge to any person willing to haul them away—though no one accepted these offers—and by pursuing salvage of the building materials. Finally, the transcripts of the hearings, the detailed minutes, and the Decision of the BAR show that the BAR made numerous suggestions and requests for improvements in the design and aesthetics at each of its meetings before final approval was given, and further demonstrate that Applegate & Co. and its team significantly improved the plans and specifications in accordance with those suggestions at each stage of the process. (BAR Decision). The proceedings conclusively show that the BAR's decisions with respect to this project, including demolition of existing structures and approval of the design and aesthetics of the development project, were based upon appropriate considerations and fully supported by the evidence before it.

II. NONE OF APPELLANTS' GROUNDS FOR APPEAL WARRANTS REVERSAL

A. Many Grounds for Appeal Are Not Properly Before Court

As noted, many of Appellants' "grounds for appeal" are entirely irrelevant to the matter presently before this Court, which is the propriety of the BAR's decisions of April 6, 2015 and May 11, 2015. For example, a number of Appellants' grounds for appeal are based upon alleged improper actions taken many months or years ago by various third parties, including allegations related to the Town's soliciting proposals through an RFP versus through competitive bidding; the sufficiency of developer's submissions to the Redevelopment Commission; the Redevelopment Commission's method of adoption of the redevelopment plan; and the designation of the project site as a "blighted area." (Petition xxxx877 ¶ 3(A)(1)-(6)). Additionally, Appellants have made some odd or nonsensical claims that, again, have no relevance to the present matter. For examples, they claim that their "attempt[s] to influence the BAR members" were thwarted because they could not see the applications. Additionally, they claim an Italian restaurant in town is an "eyesore" in their view that was "wrongfully" approved by the BAR as "proof" that the BAR approves of ugly structures. (Petition xxxx877 ¶3(Z); Petition xxxx991 ¶¶ 10-11). None of these issues or claims raised by Appellants has any bearing on the appropriateness of the Board's decisions that are the subject of these appeals and are therefore not properly before this Court.

Further, many other grounds for appeal raised by Appellants are not timely raised in that they are based upon purported improper actions or inactions of the BAR and/or various other Town officials that occurred many months or in some cases years before these appeals. By way of examples, Appellants allege that the BAR failed to take appropriate action at its meeting of September 8, 2014 with respect to a particular application; that applications submitted to the BAR should have included more information; that the BAR

"deliberately" held its meeting of January 5, 2015 "in a tiny room"; that Appellants did not did not understand certain "meanings of words" used by the BAR with respect to its meetings of January 5 and January 12 of 2015; and that the BAR improperly gave certain approvals at its meetings of January 5 and January 12 of 2015. (Petition xxxx877, ¶ 3(O), (Q), (AB)-(AD); ¶¶ 70-71). None of these complaints, to the extent deemed relevant by this Court, has been timely raised and therefore none of these alleged acts constitutes an appropriate ground for appeal for Appellants' May 2015 Petitions. Nor have appellants in any way attempted to join Applegate & Co. as the permit applicant in a timely fashion.

Finally, it is important to note that many of the grounds for appeal raised by Appellants are simply not true. Their suggestions that meeting minutes were not kept, were not prepared in a timely manner, or were not shared with Appellants is not true. (Petition xxxx877, ¶ 3(B)(AK)). Detailed minutes of all meetings were prepared in a timely fashion and were provided to Appellants pursuant to both their pre-suit FOIA requests and in the ongoing litigation, as were audio recordings of the BAR meetings and transcripts of those recordings. Likewise, their complaint that the BAR "has no findings of fact, conclusions, reasoning" is not true. (Petition xxxx877, ¶ 3(V)). As noted, the BAR prepared detailed minutes of meetings which contain facts, conclusions, and reasoning and, further, on August 3, 2015, its chairman executed its Decision of the Town of Summerville Board of Architectural Review, Including Findings of Fact and Conclusions of Law. Likewise, their suggestion that the BAR did not follow established guidelines in accordance with the Historic Preservation Ordinance is incorrect. (Decision of BAR ¶¶ 65-67). Further, their arguments or suggestions that published notices were insufficient or untimely are also not true. A detailed history of all publications is set forth in the BAR Decision and the Exhibit A thereto. (Petition xxxx877, ¶ 3(W)).

B. The Remaining Grounds for Appeal are Insufficient to Warrant Reversal

Outside of those grounds for appeal addressed above, Appellants' remaining grounds do not warrant this Court's reversal of the decisions of the BAR, which were based upon appropriate considerations and fully supported by the evidence before it.

Appellants' argument that their United States and/or South Carolina constitutional rights were violated and/or FOIA was violated in that they were not allowed unlimited, unfettered commentary at the public hearings of the BAR is absurd. The BAR elected to take comments from the public during its meetings wherein The Dorchester project was considered. However, the BAR chairman requested at the beginning of each such meeting that, in order to allow time for all interested persons to be heard, each person who desired to speak limit his comments to three minutes. (BAR Decision). Additionally, it was requested that members of the public speak only to the issues within the purview of the BAR, namely, as to the aesthetics, design, architecture, height, mass, scale and harmony of the Project within the historical district of the Town of Summerville. (Id.). Each of these requests was entirely reasonable and within the appropriate discretion of the BAR. See Town of Summerville Code of Ordinances § 32-171 *et. seq.* (calling for the BAR to establish procedures and guidelines).

Additionally, Appellants' claims that the Freedom of Information Act was violated by the BAR in various respects are legally insufficient to warrant reversal of the BAR decisions. First, their grounds for appeal that there was inadequate "sound amplification" at one BAR meeting does not justify their position that the decision of the BAR should be reversed. Second, their argument that informational "workshop" discussions between one or two members of the BAR and the developer or his team were in violation of the Freedom of Information Act is without merit and, furthermore, is not supported by any evidence whatsoever in the record before this Court. In any event, South Carolina law provides that

"meetings" of public bodies "shall be open." S.C. Code Ann. § 30-4-60. A "meeting" is defined as the *convening of a quorum*, or simple majority, of the membership of the public body. S.C. Code Ann. § 30-4-20. In the present case, any gatherings of less than a quorum of the public body do not, by the very definition of "meeting," constitute a violation of FOIA.[3]

None of these grounds for appeal warrants this Court's reversal of the decisions of the BAR, which the highest courts of South Carolina have said *must* be affirmed unless it is clear that the BAR's findings of fact have no evidentiary support or it has committed an error of law. There simply is no such error of law or lack of evidentiary support in this matter to justify the requested relief.

CONCLUSION

For all of these reasons and based upon the authority and argument set forth herein, Appellants' Petitions for appeal are factually and legally insufficient to warrant reversal in this matter. The decisions of the BAR were based upon appropriate considerations and are fully supported by the evidence and therefore must be affirmed.

[3] Numerous other jurisdictions throughout the country hold that informal meetings of groups of less than a quorum do not violate FOIA or open meetings requirements. See, *e.g.*, City of Gary v. McCrady, 851 N.E.2d 359 (Ind. Ct. App. 2006) ("The legislature has specifically defined 'meeting' under the Open Door Law as requiring a majority of the governing body; thus, without a majority present, no meeting occurs for purposes of the Open Door Law."); Hispanic Educ. Comm. v. Houston Indep. Sch. Dist., 866 F. Supp. 606 (S.D. Tex. 1995) (school district board of trustees, meeting in numbers less than quorum, did not violate Open Meetings Act; "limiting board members' ability to discuss school district issues with one another outside formal meetings would seriously impede the board's ability to function," reasoning that "with fewer than a quorum present, nothing can be formally decided; without a formal decision, no act is taken. Without action, there is no illegality."); Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983) ("it is important that the rule not be so restrictive as to lose the public benefit of personal discussion between public officials"); Britt v. County of Niagara, 82 AD.2d 65 (N.Y. Sup. Ct. 1981) ("The statutory requirement of a quorum is paramount because the existence of a quorum at an informal conference or agenda 'permits the crystallization of secret decisions to a point just short of ceremonial acceptance.'" Where no quorum was present at the meetings, there was no violation of the law).

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Charleston, South Carolina

August 11, 2015

EXHIBIT 1

ARTICLE IV. - HISTORIC PRESERVATION
FOOTNOTE(S):

--- (5) ---

Cross reference— Buildings and building regulations, ch. 6; environment, ch. 12; planning and development, ch. 20; utilities, ch. 30.

Sec. 32-171. - Title of article.

The title of this article shall be the "Historic Preservation Ordinance."

(Ord. No. 2000-0901, § 13-1, 10-11-2000)

Sec. 32-172. - Purpose and intent of article.

(a) The purpose of this article is to protect, preserve and enhance the distinctive architectural and cultural heritage of the town; to promote the educational, cultural, economic and general welfare of the people of the town; to foster civic pride; to encourage the harmonious, orderly and efficient growth and development of the municipality; to ensure that new buildings and developments will be harmonious with the existing structures and sites; and to establish a mechanism for accomplishing these objectives.

(b) It is the intention of the town in enacting this article to delegate to the board of architectural review those powers approved under the United States Constitution by the United States Supreme Court in *Penn Central Transportation Company v. New York City*, 438 U.S. 104 (1978), in *Keystone Bituminous Coal Association v. DeBenedictis* (No. 85-1092) (55 U.S.L.W. 4326) and any subsequent decisions interpreting the power of municipalities to use police powers to preserve their architectural heritage and protect the quality of life for local residents. Similar state statutes are the basis for this article.

(c) It is the further intention of the town in enacting this article to encourage a harmonious, though not necessarily homogeneous, outward appearance of structures within locally designated historic districts and individually designated landmarks in order to preserve property values and continue to attract business and residents.

(d) It is the hope of the town that by encouraging a general harmony to include, but not be limited to, style, form, proportion, texture and material between buildings of historic design and those of contemporary design, it will be possible for the town's historic districts or historic properties to continue to contribute to the distinctive character of the town and to serve as visible reminders of the significant historical and cultural heritage of the town and the state.

(Ord. No. 2000-0901, § 13-1, 10-11-2000)

Sec. 32-173. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means a change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in a significant historic designation, or a change in the site features of any historic site or place.

Certificate of appropriateness means document issued by the board of architectural review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Demolition by neglect means the allowing of any place, building, structure, work of art, fixture or similar object to deteriorate past the point of reasonable repair through willful inaction by its owner.

Historic district means an area or group of areas, not necessarily having contiguous boundaries, designated by the town council, upon recommendation of the board of architectural review and pursuant to the provisions of this article.

Historic property means any place, building, structure, work of art, fixture or similar object that has been individually designated by the town council or designated as a contributing property within a historic district.

Public space within a building means spaces designed for use by the public, such as auditoriums, courtrooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Substantial hardship means hardship, caused by unusual and compelling circumstances, based on one or more of the following:

(1) The property cannot reasonably be maintained by the owner in the manner dictated by this article.
(2) There are no other reasonable means of saving the property from deterioration or collapse.
(3) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

(Ord. No. 2000-0901, § 13-2, 10-11-2000)

Cross reference— Definitions generally, § 1-2.

Sec. 32-174. - Historical commission; establishment; membership.

(a) *Establishment; designation.* A board to be known as the town historical commission is hereby authorized and may be activated for specific projects of limited duration by resolution of the town council. The resolution shall detail the projects and time period of the commission to complete its work. The resolution shall also name the membership of the commission as well as designate the department and/or employee who shall provide staff services to the commission.
(b) *Composition.* The historical commission shall be composed of seven citizens.
(c) *Appointment of members.* The members of the historical commission shall be appointed by the mayor and confirmed by the council.
(d) *Vacancies.* All vacancies in the regular membership of the historical commission, caused by death, resignation or other causes, shall be filled in the manner provided for the original appointments.
(e) *Honorary members.* The historical commission may appoint as honorary members, persons interested in the plans and purposes of the commission, who may be desirous or willing to cooperate and aid the commission in its purpose.

(f) *Duties and powers.*

(1) *Duties generally.* The historical commission shall collect, preserve and promote the collection and preservation of historical data and commemorate persons, deeds, events and things of historic interest, by publication, erection of monuments and markers and otherwise that the historic and aesthetic interests of the municipality may not only be preserved but the desire and purpose to preserve the memory of these persons, events and things may be fostered and stimulated.

(2) *References to commission.* The historical commission may handle such matters as may be referred to the commission by the council.

(g) *Annual report.* The historical commission shall make a report to the council at the conclusion of the project designated in the resolution of the town council.

(Ord. No. 2000-0901, § 13-3, 10-11-2000; Ord. No. 12-0402, 7-11-2012)

Sec. 32-175. - Board of architectural review.

(a) *Creation.* In order to implement the provisions of this article, there is hereby established the town board of architectural review, referred to in this article as "the board of architectural review."

(b) *Membership; composition.* The board of architectural review shall consist of seven members to be appointed by the mayor subject to confirmation by the town council. Members shall have a demonstrated interest in, or competence and knowledge of, historic preservation, including specific knowledge in at least one of the following areas: architecture, history, design, architectural history, planning, archaeology, urban planning, American studies, American civilization, cultural geography, cultural anthropology, engineering, law, banking and real estate. All appointed members shall have demonstrated independent judgment and shall be able to prepare for and attend board meetings. No appointed member shall hold any other municipal office.

(1) Based on the criteria of this subsection (b), of these seven members one shall be an architect or if an architect is not available to serve, someone knowledgeable in historic building design and construction; one a member of a recognized art association; one a member of the town preservation society; one a licensed real estate agent or appraiser; and three residents of the historic districts.

(2) In the case of members from organizations, the respective organization shall submit a list of nominees to the mayor for the presentation to the council. In case any of the organizations entitled to make nominations shall fail to make the nominations within 30 days after a written request by the town clerk and treasurer, the mayor shall make a nomination subject to confirmation by the town council.

(3) Members of the board shall serve without compensation, except for authorized expenses attendant to the performance of their duties.

(c) *Terms of office.* The term of office for each member will be for three years or at the discretion of the mayor and town council with appointments to occur in December of each year except for the initial appointments which shall be for three seats to expire at the first regular meeting of January, 2002; two seats to expire at the first regular meeting of January, 2003; and two seats to expire at the first regular meeting of January, 2004. The initial appointments shall be made at the December, 2000 regular town council meeting. The determination of which members serve which initial term will be at the discretion of town council. Thereafter, members shall assume their duties and be installed at the first regular meeting following their appointment.

(d) *Removal.* Any member of the board of architectural review may be removed from membership by the mayor, with confirmation by the town council, for repeated failure to attend meetings of the board of architectural review, or for any good cause.

(e) *Appointment to fill a vacancy.* If any place on the board of architectural review becomes vacant due to removal, resignation or any other cause, the mayor shall appoint a replacement within 60 days for the remainder of the term, subject to confirmation by the town council.

(f) *Duties and powers; generally.* It shall be the duty of the board of architectural review to promote the purposes and objectives of this article through the review of plans and applications, as provided in this article, for all construction within the historic districts or historic properties, including both modifications to existing buildings, demolition and construction of new buildings. The board of architectural review shall have the power to approve or deny approval of such applications in accordance with prescribed procedures and guidelines.

(g) *Officers.* The board of architectural review shall elect from its membership a chairperson and vice-chairperson who shall serve for one year or until their successors are elected. The town shall provide a secretary. The secretary will not be a voting member of the board of architectural review.

(h) *Conflict of interest.* Any member of the board of architectural review who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the board shall be disqualified from participating in the discussion, decision or proceedings of the board in connection therewith.

(i) *Liability of members.* Any member of the board of architectural review acting within the powers granted by this article shall be relieved from personal liability for any damage and held harmless by the town. Any suit brought against any member of the board shall be defended by a legal representative furnished by the town until the termination of the procedure.

(Ord. No. 2000-0901, § 13-4, 10-11-2000)

State Law reference— Board of architectural review, S.C. Code 1976, § 6-29-870; powers of board of architectural review, S.C. Code 1976, § 6-29-880.

Sec. 32-176. - Meetings, rules and records.

(a) *Regular meetings.* Regular meetings for transaction of business of the board of architectural review shall be held the first Monday of each month.

(b) *Annual organizational meeting.* The first regular meeting in January shall be designated the annual organizational meeting for the election of officers and organization of the board of architectural review.

(c) *Special meetings.* Special meetings of the board of architectural review may be held at any time upon call of the chairperson.

(d) *Public notice.* All meetings of the board of architectural review shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of meetings shall be posted at the Town Hall and sent to the news media as required by the Freedom of Information Act. The secretary of the board shall provide a letter of notification to adjacent property owners of the time and place of the meeting for any application that proposes new construction of 700 square feet or more. For a request to demolish a structure the notification procedure is detailed in subsection 32-182(c).

(e)

Rules and records. The board of architectural review shall adopt rules of order and shall keep records or minutes of its findings and approvals and denials. Such records shall be a public record. A quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business.

(f) *Board of architectural review action.* Decisions or actions by the board shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

(g) *Annual report.* The board of architectural review shall make an annual report to the town council at the end of the town's fiscal year citing applications brought before the board and the approvals, denials or other resolutions issued by the board. This report will be a public record and will be kept along with minutes of the meetings at Town Hall.

(h) *Powers and duties.* It shall be the duty of the board of architectural review to make the following determinations with respect to the historic districts or historic properties:

(1) Appropriateness of altering, moving or demolishing any designated building or structure within a designated historic district. The board shall consider the historic, architectural and aesthetic features of buildings, their relationship and importance to the district.

(2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be considered within the historic district.

(3) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.

(4) Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the building or structure in question and the relation of such factors to the street scene and to similar buildings in the immediate vicinity. The board's concern shall be exterior features so that they will be compatible with the general character of their immediate neighborhood and preserve the existing street scene. The board shall have the right to review and approve colors of structures in the historic district and shall develop guidelines for the administration of the section. The board shall not make requirements as to the use of structures as long as this use in not in violation of existing zoning requirements.

(5) Appropriateness of site development features including driveways, fences, outbuildings or other site appurtenances.

(6) It shall be the duty of the board of architectural review to follow the established guidelines governing modifications, rehabilitations, additions and new construction within the boundaries of the town historic districts or historic properties.

(i) *Submittal requirements.* Complete applications must be received by the town's planning department at least ten days prior to the regularly scheduled meeting and shall include items listed on the current checklist.

All governmental agencies and all public and private utility companies shall be required to go before the board of architectural review in accordance with this article prior to initiating any changes covered by this article.

(Ord. No. 2000-0901, § 13-5, 10-11-2000; Ord. No. 06-0701, 8-9-2006)

Sec. 32-177. - Survey and inventory of historic districts or historic properties.

The board of architectural review may authorize an ongoing survey and inventory of historic properties, provided such survey is conducted in accordance with professional standards and under the qualified supervision of the state historic preservation office. Such survey shall follow procedures described in the "South Carolina State Historic Preservation Program: Survey Manual." The results of the survey and inventory of historic properties are open to the public except when it is not in the public interest to list specific sites. Any funds required to perform such work shall be subject to approval of the town council prior to entering into any contract.

(Ord. No. 2000-0901, § 13-6, 10-11-2000)

Sec. 32-178. - Boundaries of historic districts or historic properties.

The boundaries of the historic districts commence a point 200 feet on East Doty Avenue (formerly Railroad Avenue) southeast of the intersection of Doty Avenue and Gum Street, and proceeding in a southwesterly direction in a straight line parallel to South Gum Street to a point 200 feet southwest of East Fourth South Street; thence in a straight line northwest parallel to East Fourth South Street to a point 200 feet southeast of South Magnolia Street; thence in a straight line parallel to South Magnolia Street to a point 200 feet southwest of Joyce Lane (formerly Seventh South Street); thence northwesterly in a straight line parallel to Joyce Lane (formerly Seventh South Street) to a point 200 feet southeast of South Main Street; thence in a straight line in a southwesterly direction parallel to South Main Street to a point 200 feet southeast of Carolina Avenue to a point created by the extension of the northeast side of Bird Street to such line; thence northwest in a straight line across Carolina Avenue along the northern line of Bird Street; thence northwest in a straight line 200 feet south from Pine Grove Avenue and parallel thereto to the present town limits; thence along the present town limits to a point 200 feet northwest of Marion Avenue; thence in a straight line in a northeasterly direction 200 feet northwest of Marion Avenue to a point 200 feet west of Salisbury Drive (formerly Hotel Street); thence north, generally, along a line 200 feet west of Salisbury Drive (formerly Hotel Street) to a point 200 feet north of Beaufort Street; thence east in a straight line 200 feet north of Beaufort Street to a point 200 feet west of Clifton Street; thence northwest in a straight line 200 feet west of Clifton Street to a point 200 feet north of Central Avenue to a point 200 feet west of Briarwood Lane; thence northwest in a line 200 feet parallel to Briarwood Lane and extending to the present town limits; thence along the present town limits to a point 200 feet northeast of Briarwood Lane; thence southeast in a line 200 feet east of Briarwood Lane and parallel thereto to a point 200 feet northwest of Dorchester Avenue; thence northeast in a straight line parallel to and 200 feet northwest of Dorchester Avenue to a point 200 feet northwest of Carolina Avenue; thence in a line 200 feet northwest of Carolina Avenue to the southwestern boundary of West Doty Avenue (formerly Railroad Avenue); thence along the southwestern boundary of Doty Avenue (formerly Railroad Avenue) to the point of beginning. These boundaries shall be superimposed upon the zoning map of the town and incorporated by reference.

Continuation of the historic district includes the following properties that at the time of the ordinance codified in this section are not contiguous with the historic district:

St. Stephen's Reformed Episcopal Church, Dorchester County TMS#1370207011.000, 104 N. Palmetto Street as shown on a plat titled "Plat Showing a 0.507 acre lot in Detmold Block "9" Property of St. Stephen's Episcopal Church (Reformed)" and recorded with Dorchester County RMC/ROD office, plat book K page 65 on July 13, 2003.

Old Dorchester County Hospital (a/k/a Dorchester County Human Services Building), Dorchester County TMS#1370305001.000, 500 N. Main Street as bordered by the South Carolina Department of Transportation's rights-of-way known as US 17-A/N. Main Street, US Hwy 78/W. 5th N. Street, S-18-13/Cedar Street, and, S-18-186/W. 4th N. Street.

Limehouse (a/k/a Jamison/Oak Villa) house, Dorchester County TMS#1450605005.000 (Lot C-4), 225 Stallsville Loop as shown on a plat titled "Showing the abandonment of property lines and the subdivision of Lot C-1 through Lot C-4, land owned by Walter H. and Dale Elliott Jr. as trustees, a total of 9.756 acres, located on Stallsville Loop in the Town of Summerville, Dorchester County, South Carolina" and recorded with the Dorchester County RMC/ROD office, plat book L page 53 March 2, 2001.

(Ord. No. 2000-0901, § 13-7, 10-11-2000; Ord. No. 12-0402, 7-11-2012)

Sec. 32-179. - Expansion of and additions to historic districts or historic properties.

(a) *Recommendations by the board of architectural review.* The board may recommend to the town council the creation of additional historic districts or historic properties, the expansion of existing historic districts or historic properties, and the addition of individual buildings and sites. The board of architectural review may also recommend that proposed relocation of historic structures be subject to review by the board of architectural review. Expansion of existing historic districts or historic properties, and the addition of individual buildings and sites shall be based on the following criteria:

(1) The building and/or property has significant inherent character, interest, or value as part of the development or heritage of the community, state or nation; or

(2) The building and/or property is the site of an event significant in history; or

(3) The building and/or property is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation; or

(4) The building and/or property exemplifies the cultural, political, economic, social, ethnic or historic heritage of the community, state or nation; or

(5) The building and/or property individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering; or

(6) The building and/or property is the work of a designer whose work has influenced significantly the development of the community, state or nation; or

(7) The building and/or property contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

(8) The building and/or property is part of or related to a square or other distinctive element of community planning; or

(9) The building and/or property represents an established and familiar visual feature of the neighborhood or community; or

(10) The building and/or property has yielded, or may be likely to yield, information important in pre-history or history; or

(11) The building and/or property is listed on the National Register of Historic Places.

(b)

Action by town council. Changes in historic districts or historic properties shall not become effective until officially adopted by town council. Owners of properties which are proposed to be designated historic shall be notified in writing 15 days prior to consideration by the town council. Owners may appear before the town council to voice approval or opposition to such designation.

(c) *Appeal.* Any property owner may appeal the decision of the town council before the courts of the State of South Carolina, as provided in the South Carolina Code of Laws.

(Ord. No. 2000-0901, § 13-8, 10-11-2000; Ord. No. 11-1105, 12-14-2011)

Sec. 32-180. - Nominations to the National Register.

The town board of architectural review may recommend buildings, structures, sites, objects or districts to the National Register of Historic Places. The board may conduct a review and evaluation of all proposed National Register nominations within its jurisdiction, including any which may have been submitted to the state historic preservation office. The board may forward all reviewed nominations to the SHPO with recommendations for consideration by the state board of review. The board shall not have the authority to nominate properties directly to the National Register; only the state board of review and the SHPO shall have this final review authority. When considering whether a building, structure, site, object or district should be nominated, the board should apply the following criteria:

(1) Its role and contribution to the development, heritage or culture of the town, state, or the United States.

(2) Its association with a significant event which has made a contribution to the broad patterns of history.

(3) Its association with the lives of persons significant in local, state or national history.

(4) Its embodiment of distinguishing characteristics of an architectural style or period.

(5) Its identification with an architect or builder whose work has influenced the development of the town or state.

(6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it significant.

Any building, structure, site, object or district that meets any one of the above criteria shall also have sufficient integrity of design, materials, workmanship, setting and location to make it worthy of recognition.

(Ord. No. 2000-0901, § 13-9, 10-11-2000)

Sec. 32-181. - Certificate of appropriateness.

(a) *Certificate of appropriateness, general.* A certificate of appropriateness is required from the board of architectural review prior to a building permit being issued for any construction within the district, any modification or repair to a building or structure within the district, any demolition of a building or structure within the district or the moving of any building into or out of the district.

(b) *Establishment of a certificate of appropriateness.* The certificate of appropriateness shall be a standardized format signed by either the chairman or vice-chairman of the board, stating that the removal, demolition or changes including any conditions set by the board in the exterior architectural appearance of the proposed construction, reconstruction, modification or restoration for which the application has been made are approved by the board. The activities covered by the certificate must be started within six months of the date issuance, otherwise the certificate expires and the applicant must reapply.

(c) *Certificate of appropriateness—Procedure.*

(1) The application for the certificate of appropriateness must be submitted by the owner or agent of the property in question.

(2) Upon receiving an application for a building permit for property within the historic districts or historic properties, the building inspector shall notify the secretary of the board of architectural review within three days of receipt of application.

(3) The secretary of the board shall review the application to insure that all information necessary for review is available. All plans, elevations and other information needed for review shall be part of the application or may be requested as determined by the secretary. The application, if deemed technically correct and containing the necessary information for review, shall be placed on the agenda for the next regularly scheduled meeting of the board.

(4) Upon receiving the completed application, the board shall consider, among other things, the historic, architectural and aesthetic features of the building, the nature and character of the area or any new design or addition as stated in the application. In passing upon the application, the board shall consider the general design scale, proportion, material and setback of the building or structure in question or proposed building or addition as more completely defined in subsection 32-176(h) and the relation of such factors to the surrounding area.

(5) The board may, if it so desires, seek the opinion of appropriate professionals, consultants or historic preservation organizations if a review of an application is required which requires expertise not available among board members.

(6) The board shall take action upon such applications at the next regularly scheduled meeting following receipt of the application, which should be submitted to the board's secretary at least seven days before that meeting unless the application is for new construction of 700 or more square feet or for a demolition then the application should be submitted to the board's secretary at least 14 days before the meeting.

a. If the application is approved, the board shall execute a certificate of appropriateness, which is to be signed by the chairman or vice-chairman. The certificate shall be attached to the building permit application and immediately transmitted to the building inspector. The board may give approval with conditions.

b. If the application is disapproved, the board shall state its reasons for doing so and transmit a record of such action and reasons therefore in writing to the building inspector and the applicant. In addition to stating the reasons for denial, the board shall also make recommendations as to what it deems proper and in keeping with the building's character, relationship to surroundings or designs for new construction or additions. The applicant, if so desiring, may make modifications to the plans and re-submit the application.

c. If the application is found to be incomplete or unanswerable questions arise during the board's review of the application, the board may defer action on the application until the next scheduled meeting.

(7) After receiving denial of an application brought before the board, any person aggrieved has the right to appeal the board's decision before the courts of the State of South Carolina, as provided in S.C. Code 1976, § 6-29-900 et seq., as amended, which provides for appeals from the board of architectural review.

(8) When a certificate of appropriateness and building permit have been issued, the building official shall, from time to time, inspect the modification and construction approved by such certificate and shall report such inspection to the board of architectural review listing all work inspected and reporting any work not in accordance with such certificate or violating any ordinance of the town. Citations for any code violation including to a certificate of appropriateness shall be implemented in accordance with chapter 1, general provisions, section 1-8, general penalty; code or ordinance violation; abatement; prosecution of the Town of Summerville's Code of Ordinances. Any person aggrieved by a decision of staff may appeal that decision to the board of architectural review. Appeals of decisions made by the board of architectural review shall be made in accordance with the South Carolina Code of Laws.

(d) *Exclusions.*

(1) The regulations set forth in this section are not intended to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a substantial change in design, material or exterior appearance. If a building permit is not required due to the minor nature of repairs or maintenance, no action by the board of architectural review shall be required. There may be instances in which a building permit shall be required for remodeling, repair or reconstruction where the applicant does not feel a review by the board is necessary. In such cases the applicant may send a letter to the chairman or vice-chairman of the board stating the work to be performed and requesting a determination whether a formal review before the full board shall be necessary. If the chairman or vice-chairman determines that a full review is not required, the applicant shall be notified by letter of this determination, and copies of the letter shall be sent to all board members.

(2) This section shall not prevent the construction, modification, repair, moving or demolition of any structure under a permit issued by the building inspector under the prior ordinance.

(3) The board may waive the review of applications for modifications, remodeling and repair of buildings 50 years old or less if it is the determination of the chairman or vice-chairman that the work would not negatively affect the structure in question or the architectural and historical character of neighboring structures. If it is the determination of the chairman or vice-chairman that a review of an application is not necessary, this action shall be transmitted in writing to all board members for concurrence. If a board member dissents from this opinion, the application shall be presented before the board for its review at its next scheduled meeting.

(e) *Determination of economic hardship.* When an application is denied for removal, demolition or alteration based on failure to meet design guidelines, the applicant may request reconsideration claiming economic hardship. There are two categories to be considered as economic hardship:

(1) Economic feasibility of the proposed redevelopment, modification, demolition or removal; and

(2) The economic capability of the applicant relative to proposed redevelopment, modification, demolition or removal. The board may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application:

a.

Estimate of the cost of the proposed redevelopment, modification, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the board for changes necessary for the issuance of a certificate of appropriateness.

b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

c. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, modification, demolition or removal; after any changes recommended by the board; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

e. Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or application and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

f. If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation, deduction and annual cash flow before and after debt service, if any, during the same period.

g. Any other information considered necessary by the board to reach a determination as to whether the property does yield or may yield a reasonable return to the owners.

In case of category 2, a qualified member of the board may report on subsections (e)(2) and (e)(4) under determination of economic hardship, if the applicant is unable to afford to have these studies done. The member of the board who makes the report will not be allowed to vote on the decision concerning this determination.

The board shall review all of the evidence and information required from the applicant and make a determination within 30 days of receipt of application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on the property. Reasonable return shall be considered an annual return of a minimum of six percent of the value of the property. This percentage has been established as a reasonable rate of return on properties where economic hardship has been litigated before the United States Supreme Court. The board may extend the review process an additional 30 days if so desired. Written notice of the determination shall be provided to the owner, and any aggrieved party shall have the right of appeal under the South Carolina Code of Laws.

(Ord. No. 2000-0901, § 13-10, 10-11-2000; Ord. No. 11-1105, 12-14-2011)

Sec. 32-182. - Review criteria.

(a)

Intent. It is the intent of this article to ensure, insofar as possible, that buildings or structures designated as historic shall remain in harmony with the architectural and historical character of the town. In granting a certificate of appropriateness, the board shall take into account the architectural or historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(b) *Demolition.* No building or structure designated as historic shall be demolished or otherwise removed until the owner thereof has received a certificate of appropriateness from the board. Upon receipt of an application to demolish a structure, the secretary to the board shall publish a display advertisement in a newspaper of general circulation in the town at least 14 days before the meeting informing the public that such application has been received, detailing the date, time and place of the meeting at which it will be considered and stating the public will have an opportunity to comment at such meeting. In addition, any group or organization which requests in writing to the secretary that they be informed of any demolition applications shall be sent a notice in the form of a letter to the address provided by the organization to the secretary.

(c) *Delays and postponements.* The board may delay the granting of the certificate of appropriateness for a period of up to 180 days from the time of the filing of the application with the designated town official. The board may extend this postponement for a certificate of appropriateness with regards to a request to demolish a structure for another 180 days after a finding by the board that the structure is of extreme historical importance to the people and town.

(1) Within the period of postponement of such demolition of any building, the board shall take steps to ascertain what can be done to preserve such buildings. Such steps shall include, but will not be limited to, consultation with civic groups, interested citizens and public boards and agencies. Additionally, the building inspector shall be instructed to ensure that the intent of the board is not thwarted through demolition by neglect.

(2) After the postponement has elapsed, if the board has been unable to determine an adequate alternative to demolition, the certificate of appropriateness may be granted.

(3) If the board finds that a building proposed for demolition is of no particular historical significance or value towards maintaining the historical character of the town, it may issue the certificate of appropriateness in the normal manner.

(d) *New construction, modification, repair, restoration.* When considering an application for a certificate of appropriateness for new construction, modification, repair or restoration, the board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the board may adopt more specific guidelines for local historic districts or historic properties, and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications or denial of an application. The Secretary's Standards for Rehabilitation are:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or modification of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize property shall be preserved.

(6) Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior modifications or related new construction shall not destroy historic materials that characterize the property. The new work shall be in harmony with the old, matching color, design, material and texture as much as possible.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(e) *Specific guidelines.* The board of architectural review may adopt specific guidelines to be used in reviewing applications for a certificate of appropriateness.

(f) *Appeals.* Any persons or officer, department or board aggrieved by any final decision of the board of architectural review must follow the procedures for appeal, as outlined in the South Carolina Code of Laws.

(Ord. No. 2000-0901, § 13-111, 10-11-2000)

Secs. 32-183—32-210. - Reserved.

EXHIBIT 2

DECISION OF THE TOWN OF SUMMERVILLE BOARD OF ARCHITECTURAL REVIEW, INCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW

IN THE MATTER OF:

208 S. Cedar Street; 213 W. 2nd South Street; 200, 206, and 210 W. Richardson Avenue – Demolition of Existing Buildings and Mixed Use Development

The Town of Summerville Board of Architectural Review (hereinafter "BAR" or "Board") hereby issues the following Findings of Fact, Conclusions of Law, and Decision with respect to the above-referenced matter. Incorporated herein by reference and attached as Exhibit A hereto is a duly certified copy of the proceedings held before the Board.

FINDINGS OF FACT

October 6, 2014 Meeting

1. On October 6, 2014, the BAR held a regularly scheduled meeting, open to the public, to consider the applications of Goff D'Antonio Architects and Applegate & Co. for conceptual approval to demolish structures located on the above-referenced real properties and to build a mixed use development consisting of a 65-room hotel, restaurant with rooftop bar, 34-36 condominiums, conference center, and 157-space parking garage (such demolition and construction to be hereinafter collectively referenced as "the Project").

2. Reasonable notice of the time and place of the October 6, 2014 meeting was provided to the public. On September 19, 2014, an advertisement ran in the *Summerville Journal Scene* notifying the public of the time and place of the upcoming BAR meeting; noting that the BAR would be considering demolition requests for each of the specified properties and considering approval of conceptual plans for the mixed use redevelopment project; and providing multiple resources for the public to ask questions or seek additional

information related to the Project in the meantime, by way of telephone contact information for the Planning Department and physical access to documents. Additionally, the Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on September 29, 2014. Finally, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated September 29, 2014.

3. Hank D'Antonio, architect for the Project, presented drawings and site plans and elevations for the Project.

4. Thereafter, the meeting was opened to the Board for comments and questions, during which Board members shared their likes, dislikes, concerns, and sought additional information from the architect.

5. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was reminded to speak only to the issues within the purview of the BAR, namely, as to the aesthetics, design, architecture, height, mass, scale and harmony of the Project within the historical district of the Town of Summerville, and to limit their comments to three minutes to allow time for all interested persons to speak. All members of the public who signed in for comment period were permitted to comment.

6. No motions were made and no decisions rendered with respect to this item. Rather, the Board requested that the architect take the comments under consideration and come back before the Board with a re-design for conceptual approval.

7. Minutes of the October 6, 2014 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio

recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

November 3, 2014 Meeting

8. On November 3, 2014, the BAR held a regularly scheduled meeting, open to the public, to again consider giving conceptual approval to demolish structures located on the above-referenced real properties and to build a mixed use development consisting of a 65-room hotel, restaurant with rooftop bar, 34-36 condominiums, conference center, and 157-space parking garage.

9. Reasonable notice of the time and place of the November 3, 2014 meeting was provided to the public. The Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on October 27, 2014. Further, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated October 27, 2014.

10. Arthur Applegate of Applegate & Co. presented drawings showing site plans and elevations for the Project, and explained the improvements made from the prior proposal based upon the comments and suggestions of the Board and members of the public. For example, both the front entrance of the hotel and the conference center had been redesigned in accordance with prior comments and suggestions.

11. Applegate and his team significantly improved the site plans and specifications from the initial submission, making it more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district.

12. Thereafter, the meeting was opened to the Board for comments and questions, during which Board members shared their likes, dislikes, concerns, and sought additional information from Applegate.

13. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was reminded to speak only to the issues within the purview of the BAR, namely, as to the aesthetics, design, architecture, height, mass, scale and harmony of the Project within the historical district of the Town of Summerville, and to limit their comments to three minutes to allow time for all interested persons to speak. All members of the public who signed in for comment period were permitted to comment.

14. No motions were made and no decisions rendered with respect to this item. Rather, the Board requested that Applegate and his team take the comments under consideration and come back before the Board for conceptual approval with a re-design.

15. Minutes of the November 3, 2014 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

January 5, 2015 Meeting

16. On January 5, 2015, the BAR held a regularly scheduled meeting, open to the public, to again consider giving conceptual approval to demolish structures located on the above-referenced real properties and to build the mixed use development consisting of a 65-room hotel, restaurant with rooftop bar, 34-36 condominiums, conference center, and 157-space parking garage.

17. Reasonable notice of the time and place of the January 5, 2015 meeting was provided to the public. On December 19, 2014, an advertisement ran in the *Summerville*

Journal Scene notifying the public of the time and place of the upcoming BAR meeting; noting that the BAR would be considering demolition requests for each of the specified properties and considering approval of conceptual and preliminary plans for the mixed use redevelopment project; and providing multiple resources for the public to ask questions or seek additional information related to the Project in the meantime, by way of telephone contact information for the Planning Department and physical access to documents. Further, the Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on December 29, 2014. Finally, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated December 29, 2014.

18. Applegate & Co. placed an advertisement in the *Summerville Journal Scene* that began running December 31, 2014, notifying the public that it was offering, free of charge, each of the structures located at 206 W. Richardson Avenue and 213 S. 2nd Street South to anyone willing to relocate the structure(s).

19. During the January 5, 2015 meeting, Applegate and D'Antonio presented drawings for the project and explained the differences and improvements made from the prior submission based upon the comments and suggestions of the Board and members of the public. For example, additional property was purchased to allow the conference center to be one story versus two, and the condominiums had been reduced to three stories versus four and reduced in number to 27 units.

20. Applegate and his team made significant improvements to the site plans from the prior submission, making it more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district.

21. Applegate additionally discussed the efforts his team had made, and would continue to make, to salvage or relocate the structures located at 206 W. Richardson Avenue and 213 S. 2nd Street South.

22. Neyle Jones of 134 Gadsen Street presented his request to move the small cottage located at the rear of 206 W. Richardson Avenue to his property at 134 Gadsen. He said the cottage would not be relocated unless the Project received final approval. The Board unanimously approved this request.

23. It was determined by the Board that the structure located at 200 W. Richardson Avenue, which formerly was a gas station, was not possible to relocate.

24. The Board unanimously approved the demolition of the structure located at 200 W. Richardson Avenue.

25. The Board was informed by Rich Palmer, Town of Summerville Building Official, that the house located at 210 W. Richardson Avenue is in terrible condition with plant material growing within the wall cavities, wood rot and mold in the walls and ceilings, and asbestos material throughout the entire structure.

26. The Board gave conceptual/preliminary approval of the Project as presented.

27. Minutes of the January 5, 2015 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

January 12, 2015 Meeting

28. On January 12, 2015, the BAR held a special meeting, open to the public, to consider giving final approval of demolition of all structures necessary for the Project.

29. Reasonable notice of the time and place of the January 12, 2015 meeting was provided to the public. The Agenda, including the date, time, and place of the meeting,

was posted both on the Town's website and within the Town Hall more than 24 hours in advance of the special meeting.

30. Applegate explained the numerous options his team had explored regarding salvage, relocation, or demolition of all remaining structures on the subject properties. Present with him was a representative from Johnson House Movers who discussed the difficulties, impracticalities and significant expense associated with moving the structures. They said that the individuals who expressed interest in moving the structures had lost interest when they learned of the extent and cost of the undertaking. Applegate explained that his team was communicating with a nonprofit salvage company that was interested in salvaging materials from the houses.

31. A motion was made to approve demolition of the structures upon the condition that demolition would not start until final approval of the Project was given by the Board. This motion passed by unanimous vote of those present. In this regard, it was requested of Applegate that his team continue to pursue possible relocation or salvage of the structures until the time of final approval.

32. Minutes of the January 12, 2015 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

April 6, 2015 Meeting

33. On April 6, 2015, the BAR held a regularly scheduled meeting, open to the public, to consider giving final approval of the mixed use development project consisting of a 65-room hotel, restaurant with rooftop bar, 27 condominiums, conference center, and 157-space parking garage.

34. Reasonable notice of the time and place of the April 6, 2015 meeting was provided to the public. The Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on March 30, 2015. Further, the secretary of the board provided written notice to adjacent property owners of the meeting, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated March 30, 2015.

35. Applegate explained additional refinements that had been made to the design to meet the comments and concerns of the Board. D'Antonio, architect for the Project, explained the color and material samples within the context of the corresponding drawings. They presented, among other things, the colors and textures of bricks, texture of cement siding, wood details for windows, and the exterior finishes for the retail and restaurant spaces and the condominiums. They also discussed underground drainage for the project, and discussed the three-dimensional renderings the team had prepared showing details of the Project.

36. Applegate and his team made significant improvements to the site plans from the prior submission, making it more pleasing in terms of aesthetics, design, architecture, height, mass, scale and harmony within the historical district.

37. Thereafter, the meeting was opened to the Board for comments and questions, during which Board members shared their likes, dislikes, concerns, and sought additional information from Applegate and the architect.

38. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was again reminded to speak only to the issues within the purview of the BAR. All members of the public who signed in for comment period were permitted to comment.

39. The Board, by majority vote, gave final approval of the Project with the following conditions: (1) color/material sample boards were to be submitted to include brick with mortar color and window detail; (2) the conference center was to be redesigned to make it more welcoming with warmer details; (3) the design of the north elevation of the residential units was to be revised to more closely replicate the Richardson Avenue appearance; (4) design details for railings were to be shown; and (5) downspouts were to be added to drawings.

40. Minutes of the April 6, 2015 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

May 11, 2015 Meeting

41. On May 11, 2015, the BAR held a special meeting, open to the public, to consider giving final approval for demolition of all structures and final approval of the aesthetics of the Project.

42. Reasonable notice of the time and place of the May 11, 2015 meeting was provided to the public. The secretary of the board provided written notice of the meeting to adjacent property owners and to Peter Gorman, who had requested such notifications, with a description of the matters to be addressed therein and provision of the Town's website address where application materials could be reviewed, by way of letters dated April 23, 2015. Further, on April 24, 2015, an advertisement ran in the *Summerville Journal Scene* notifying the public of the time and place of the upcoming BAR meeting; noting that the BAR would be considering final approval for demolition of the specified structures and aesthetic approval for the mixed use development project; and providing multiple resources for the public to ask questions or seek additional information related to the Project in the meantime,

by way of telephone contact information for the Planning Department and physical access to documents. Finally, the Agenda, including the date, time, and place of the meeting, was posted both on the Town's website and within the Town Hall on April 27, 2015.

43. Applegate and Josh Good of Goff D'Antonio Architects made a presentation wherein they showed the final refinements made to the drawings and the design to comport with the issues or concerns raised by the Board. They also presented physical samples of materials to be utilized.

44. These final revisions met all of the conditions for final approval enumerated by the Board at the April 6, 2015 meeting.

45. Members of the public were invited and given time to review the samples and drawings before the floor was opened for public comment.

46. Subsequently, due to the great interest expressed by the public for and against the Project, the Board opened the meeting to comments from the public. The audience was again reminded to speak only to the issues within the purview of the BAR. All members of the public who signed in for comment period were permitted to comment.

47. The Board, by majority vote, gave final approval of the Project.

48. The Board found the Project to be appropriate in terms of aesthetics, general exterior design, architecture, height, mass, scale, proportion, arrangement, texture and material, and to be compatible with the general character of its immediate neighborhood within the historical district of the Town of Summerville.

49. Minutes of the May 11, 2105 meeting were prepared by the secretary of the BAR and subsequently approved by the Board. Additionally, the meeting was audio recorded, and a transcript of the audio recording was subsequently prepared. The Minutes of the meeting and the transcript of this meeting are incorporated herein by reference.

50. At no time did a quorum of the membership of the Board meet to discuss the Project outside of the above-referenced, public meetings.

Standards of Evaluation

51. This Board operates pursuant to the South Carolina Code, including section 6-29-880 entitled "Powers of the board of architectural review" and sections 30-4-10 *et seq.* entitled "Freedom of Information Act," and pursuant to the Town of Summerville Code of Ordinances, including Chapter 2, Article III entitled "Boards, Commissions and Committees," and Chapter 32, Article IV entitled "Historic Preservation."

52. Section 6-29-880 of the South Carolina Code provides that a board of architectural review "has those powers involving the structures and neighborhoods as may be determined by the zoning ordinance."

53. The South Carolina Freedom of Information Act provides that members of the public have the right to inspect or copy public records, excluding personal or private information exempt from disclosure, for which the public body has the right to establish and collect fees for the costs of searching for and making copies of such records. S.C. Code Ann. §§ 30-4-30, 30-4-40. Further, the Act provides that a "meeting" of a public body, which is defined as the convening of a quorum of its membership, shall be open to the public unless closed pursuant to certain exceptions. S.C. Code Ann. § 30-4-60. Finally, the Act provides that specified notices must be provided to the public of regular and special meetings, and that written minutes must be kept of all public meetings. S.C. Code Ann. §§ 30-4-80, 30-4-90.

54. Pursuant to Section 32-172 of the Town of Summerville Code of Ordinances, the "purpose and intent" of the Town's Historic Preservation Ordinance is as follows:

> (a) The purpose of this article is to protect, preserve and enhance the distinctive architectural and cultural heritage of the town; to promote the educational, cultural, economic and general welfare of the people of the

town; to foster civic pride; to encourage the harmonious, orderly and efficient growth and development of the municipality; to ensure that new buildings and developments will be harmonious with the existing structures and sites; and to establish a mechanism for accomplishing these objectives.

(b) It is the intention of the town in enacting this article to delegate to the board of architectural review those powers approved under the United States Constitution by the United States Supreme Court in *Penn Central Transportation Company v. New York City*, 438 U.S. 104 (1978), in *Keystone Bituminous Coal Association v. DeBenedictis* (No. 85-1092) (55 U.S.L.W. 4326) and any subsequent decisions interpreting the power of municipalities to use police powers to preserve their architectural heritage and protect the quality of life for local residents. Similar state statutes are the basis for this article.

(c) It is the further intention of the town in enacting this article to encourage a harmonious, though not necessarily homogeneous, outward appearance of structures within locally designated historic districts and individually designated landmarks in order to preserve property values and continue to attract business and residents.

(d) It is the hope of the town that by encouraging a general harmony to include, but not be limited to, style, form, proportion, texture and material between buildings of historic design and those of contemporary design, it will be possible for the town's historic districts or historic properties to continue to contribute to the distinctive character of the town and to serve as visible reminders of the significant historical and cultural heritage of the town and the state.

55. Pursuant to Section 32-175(f) of the Town of Summerville Code of Ordinances, the "duties and powers" of the Board of Architectural Review are as follows:

> Duties and powers; generally. It shall be the duty of the board of architectural review to promote the purposes and objectives of this article through the review of plans and applications, as provided in this article, for all construction within the historic districts or historic properties, including both modifications to existing buildings, demolition and construction of new buildings. The board of architectural review shall have the power to approve or deny approval of such applications in accordance with prescribed procedures and guidelines.

56. Pursuant to Section 32-176(a)-(i) of the Town of Summerville Code of Ordinances, the "powers and duties" of the Board of Architectural Review are further set forth as follows:

(a) *Regular meetings.* Regular meetings for transaction of business of the board of architectural review shall be held the first Monday of each month.

. . .

(c) *Special meetings.* Special meetings of the board of architectural review may be held at any time upon call of the chairperson.

(d) *Public notice.* All meetings of the board of architectural review shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of meetings shall be posted at the Town Hall and sent to the news media as required by the Freedom of Information Act. The secretary of the board shall provide a letter of notification to adjacent property owners of the time and place of the meeting for any application that proposes new construction of 700 square feet or more. For a request to demolish a structure the notification procedure is detailed in subsection 32-182(c) [providing that issuance of certificate of appropriateness may be delayed or postponed for 180 days from the time of filing of the application].

(e) *Rules and records.* The board of architectural review shall adopt rules of order and shall keep records or minutes of its findings and approvals and denials. Such records shall be a public record. A quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business.

(f) *Board of architectural review action.* Decisions or actions by the board shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

. . .

(h) *Powers and duties.* It shall be the duty of the board of architectural review to make the following determinations with respect to the historic districts or historic properties:

(1) Appropriateness of altering, moving or demolishing any designated building or structure within a designated historic district. The board shall consider the historic, architectural and aesthetic features of buildings, their relationship and importance to the district.

(2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be considered within the historic district.

(3) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.

(4) Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the building or structure in question and the relation of such factors to the street scene and to similar buildings in the immediate vicinity. The board's concern shall

be exterior features so that they will be compatible with the general character of their immediate neighborhood and preserve the existing street scene. The board shall have the right to review and approve colors of structures in the historic district and shall develop guidelines for the administration of the section. The board shall not make requirements as to the use of structures as long as this use in not in violation of existing zoning requirements.

(5) Appropriateness of site development features including driveways, fences, outbuildings or other site appurtenances.

(6) It shall be the duty of the board of architectural review to follow the established guidelines governing modifications, rehabilitations, additions and new construction within the boundaries of the town historic districts or historic properties.

(i) *Submittal requirements.* Complete applications must be received by the town's planning department at least ten days prior to the regularly scheduled meeting and shall include items listed on the current checklist.

57. Pursuant to Section 32-182 of the Town of Summerville Code of Ordinances, the "review criteria" of the Board of Architectural Review are set forth in part as follows:

(a) *Intent.* It is the intent of this article to ensure, insofar as possible, that buildings or structures designated as historic shall remain in harmony with the architectural and historical character of the town. In granting a certificate of appropriateness, the board shall take into account the architectural or historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

. . .

(d) *New construction, modification, repair, restoration.* When considering an application for a certificate of appropriateness for new construction, modification, repair or restoration, the board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the board may adopt more specific guidelines for local historic districts or historic properties, and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications or denial of an application. The Secretary's Standards for Rehabilitation are:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or modification of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize property shall be preserved.

(6) Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior modifications or related new construction shall not destroy historic materials that characterize the property. The new work shall be in harmony with the old, matching color, design, material and texture as much as possible.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

CONCLUSIONS OF LAW AND DECISION

58. The BAR complied with all relevant obligations and requirements set forth within the Town of Summerville Code of Ordinances.

59. The BAR complied with all relevant obligations of the South Carolina Freedom of Information Act, including but not limited to the records inspection and copying requirements of sections 30-4-30 and 30-4-40; public meeting requirements of section 30-4-60; notice requirements of section 30-4-80; and written minutes requirements of section 30-4-90.

60. Complete and timely applications were received by the Town's planning department in accordance with the requirements set forth in Section 32-176(i) of the Town of Summerville Code of Ordinances.

61. Appropriate and timely notice of each of the above-referenced meetings was given in accordance with Section 32-176(d) of the Town of Summerville Code of Ordinances and section 30-4-80 of the South Carolina Code.

62. The appropriate "review criteria" as set forth in Section 32-182 of the Town of Summerville Code of Ordinances, including the Secretary of the Interior's Standards for Rehabilitation, were properly utilized by the BAR in making all of the decisions referenced in the Findings of Fact set forth herein.

63. All of the actions of the BAR, set forth more fully in the Findings of Fact, were in accordance with and in furtherance of the "purpose and intent" of the Town's Historic Preservation Ordinance as set forth in Section 32-172 of the Town of Summerville Code of Ordinances.

64. All of the actions of the BAR, set forth more fully in the Findings of Fact, were in accordance with the duties and powers conferred upon it under both South Carolina law and Sections 32-175 and 32-176 of the Town of Summerville Code of Ordinances.

65. The BAR reviewed and ultimately approved subject plans and applications in accordance with prescribed procedures and guidelines, as contemplated within Section 32-175 of the Town of Summerville Code of Ordinances.

66. All decisions or actions taken by the BAR were by concurring majority vote of qualified members present and voting.

67. In accordance with Section 32-176(h) of the Town of Summerville Code of Ordinances, the BAR made determinations in accordance with established guidelines with respect to each of the following: (1) appropriateness of altering, moving or demolishing structures; (2) appropriateness of exterior architectural features and fixtures; (3) appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the structure and its compatibility with the character of the neighborhood; and (4) appropriateness of site development features including driveways and appurtenances.

68. The Project is in compliance with all relevant provisions of the Town of Summerville Historic Preservation Ordinance.

69. The BAR's decisions and determinations regarding demolition of existing structures and salvage of materials where appropriate and practical are in compliance with all relevant provisions of the Town of Summerville Historic Preservation Ordinance.

70. The mixed use development project, as approved by the BAR, is appropriate in terms of aesthetics, design, architecture, height, mass, scale, proportion, arrangement, texture and material, and is compatible with the general character of its immediate neighborhood within the historical district of the Town of Summerville.

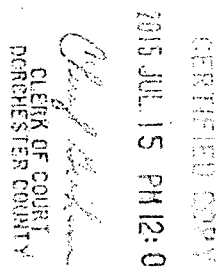
Signed this 3rd day of August, 2015.

Philip G. Dixon, PE, CFM
Board Chair

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
CIVIL ACTION NO. 2015-CP-18-00713



Faye P. Croft, personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; Peter M. Gorman; James Stephen Greene, Jr.; Brian Peacher; Robert Klinger; Mary Becker; South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated,

Plaintiffs,

v.

Town of Summerville; William C. Collins, in his capacity as Mayor; Terry Jenkins, Aaron Brown, Walter Bailey, William McIntosh, Kima Garten-Schmidt and Robert Jackson, in their capacities as members of Town Council; Town of Summerville Redevelopment Corporation; Town of Summerville Planning Commission; Town of Summerville Board of Architectural Review; Applegate & Co.; The Dorchester, LLC; and Arthur H. Applegate,

Defendants.

DEFENDANTS APPLEGATE & CO.; THE DORCHESTER, LLC; AND ARTHUR H. APPLEGATE'S AFFIDAVIT

PERSONALLY appeared before me, Arthur H. Applegate, who being duly sworn, deposes and says the following based on his personal knowledge:

1. I am a Defendant herein, and am a duly authorized representative of Applegate & Co. I have read the Applegate Defendants' Response to Plaintiffs' Motion, and the facts and financial information included herein are within my knowledge and are true and correct to my own knowledge and belief.

2. Defendants Applegate & Co. and your affiant Arthur H. Applegate are experienced real estate developers who have been involved in a broad spectrum of commercial real estate activities and whose clients have included a wide range of corporations from Fortune 500 companies to small private companies to major institutional real estate investors and developers.

3. The Applegate Defendants are "redevelopers" of a project in Summerville, South Carolina known as "The Dorchester." The Dorchester is a public-private urban Redevelopment Project to be built on the corner of Richardson Street and Cedar Street in Summerville, South Carolina. The Dorchester's plans envision a 66 room hotel, 27 residential condominiums, retail and restaurant space together with an adjacent town-owned conference center and town-owned parking garage.

4. I am advised by my counsel that a party seeking Partial Summary Judgment, a Restraining Order or Temporary Injunction, or any other Motion that might slow down, delay, or temporarily stop the Project, may be required to post security, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

5. I have over 400 hours of my time and 100+ hours of my staff's time involved in this project.

6. My companies and my costs and expenses are in excess of $700,000 (see attached spread sheet on costs incurred thorough July 1, 2015) for the pre-construction phase to date of this project.

7. The deposits are currently being held in an escrow account and are subject to being refunded at any point in time at the discretion of the prospective buyers. The buyers have been extremely patient thus far considering that as a result of the lawsuit, the project has already been delayed by approximately six (6) months. We have had only two buyers request a refund of the deposits up to this point. If we are unable to show continuous progress moving forward on the project, we are now in jeopardy of losing all of the buyers.

8. My companies and I had a pending loan commitment to fund the infrastructure and construction part of the Redevelopment Project for $13,607,648 million which will be lost if a Restraining Order or Temporary Injunction is issued to slow down, delay, or temporarily stop the Project.

9. In the next 90 days, Applegate & Co. is committed to spend $300,000 to continue on with the Project.

10. If the Project is delayed for 90 days or more, Applegate & Co. will have to spend approximately $180,000 during those 90 days just to keep the Project viable. Those expenses will include architectural fees, construction cost, legal fees, engineering fees, etc.

11. If the Project is delayed for more than 90 days, then it will be effectively killed and in addition to the $1,180,000 (total of 6-10) spent or anticipated to be spent in the next 90 days, Applegate & Co.'s reputation as a Developer will be tarnished, the profit expected to ultimately be gained for the project will be lost, my equity investors will pull out, there will be expense incurred with putting the Property back into the condition it was in before the Project

was killed, and I estimate that costs and damages as may be incurred or suffered by Applegate & Co. if on a successful appeal from a Restraining Order or Temporary Injunction found to have been wrongfully issued will be $ 10,000,000.00.

FURTHER AFFIANT SAYETH NOT.

Arthur Applegate

7/8/15
Date

Applegate & Co.

By: _____
Arthur Applegate, President

7/8/15
Date

The Dorchester, LLC

By: _____
Arthur Applegate, Managing Member

7/8/15
Date

SWORN to before me this
8th day of July, 2015.

Sandra R. Harbourt
Notary Public for South Carolina
My Commission Expires: 12/22/18

SANDRA R. HARBOURT
Notary Public
South Carolina
My Commission Expires
12-22-2018

Applegate & Company, Inc.
Transactions by Account
As of July 1, 2015

Due from The Dorchester

Type	Date	Num	Name	Memo	Class	Paid Amount	Balance
							0.00
Bill	10/07/2013	10/13	RE/MAX Pro Realty	Escrow check for parcel tms 13704004/tms 13704	The Dorchester (Sville Hotel)	10,000.00	10,000.00
Bill	11/13/2013	1626409	Haynsworth, Sinkler & Boyd, PA	Summerville hotel	The Dorchester (Sville Hotel)	1,400.00	11,400.00
Bill	12/10/2013	Ag 867	Krogh Designs	Ag 867	The Dorchester (Sville Hotel)	2,112.23	13,512.23
Bill	12/10/2013	Ag 867	Krogh Designs	Ag 867	The Dorchester (Sville Hotel)	98.55	13,610.78
Bill	12/17/2013	204612	Duncan Parnell	prints for presentation	The Dorchester (Sville Hotel)	296.43	13,907.21
Bill	01/15/2014	AG-871	Krogh Designs	graphic design	The Dorchester (Sville Hotel)	42.50	13,949.71
Bill	04/08/2014		The Highland Group	feasibility study - retainer	The Dorchester (Sville Hotel)	8,000.00	21,949.71
Bill	04/26/2014	4/14 meeting	Casey Bart	4/14 meeting reimburse	The Dorchester (Sville Hotel)	38.44	21,988.15
Bill	05/28/2014	14515	Goff-D'Antonio Associates	Plans, elevations,site plan	The Dorchester (Sville Hotel)	25,000.00	46,988.15
Bill	05/29/2014	14515	Goff-D'Antonio Associates	reimbursables	The Dorchester (Sville Hotel)	90.91	47,079.06
Bill	06/04/2014	14515-2	Goff-D'Antonio Associates	plans, elevations, site plans	The Dorchester (Sville Hotel)	20,840.00	67,919.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Tree Survey	The Dorchester (Sville Hotel)	1,360.00	69,279.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Boundary Survey	The Dorchester (Sville Hotel)	1,100.00	70,379.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Topographic Survey	The Dorchester (Sville Hotel)	5,200.00	75,579.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Prepare 2 individual plats for this site, one encomp	The Dorchester (Sville Hotel)	575.00	76,154.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Processing maps through the county	The Dorchester (Sville Hotel)	150.00	76,304.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Additional topo for TMS 137-07-04-006	The Dorchester (Sville Hotel)	550.00	76,854.06
Bill	06/12/2014	20144053001	Ashley Land Surveying, Inc.	Additional wetlands for TMS 137-07-04-006	The Dorchester (Sville Hotel)	250.00	77,104.06
Bill	06/17/2014	2731	Terry Environmental Services, Inc.	Phase I ESA Report	The Dorchester (Sville Hotel)	2,200.00	79,304.06
Bill	07/16/2014	10292-01/1332	howell Linkous & Nettles, LLC	developing public private partnership agreement w	The Dorchester (Sville Hotel)	15,552.50	94,856.56
Bill	07/16/2014	14515	Goff-D'Antonio Associates	Plans, elevations,site plan	The Dorchester (Sville Hotel)	23,672.63	118,529.19
Bill	07/16/2014	14515	Goff-D'Antonio Associates	reimbursables	The Dorchester (Sville Hotel)	548.75	119,077.94
Credit Card	07/25/2014		American Express- Platinum	ACC Amex purchases - Hotel Monaco Denver - re	The Dorchester (Sville Hotel)	888.98	119,966.92
Bill	07/29/2014	48059	NBSC	Appraisal issued by bank-206 W Richardson	The Dorchester (Sville Hotel)	1,500.00	121,466.92
Bill	07/29/2014		NBSC	Bank appraisal - 200 W Richardson	The Dorchester (Sville Hotel)	1,750.00	123,216.92
Bill	08/04/2014	13030.00 #4	Goff-D'Antonio Associates	Plans, elevations, site plan	The Dorchester (Sville Hotel)	39,785.17	163,002.09
Bill	08/04/2014	Dorchester	The Highland Group	balance due per Highland Group	The Dorchester (Sville Hotel)	6,800.00	169,802.09
Bill	08/04/2014	Dorchester	The Highland Group	reimbursable expenses capped at $2,400	The Dorchester (Sville Hotel)	-100.00	169,702.09
Bill	08/04/2014	13030.00 #4	Goff-D'Antonio Associates	reimbursables	The Dorchester (Sville Hotel)	246.78	169,948.87
Bill	08/15/2014	820523	Stantec	30% completion schematic design task 200	The Dorchester (Sville Hotel)	2,400.00	172,348.87
Bill	08/15/2014	820523	Stantec	5% completion traffic impact analysis task 400	The Dorchester (Sville Hotel)	350.00	172,698.87
Bill	08/27/2014	1283-1	The Highland Group	Reimbursable expenses capped at $2500 per High	The Dorchester (Sville Hotel)	100.00	172,798.87
Bill	09/03/2014	13030.00	Goff-D'Antonio Associates	conceptual, schematic design, design developmen	The Dorchester (Sville Hotel)	53,902.20	226,701.07
Bill	09/03/2014	13030.00	Goff-D'Antonio Associates	additional services - conference center to grade	The Dorchester (Sville Hotel)	1,940.63	228,641.70
Bill	09/03/2014	13030.00	Goff-D'Antonio Associates	reimbursable expenses	The Dorchester (Sville Hotel)	509.85	229,151.55
Bill	09/10/2014	1349	howell Linkous & Nettles, LLC	finalize PPP agreement; parking lease; mgmt and	The Dorchester (Sville Hotel)	7,240.00	236,391.55
Bill	09/11/2014	7563482	Terracon	Geotechnical engineering services	The Dorchester (Sville Hotel)	7,500.00	243,891.55
Bill	09/25/2014	20144053002	Ashley Land Surveying, Inc.	additional topographic work	The Dorchester (Sville Hotel)	5,200.00	249,091.55
Bill	10/02/2014	14915	Goff-D'Antonio Associates	conceptual, schematic design, design developmen	The Dorchester (Sville Hotel)	68,000.00	317,091.55

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Applegate & Company, Inc.
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Bill	10/02/2014	14915	Golf-D'Antonio Associates	additional services: conference center to grade da	The Dorchester (Sville Hotel)	1,875.00	318,968.55
Bill	10/02/2014	14915	Golf-D'Antonio Associates	reimbursable expenses	The Dorchester (Sville Hotel)	614.40	319,580.95
Bill	10/16/2014	1362	Surefire Marketing	Logo/identity package for Residence at The Dorch	The Dorchester Sales Office	2,000.00	321,580.95
Bill	10/16/2014	1362	Surefire Marketing	Pocket folder and insert creation incl digital files	The Dorchester Sales Office	1,200.00	322,780.95
Bill	10/16/2014	1362	Surefire Marketing	Sign package design - 4 x 8 sign; 2x3 sign, office s	The Dorchester Sales Office	1,200.00	323,980.95
Bill	10/20/2014	10202014	Wayne McLintock	painting condo sales office	The Dorchester Sales Office	175.00	324,155.95
Bill	10/20/2014	4992 10/14	AT&T Mobility	sales phone line	The Dorchester Sales Office	198.18	324,354.13
Bill	10/21/2014	841063	Stantec	Task 200 - Schematic Design - 100% complete	The Dorchester (Sville Hotel)	5,800.00	329,954.13
Bill	10/21/2014	841063	Stantec	Task 300 - Engineering & LA - 13% complete	The Dorchester (Sville Hotel)	5,824.50	335,778.63
Bill	10/21/2014	841063	Stantec	Task 301 - Permitting Assistance - 4.25 hours	The Dorchester (Sville Hotel)	369.75	336,148.38
Bill	10/21/2014	841063	Stantec	Task 302 - Offsite pond calculations - 35% comple	The Dorchester (Sville Hotel)	2,818.00	338,966.38
Bill	10/21/2014	841063	Stantec	Task 400 - Traffic Impact Analysis - 60% complete	The Dorchester (Sville Hotel)	5,950.00	344,916.38
Bill	10/22/2014	40650	Knight Publishing & Graphics	Reimbursables	The Dorchester (Sville Hotel)	91.71	345,008.09
Bill	10/31/2014	40704	Knight Publishing & Graphics	condo sales folders, floorplan inserts, business car	The Dorchester Sales Office	2,419.09	347,427.18
Bill	11/03/2014	3210102169189 11/14	SCE&G	4x8 sign, 2x3 sign, removal of existing sign	The Dorchester Sales Office	895.13	348,322.31
Bill	11/07/2014	777005 11/14	American Express	3210102169189	The Dorchester Sales Office	26.74	348,349.05
Bill	11/11/2014	141015	Golf-D'Antonio Associates	777005	The Dorchester Sales Office	168.38	348,517.43
Bill	11/11/2014	141015	Golf-D'Antonio Associates	conceptual, schematic design, design developmen	The Dorchester (Sville Hotel)	34,000.00	382,517.43
Bill	11/11/2014	141015	Golf-D'Antonio Associates	additional services: conference center to grade da	The Dorchester (Sville Hotel)	9,966.25	392,483.68
Bill	11/13/2014	Bus License	The Town of Summerville	reimbursable expenses	The Dorchester (Sville Hotel)	579.72	393,063.40
Bill	11/14/2014	850288	Stantec	Business License fee - Sales Office	The Dorchester Sales Office	60.00	393,123.40
Bill	11/14/2014	850288	Stantec	task # 300 - engineering & LA - 30% complete	The Dorchester (Sville Hotel)	7,875.50	400,998.90
Bill	11/14/2014	850288	Stantec	task # 301 - permitting assistance	The Dorchester (Sville Hotel)	1,508.00	402,306.90
Bill	11/14/2014	850288	Stantec	task # 302 - offsite pond calculations & report - 70%	The Dorchester (Sville Hotel)	2,782.00	405,088.90
Bill	11/14/2014	850288	Stantec	task # 303 - offsite conveyance design - 50% com	The Dorchester (Sville Hotel)	3,250.00	408,338.90
Bill	11/14/2014	850288	Stantec	task # 400 - traffic impact analysis - 100% comple	The Dorchester (Sville Hotel)	700.00	409,038.90
Bill	11/20/2014	11.18/14 expense	Bennett Williams	reimbursables	The Dorchester (Sville Hotel)	120.98	409,159.88
Bill	11/20/2014	10/22-11/22	Lynn Callison	dorchester condo sales office furnishings and sup	The Dorchester Sales Office	840.04	409,999.92
Bill	11/21/2014	40841	Knight Publishing & Graphics	payment 1 of 3 for 15,000	The Dorchester Sales Office	5,000.00	414,999.92
Bill	11/21/2014	41018	Knight Publishing & Graphics	sales center interior signs	The Dorchester Sales Office	1,870.26	416,870.28
Bill	11/21/2014	reimbursement	Lynn Callison	7 ft rectangular flags	The Dorchester Sales Office	575.05	417,445.33
Bill	11/24/2014	11/14 earnest	Haynsworth, Sinkler & Boyd, PA-Escrow	power wash, paint, supplies	The Dorchester Sales Office	487.00	417,932.33
Bill	12/03/2014	1686235	Haynsworth, Sinkler & Boyd, PA	Earnest money for purchase of property in summe	The Dorchester (Sville Hotel)	1,000.00	418,932.33
Bill	12/03/2014	11/14 139614802	AT&T Mobility	formation, conference calls, contract review dorche	The Dorchester (Sville Hotel)	4,171.50	423,103.83
Bill	12/03/2014	141115	Golf-D'Antonio Associates	sales phone line	The Dorchester Sales Office	88.27	423,192.10
Bill	12/08/2014	777005 12/15	American Express	Invoice 141115 Dated 12-3-2014	The Dorchester (Sville Hotel)	23,860.84	447,052.94
Bill	12/08/2014	3210102169189 12/14	SCE&G	777005	The Dorchester Sales Office	16.95	447,069.89
Bill	12/15/2014	12/15/14 expense	Bennett Williams	3210102169189	The Dorchester Sales Office	187.04	447,256.93
Bill	12/15/2014	661324	Stantec	dorchester condo sales office lights	The Dorchester Sales Office	181.10	447,438.03
Bill	12/15/2014	661324	Stantec	task # 300 - engineering & LA - 35% complete	The Dorchester (Sville Hotel)	2,363.00	449,801.03
Bill	12/15/2014	sales lighting	Tom Chevano	task # 401 - SCDOT encroachment - 12% complet	The Dorchester (Sville Hotel)	680.00	450,481.03
				Dorchester Sales center lighting	The Dorchester Sales Office	75.00	450,556.03

Applegate & Company, Inc.
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Bill	12/19/2014	postage	Casey Bell	certified mail to historic society	The Dorchester (Sville Hotel)	6.00	450,562.03
Bill	12/29/2014	4392 12/14	AT&T Mobility	sales phone line	The Dorchester Sales Office	88.27	450,650.30
Bill	12/29/2014	777005 1/15	American Express	777005	The Dorchester Sales Office	16.95	450,667.25
Bill	12/30/2014	11/22-12/22	Lynn Callison	payment 2 of 3 for 15,000	The Dorchester Sales Office	5,000.00	455,667.25
Bill	12/30/2014	4614 1/14	Cardmember Services	marketing	The Dorchester (Sville Hotel)	1,013.00	456,680.25
Bill	12/31/2014	reimbursement	Lynn Callison	supplies	The Dorchester Sales Office	120.13	456,800.38
Bill	01/12/2015	12/23-1/22	Lynn Callison	payment 3 of 3 for 15,000	The Dorchester Sales Office	5,000.00	461,800.38
Bill	01/13/2015	reimbursement	Lynn Callison	supplies	The Dorchester Sales Office	12.71	461,813.09
Bill	01/13/2015	3210102169189 1/15	SCE&G	3210102169189	The Dorchester Sales Office	122.74	461,935.83
Bill	01/14/2015	14125	Goff-D'Antonio Associates	invoice 14125 dated 1-8-2015	The Dorchester (Sville Hotel)	45,550.09	507,485.92
Bill	01/15/2015	1670439	Haynsworth, Sinkler & Boyd, PA	dorchester AIA contract, construction contract, eva	The Dorchester (Sville Hotel)	2,609.00	510,094.92
Bill	01/15/2015	1670438	Haynsworth, Sinkler & Boyd, PA	Hotel management agreement discussion- calls ar	The Dorchester (Sville Hotel)	2,775.00	512,869.92
Bill	01/15/2015	retainer	Duffy And Young	dorchester legal representation	The Dorchester (Sville Hotel)	5,000.00	517,869.92
Bill	01/16/2015	T604753	Tomacon		The Dorchester (Sville Hotel)	2,000.00	519,869.92
Bill	01/16/2015		Ashley Land Surveying, Inc.		The Dorchester (Sville Hotel)	1,750.00	521,619.92
Bill	01/20/2015	1/15 earnest	Haynsworth, Sinkler & Boyd, PA-Escrow	Earnest money for purchase of property in summe	The Dorchester (Sville Hotel)	4,000.00	525,619.92
Bill	01/28/2015	4892 1/15	AT&T Mobility	sales phone line	The Dorchester Sales Office	88.47	525,708.39
Bill	01/29/2015	777005 2/15	American Express	777005	The Dorchester Sales Office	748.77	526,457.16
Bill	02/09/2015	3210102169189 2/15	SCE&G	3210102169189	The Dorchester Sales Office	168.74	526,625.90
Bill	02/09/2015	Inv # 15115	Goff-D'Antonio Associates	Basic Services	The Dorchester (Sville Hotel)	38,199.00	564,824.90
Bill	02/09/2015	Inv # 15115	Goff-D'Antonio Associates	Other Services	The Dorchester (Sville Hotel)	2,382.50	567,207.40
Bill	02/09/2015	Inv # 15115	Goff-D'Antonio Associates	Reimburseables	The Dorchester (Sville Hotel)	771.54	567,978.94
Bill	02/09/2015	Inv # 2851	Terry Environmental Services, Inc.		The Dorchester (Sville Hotel)	1,600.00	569,578.94
Bill	02/09/2015	872217	Stantec	Progress Charge	The Dorchester (Sville Hotel)	5,869.50	575,448.44
Bill	02/09/2015	872217	Stantec	Permitting Assistance	The Dorchester (Sville Hotel)	470.00	575,918.44
Bill	02/09/2015	872217	Stantec	Reimburseables	The Dorchester (Sville Hotel)	37.59	575,956.03
Bill	02/10/2015	1/23-2/10	Lynn Callison	prorated for month (3,000)	The Dorchester Sales Office	3,166.73	579,122.76
Bill	02/23/2015	4892 2/15	AT&T Mobility	sales phone line	The Dorchester Sales Office	88.47	579,211.23
Bill	02/23/2015	3210102169189 3/15	SCE&G	3210102169189	The Dorchester Sales Office	80.92	579,292.15
Bill	03/04/2015	Inv 51, 1579, 1514	Surefire Marketing	Direct Mail Campaign, other items	The Dorchester Sales Office	4,000.00	583,292.15
Bill	03/04/2015	Inv 51, 1579, 1514	Surefire Marketing	Direct Mail Campaign, other items	The Dorchester Sales Office	2,450.00	585,742.15
Bill	03/04/2015	Inv 51, 1579, 1514	Surefire Marketing	Direct Mail Campaign, other items	The Dorchester Sales Office	400.00	586,142.15
Bill	03/05/2015	PC101882	Post & Courier		The Dorchester Sales Office	138.04	586,280.19
Bill	03/09/2015	777005 3/15	American Express	777005	The Dorchester Sales Office	820.17	587,100.36
Bill	03/11/2015	Invoice # 155 2.2.15	Duffy And Young	Initial Invoice	The Dorchester (Sville Hotel)	7,781.25	594,881.61
Bill	03/30/2015	Invoice 277	Duffy And Young	Invoice 277	The Dorchester (Sville Hotel)	2,787.50	597,669.11
Bill	04/02/2015	777005 4/15	American Express	777005	The Dorchester Sales Office	557.40	598,226.51
Bill	04/03/2015	Invoice 869495	Stantec		The Dorchester (Sville Hotel)	2,916.00	601,142.51
Bill	04/13/2015		Gale F.E. Cates Revocable Trust	1/2 lost rents on property due per extension	The Dorchester (Sville Hotel)	9,412.50	610,555.01
Bill	04/14/2015	Invoice # 15315	Goff-D'Antonio Associates		The Dorchester (Sville Hotel)	35,043.54	645,598.55
Bill	04/14/2015	Invoice # 15315	Goff-D'Antonio Associates		The Dorchester (Sville Hotel)	1.20	645,599.75
Bill	04/21/2015	dorchester NOI fee	S.C. DHEC	NOI required fee	The Dorchester (Sville Hotel)	125.00	645,724.75

12:16 PM
07/01/15
Cash Basis

Applegate & Company, Inc.
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Bill	04/22/2015	Inv 899086	Stantec		The Dorchester (Sville Hotel)	2,972.50	648,897.28
Deposit	04/23/2015		AT&T Mobility	credit refund last months bill	The Dorchester Sales Office	-52.52	648,844.76
Bill	05/01/2015		American Express	777005	The Dorchester Sales Office	475.00	649,119.76
Bill	05/04/2015	15415	Goff-D'Antonio Associates		The Dorchester (Sville Hotel)	14,802.54	663,922.27
Bill	05/05/2015	329	Duffy And Young		The Dorchester (Sville Hotel)	5,988.50	669,910.77
Bill	05/14/2015		Gale F.E. Cates Revocable Trust	1/2 lost rents on property due per extension	The Dorchester (Sville Hotel)	1,150.00	671,060.77
Bill	05/14/2015		Gale F.E. Cates Revocable Trust	1/2 lost rents on property due per extension	The Dorchester (Sville Hotel)	1,150.00	672,210.77
Bill	05/14/2015		Gale F.E. Cates Revocable Trust	1/2 lost rents on property due per extension	The Dorchester (Sville Hotel)	1,150.00	673,360.77
Bill	05/14/2015		Gale F.E. Cates Revocable Trust	1/2 lost rents on property due per extension	The Dorchester (Sville Hotel)	1,150.00	674,510.77
Bill	05/19/2015	Inv 1083048	Haynsworth, Sinkler & Boyd, PA	Land Purchase213 W 2nd South St Svll	The Dorchester (Sville Hotel)	820.00	675,330.77
Bill	05/27/2015	Inv 910090	Stantec	Inv date 5.20.2015	The Dorchester (Sville Hotel)	6,136.50	681,467.27
Bill	06/02/2015	771717444001	Office Depot	presentation packs	The Dorchester (Sville Hotel)	182.67	681,649.94
Bill	06/04/2015	15515	Goff-D'Antonio Associates	Invoice dated 6.4.2015	The Dorchester (Sville Hotel)	22,470.45	704,120.39
Bill	06/09/2015	777005 6/15	American Express	777005	The Dorchester (Sville Hotel)		704,120.39
Bill	06/29/2015	777005 7/15	American Express	777005	The Dorchester (Sville Hotel)	16.75	704,137.14
Bill	03/01/2015	410	Duffy And Young		The Dorchester (Sville Hotel)	9,937.50	714,074.64
Bill	07/01/2015	528	Duffy And Young		The Dorchester (Sville Hotel)	1,912.50	715,987.14
Total Due from The Dorchester						716,937.14	715,987.14
TOTAL						715,987.14	715,987.14

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; Peter M. Gorman; James Stephen Greene, Jr., Brian Peacher; Robert Klinger; Mary Becker; South Carolina Public Interest Foundation; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Plaintiffs, vs. Town of Summerville; William C. Collins, in his capacity as Mayor; Terry Jenkins, Aaron Brown, Walter Bailey, William McIntosh, Kima Garten-Schmidt and Robert Jackson, in their capacities as members of Town Council; Town of Summerville Redevelopment Corporation; Town of Summerville Planning Commission; Town of Summerville Board of Architectural Review; Applegate & Co.; The Dorchester, LLC; and Arthur H. Applegate, Defendants.	IN THE COURT OF COMMON PLEAS IN THE FIRST JUDICIAL CIRCUIT C.A. NO.: 2015-CP-18-00713 **AFFIDAVIT OF WILLIAM C. COLLINS**

NOW COMES the Affiant, William C. Collins, who under oath and penalties of perjury deposes and states as follows:

1. I am a defendant in the above-captioned action. Both currently and throughout the period of events giving rise to this matter, I have served as Mayor of the Town of Summerville, South Carolina.

2. In response to the Town's Request for Proposals as advertised in *The Post and Courier* on November 10, 2013, Applegate & Co. submitted a proposal, including architectural renderings, for the design of a boutique hotel, restaurant, roof top bar and

terrace, retail space, parking garage, conference center with capacity for 300 people, and thirty-four residential units. Applegate & Co.'s submission proposed that the Town's 1.58-acre tract would be used in conjunction with a .658-acre tract of adjacent land that Applegate & Co. had under contract.

3. This proposal by Applegate & Co. was the only proposal received by the Town in response to its November 10, 2013 Request for Proposals.

4. The Town did not accept Applegate & Co.'s proposal as submitted. Rather, the Town authorized me to enter into non-binding negotiations with Applegate & Co. to ensure the project accommodated the best interests of the Town and its residents and to ensure the project was the best use of this tract of land owned by the Town.

5. Upon Applegate & Co.'s submission, wherein it proposed use of a tract of land adjacent to the Town's property, it was apparent that this use of the two properties together was the best option for the Town to accomplish its objectives. This additional tract was integral and vital to the development project because it would allow for design and construction of a boutique hotel, restaurant, roof top bar, retail space, parking garage, and conference center with capacity for 300 people. In this regard, this project was classified as a Sole Source Procurement. Town Council voted unanimously to authorize me to negotiate a proposed contract with Applegate.

6. Ultimately, following numerous public meetings and informational meetings during which the boutique hotel project was discussed, the Town of Summerville, Town of Summerville Redevelopment Corporation and Applegate & Co. entered into a Public-Private Partnership Agreement ("Agreement") on July 9, 2014.

7. The project consists of four major components: a Town-owned parking garage, a Town-owned conference center, and a privately owned boutique hotel and privately owned condominiums.

8. The Agreement provides for hotel, meeting space, and parking garage areas that span both properties. The Town's 1.58-acre parcel and Applegate & Co.'s adjacent .658-acre parcel will be used for construction of the project with certain overlaps, such that portions of the Town-owned parking garage and/or conference center will be constructed on property belonging to Applegate & Co., and portions of the private development will be constructed on the Town-owned property. In this regard, there will be a property-line adjustment to be determined at final design and platting to accommodate the placement of the structures so that the public facilities will sit on publically owned land and the private facilities will be positioned on privately owned land.

9. There is obviously no way this project could be done on a competitive sealed bid basis. The Town was soliciting concepts for "design" of a boutique hotel, parking facility, and potentially a conference center to accommodate 300 people, on a small tract of blighted land owned by the Town, thus requiring creativity, skills, and a high level of expertise through education and/or training. This was not a situation where the Town was requesting bids on a building that had already been designed.

10. Should this project be delayed by an injunctive order as requested by Plaintiffs in their pleadings, the Town will sustain significant damages. The Town anticipates that costs of construction will increase; further, the Town will sustain damages from delay. The operation of the conference center and parking garage will generate revenue. Specifically, it is anticipated, based upon market studies of comparable projects, that the conference center will collect approximately $271,796.00 in revenue per year and that the parking garage will collect approximately $158,896.00 in revenue per year. Additionally, it is estimated, based upon average numbers from comparable establishments, that the Town will collect approximately $33,027.27 annually in hospitality taxes from the rooftop bar; approximately $15,785.39 annually in hospitality taxes from the restaurant; approximately

$16,696.22 annually in accommodations taxes from the boutique hotel; and approximately $8,280.89 annually in business license fees. Finally, it is anticipated that the Town of Summerville will collect approximately $38,809.00 per year in property tax revenue. Accordingly, for every month the project is delayed, the Town will incur an average, estimated loss of approximately $45,274.23 per month.

11. Every day the project is delayed is a loss to the Town of Summerville and its residents. The facilities will not be available for their use and the property will be idle instead of the meeting space being rented and cars paying to park in the garage.

12. Additionally, Plaintiffs' demand that issuance of "Hospitality Fee Revenue bonds" be enjoined is entirely unreasonable and would cause significant damages and disruptions to the Town. The Town has the power to issue bonds and interest rates are at a historic low. If enjoined, the Town could lose out on the favorable interest rates. And if the project is enjoined, but not the bonds, the Town will have taken out a bond and have to pay interest without getting to use the money to build the project.

FURTHER AFFIANT SAYETH NOT.

William C. Collins

SWORN and SUBSCRIBED

before me this 9 day of July, 2015.

Notary Public for South Carolina
My Commission Expires: 3/28/2024

Tiffany J. Norton
NOTARY PUBLIC
State of South Carolina
My Commission Expires 3/28/2024

BOARD OF ARCHITECTURAL REVIEW MINUTES

MONDAY OCTOBER 6, 2014

TOWN HALL ANNEX -- COUNCIL CHAMBERS

IN RE: 208 S. CEDAR STREET, 200, 206, 201 W. RICHARDSON AVENUE

MIXED USE DEVELOPMENT - DORCHESTER HOTEL

MEMBERS PRESENT:	STAFF PRESENT:
Phil Dixon, Chairman	Madelyn Robinson, Planning Dept.
Jeff Bowers	Rich Palmer, Building Dept.
Rachel Burton	Lucy Dreyer, Board Secretary
Cecile Colthran	
Beth Huggins	
John Kwist	
David Price	

COPY

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

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Midwest Litigation Services

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TRANSCRIPTION

CHAIRMAN DIXON: -- Zoning Department staff has reviewed this project and has advised us that the purposes spelled out in this submittal meet the requirements of the ordinance for this tract of land. If your sole purpose for being here is to argue either for or against this hotel, you have my permission to get up and leave now because you will not be allowed to speak. And as soon as I or one of the other board members realizes that is what you're doing, we will ask you to sit down. That discussion needs to be taken up with the Town Council or someone else, not the Board of Architectural Review.

We are to look at this project, as one of our members said, purely on aesthetic, design, architecture, height, mass, and scale and harmony within the historical district in the Town of Summerville. We will look at the overall street scene.

As with any other project, the applicant has the opportunity to present a conceptual or master plan for our review prior to committing funds for a full set of design plans and specifications. This means that we might agree with the concept while disagreeing with some of the details. It also means that each phase of the project must be submitted at a later date for approval; that they will be more developed at that point; and the

individual portions of the project and any disagreements will have been worked out before the applicant comes back to the Board.

Demolition is also considered as a separate action by the Board, and while conceptual approval may be contingent on some demolition, it doesn't mean that demolition concerns are overlooked.

Although we are not required to solicit comments from anyone other than the applicant and the board members, we have chosen based on the great interest expressed both for and against this project to allow others to express comments that might help influence our decision making. For this purpose we place a sign-in sheet down below, and we will call you in the order that you signed in.

Please note that by signing in you agree to abide by the rules we have established for this meeting. To allow everyone who wishes to be heard reasonably -- reasonable opportunity, we must insist that each of you comply with the following guidance:

Each person will be limited to three minutes to speak on topic. We will be monitoring the time, and when you are told your three minutes are up we expect you to rapidly wrap up what you're saying and sit down. There will be no exceptions.

Begin by stating your name and where you live in the Town of Summerville. Address your comments to the board, and do not engage in any side conversations with our other guests. If someone before you has made your point, please limit your comments to stating that you agree with them. Rehashing the same points over and over will not enhance your position and, in fact, might damage it.

When you're not speaking, please remain silent so that the board and the applicant can hear what the speaker has to say. If you do not comply with this, you will be asked to leave.

Again, I must stress that if you are here to argue either for or against building the hotel, you are at the wrong meeting and will not be allowed to speak.

Please abide by these rules. And we're ready to get started.

MS. DREYER: Okay.

CHAIRMAN DIXON: The first -- applicant.

MR. D'ANTONIO: Yes. Hi. My name is Hank D'Antonio (ph) and I'm with Goff D'Antonio Associates, architects and planners, interior designers. We're located in downtown Charleston. We've designed many projects similar to this project in the Charleston

area and elsewhere.

And I'd like to start by giving a little background on this project. And I know we're not getting into the zoning, but just to give you a context of where this -- where this is: This is on the corner of West Richardson and South Cedar Street. It has -- as mentioned before, this is part of the core downtown historic area, and it is zoned B-3, which is a commercial district. It is also surrounded by other similar zonings and B-1 zonings.

MS. BURTON: (unintelligible).

MR. D'ANTONIO: Yeah, I can't -- maybe -- if you look in the upper -- I'm sorry. You know, it's not the best of situations here in terms of view. This -- the town and the developer have assembled this piece of property. It's about two and a half acres of land.

In doing this work and coming up with this concept for the project, we spent a considerable amount of time in downtown Summerville and in the surrounding area to look at the various properties that surround this building and also the area right downtown where the Hutchison Park is and some of the other locations -- the municipal complex here on West Richardson.

The shots you see here are across the

street from our project, including a commercial building kind of on the corner, and then a series of retail and commercial buildings as you head down South Cedar Street. We have St. Luke's Lutheran Church on an adjacent property on the other side of our development.

Right adjacent to the property is this existing business, which is a two-story business with lap board siding and a porch. And then going down in the opposite direction, going east on South Cedar, there are other commercial buildings -- the Y and several other buildings -- in that direction. So we're right down in the middle of -- see the -- in the middle of downtown. Here's the square. So we're very close to the -- to the immediate historic commercial district.

In looking at the materials and massing and details of the project, they're still in development, but we noted some of the important ones that we felt were important to incorporating at least from a design standpoint to try to reflect and look upon as incorporating in our design.

And we looked at window proportions, what front facades for commercial buildings you have in the downtown area in terms of it being a taller story for the first floor, the details of windows, the heavy cornice that you see at the top of many of these downtown buildings

and even some of the more contemporary buildings that are downtown.

And we looked in the residential areas to look at also some other details -- some of the gazebos and types of special structures you have around the community that might be reflective in this project. And so many of them -- so many of the buildings also have porches and things that we thought were important to start incorporating in the overall design for the residential portion of the project.

As mentioned, this is a -- the project is located on West Richardson and South Cedar. There was a -- I believe there was a drycleaner in this location. There are several other buildings on the site which we've requested for demolition in order to accommodate this urban design of this mixed-use project.

This project is comprised of basically four elements. The area you see in the blue is a -- is the hotel. It's a 66-room hotel. It's three stories in height, with a top roof deck area that's a outside restaurant/bar area on the top floor. It's a parking garage, about 160 parking spaces surrounded by a residential component. These are multifamily attached residential units.

And this is the location we're showing

for the conference center, which will be operated through the hotel in terms of servicing it with food service from a restaurant area that would also serve food service to this conference center. The conference center can seat 300 people in a sit-down dining type of an arrangement, and it's also broken down into four separate meeting rooms that can divided into four rooms from a bigger space.

Part of the design includes improvements to the public right-of-way, and many of the utilities that you see -- some of the overhead lines, things that are there now -- will be buried and not be seen. All underground utilities. And you see an entrance drive that comes back and creates the entrance drive to the -- to get to the parking garage, and also back towards the service area which will serve kind of the conference center. That drive will be a very nice hard surface drive with bands of paving-type brick material.

And we have a nice hardscape here which we'll show you that has two levels. Much like the buildings across the street, the public sort of sidewalk follows the slope of the drive with Richardson Street being high on this end and as you travel down South Cedar it gets lower.

But our terrace for the hotel and the restaurant, which is in this area -- the hotel lobby is

here, the restaurant is on this left end -- it has an outside terrace which will serve as an -- also a place where we can place some outdoor tables and have some outside dining on the ground floor.

The ground floor is -- also has -- and the reason we're showing you this, so when you see the elevations and you look at the perspectives that we have in this presentation, you'll understand how the building is organized and why it's organized the way it is, and why it looks like it does.

But the downstairs first floor is made up of a variety of spaces -- the hotel lobby with sitting areas, a coffee shop, the restaurant on this end, some small conference rooms, another retail space on West Richardson, and kind of a club facility for the -- associated with the residential component. The residential component will also be able to use the exercise facilities in the hotel and the swimming pool area which is in this courtyard space that you see here.

So it's truly an urban project in the sense that people that live in the residential area can use the amenities of the hotel.

As mentioned, when we started -- I apologize for the darkness of this slide, but as we started to look at the proportions of the buildings, the

massing, and the treatments of use of different materials, we tried to incorporate, as I said, some of the -- some of the items that you find in other parts of the downtown area.

So this sort of darker color here sort of represents brick material on this elevation. The lighter material represents another kind of masonry material at the base. This is the hotel portion on -- as you're looking on the corner from Richardson Street along West Richardson.

We've incorporated balconies. You can see we have a cornice piece that runs across the entire top façade of the hotel project, much like -- it's not a replica of an historic cornice, but it's an interpretation of a cornice that would complement what you have in other parts of the downtown on some of your more historic buildings.

This is again a façade of the hotel which transitions to the residential piece. We tried to break up the residential piece into various masses using -- again, the idea of using porches to separate units and to give it relief so that the proportions and scale of this part of the project, the residential piece which you can see in larger scale below here, breaks up the mass.

The other thing we tried to do is -- if

you look at -- kind of looking at the brick elements, we've introduced some other Hardie siding and panels to have the top floor look more recessed and lighter in color so that the predominant height would be visible primarily on the lower portion of the building.

Again, we've used some height variations between porches and elements of the interior of each of these residential units to give some articulation to the top. I might add that this is a -- this story of the building is for the -- for the commercial hotel has roughly a 14-foot, 8-inch floor-to-floor height, and then we have 10-foot, 8 heights for the additional floors.

This part of the residential are all the same floor-to-floor heights, hence the difference between these two buildings. So this is a 10-foot, 8 floor-to-floor height for each of the floors of the residential portion. The residential portion -- because of that, the residential -- really, we have a 55-foot height limit.

We do not exceed the 55-foot height limit anywhere on this project. And we could, in fact, potentially build a fifth floor on this building without exceeding the 55-foot height limit. So within the zoning envelope, we've chosen to keep the project down to the four stories for this piece.

Next. In looking at some of the other elements of the project, on this lower one, this is South Cedar. You're looking at the side elevation of coming down that entry drive that comes back to the garage. What we don't see here is the garage, which is this piece going in. So these two pieces are together. You can see it here on the top.

We have an entrance to the upstairs roof deck coming in from this side, with a drop-off. We have an elevator and entrance here to the parking garage on this corner. And then this is residential areas here. So what you're looking at in the bigger scale is, again, a residential portion here with a mixture of materials, porches, the entry to the garage, and then this vertical piece which is the elevator/stair area there.

Next. In looking at the north elevation, this is looking behind as if you were looking from Pine, looking back towards the residential portion of the building. Again, we're breaking up the facades using a little more siding material on this side, which is predominant in Summerville in terms of residential structures. We're trying to incorporate that. And again breaking up the masses with ends and outs and porches and -- so that this is not going to read as a flat façade.

The lower piece -- this is the hotel piece looking along South Richardson, and you can see the elevation of the walk coming down and then our terrace, which is up here, which is at the level of the floor of the building. And the -- what you're looking at back here, this is recessed back. That's part of the rooftop area.

Next. Some other pieces of the project. Looking in the courtyard space, this is basically if you were standing in the courtyard of the hotel where the pool is looking at the south elevation of the -- of that courtyard. And this is looking at the north elevation, entrance back into the hotel from the courtyard.

Next. This is a little harder to read because it's so dark, but this is the conference center. This is the side that you're going to be seeing primarily from the -- South Cedar. So if you come down our entrance drive, you're coming down this piece here. There's signage identifying the conference center.

The conference center is a single-story building. We at one time had it as a two-story building, and because it is a conference center the height of the eave up here is around 20, 22 feet, something in that range. So elevating it even further we felt was an issue, so we reduced the scale by dropping the building down to

an at-grade kind of situation, although over here on Second it's a little bit lower in elevation, and hence, you know, you enter at grade up here and it's a little bit dropped here.

So this is the south elevation. It's got a series of windows along the gallery space. North elevation you can't see too well here, but it would be screened by a tree line and just a rhythm of pilasters and brick work.

This is the side on West -- the west elevation of West Second, and it's got a porch that addresses -- with a stair that comes down, addressing the street elevation on that side. And then if you look directly at the elevation of the entrance, which is over here -- if you look directly at it, this is the corner piece where you would enter the conference center.

Next. I think these 3-D views give you a better view of the composition of the building. Again, the parking garage in the center, West Richardson here, South Cedar here. This is a hotel component with a rooftop. The conference center is over here. Some of the existing buildings -- this is the existing commercial building right next door to us that sits kind of within its own piece, kind of centered on the lot, and a couple of the other buildings.

Next. Again, a view -- this is looking now along South Cedar. Our entrance drive coming back and the conference center here; entrance to the garage piece. The garage is totally wrapped, so the only exposure to the garage that will be seen is from this courtyard space.

Next. This is looking from the north, looking back south. West Richardson here. Again, a residential component, the hotel on the corner, and the conference center. And this is the corner looking at the entry from the corner of West Richardson and South Cedar, the hotel main entrance.

We're still looking at details and elements of how we do some of these balcony things, which we're going to try to emulate as best we can the character of what you might find in Summerville and other areas. How this is treated -- this is not finally designed, but this idea of having this kind of icon at the corner and some shelter that people can get out near the edge of the building to kind of see -- if you look -- if you're in this pavilion area, you can look straight down West Richardson towards the downtown area. And -- is that it?

Another view looking back down West Richardson, and a view on South Cedar. Here you can see that terrace -- elevated terrace with the umbrella tables

out front, a planting edge. You know, we're going to add street trees. We've got bollards that lead back along the sidewalk to separate the drive from the sidewalk area. And these will be lighted at night. You'll be able to walk along there and have low lighting. So it's going to be a very nice environment for people to use.

And, again, a little perspective of the conference center. This is from West Second here looking back.

Next. That's it.

Does anybody from the board have any questions that I can answer?

MR. KWIST: I have a good many, but do we want to hear from the public first?

CHAIRMAN DIXON: What's the Board's feeling?

DR. PRICE I think the board should ask first.

CHAIRMAN DIXON: We can have theirs, and then if we have more questions we can follow-up at the end.

DR. PRICE We may end up answering some questions that are out there.

CHAIRMAN DIXON: Okay.

MR. KWIST: Do you want to start from one

end to the other or --

CHAIRMAN DIXON: It doesn't matter. Go ahead, John.

MR. KWIST: Okay. I don't mind.

CHAIRMAN DIXON: If you need to use it, push the blue button down.

MR. KWIST: The red one?

CHAIRMAN DIXON: The blue one.

MALE SPEAKER: Blue.

CHAIRMAIN DIXON: Push that one down when you talk -- while you talk. No, you got to hold it down.

FEMALE SPEAKER: (unintelligible).

CHAIRMAN DIXON: This modern, new-fangled stuff.

MR. KWIST: Okay. My questions are in no particular order, just as I wrote them down.

MR. D'ANTONIO: Sure.

MR. KWIST: So one does not have more importance to the others, so just if I ramble, just forget -- just -- can you not hear?

DR. PRICE Some of us are old enough we need hearing aids and still don't have them.

MR. KWIST: I'm wearing them too, so I can't hear what you're saying.

MALE SPEAKER: (unintelligible) little bit.

MR. KWIST: Is this better?

MALE SPEAKER: If y'all could speak louder.

MR. KWIST: All right. Service drive, where is the service drive for this?

MR. D'ANTONIO: The main -- let me go back -- yeah, the main drive -- too far. Well, stay in one spot. Stay. The main drive that comes back comes off of South Cedar. It comes in. And there's a service courtyard here beyond the entrance to the conference center that leads into the parking garage and leads to the service area there.

So it's a two-way drive. It's not a one-way drive. So what happens is any service vehicles that come in would come in and pick up trash, whatever, and be able to back and turn around and come back out.

MR. KWIST: So is the Dumpster at the end of that drive?

MR. D'ANTONIO: It's in behind a gated enclosure.

FEMALE SPEAKER: (unintelligible).

MR. KWIST: That's the four squares?

MR. D'ANTONIO: Right at the back.

MR. KWIST: That's the four squares?

MR. D'ANTONIO: Way at the back right here.

MR. KWIST: (unintelligible) 101?

MR. D'ANTONIO: Yes. Yeah, there would actually be less than those. That's a earlier version, but, yes, that's the general area. They'll be in a fenced and gated area and closed off.

MR. KWIST: Well, will that also be the drive for deliveries and (unintelligible)?

MR. D'ANTONIO: Yeah. That -- well, I mean, yes. We have -- along West Richardson there are -- there is a lane right there now of parking spaces, and we would have -- we have an entrance to the residential over there, but that area can serve along this side of the building.

However -- and saying likewise in the front. We have a series of loading/unloading area that's going to be on -- in front of the building there on South Cedar. That's a -- it's a dedicated lane.

CHAIRMAN DIXON: Your pointer is not showing up on these --

(Unintelligible simultaneous speaking)

MR. D'ANTONIO: Yeah, I know.

MR. KWIST: I generally can --

MR. D'ANTONIO: I'll try to describe it.

MR. KWIST: I generally can follow --

MR. D'ANTONIO: Yeah. I'll try to describe it as best I can.

MR. KWIST: The tower, I see no resemblance to anything in Summerville that that tower (unintelligible).

(Applause)

MR. D'ANTONIO: I -- we realize that it's a work in progress. What we said is there's plenty of gazebos and other things around town. There's church spires. There's other elements around Summerville that have those kinds of elements -- round forms, rooftops that are, you know, somewhat -- conical roofs, things like that.

So this hasn't been fully designed, but if you look at some of these elements -- we tried to point out this earlier -- these are some of the elements that you see. You don't see them on top of buildings, but you do see bell towers, you do see other elements on top of buildings and spires. How it's designed, we would admit that it's a work in progress and it hasn't been fully designed.

But I think if you take it off it's going to be -- it's going to be less of a symbol, and therefore

I think you lose an opportunity to say this is the entrance to the hotel, and allow for some covering for that rooftop area where people can get out near the edge and have some cover and see down the -- Main Street to downtown. And that was the reason for doing it. But we're certainly, you know, looking at that concept.

MR. KWIST: At future meetings, I would like to see some alternatives to this particular element.

MR. D'ANTONIO: Sure.

MR. KWIST: I think it's -- it doesn't represent Summerville to me, and it does not look appropriate for that particular location.

(Applause)

CHAIRMAN DIXON: Please don't --

MR. KWIST: You know, I really don't want --

CHAIRMAN DIXON: Please don't --

MR. KWIST: -- applause. I just -- I'm trying to be -- I'm trying to offer constructive criticism --

MR. D'ANTONIO: And we appreciate that.

MR. KWIST: -- not grandstand.

MR. D'ANTONIO: Thank you.

MR. KWIST: The -- one of the questions I had that I asked myself about the mechanical systems

for this whole project, I notice you have heat pumps on the roof for the condominiums. You have a grid on top of the conference center that screens mechanical equipment. But I also noticed that you have through-the-wall units for the hotel rooms.

In my experience in staying in high-end hotels is they don't have this kind of units. They have some kind of -- they have a chiller somewhere remotely located and they have fan coil units in the rooms conveniently situated. They run quiet. They run efficient.

I think having 63 or more through-the-wall units not only I think is unsightly if you look at these elevations, but it's going to be noisy as well. In summertime all of those will be running constantly, and I think it's going to create an undesirable drone, if you will, from all these units running.

And, also, they work well for a couple of years, but after that they start malfunctioning in terms of getting rid of the condensation, and stuff is running down the walls. And I've seen buildings that are five, six, seven years old that show all the stripping from those units. I would not want that here, so I would encourage you to look for some alternative way to heat

and cool the motel rooms.

MR. D'ANTONIO: These are a different -- these are not the standard below-the-window type units. They're in a -- they're a separate unit in a closet. They're a little bit higher grade than you would find in a normal motel where they're under the window if you have seen those. That's, I think, mostly what you're referring to. These are somewhat of an upgrade type unit. But appreciate your comment.

MR. KWIST: Yeah. I -- additionally, the appearance of all those grills on the side of the building is not pleasing. So that's the (unintelligible).

The corner columns of the balconies, they look to me like they're oversized. And you can correct me if I'm wrong, but I think architecturally the larger ones should be on the first floor and they should reduce in size if they go up. That was not done on the old Town Hall. It drives me crazy every time I drive by it. So I would hope that we could address that.

And, also, I noticed that the base is cantilevered out from the slabs on those, unless I'm not reading these plans correctly. But they don't sit -- the base does not sit on the balcony slab 100 percent. So I'm sure --

MR. D'ANTONIO: No, I think they would. I mean, we honestly haven't detailed --

MR. KWIST: (unintelligible).

MR. D'ANTONIO: -- all that right yet.

MR. KWIST: Overall, I think it's too much building on too small a space. And in height, mass, and scale, I think it exceeds my taste for what it should look like. I think the top floor ought to be set back so that you can't see it from the opposite side of the street.

And I also think there ought to be more in and out detailing of the walls to allow for interest in the textures of the building and also may accommodate saving some significant trees that are slated to come down. And so I would like to see the scope of the work reduced and the height brought down at least visually by setting the top floor back.

And you said at some point that this is purely an urban project, and I don't think Summerville is an urban city. I think we're a village and a township, if you will. So I think we ought to look at the overall aspect of it and come up with a design that represents Summerville more than what I see here. Those are my comments. Thank you.

(Applause)

DR. PRICE I have some issues (unintelligible). I have some issues regarding the mass of the project. I want to first of all say that I have nothing against this concept in town in the appropriate place.

I walked around the property or an hour and a half yesterday with the drawings, tried to imagine the mass of the different facades respective to what lies in the immediate vicinity. And as best I can determine, the top of this at the four-story level ends up being approximately the height of the top of our -- the top of the wall of the parking garage.

When we as a Board dealt with that issue, we dealt with the fact that the parking garage was going to be on the interior of the block, not on the street, rising straight up from the streetscape. And I think this is going to -- as it currently is drawn is going to feel very massive in that place.

When we looked at the project that we're in now on the BAR, we were provided with a scale model of the block, and we -- I cannot vote in any way on this project until I see a scale model. So if the others want to vote without me, they can, but I need to see a scale model.

One of the issues for us people who are

not architects is when we see a set of architectural plans, they are presented to us as if there's 100 yards of open field around the building. And it's not your fault. That's just how they're presented to us. But it doesn't give us an opportunity to get a feel of what the surrounding streetscape is.

And some issues I'd like to know in terms of actual numbers are the finishing touch building which is the old clapboard, two-story building that's across the street from this that faces Richardson, across from the post office, across from CPW -- the long clapboard building. I'd like to know what the height of the ridge of that two-story, steeply pitched building is versus what the top of this building is going to be immediately across the street; and also the height of this building.

And we know about these various kinds of height limits and everything, but until we see a stick or something that says what 55 feet is, it's hard to imagine. But if you could provide us with what the height of some of the taller buildings are in town, that would be helpful.

And when I look at the building -- you wouldn't notice this, but it's the Seymour Lynch building across from Tom Davenport's office, that's a two-story building, and although the grade level is higher on that

side of the street, you're going to have that with much higher buildings sitting across the street from it.

And I was kind of interested to see in the paper this morning when I was reading about us that Charleston is also struggling with things, and they have a 30-foot height limit for new building construction immediately against King Street. And we're looking at much higher. And I don't know whether the amount of green space between the sidewalk and the building here changes that or not, but I do not want to see a situation where we have buyer's remorse like they had in Mount Pleasant with the boulevard project and they say, "Oh, my God. What did we just do?"

So that is what I've got to say at this point.

MS. HUGGINS: I don't want to be repetitive, but I agree with what David was saying. I think the height is a huge problem for me. I'm not in on the architectural end of it as far as construction-wise, but I do aesthetically -- and that's why I'm here on the board -- aesthetically, I want to see -- I would like to see more elements. To me this looks very cold and sterile, and I would like to see more elements that would cozy it up to what our -- I mean, what -- the feel of our town.

This, to me, does not reflect the feel of the town. So I would just like to see more spaces like John said to save trees and different things like that. And I think you could be more sensitive in that area and still get the hotel that you want.

Those are my comments.

MS. COLTHRAN: What I would like is impossible. I would like for you to build something that looks just like the old Pine Forest.

(Applause)

MS. COLTHRAN: You might take a look at some of the old pictures and look, for instance, at the way the roofs were graduated and your -- your saucer effect here on the -- over the front door might be a cupola. It is a recognizable cupola for me. And I also like clapboard.

MR. D'ANTONIO: Well, we tried to take elements, like I said, of the town. I mean, we spent a lot of time going around and looking at things. So, you know, these are just flat pictures on a screen, and I think if you really look at the plans we do have ins and outs in the design. You may not read it that way, but residential areas have a lot of -- on the residential part it does have a lot of relief.

On the hotel part you do have, you know,

rooms, so we've broken up that façade. We can't give you relief on every single room, because I think that would look chaotic. And if you look at your downtown commercial buildings, they're fairly straight, long facades. On the park there, that's a fairly straight, long façade, and it's articulated by the way they do the windows and the cornices and other things on that building. So those are kinds of the things we've tried to relate to in doing this.

MS. COLTHRAN: And I understand that, and certainly agree with you and understand that. But I don't think that a boutique hotel should necessarily look like a commercial building. I think it needs to look like something --

(Applause)

MS. COLTHRAN: -- that's going to make people want to come here and stay there.

FEMALE SPEAKER: And I think that's why we may need the mold. I mean, it would certainly help me to visualize what's going on and what you're proposing.

MALE SPEAKER: The -- a model that reflects what we're talking about -- a model that reflects that we're discussing, not a model that reflects these drawings, because we've already said we don't like those.

FEMALE SPEAKER: Correct.

MALE SPEAKER: Yeah. I mean --

MR. D'ANTONIO: Well, keep in mind we're here for kind of -- on a conceptual basis, too, and this is not a final product by any stretch. So, you know, we're in the process of developing this design and we're happy to hear your comments and take them into consideration. So we thank you for that. You know, this is not -- we're not asking you to vote for a final design.

MS. BURTON: I wanted to talk first of all about your site -- I wanted to talk first of all about your site design, and then talk a little bit about the specific building design.

I really liked how you started tonight talking about Summerville, looking at the buildings that were there and looking at the characteristics of our town. And I liked how you tried to use those words and ideas when you were working through your actual design.

I thought that the total concept of this project fits really nicely with the three pieces or the four pieces of the parking garage as well. And I actually think that on a conceptual level your site plan is really nice. I like how the conference facility is off to the side. I like how the driveway in -- you've really got some nice landscaping ideas and, you know, using that feature to break up the two parts to the building.

I thought the whole concept you had of using the grade change to create an upper terrace and lower terrace and the kind of site design around the edge was really nice. So the -- on a site plan level, I really like your design and I think it's really effective, and you're using some nice design pieces to really make a very rich streetscape. And I think that that's a really good way to keep on going.

The -- some of the comments that I have is that, like the others on our board, I really like having the center entrance or the corner entrance, but I don't think you've found a good way to actually express (unintelligible) entrance, and that I would suggest that a gazebo is not necessarily the right image to use for your entrance. So while I like the rooftop function of that, I'm not sure that it's the right entrance piece to look at.

And it felt -- I guess like the others -- just a little bit too cold, and a little bit maybe too Daniel Island as opposed to specifically Summerville with our -- you know, like, I guess your sense of proportion and scale just wasn't working as much as what I had hoped.

So when I look specifically at the building design, there's lot of things that I like about Cedar Street. You've got like a fairly -- well, you've

got a lower sense of scale. When you see the prospective views, the rooftop stuff is almost invisible, so you've got a really nice streetscape with all of the activity at the street and then the rooftop is set back. So it's a really nice proportioned streetscape relative to the rest of the Cedar Street massing and scale of buildings.

What I have a lot of trouble with is where we're switching -- well, let me still talk then about the conference facility. I really like how you've got a one-story building. It's a tall one-story building, but it seems to be the right kind of scale of building to fit going back into that lower residential neighborhood, and you've used a lot of things like, you know, the piers, the columns, breaking that up. I like all of that a lot.

Some of your specific detailing I don't like as much. Like the little bracket things don't really seem to be, again, Summerville. And I'd suggest to you find maybe some other detailing pieces, but that -- but that concept of a brick building, having some kind of porch at the front, having some kind of cornice ideas, and then breaking up the mass and having big windows, I think is a really appropriate way to start thinking about that conference building. And I like that you can access it both from the lane way (ph) or -- and then a street side.

So back to the residential building. And this is the part that I had the biggest trouble with. I hear you talking about proportion of windows, the cornice. I can see that you're working at trying to create a lower mass and then have an upper part that perhaps is in -- you know, appears to be set back or appears to be different and -- you know, so that the massing is reduced.

And I know that you've worked at creating piers or, you know, indents, so you have massing of the rooms and then a porch beside it and then a recess that has the Hardie plank or (unintelligible) lap siding. And so you're doing a lot of things that are really good things to start thinking about -- how to break up that mass.

But perhaps you need to think further -- like, for example, it really still remains a four-story wall that goes straight up. And even the porches don't change their character. It's still four stories that go straight up. And the four stories is really quite strong.

And what I note is that in all the prospective that you gave us, you had a lot along Cedar Street, a lot of that hotel. There were none that showed the prospective view of what the residential part was like. And so it was very difficult for me to truly gauge,

like, how much do those setbacks work? How much does that balcony break up the massing? I can't really tell, but it appears like it's still two massive and too much of a straight wall.

And I am especially worried about -- you've got a really nice sense of scale that goes along Cedar, but I feel that the differentiation between the end of your residential building, your lot line, and then the abrupt transition into the historic residential district is too big, and that the scale of that change from four-story residential block into a historic residential neighborhood it's too abrupt a change, and the massing and the -- the -- you know, how the building actually makes that corner and makes that change is, I don't think, as thoughtful as your Cedar Street design is.

So I would really strongly recommend that you think about how do you make that transition from -- you're calling it an urban building. I mean, it is a higher density building. I think there needs to be more thought between that -- the end of that building and then moving into the residential neighborhood.

And I'm not entirely sure how you manage to do that, but I think that that -- the largeness of the mass of the residential building is just too big, too

high, too solid despite the work that you've done with creating, you know, the ingress and the material breaks.

MR. D'ANTONIO: One thing I failed to mention in the presentation, if you'd give me a moment -- one of the things we did do on the residential, the floor heights of the -- what happens is the land is high at the intersection of Richardson and South Cedar. It kind of comes to a -- the highest point is right there on the corner.

Well, then the property drops off in sort of both directions from that corner. So what we've tried to do is on the West Richardson side, every one of the units that is on the ground floor has an entrance that comes to the porch. You can't really see it very well here.

MS. BURTON: I see the steps coming down.

MR. D'ANTONIO: But there are steps. And so we tried to make a relationship to the street.

MS. BURTON: Yeah.

MR. D'ANTONIO: And it's set back further than -- a little bit further in some areas than the hotel to give it a little bit more of a residential feel than the hotel part of the project, so that we do have the entrance that gets you in so you can go into the

building and go up an elevator if you're on the upper floors, but on the grade floor we've tried to translate that and to address the streetscape by having these steps and elements that come down to grade and make it feel like that is an entrance to those individual units.

MS. BURTON: And I come back again and I say that in my opinion how you've addressed the site and how the building meets the grade on all sides, I think you've done exceptionally well. And this is just one further example.

And I guess I'm talking more about just the size of the overall building, you know, and how it then meets the residential neighborhood. But I really do applaud you on the actual, you know, site design that you've done and how these buildings (unintelligible) the street and that interaction and activity, I think you've done a really thoughtful job.

MR. D'ANTONIO: Thank you.

CHAIRMAN DIXON: (unintelligible).

MS. COLTHRAN: May I say one more thing? I have a question. Is there a way to do this without putting the drive out into Cedar Street? That is a horribly congested area right there, and if there was some way maybe to bring people in off of West Richardson and take them out off of West Second, something -- that's a

bad place right there.

MR. D'ANTONIO: We looked at those options and one of the issues -- we looked at elevating -- I told you earlier, elevating the conference center which would've allowed us to exit down to the other side street to Second, but we felt like that -- that didn't work very well because it elevated that conference center substantially.

And if you look at where this curb cut is, I mean, you're talking about -- it's at the mid-block between the two streets. So from a DOT standpoint, there is an existing curb cut there which we -- very close to where our drive is, which we'd be entitled to have.

So, you know, this isn't like a -- there will be certain times of the day when there will be people coming there to the hotel using it to get -- to check in, check out. You're only -- you're talking about 36 residences, you know, which we don't think is -- from a traffic generation standpoint is going to generate a huge number of trips.

The conference center, we suspect because of our parking garage and such that some people will be using the parking garage over here next to this building to go over there to any conference of any size. So we're not expecting that street to generate a

tremendous amount of traffic that you might think. And we can -- you know, I don't have the statistical information, but we're doing a traffic study and we would have that information. But that -- you know, we looked at different options of where that could be.

And the other thing is if we bring the street out -- something going out to Richardson, then we're breaking kind of that pedestrian flow along Richardson and that residential area, so we were trying to not bring a drive out to West Richardson for that reason. But that was our --

MS. COLTHRAN: There's a pedestrian --

MR. D'ANTONIO: -- that's our thought.

MS. COLTHRAN: -- flow on Cedar Street as well. And --

MR. D'ANTONIO: That's true. Yeah.

MS. COLTHRAN: Maybe you should just go down there and park and watch.

MR. D'ANTONIO: Yeah. I think it depends on the time of day. I'm sure there are certain times where it's busy.

MS. COLTHRAN: I've been by there different times of day and I don't think it makes any difference. It is just a -- it is a main thoroughfare and -- through town.

MALE SPEAKER: Where is the planned check-in?

MR. D'ANTONIO: Let me go back to --

MALE SPEAKER: Is that the --

MR. D'ANTONIO: Yeah.

MALE SPEAKER: -- corner tower?

MR. D'ANTONIO: Yes. What happens is you would pull off along here. This is a loading/unloading zone along South Cedar. And we also have a little bit of area on West Richardson. But West Richardson, you know, you'd have to come -- turn around, come up and come this way. If you're coming from the interstate or you're coming up from the downtown area, from 17-A, you would be coming up this way and making a left, and therefore those loading/unloading zone makes the most sense.

MALE SPEAKER: You would have some dedicated parking there for people --

MR. D'ANTONIO: Yeah. There's pull-offs. Right. There's valet. What they would do is they would help take your bag in and valet -- you'd go in and they'd valet your car back to the garage.

MALE SPEAKER: I think a big hunk of the day people exiting that facility are going to have to do right-turn-only.

MR. D'ANTONIO: Yeah. What would happen is the -- let's say you're checking out. The valet would come get your car. It wouldn't try to come this way. He would come around the block and either pick you up over here on West Richardson or go back around onto South Cedar.

MALE SPEAKER: Hank, I just was thinking about the traffic. And we're going to have delivery trucks -- beverage, food, laundry, flowers, retail shops. We're going to have maintenance trucks. We're going to have garbage trucks to pick up the garbage. We're going to have hotel guests, shuttle services, conference center attendees, and retail shoppers. We've got to deal with that traffic somehow.

MR. D'ANTONIO: Well --

MALE SPEAKER: I don't think saying that we only have one place to do that -- which is, what, 100 feet from the corner -- I don't think that's the answer.

MR. D'ANTONIO: It's 150 feet or better, probably close to 200 feet -- or 175 feet.

MALE SPEAKER: Yeah.

MR. D'ANTONIO: But at any rate, this is not unlike any other downtown business. I mean, you have here -- there's not necessarily a lot of options for people to --

MALE SPEAKER: You're right.

MR. D'ANTONIO: -- separate every one of these functions.

MALE SPEAKER: You're right, but it's already congested and we're going to add to that. And so you say you're having a traffic study done?

MR. D'ANTONIO: Uh-huh.

MALE SPEAKER: And who's doing that?

MR. D'ANTONIO: That's being done by Stantec, our civil engineers.

MALE SPEAKER: Yeah. And so when they turn in that study and it recommends a change, are you going to -- what are you going to do? Because right now there's no -- from what I'm hearing you say there's no other option.

MR. D'ANTONIO: Well, we could start over with this entire project, but I don't think that's a possibility because this is --

MALE SPEAKER: I'm not asking you to start over, but I'm asking you to --

MR. D'ANTONIO: Yeah. I mean, that's --

MALE SPEAKER: -- think through what the real problem is going to be. We're going to have a conundrum that we don't have a solution for if we don't

plan ahead. And so --

MR. D'ANTONIO: Well, I'm not a traffic engineer, so I could defer to my colleagues to try to address some of your concerns when the time comes that we can present that.

MALE SPEAKER: Before we go too much further, we should get that traffic study to see if this is really feasible, don't you think? And I'm not trying to talk you out of the project. I'm just saying we need to deal with the traffic in a realistic way.

FEMALE SPEAKER: Can I ask you a quick question? For instance, if you were using the conference center and you had rentals to be delivered, where would those load in and load out?

MR. D'ANTONIO: Rentals, as in?

FEMALE SPEAKER: Like tables, chairs, any kind of thing --

MR. D'ANTONIO: Well, there's storage areas in the project and in the hotel as well. And the intent is that the tables and chairs available for the conference center would be part of the conference center.

FEMALE SPEAKER: Yeah. I mean, that was just an example, but I was just thinking different elements that were being delivered to that --

MR. D'ANTONIO: The food service, if it

comes from here, it's going to -- they're going to take carts -- warmer carts, and it's going to be taken down and brought in. There's a back door back here to this area, which is kind of a serving/prep kitchen area. Food won't be prepared there, but it will plated back in this back quarter and taken into the conference room. This is the public side. And they will enter -- all the public will enter from kind of this quadrant, which is where you saw the nice open glass windows --

FEMALE SPEAKER: Right.

MR. D'ANTONIO: -- and colonnaded area there. So there's a service area. We also maybe have the potential to bring in some things from this side of the project, depending -- I'm working with the city with a few of the parking spaces that are along there that could be dedicated for a -- kind of an unloading/loading zone.

FEMALE SPEAKER: Right. Right. I was just thinking that it would be nice to have that type of delivery truck not visible to everyone that pulls in the main driveway. So just something to consider.

MR. D'ANTONIO: Well, I don't think for the conference center it's going to generate a lot of delivery trucks, per se. You might have somebody coming for flowers or something like that.

FEMALE SPEAKER: I don't know. You

might be surprised. I'm just saying I think it would be worth the consideration. I was thinking about Charleston Place. I know it's on a much larger scale, but Charleston Place has a place where delivery trucks that go in and deliver whether it's food or delivering panels or, you know, whatever -- whatever kind of conference is taking place, you will have to have some type of room so that (unintelligible) whether they're owned by Summerville or not. So that might come into --

MR. D'ANTONIO: Well, we have -- the courtyard we have is pretty large, back in the back here, and it's kind of -- the reason we built this -- show this wall as a screen wall, it kind of -- and we could likewise do a similar wall if we had to on the other side -- to kind of keep this more of a service area. It is large enough for trucks to -- they can't turn around in a big circle and come out, but they can --

FEMALE SPEAKER: Right.

MR. D'ANTONIO: -- pull up and back up and then come back out, so --

FEMALE SPEAKER: That is how everyone gets to the --

MR. D'ANTONIO: Garage.

FEMALE SPEAKER: -- parking space. Okay.

MR. D'ANTONIO: That's true.

MS. COLTHRAN: How was the decision made to make the conference center one story instead of two?

MR. D'ANTONIO: Well, the program -- this is about a 10,000 square foot building. The program came from the idea of being able to seat about 300 people in a sit-down dining situation. So that deems that that conference space itself has to be about 4,500 square feet, in that range, to allow for 300 people to sit at tables in a seated situation. That was -- that's where the -- that program from -- came from.

What we had previously in our design that we didn't present before when this was elevated was the -- was -- it was going to be really high in the air because we were looking at then the potential for bringing trucks underneath the thing -- just getting so high that we didn't feel it was going to do justice to the -- to those surrounding buildings. And that's why we didn't do it.

So getting cars in and out, yes, we realize that's an issue. Getting service vehicles, yes, we understand that's an issue. I mean, if we had to, we could come out maybe on the side on Richardson, if that satisfies. We would wind up losing units in here and we'd have some other way to do that, to come out there on that side -- but I don't know that we want to -- you know, we

want to break that façade up with an exit, let's say, on that side. It could be done, but it's -- at this point it's not preferred by our client, so --

MS. COLTHRAN: Well, the parking garage could possibly be a little bit smaller, and that might help in that regard somehow. And I have another question. What -- how was the decision made to make this an outdoor swimming pool?

MR. D'ANTONIO: I guess it was presented as being an amenity to be there, and because of our climate being -- you know, being able to be -- to swim in an outdoor setting in -- six, seven months out of the year, eight months out of the year, whatever, that that was the determination, that it made sense to be an outdoor space.

And, you know, we're not trying to make this a Embassy Suites hotel or something like that with a big enclosed atrium or anything like that. We're trying to make it a boutique hotel and have a courtyard that is a beautifully landscaped and -- nice courtyard, with a swimming pool.

The other thing is it's pretty sequestered from the public side of the building. You don't see this pool from any perspective. There is a pool building that separates the -- for the utilities of the pool -- the pump and all those kinds of service functions

-- that separate the pool area from the -- from that drive. So it's kind of an enclosed exterior area. Plus, we thought it would be nice for the other folks looking down onto that space and so on with the hotel rooms looking down onto space. So it's a landscaped, nice are.

MR. KWIST: I've got just a side question. What constitutes a boutique hotel?

MR. D'ANTONIO: Well, a boutique hotel generally is not a flag hotel, meaning it's a -- meaning it's not a chain. It's not a Hilton. It's not a -- you know, one of the major chains. It's generally -- for instance, this hotel -- we did -- to give you an example, we did the Harbor View Inn downtown. You may be familiar with the French Quarter Inn downtown. Some of these hotels would be considered boutique hotels.

The hotel would be managed by Charlestowne Hotels. They're a local management company that manages these special kinds of hotels, not only in the Charleston area but around the country. So that's what makes it a special hotel.

I mean, if you look in "Southern Living" magazine, you can look at many hotels in like Asheville and other destination cities that have these small, specialized hotels. That's what makes it a boutique hotel.

MR. KWIST: One last thing. I heard you clearly that you said you could go as high as 55 feet. You chose not to. And I would add that just because you can doesn't mean that we should.

MR. D'ANTONIO: Right.

MR. KWIST: So I hope that you heard this panel and -- our concerns about the height and the mass and the scale of it, and will come back with some more agreeable type design. Thank you.

MR. D'ANTONIO: Thank you.

CHAIRMAN DIXON: Just one comment right now on the -- and I'll go back to the traffic side of it. I think this is something that you really need to spend a lot of time on it, because those of us that live in Summerville and have been here for quite a while, we know which lane not to get into and which lane to get into, to get around this particular intersection. And it -- it's all time of the day. It's not one time or another.

And just as a -- this is probably -- well, it's -- the way y'all put it is this is the conference center in the town of Summerville. One of the areas that could give you a problem is -- for instance, say it's used for a job fair, and you've got all these people that -- they're going to set up booths. They're going to have to bring stuff in to put it in there.

I don't really see a way that that sort of thing can -- can access that facility. And then you're going to have people coming in there and going out, all day long, which is going to exacerbate any traffic problems. So I think you really -- that's something that you really need to take a long, hard look at.

Anybody else?

With our comments now, and we'll probably have some more by the time y'all are through -- but we'll get to the -- to y'all's questions for the architect. Don't sit down, sir. You're probably going to be the one answering all their questions.

Anyhow, I will remind you about the three minutes. We are keeping track of it. And I'm not going to get on this microphone, I hope, and tell you to sit down. But I'll do this: If you've gotten your three minutes, at that point I really expect you to finish your statement, what you plan -- I hope you've thought what you're going to say first, so you just don't ramble on. And that -- so that the three minutes that you can -- you can get your point across, what you've got.

Also, we don't have a microphone here. I don't quite know how we're going to --

MALE SPEAKER: How about if we just take one off from here and set it over here?

CHAIRMAN DIXON: I just wondered whether -- I mean, as far as I'm concerned, if you want to stand right at your chair, if you can speak loud enough, and you want to address it right from there rather than walking up front, be my guest. I'm not going to require that you -- that you come up here in front of everybody to ask your questions.

You got one? A question -- comment on this microphone: If you want to use it, while you're talking, hold the blue button down. Otherwise you might as well stand where you are.

Rudd, you're the first one.

RUDD SMITH: Rudd Smith. I live at 201 South Hickory, which is three blocks away from this. Thank you for your comments, which were about the same things I wanted to say. The only one I'd repeat is no boulevard, no boulevard, no boulevard.

Being a little more specific, looking at the compass rows, I think it would be a lot easier if maybe you'd re-label a lot of these elevations. We all think of Cedar going north/south. If maybe you'd put an elevation screen up. Would you put an elevation -- the one on the top I would call that the north elevation of that building, if I'm standing on Richardson looking at it. I think I'd say the same for the one in the middle.

I'm not sure about this one, but I'm betting that's the west elevation, the one at the bottom.

MR. D'ANTONIO: That's all part of the same (unintelligible).

RUDD SMITH: I just found all of your compasses confusing, looking at that.

The final thing I'd say, where I live, my parents bought the house in 1961. My brothers and I played out in the dirt on South Hickory Street, and we stopped more often for horses than we did for cars. I mention that only to say I think the town is kind of new in the sidewalk business.

We really didn't start building a lot of sidewalks until late seventies and on into the eighties. And we really didn't know as we began we've got too many sidewalks and too many trees, too close together. You can walk around town any number of places and there are sections of sidewalk lifted. The town has put the spray paint indicating that they need to be replaced.

When you look at the site plan there, it looks to me like all these trees that are going to soften the building are going to be right next to the sidewalk, and they're going to do is introduce problems with roots under the sidewalk, maybe problems with underground cables, with things that -- it seems to me that building

needs to be back from the street a little more and that all those trees that get planted on I'm going to call it the inbound side of the sidewalk -- not the street side of it. And I think they need to be back far enough that they don't disturb what's there and don't create a maintenance problem for us.

CHAIRMAN DIXON: Thank you, sir. Joyce Delk.

JOYCE DELK: On the fact sheet that has been distributed, on the top of the second page, it says, "The developer has agreed to a $20 million investment in the project development and will acquire additional property and easements to complete the project."

And I need to get a full understanding, because I agree with some of the ones that have spoken up-front -- and I appreciate your words -- but that's a lot of structure on a little bit of property. So where do we stand -- how much more property is this going to entail than what we already have? What's going on there? The whole location doesn't seem ideal, just sitting here with common sense.

So what is going to be done to acquire more property? Why are we going forward on a project that doesn't have all the property acquired yet -- acquisitioned, whatever the word would be, purchased?

MALE SPEAKER: I think this is one of the questions that needs to go to the council, not to us.

(Unintelligible simultaneous speaking)

JOYCE DELK: I am addressing the whole structure, and I agree with --

CHAIRMAN DIXON: This --

JOYCE DELK: -- like I said, with what you're talking about. That's a lot of building for a little bit of property. And that's --

CHAIRMAN DIXON: That's right. But this is the property that they're -- been given to design this building on. There is no additional property at this time.

JOYCE DELK: Well, what does that mean then? I need to -- I really need to understand that desperately. My mind is really going 100 miles an hour with that particular issue. What will be acquired later?

CHAIRMAN DIXON: I don't know of any other, and I think that you'll have to go to Town Council and ask them that.

FEMALE SPEAKER: Could you please announce the next Town Council meeting -- the time and the place? I know it's here. Not everybody here maybe knows when the next Town Council meeting is. Could you please announce it for everyone?

MS. DREYER: October 8th.

FEMALE SPEAKER: It's Wednesday at 7:30 right here.

FEMALE SPEAKER: Yes. I understand what you're saying. Can I add my two cents' worth of what you folks have said?

CHAIRMAN DIXON: Yes, ma'am. You're still within your three minutes. Go ahead.

JOYCE DELK: It's a major, major perspective that I'm seeing, and I think that y'all agree with what I was going to say, but I'm -- I want to let you know that I appreciate what you have said tonight wholeheartedly, because what we're looking at is a really sad situation. It doesn't seem good. It doesn't seem good at all. Thank you.

CHAIRMAN DIXON: The next person is Mary Becker.

MARY BECKER: Thank you. Thanks for the (unintelligible) allowing me to speak (unintelligible) Summerville.

Like you, I think the project is -- the building is too large. The gentleman that did the slide show talked about it being an urban project. And I think in an urban setting it would probably be fine. I don't think Summerville is a large urban setting. I came from

(unintelligible). I moved here, so I kind of understand what that is, but I don't understand this to be that.

I think it will be incompatible with the setting that it's going into, especially as you move from downtown into the historic residential area. It just doesn't fit.

Another thing I have real concerns about is the conference center. I owned a business for many years in San Francisco in the financial district. And twice a year I went to a conference center not quite that small, but a conference center like that to showcase my company.

And I went with a lot of stuff -- actually a truck went with me. I had an eight-foot kind of arch that went up and across and down. My company name was on it -- big letters. Of course, I wanted you to see it when you walked in the room, because we're in sales and that's what we're doing is selling our company there.

We had a baby video show that flashed pictures at you. We also lit up our website address, because we wanted you, after you went home, to go to the website. So those are the kind of things that are going to be going in and out of that conference center.

If it were just a conference center there, it might work, but then you have the hotel. The

fish guy is coming to deliver the fish, the meat guy is coming to deliver the meat for dinner. The bread guy has got to come by with some fresh French bread. The cocktail lounge at the top of the building, which is going to be very (unintelligible) -- but they also have to come and deliver wine and vodka and all the things you need to make wonderful cocktails, which I'm not against at all. But I just don't see how all this is going to work.

Then you have 30-some condos. Well, I buy one of those condos. I don't like the carpet. You need to come and pull in the back and bring me some new carpet. Then I may want to do some things in the kitchen, and the painters have to come and paint the bedroom.

I mean, there are going to be people going in and out of this thing all day long. And that's before I even start talking about the hotel -- the linen people delivering the linens to the tablecloths, the napkins and stuff.

I just think this is -- I think we really need to think about this a little bit more before we put this in the middle of downtown, because what you're going to do to people like me -- I'm going to get in my car (unintelligible) and I'm going to say, "I'll just go to a different town to shop." And I hate to do that because there's a lots of (unintelligible) for dinner and

(unintelligible). Thank you for your time.

MR. D'ANTONIO: Point of clarification. There is a laundry facility in the hotel that will be doing the washing and pressing; and all the linens for the hotel are going to be processed in the hotel.

CHAIRMAN DIXON: Robert Klinger.

ROBERT KLINGER: Well, I feel better after I heard you voice your concerns because I was shocked to see the size and the impact on the neighborhood and all that.

One thing I didn't hear anybody here talk about was Summerville -- this is in an historic district. And no one is going to mistake this building for a historic building. No one is going to think it's an old building. This building might be a great building put somewhere else. One of you said this is just not Summerville.

The other thing that I just wanted to bring up is if you go around Summerville and you take pictures of porches or cupolas or different elements, I mean, those aren't porches on the outside of that building. Those are little cubbyholes. And it's just -- it's just an inappropriate building for that location. It might be a great building in another location. Thank you.

CHAIRMAN DIXON: Christine.

CHRISTINE CZARNIK: Thank you. Christine Czarnik. I live at 406 South Gum Street. What we saw here tonight was a presentation of a very generic, modern, commercial building. It would be at home in almost any city. It might even be at home Summerville (unintelligible) -- not downtown, not in the historic district.

I like the idea of a boutique hotel and all that other stuff, but in that location it should be reminiscent of something like the Pine Forest Inn, something that has beautiful architectural detail, something that honors the history of the town, and is appropriate for the site. I think tourists would come to see a building like that. I don't think there's a tourist in the world who go out of their way to see what we saw tonight.

When I bought my house two blocks from here, I had an architect come before the Board of Architectural Review and present my plans to restore that house. I spent more money restoring the house than it would have taken to tear it down and build a new one. But I did it because I love the house, I love the neighborhood, and I love this town. And I know my neighbors do exactly the same thing.

We invest our money, our time, our hearts

and our souls in conserving the charm of this city. It's not too much for us to expect that commercial development honors what we're trying to preserve. So what I would ask you as a board is to hold any project that goes on that corner to the same standard that you hold us when we --

(Applause)

CHAIRMAN DIXON: Anne Gaither.

ANNE GAITHER: I'm Anne Gaither. I live at 213 West Second South on the little gray box to -- just above (unintelligible). And trust me, that's not to scale. It's a lot closer. It's a lot (unintelligible).

I don't really have anything original to say either, except I applaud the way you worded it. If I could've said it the way you said it, that's the way I would've said. But I do want to reiterate the traffic issue. I do live right there. I know the traffic is 24-hour constant. You can't get across the street. You can't make turns. Either you have to have another way in or you have to have two ways in. It's just not going to work.

Even if everybody went to the same concert who lived in the condos and the hotel, and they all came home at one time, they couldn't get in there.

I think there will be backlogs between the trucks and the people coming in, and there would be -- you're saying -- I just don't think you can get in there -- turn the corner, get into the garage. It just doesn't seem feasible.

I also take offense at the way that the place looks for the same reasons. It does not reflect the Low Country look. It does not reflect what we love about Summerville.

Again, I think it detracts from the historic district because it is so completely different. We've got this massive structure. Then you go down to these little tiny homes, like mine, which look fine before you put a big fancy structure next to it. But once you put that big structure then everything else in the town is -- the appeal is going to change. They're going to look different compared to the look of this.

And that's it. Thank you.

CHAIRMAN DIXON: Thank you, ma'am. David Comer.

DAVID COMER: My name is David Comer. I live at Richardson Avenue, about four blocks away. I have a design degree in architecture from Clemson.

I want to speak towards the context of the design of this structure. I think scale is important, and massing has been addressed very well here.

When I see pictures of context -- and I think this is becoming more prevalent everywhere -- I see lots of different things. And then it's all put into one building in a way that is not a good design, in my opinion.

When I think of Summerville I think of elegant simplicity. The buildings are well designed. You don't see a lot of materials, especially down Short Central (ph), closer to this site. So -- and I agree with what other say. I think because of all the different materials -- I understand using materials in trying to break up the scale and mass, but I think when you put too many things into the design it's like throwing wads of paper and seeing what sticks.

And I think we need to go for elegance. Summerville has a rich history in inns. Boutique hotel? I think of Pine Forest Inn. I know they're not the same thing, but I think the simple elegance -- I think simple design is what needs to be considered -- reconsidered by the architects.

I think this is going to be built. I'm accepting that. If a developer has the money, they've got the location, if they can get it through BAR and the town, it's going to be built. It's going to be built with that many rooms. It's going to be built with everything that's in the scope of work, because it has to for the

money (unintelligible).

So I think we need to do everything we can, back to her point, to reflect Summerville -- simple. I don't like a white base. That looks like Daniel Island. Our buildings are simple. They're brick. And I'd like to see that in this design. Thank you.

CHAIRMAN DIXON: Mary.

MARY COMER: I'm Mary Comer. I also live at 708 West Richardson. Most of my comments that I wrote down have been addressed either by the BAR or by others. And so I won't rehash all of that, except to say, really, the main thing for me is the height of the scale and the dominance of this building on this site in this location. And we're kind of passing aside the other residences that are going to remain around it -- the ones that will remain.

I really think that that's a problem. It's hard even with the street view perspectives that we've seen to imagine what this is going to look like because it did not show it in context with the neighboring buildings. None of the views showed Anne Gaither's house, or (unintelligible) house, or the house across the street, the (unintelligible) building across the street. And those are so important because this is higher than any other structure in our town, possibly rivaled by the

parking garage which (unintelligible). So that is my main and utmost concern.

Another thing that came to my mind when discussing the traffic and hearing that there are going to be loading zones along Richardson Avenue, we -- residents in this neighborhood have spent years trying to get reduced speed and no-through-truck traffic on our road, and it was just passed.

And now -- and the exception will be for delivery trucks for going to businesses in downtown. And so now that we finally have no-through-truck traffic pending on our road, we're going to have a lot more delivery vehicles coming on that route and unloading on Richardson Avenue. So those are my two main concerns. I urge the BAR to please follow your heads and hearts and demand a better solution for this. Thank you.

CHAIRMAN DIXON: Deb.

MS. DREYER: Campeau.

CHAIRMAN DIXON: Huh?

MS. DREYER: Campeau.

CHAIRMAN DIXON: Deb Campeau.

MALE SPEAKER: She left.

MS. DREYER: Oh.

CHAIRMAN DIXON: Okay. Peter.

PETER GORMAN: Good evening. My name

is Pete Gorman, and I live at 313 South Magnolia. I came here tonight fully prepared to oppose this project, but having heard your comments tonight I'm encouraged that there is some good modifications that can be made, perhaps, to make it acceptable to the town.

Two years ago, my wife and I moved here and made a substantial investment in a historic structure on Magnolia and Third Street. We're currently spending a significant amount of money historically -- restoring that house.

Had we come to Summerville and seen this thing in the heart of Summerville we probably would've gone to Mount Pleasant. It is trying to be too many things to too many people. It's out of scale. It's inappropriate. And there are other places where it could fit in, like (unintelligible) Square. It does not belong (unintelligible).

CHAIRMAN DIXON: Adrian.

MALE SPEAKER: Blue button.

FEMALE SPEAKER: Blue button.

CHAIRMAN DIXON: You've got to hold it down.

ADRIAN KWIST: My name is Adrian Kwist and I've been in Summerville for 49 years, and I've seen a lot of changes, some for the good, some for the not so

good. And in my opinion this hotel that's being proposed is too large of a building -- too large a project for too small of an area. And I sympathize with the people that live in the neighborhood because they have to put up with all this.

I do appreciate the comments that were made in regard to what was said by the people on this committee and the people here in the audience.

One thing that I'd like to know is -- excuse me -- (unintelligible) a lot of brick and mortar with the building, and I'll be curious to know what color the brick is going to be, because that can have a big impact on how the building is going to look. I see some buildings around town that's got some ugly brick on there. So I'm open to (unintelligible) and the public has some input on, whether we like it or not.

And I'm hoping that the architect is taking notes of everything that's being said because there's some good comments being made tonight. I call it constructive criticism. To keep Summerville, the small town atmosphere, we need a building that blends in with the rest of the buildings out here in town. Thank you very much.

CHAIRMAN DIXON: Faye Croft.

FAYE CROFT: I was born and raised in

Summerville, and I have a property right next -- alongside (unintelligible). And I have three bedrooms in that house that face the condos. And I called the Town Hall last week to ask if they were planning to build a fence that's going to cover the view into my bedrooms. And I was told no, they just plan to use the trees that are right -- separating the two properties right now, and that would be my sound barrier and my vision barrier. The building is too tall and it looks right into my house.

And anyway, I'm very much opposed to the concept of the condos being built towards back over there and so close to my property line. Thank you.

CHAIRMAN DIXON: Linda Shelbourne.

LINDA SHELBOURNE: I'm very much in favor of the project. I think Summerville is ready for this kind of thing. But I agree with everybody here and the other -- Board of Architectural Review. I'm very, very thankful for all the things that you said, and I hope that you will -- I urge you to hold your ground and really go for it, because it would be wonderful if it had a little more grace and Low Country look.

But I do have a question to ask, and that is why does it need to be so big? Why do we need 60 rooms and 30-some condos? Could it not be smaller? Perhaps there's a financial reason, but I would love to hear the

answer.

MS. DREYER: It's not our call. That's Council --

MALE SPEAKER: I don't have an answer for that, but my hunch is that the developer does, and it's all about the money. He has to turn that revenue to get his money back. So it's not a good answer, and I don't agree with it. So --

MALE SPEAKER: Can I just make a point (unintelligible)? We're talking in the -- in Charleston about the (unintelligible) thing. And we are being guided by not the money but by the amount (unintelligible due to background talking of board members). That's -- the City is doing that. (unintelligible) do that, too. In other words, no matter how much money we've got, we're going to be restricted to how many rooms we can put in the hotel.

MALE SPEAKER: Thank you.

CHAIRMAN DIXON: Diane.

DIANE FRANKENBERGER: My name is Diane Frankenberger, and I'm the house at 310 Central Avenue, which is just in the next block down from this proposal. And I also have a business here in town, which is across the street at 129 West Richardson Avenue.

When I first heard about this boutique

hotel -- and I was glad to have David ask that question; I didn't know what a boutique hotel was -- I was excited, and I'm still excited about the concept of all of these things because economics 101 is what we have, plus what we need, equals the item.

And so when I was part of the mayor's study on what we needed downtown, a lot of people said they wanted housing right downtown, so the condos would satisfy that. And then in working (unintelligible) the cultural arts people said that they wanted a place where they could meet, a place that was large enough. So the center would solve that problem.

And then when I go places I like to stay in unusual places, rather than the Hampton Inn, and so a boutique hotel would be nice. And when I think about the hotel I have to admit, I don't think of what I saw. I don't know about the Squirrel Inn (ph). That was -- I mean the Pine Forest Inn, and that was fairly ran. But I love the Squirrel Inn and how that looks. And to me, that's Summerville.

The parking garage, you know, in my wildest dreams, I never would've imagined there would be a parking garage right now in Summerville, but it's filled. And if this is the success that I hope it is, I'm going to tell you, you need two ways in and two ways

out. The one that's here now is a problem.

And because I have a business downtown, I know what a problem service trucks can be. And Montrose, the bar, is next door to me. Those are good people and they have a good business and they changed the life of downtown, but their trucks take up essentially two lanes. They can't park closer because they tear the trees up, so they're in -- not in the parking lane, but the one next to it.

And my other neighbor here, the Padre, they have service trucks. They have enough room that their trucks pull in off the street and they don't block traffic. And then they have people that come and stop traffic so they can back out.

So if I can make a humble suggestion here, the hours that service trucks come in will have to be restricted, and that could be done.

I don't know how tall the parking garage is, but I know in other places they do landscaping on top of that, so -- I've been in less expensive hotel rooms where (unintelligible) air conditioning units and parking garages, and I'm thinking if it were landscaped that would look nice and also (unintelligible).

I'm thinking also that swimming pools are nice, but this is America nowadays and not everybody

weighs 110 pounds. You know, (unintelligible) something that is not terribly attractive. And so (unintelligible) the history of Summerville there are really nice gardens and there are palms, and so if this maybe were something along that line. And I'm going to sit down before my three minutes are up. Thank you.

CHAIRMAN DIXON: Ed Harshaw.

ED HARSHAW: I'm Ed Harshaw. I live on 208 South Pine Street. And the last few days -- well, yesterday, mainly, was when I found out about this, but (unintelligible). And I can tell you with 40 or 45 or 50 condos looming over your house, it will look like a ping-pong ball next to the Titanic.

I've just got a few minutes, and we'll just read them so (unintelligible) three minutes. It's too tall. It's too much mass, too stark, too sterile, not fitting in our historic flavor. It needs more setback from the sidewalk and the street. The architectural drawings do not blend in with any of the surrounding historic buildings. The balconies do not break up the street side façade, and I'd suggest recess the third floor walls 15 feet back like you were saying on the second floor. And then that recessed area on top of the second floor, perhaps put roof gardens there to soften the whole thing.

The breaking out of the stark walls into the two street facades could be done by just looking at the next block that's between here and that intersection. You've got one building jammed up against another. They all look different because they were all built separately. So they could do that, and it would break it up where it's not just (unintelligible) Daniel Island look. There's a lot of this kind of building that's been put in downtown Charleston already, and it just looms over the street.

The residential units are all the same. They can change them up just as (unintelligible) hotel so they appear to be unrelated and (unintelligible) being built. That's it.

CHAIRMAN DIXON: Todd Davenport.

TODD DAVENPORT: If you look at the map, I live five blocks that way in Gaston (ph), but I spend the bulk of my life for the last three, four years in that little two-block building there below the (unintelligible). That's my office building, along with a couple other attorneys and CPAs.

David, I think your quote was "all the architectural drawings look as if the building is sitting out in a field with nothing for 100 yards." And as you described the traffic, I think you sort of described the

traffic the same way, because if you check in right there on the corner, 4:00 or 5:00 at most hotels is check-in, and every single day, every single parking space on Richardson is taken up by people going to gymnastics. Our kids walk across the street -- small children in little leotards with their mother or father going to the gymnastics center. And you tell me those will disappear now and those are going to become spaces that will be loading zones.

Also, if you round the corner onto Cedar, basically, there's nothing after you pass Laura Jones' building on the corner. It's a vacant lot all the way to my building, but every one of those spaces are currently occupied every day, every hour, but you're telling me they're about to become loading zones or check in and out. We've asked several times, but you keep acting as if it won't happen.

On the other side of the (unintelligible) building is St. Luke's, and St. Luke's has their art every day where they sit (unintelligible) Parkinson's, Alzheimer's, dementia people. They have a tractor-trailer that brings in -- not a small truck but a tractor every week that comes in. So to say tractors won't be coming is really sort of naïve, and they can't get in there. And if they do, they can't turn around,

and they can't get out; and if they do, what happens to traffic on Cedar for the next 15 minutes while we do that?

So then you say, well, we'll put them on the side, but that's where check-in is. (unintelligible) check-in or tractors, it's either/or.

The last thing, now, this is sort of getting about me. You talk about your entrance. If you've heard cars drive down a brick driveway -- I have a 100-year-old building with no insulation. Cars all day on a brick driveway would be terrible. It's beautiful. Don't get me wrong. But if there's that much traffic, that will be a sound problem for my tenants.

The last -- this goes to Town Council, but unfortunately this is about me, too. When I asked the city -- most of my business -- I'm in investments and most of my clients are retired. I've been in that same building for 24 years. A lot of those clients have been with me that long. They started when they were 50 or 60. Today they're 74 or 84. They can't park around the corner. So I asked the city, what can I do to have parking there? And they said, you cannot reserve parking. That's City parking. So I guess my question is, how can you reserve parking but I can't? So sorry, but that's about me.

(Applause)

CHAIRMAN DIXON: And Heyward.

HEYWARD HUTSON: Yep. I'm shaking because I'm cold. This is not about me either, Todd and board members. I think you've been extremely kind in your comments, but I commend the Board. You've been very polite in what you've said and your approach of the project.

But the fact remains -- I want to tell you that despite all the pictures that -- of places in Summerville that you showed early on and indicated that you had considered the architecture of these places in Summerville, I've got to say that your design really doesn't show that you used those in any way in coming up with the design plan that you did.

Now, I grew up on Richardson Avenue. I was born in the place that -- the building that now belongs to Summerville CPW. I was born there a year before they built that, in 1937. So I have a pretty good idea of the surrounding architecture. And the house that I grew up in faces where this project is supposed to be built. And the house, it's a 1860 house.

I don't think this building that you propose has any relationship to an 1860 building. Neither does it relate to the Canarins' (ph) building across the street, the one that I think you mentioned,

David, as being important. And that building dates from about 1880. So you're right in the middle of the historic district and you want to plant a building as enormous as it is. The footprint covers -- actually covers most of that block.

And I want to add to the comments that were made about the safety issues and the congestion issues. The YMCA is located right across the street from this proposed project. I've had problems in getting out of my driveway there because mothers and parents are constantly offloading and picking up little children. And so, you have a big safety issue there. And I heard you suggest that it might be okay to have one of the entrances or exits on Richardson Avenue. There is absolutely no space there. It would -- it -- they have problems right now in parking on West Richardson Avenue.

I want -- I'd like to give you the benefit of a little bit of history. I think it will be helpful to the architects. Do you mind?

I have some pictures of the inns from Summerville's past, and I think you will be able to appreciate what the architecture for a boutique hotel that fits in the historic district should look like. From the early -- from the period of 1860 -- excuse me, 1851, this is a view of Brown's Hotel. And this was on

the corner of Sumter (ph) Avenue and West Carolina.

Brown's Hotel was built by my great-great grandfather in 1851 and was owned and operated by I.P. Brown, my great-great grandfather, until 1891, when he died. And it was renovated and became (unintelligible) the Dorchester Inn. Now, I think my grandfather would turn over in his grave if he saw your design plan. And I actually have a photograph of the renovated Brown's Hotel it became the Dorchester Inn. And I'll be happy to put that on the table so you can see it.

This is another view along Sumter Avenue of the inn. It eventually became the Carolina Inn, and unfortunately was torn down around 1970. Some of you on the board have mentioned the beauty of the Pine Forest Inn, so I want to show you Mary Ann Bridgeman's (ph) painting of the Pine Forest Inn.

FEMALE SPEAKER: (unintelligible).

HEYWARD HUTSON: Now --

MALE SPEAKER: Build that.

HEYWARD HUTSON: How does --

(Applause)

HEYWARD HUTSON: I mean, this is what we want to see. I mean, this is what you can build and make people happy. But --

FEMALE SPEAKER: (unintelligible).

HEYWARD HUTSON: -- take note that you need a lot of landscaping, because this hotel was built on a lot of acreage. They had their own laundry. They had their own power source, power station, golf course, and what have you. But this is the kind of architecture we expect you to build in Summerville.

The last thing -- and I'll have it on display -- is in the most recent issue of the (unintelligible), which is the publication of the South Carolina Historical Society, it has an article on -- towards the back of the magazine on the Parson family home which you all know is the late Woodlands Resort and Inn -- a five-star hotel which had only, I think, 20-some rooms.

FEMALE SPEAKER: 18.

HEYWARD HUTSON: Excuse me?

FEMALE SPEAKER: 18.

HEYWARD HUTSON: 18. But it was a five-star inn. It was like a boutique hotel. And they -- after I don't know how many years of operation, with the benefit of a British billionaire, they never made a profit any year. But it was a -- it still is a beautiful inn and would be a model for your boutique hotel. Thank you.

(Applause)

HEYWARD HUTSON: Can I put these on the table?

CHAIRMAN DIXON: So you've heard a lot of comment. Do you have any comments you'd like to make at this time or discussion points before we get back to the board?

MR. D'ANTONIO: Well, yeah. I will say a couple things. One is I think the board, everybody needs to decide, you know, what is the character of this hotel? I think what -- our approach was to take cues from the community and use those cues to develop a -- something that's respectful of Summerville but does not replicate history. If you want us to replicate history, that can be done, but the question is, is that the right thing to do?

FEMALE SPEAKER: Yes.

(Laughter and applause)

MR. D'ANTONIO: We have this issue all the time in Charleston, where we design buildings, as you well know. A number of years ago we designed the Harbor View Inn. I don't know how many of you know where it is down by the Waterfront Park. We tried to fit that in. And it's a -- you know, it's still a modern hotel, contemporary boutique hotel. It only has -- it has 50 -- I think it's 56 rooms or something like that. That's

on a much smaller lot than what we're talking about here.

But the idea of neither replication, duplicating something that is not of this time, that's the question. Do you duplicate something that's not of this time or do you build something that is respectful for the community it's in, has the good materials, has good details, all of which have not been developed in this design yet but will be developed in the design? Do you do that, or do you go back and replicate the past and make something exactly a replica of what was done? I mean, that is the real question.

If that is something that the board and this community truly feels is the only thing that would work, then we need to hear that. If it's -- if you're --

(Applause)

MR. D'ANTONIO: If you're willing, and this is board is willing to look at, how do we make this hotel better and is of today, you know, not -- we don't have a fireplace in every one of these rooms. We don't have -- you know, that -- I mean, there's things like that that need to be considered. This is not going back and trying to be an historic hotel like the Grove Park Inn, like some of these other buildings with -- even if they added to those buildings, they didn't try to replicate

down to the very details the original building. So if that's, you know, something that this board desires, we need to hear it. Thank you.

MR. KWIST: Can I speak on that?

CHAIRMAN DIXON: Yeah.

MR. KWIST: Hank, I'm not necessarily asking you to replicate historic buildings. I'm not opposed to modernism. I'm not hung up on having to have replications today that don't reflect today's times. When Leolio (ph) designed this building, there were two or three charettes held where there was public input. We didn't have that advantage. There was no public input as far as I know in your design. And I think that's where we probably -- that's where the mistake was made, in not having the public giving some input in this process.

So now that you know that we generally feel that this is out of scale -- we're not telling you necessarily what to design, but we do want something more elegant, we want (unintelligible), we want something (unintelligible) project to kind of shrink down a little bit so that it doesn't overfill the lot. And, also, to address this traffic, because I really see that as the number one concern. Thank you.

DR. PRICE I think people need to understand what historic preservation and building in an

historic district involves, especially if it's infill. The National Trust does not get -- give very many points for trying to put an exact replica of what's around it in place.

What you need to do when you have -- when you're trying to put a new building in an old area is to make a building that's sensitive, and sensitive does not necessarily mean that it has to look like whatever period (unintelligible). You showed the Pine Forest Inn. Well, if there had been a BAR when that was built and the BAR had said it has to look like everything else in Summerville at that time, the Pine Forest Inn never would've been built.

FEMALE SPEAKER: That's exactly right.

DR. PRICE So, you know, if somebody came along and made a design for a really fine, "knock your eyes out," modern building that was unique, that would be potentially a statement for Summerville that would live for years to come. Making copies of something that's been here before is not the answer, and making generic buildings is not the answer. The answer is to design something that hopefully is unique but fits in with what we have here.

So I'm sorry if some of you want to see -- approve something that looked like the Pine Forest Inn

for this site. I would be very much against that. But I would be very much in favor of something that is appropriately massed, appropriately detailed, and is spectacular.

(Applause)

CHAIRMAN DIXON: Anyone else?

TIFFANY WILSON: Can I say something?

CHAIRMAN DIXON: Quickly, yes.

TIFFANY WILSON: My name is Tiffany Wilson. I live at 110 South Pine Street. I'm on the corner of South Pine and West Richardson where all this is happening. I was born here; so were my parents and grandparents and so on. So this has been a big discussion and a pretty scary ordeal for us at our house.

You know, our daughter walks down the street, uptown. And, you know, on Fridays, the kids from the School of the Arts always walk down this way, going home. And that's something to think about. You know, this is going to be a lot of increased traffic.

Another thing I wanted to say is already right there, there is a lot of traffic. I understand there needs to be another way to get in and out, but I don't think right there on Richardson with the YMCA and all those kids that are walking up and down Richardson right there is the best route, either. Perhaps all the

way down to South Loop there.

But the other thing I wanted to mention is it seems like this building is focused on being brick, and it doesn't have to be. You know, if you go down West Richardson, all those buildings, they're white siding or wood siding or Hardie plank. I don't know why this hotel can't be that.

The other thing -- last thing I want to say is if you go down to Disney World, their number-one selling hotel that they are always sold out, and most expensive hotel, the Grand Floridian. It's a white -- they tried to replicate an old -- it's modern inside and old, historic-looking replica outside. And they get the most money, and it's always booked. You know, why can't we do something a little more like that with this? That's it.

CHAIRMAN DIXON: Thank you.

MALE SPEAKER: I have one question. What was the decision (unintelligible) carport?

MS. DREYER: Denied.

MALE SPEAKER: I didn't hear the decision on --

MS. DREYER: It was denied.

(Unintelligible simultaneous speaking)

MALE SPEAKER: Denied?

MS. DREYER: Uh-huh.

MALE SPEAKER: I'd say let him go ahead and build it, if you want to have any kind of say-so on this. I mean, (unintelligible).

CHAIRMAN DIXON: Quickly.

MALE SPEAKER: I'm (unintelligible) Laurel and I've been here all my life (unintelligible) Summerville Hospital. This is not right. The people that come out of the Y, children -- you can't tell a child and a woman, mother -- mom has a couple children and one runs out into the highway. I don't know how many times (unintelligible).

And then I have witnessed two Acute Care & Specialties coming from that side north (unintelligible due to board members talking). I don't think you can come this way. I just think that building is too big. (unintelligible) but safety has to be the number one priority.

There will be somebody to get hurt. There will be somebody to get run over because I have witnessed accidents and had to go to court to witness. (unintelligible) because I know there's traffic on both streets all the time.

CHAIRMAN DIXON: Well, I've conferred with the board, and I don't think that we're in a position,

really, to have a vote right now. I think that you -- Hank, you've heard a lot tonight, and I think now is the time for you to take it back and take a think on it and take a look at it. And let's get back at another point and maybe take another look.

This is -- and this is not unusual, folks. This is -- every large project that we've had in the Town of Summerville, we've gone through a series of meetings with the architect and developers to come up with a plan that works for Summerville. St. Paul's did it. St. Luke's did it. The Methodist church did it. The town did it. All big projects. We have had series of meetings to develop our project. And I want it to be our project. I don't want it to be their project. I want it to be Summerville's project.

So I'm going to adjourn the meeting at this point, and say it's (unintelligible) for right now. I don't want to take a vote. And let y'all take a look at it, and we'll be ready to look at it whenever you're ready. Thank you, sir, for coming out.

(WHEREIN, the meeting was adjourned.)

CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

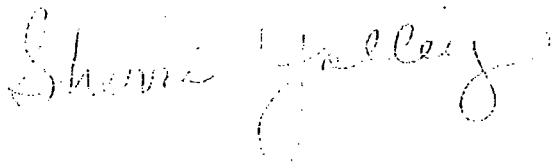
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Sherri L. Jolley

CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



Sherri L. Jolley

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BOARD OF ARCHITECTURAL REVIEW MINUTES

MONDAY OCTOBER 6, 2014

TOWN HALL ANNEX -- COUNCIL CHAMBERS

IN RE: 208 S. CEDAR STREET, 200, 206, 201 W. RICHARDSON AVENUE

MIXED USE DEVELOPMENT - DORCHESTER HOTEL

MEMBERS PRESENT:	STAFF PRESENT:
Phil Dixon, Chairman	Madelyn Robinson, Planning Dept.
Jeff Bowers	Rich Palmer, Building Dept.
Rachel Burton	Lucy Dreyer, Board Secretary
Cecile Colthran	
Beth Huggins	
John Kwist	
David Price	

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

Sherri L. Jolley

Midwest Litigation Services

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

Page 2

TRANSCRIPTION

CHAIRMAN DIXON: -- Zoning Department staff has reviewed this project and has advised us that the purposes spelled out in this submittal meet the requirements of the ordinance for this tract of land. If your sole purpose for being here is to argue either for or against this hotel, you have my permission to get up and leave now because you will not be allowed to speak. And as soon as I or one of the other board members realizes that is what you're doing, we will ask you to sit down. That discussion needs to be taken up with the Town Council or someone else, not the Board of Architectural Review.

We are to look at this project, as one of our members said, purely on aesthetic, design, architecture, height, mass, and scale and harmony within the historical district in the Town of Summerville. We will look at the overall street scene.

As with any other project, the applicant has the opportunity to present a conceptual or master plan for our review prior to committing funds for a full set of design plans and specifications. This means that we might agree with the concept while disagreeing with some of the details. It also means that each phase of the project must be submitted at a later date for approval; that they will be more developed at that point; and the

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individual portions of the project and any disagreements will have been worked out before the applicant comes back to the Board.

Demolition is also considered as a separate action by the Board, and while conceptual approval may be contingent on some demolition, it doesn't mean that demolition concerns are overlooked.

Although we are not required to solicit comments from anyone other than the applicant and the board members, we have chosen based on the great interest expressed both for and against this project to allow others to express comments that might help influence our decision making. For this purpose we place a sign-in sheet down below, and we will call you in the order that you signed in.

Please note that by signing in you agree to abide by the rules we have established for this meeting. To allow everyone who wishes to be heard reasonably -- reasonable opportunity, we must insist that each of you comply with the following guidance:

Each person will be limited to three minutes to speak on topic. We will be monitoring the time, and when you are told your three minutes are up we expect you to rapidly wrap up what you're saying and sit down. There will be no exceptions.

Page 4

Begin by stating your name and where you live in the Town of Summerville. Address your comments to the board, and do not engage in any side conversations with our other guests. If someone before you has made your point, please limit your comments to stating that you agree with them. Rehashing the same points over and over will not enhance your position and, in fact, might damage it.

When you're not speaking, please remain silent so that the board and the applicant can hear what the speaker has to say. If you do not comply with this, you will be asked to leave.

Again, I must stress that if you are here to argue either for or against building the hotel, you are at the wrong meeting and will not be allowed to speak.

Please abide by these rules. And we're ready to get started.

MS. DREYER: Okay.

CHAIRMAN DIXON: The first -- applicant.

MR. D'ANTONIO: Yes. Hi. My name is Hank D'Antonio (ph) and I'm with Goff D'Antonio Associates, architects and planners, interior designers. We're located in downtown Charleston. We've designed many projects similar to this project in the Charleston

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area and elsewhere.

And I'd like to start by giving a little background on this project. And I know we're not getting into the zoning, but just to give you a context of where this -- where this is: This is on the corner of West Richardson and South Cedar Street. It has -- as mentioned before, this is part of the core downtown historic area, and it is zoned B-3, which is a commercial district. It is also surrounded by other similar zonings and B-1 zonings.

MS. BURTON: (unintelligible).

MR. D'ANTONIO: Yeah, I can't -- maybe -- if you look in the upper -- I'm sorry. You know, it's not the best of situations here in terms of view. This -- the town and the developer have assembled this piece of property. It's about two and a half acres of land.

In doing this work and coming up with this concept for the project, we spent a considerable amount of time in downtown Summerville and in the surrounding area to look at the various properties that surround this building and also the area right downtown where the Hutchison Park is and some of the other locations -- the municipal complex here on West Richardson.

The shots you see here are across the

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street from our project, including a commercial building kind of on the corner, and then a series of retail and commercial buildings as you head down South Cedar Street. We have St. Luke's Lutheran Church on an adjacent property on the other side of our development.

Right adjacent to the property is this existing business, which is a two-story business with lap board siding and a porch. And then going down in the opposite direction, going east on South Cedar, there are other commercial buildings -- the Y and several other buildings -- in that direction. So we're right down in the middle of -- see the -- in the middle of downtown. Here's the square. So we're very close to the -- to the immediate historic commercial district.

In looking at the materials and massing and details of the project, they're still in development, but we noted some of the important ones that we felt were important to incorporating at least from a design standpoint to try to reflect and look upon as incorporating in our design.

And we looked at window proportions, what front facades for commercial buildings you have in the downtown area in terms of it being a taller story for the first floor, the details of windows, the heavy cornice that you see at the top of many of these downtown buildings

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and even some of the more contemporary buildings that are downtown.

And we looked in the residential areas to look at also some other details -- some of the gazebos and types of special structures you have around the community that might be reflective in this project. And so many of them -- so many of the buildings also have porches and things that we thought were important to start incorporating in the overall design for the residential portion of the project.

As mentioned, this is a -- the project is located on West Richardson and South Cedar. There was a -- I believe there was a drycleaner in this location. There are several other buildings on the site which we've requested for demolition in order to accommodate this urban design of this mixed-use project.

This project is comprised of basically four elements. The area you see in the blue is a -- is the hotel. It's a 66-room hotel. It's three stories in height, with a top roof deck area that's a outside restaurant/bar area on the top floor. It's a parking garage, about 160 parking spaces surrounded by a residential component. These are multifamily attached residential units.

And this is the location we're showing

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for the conference center, which will be operated through the hotel in terms of servicing it with food service from a restaurant area that would also serve food service to this conference center. The conference center can seat 300 people in a sit-down dining type of an arrangement, and it's also broken down into four separate meeting rooms that can divided into four rooms from a bigger space.

Part of the design includes improvements to the public right-of-way, and many of the utilities that you see -- some of the overhead lines, things that are there now -- will be buried and not be seen. All underground utilities. And you see an entrance drive that comes back and creates the entrance drive to the -- to get to the parking garage, and also back towards the service area which will serve kind of the conference center. That drive will be a very nice hard surface drive with bands of paving-type brick material.

And we have a nice hardscape here which we'll show you that has two levels. Much like the buildings across the street, the public sort of sidewalk follows the slope of the drive with Richardson Street being high on this end and as you travel down South Cedar it gets lower.

But our terrace for the hotel and the restaurant, which is in this area -- the hotel lobby is

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here, the restaurant is on this left end -- it has an outside terrace which will serve as an -- also a place where we can place some outdoor tables and have some outside dining on the ground floor.

The ground floor is -- also has -- and the reason we're showing you this, so when you see the elevations and you look at the perspectives that we have in this presentation, you'll understand how the building is organized and why it's organized the way it is, and why it looks like it does.

But the downstairs first floor is made up of a variety of spaces -- the hotel lobby with sitting areas, a coffee shop, the restaurant on this end, some small conference rooms, another retail space on West Richardson, and kind of a club facility for the -- associated with the residential component. The residential component will also be able to use the exercise facilities in the hotel and the swimming pool area which is in this courtyard space that you see here.

So it's truly an urban project in the sense that people that live in the residential area can use the amenities of the hotel.

As mentioned, when we started -- I apologize for the darkness of this slide, but as we started to look at the proportions of the buildings, the

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massing, and the treatments of use of different materials, we tried to incorporate, as I said, some of the -- some of the items that you find in other parts of the downtown area.

So this sort of darker color here sort of represents brick material on this elevation. The lighter material represents another kind of masonry material at the base. This is the hotel portion on -- as you're looking on the corner from Richardson Street along West Richardson.

We've incorporated balconies. You can see we have a cornice piece that runs across the entire top façade of the hotel project, much like -- it's not a replica of an historic cornice, but it's an interpretation of a cornice that would complement what you have in other parts of the downtown on some of your more historic buildings.

This is again a façade of the hotel which transitions to the residential piece. We tried to break up the residential piece into various masses using -- again, the idea of using porches to separate units and to give it relief so that the proportions and scale of this part of the project, the residential piece which you can see in larger scale below here, breaks up the mass.

The other thing we tried to do is -- if

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you look at -- kind of looking at the brick elements, we've introduced some other Hardie siding and panels to have the top floor look more recessed and lighter in color so that the predominant height would be visible primarily on the lower portion of the building.

Again, we've used some height variations between porches and elements of the interior of each of these residential units to give some articulation to the top. I might add that this is a -- this story of the building is for the -- for the commercial hotel has roughly a 14-foot, 8-inch floor-to-floor height, and then we have 10-foot, 8 heights for the additional floors.

This part of the residential are all the same floor-to-floor heights, hence the difference between these two buildings. So this is a 10-foot, 8 floor-to-floor height for each of the floors of the residential portion. The residential portion -- because of that, the residential -- really, we have a 55-foot height limit.

We do not exceed the 55-foot height limit anywhere on this project. And we could, in fact, potentially build a fifth floor on this building without exceeding the 55-foot height limit. So within the zoning envelope, we've chosen to keep the project down to the four stories for this piece.

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Next. In looking at some of the other elements of the project, on this lower one, this is South Cedar. You're looking at the side elevation of coming down that entry drive that comes back to the garage. What we don't see here is the garage, which is this piece going in. So these two pieces are together. You can see it here on the top.

We have an entrance to the upstairs roof deck coming in from this side, with a drop-off. We have an elevator and entrance here to the parking garage on this corner. And then this is residential areas here. So what you're looking at in the bigger scale is, again, a residential portion here with a mixture of materials, porches, the entry to the garage, and then this vertical piece which is the elevator/stair area there.

Next. In looking at the north elevation, this is looking behind as if you were looking from Pine, looking back towards the residential portion of the building. Again, we're breaking up the facades using a little more siding material on this side, which is predominant in Summerville in terms of residential structures. We're trying to incorporate that. And again breaking up the masses with ends and outs and porches and -- so that this is not going to read as a flat façade.

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The lower piece -- this is the hotel piece looking along South Richardson, and you can see the elevation of the walk coming down and then our terrace, which is up here, which is at the level of the floor of the building. And the -- what you're looking at back here, this is recessed back. That's part of the rooftop area.

Next. Some other pieces of the project. Looking in the courtyard space, this is basically if you were standing in the courtyard of the hotel where the pool is looking at the south elevation of the -- of that courtyard. And this is looking at the north elevation, entrance back into the hotel from the courtyard.

Next. This is a little harder to read because it's so dark, but this is the conference center. This is the side that you're going to be seeing primarily from the -- South Cedar. So if you come down our entrance drive, you're coming down this piece here. There's signage identifying the conference center.

The conference center is a single-story building. We at one time had it as a two-story building, and because it is a conference center the height of the eave up here is around 20, 22 feet, something in that range. So elevating it even further we felt was an issue, so we reduced the scale by dropping the building down to

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an at-grade kind of situation, although over here on Second it's a little bit lower in elevation, and hence, you know, you enter at grade up here and it's a little bit dropped here.

So this is the south elevation. It's got a series of windows along the gallery space. North elevation you can't see too well here, but it would be screened by a tree line and just a rhythm of pilasters and brick work.

This is the side on West -- the west elevation of West Second, and it's got a porch that addresses -- with a stair that comes down, addressing the street elevation on that side. And then if you look directly at the elevation of the entrance, which is over here -- if you look directly at it, this is the corner piece where you would enter the conference center.

Next. I think these 3-D views give you a better view of the composition of the building. Again, the parking garage in the center, West Richardson here, South Cedar here. This is a hotel component with a rooftop. The conference center is over here. Some of the existing buildings -- this is the existing commercial building right next door to us that sits kind of within its own piece, kind of centered on the lot, and a couple of the other buildings.

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Next. Again, a view -- this is looking now along South Cedar. Our entrance drive coming back and the conference center here; entrance to the garage piece. The garage is totally wrapped, so the only exposure to the garage that will be seen is from this courtyard space.

Next. This is looking from the north, looking back south. West Richardson here. Again, a residential component, the hotel on the corner, and the conference center. And this is the corner looking at the entry from the corner of West Richardson and South Cedar, the hotel main entrance.

We're still looking at details and elements of how we do some of these balcony things, which we're going to try to emulate as best we can the character of what you might find in Summerville and other areas. How this is treated -- this is not finally designed, but this idea of having this kind of icon at the corner and some shelter that people can get out near the edge of the building to kind of see -- if you look -- if you're in this pavilion area, you can look straight down West Richardson towards the downtown area. And -- is that it?

Another view looking back down West Richardson, and a view on South Cedar. Here you can see that terrace -- elevated terrace with the umbrella tables

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out front, a planting edge. You know, we're going to add street trees. We've got bollards that lead back along the sidewalk to separate the drive from the sidewalk area. And these will be lighted at night. You'll be able to walk along there and have low lighting. So it's going to be a very nice environment for people to use.

And, again, a little perspective of the conference center. This is from West Second here looking back.

Next. That's it.

Does anybody from the board have any questions that I can answer?

MR. KWIST: I have a good many, but do we want to hear from the public first?

CHAIRMAN DIXON: What's the Board's feeling?

DR. PRICE I think the board should ask first.

CHAIRMAN DIXON: We can have theirs, and then if we have more questions we can follow-up at the end.

DR. PRICE We may end up answering some questions that are out there.

CHAIRMAN DIXON: Okay.

MR. KWIST: Do you want to start from one

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end to the other or --

CHAIRMAN DIXON: It doesn't matter. Go ahead, John.

MR. KWIST: Okay. I don't mind.

CHAIRMAN DIXON: If you need to use it, push the blue button down.

MR. KWIST: The red one?

CHAIRMAN DIXON: The blue one.

MALE SPEAKER: Blue.

CHAIRMAIN DIXON: Push that one down when you talk -- while you talk. No, you got to hold it down.

FEMALE SPEAKER: (unintelligible).

CHAIRMAN DIXON: This modern, new-fangled stuff.

MR. KWIST: Okay. My questions are in no particular order, just as I wrote them down.

MR. D'ANTONIO: Sure.

MR. KWIST: So one does not have more importance to the others, so just if I ramble, just forget -- just -- can you not hear?

DR. PRICE Some of us are old enough we need hearing aids and still don't have them.

MR. KWIST: I'm wearing them too, so I can't hear what you're saying.

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MALE SPEAKER: (unintelligible) little bit.
MR. KWIST: Is this better?
MALE SPEAKER: If y'all could speak louder.
MR. KWIST: All right. Service drive, where is the service drive for this?
MR. D'ANTONIO: The main -- let me go back -- yeah, the main drive -- too far. Well, stay in one spot. Stay. The main drive that comes back comes off of South Cedar. It comes in. And there's a service courtyard here beyond the entrance to the conference center that leads into the parking garage and leads to the service area there.
So it's a two-way drive. It's not a one-way drive. So what happens is any service vehicles that come in would come in and pick up trash, whatever, and be able to back and turn around and come back out.
MR. KWIST: So is the Dumpster at the end of that drive?
MR. D'ANTONIO: It's in behind a gated enclosure.
FEMALE SPEAKER: (unintelligible).
MR. KWIST: That's the four squares?
MR. D'ANTONIO: Right at the back.

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MR. KWIST: That's the four squares?
MR. D'ANTONIO: Way at the back right here.
MR. KWIST: (unintelligible) 101?
MR. D'ANTONIO: Yes. Yeah, there would actually be less than those. That's a earlier version, but, yes, that's the general area. They'll be in a fenced and gated area and closed off.
MR. KWIST: Well, will that also be the drive for deliveries and (unintelligible)?
MR. D'ANTONIO: Yeah. That -- well, I mean, yes. We have -- along West Richardson there are -- there is a lane right there now of parking spaces, and we would have -- we have an entrance to the residential over there, but that area can serve along this side of the building.
However -- and saying likewise in the front. We have a series of loading/unloading area that's going to be on -- in front of the building there on South Cedar. That's a -- it's a dedicated lane.
CHAIRMAN DIXON: Your pointer is not showing up on these --
(Unintelligible simultaneous speaking)
MR. D'ANTONIO: Yeah, I know.
MR. KWIST: I generally can --

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MR. D'ANTONIO: I'll try to describe it.
MR. KWIST: I generally can follow --
MR. D'ANTONIO: Yeah. I'll try to describe it as best I can.
MR. KWIST: The tower, I see no resemblance to anything in Summerville that that tower (unintelligible).
(Applause)
MR. D'ANTONIO: I -- we realize that it's a work in progress. What we said is there's plenty of gazebos and other things around town. There's church spires. There's other elements around Summerville that have those kinds of elements -- round forms, rooftops that are, you know, somewhat -- conical roofs, things like that.
So this hasn't been fully designed, but if you look at some of these elements -- we tried to point out this earlier -- these are some of the elements that you see. You don't see them on top of buildings, but you do see bell towers, you do see other elements on top of buildings and spires. How it's designed, we would admit that it's a work in progress and it hasn't been fully designed.
But I think if you take it off it's going to be -- it's going to be less of a symbol, and therefore

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I think you lose an opportunity to say this is the entrance to the hotel, and allow for some covering for that rooftop area where people can get out near the edge and have some cover and see down the -- Main Street to downtown. And that was the reason for doing it. But we're certainly, you know, looking at that concept.
MR. KWIST: At future meetings, I would like to see some alternatives to this particular element.
MR. D'ANTONIO: Sure.
MR. KWIST: I think it's -- it doesn't represent Summerville to me, and it does not look appropriate for that particular location.
(Applause)
CHAIRMAN DIXON: Please don't --
MR. KWIST: You know, I really don't want --
CHAIRMAN DIXON: Please don't --
MR. KWIST: -- applause. I just -- I'm trying to be -- I'm trying to offer constructive criticism --
MR. D'ANTONIO: And we appreciate that.
MR. KWIST: -- not grandstand.
MR. D'ANTONIO: Thank you.
MR. KWIST: The -- one of the questions I had that I asked myself about the mechanical systems

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for this whole project, I notice you have heat pumps on the roof for the condominiums. You have a grid on top of the conference center that screens mechanical equipment. But I also noticed that you have through-the-wall units for the hotel rooms.

In my experience in staying in high-end hotels is they don't have this kind of units. They have some kind of -- they have a chiller somewhere remotely located and they have fan coil units in the rooms conveniently situated. They run quiet. They run efficient.

I think having 63 or more through-the-wall units not only I think is unsightly if you look at these elevations, but it's going to be noisy as well. In summertime all of those will be running constantly, and I think it's going to create an undesirable drone, if you will, from all these units running.

And, also, they work well for a couple of years, but after that they start malfunctioning in terms of getting rid of the condensation, and stuff is running down the walls. And I've seen buildings that are five, six, seven years old that show all the stripping from those units. I would not want that here, so I would encourage you to look for some alternative way to heat

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and cool the motel rooms.

MR. D'ANTONIO: These are a different -- these are not the standard below-the-window type units. They're in a -- they're a separate unit in a closet. They're a little bit higher grade than you would find in a normal motel where they're under the window if you have seen those. That's, I think, mostly what you're referring to. These are somewhat of an upgrade type unit. But appreciate your comment.

MR. KWIST: Yeah. I -- additionally, the appearance of all those grills on the side of the building is not pleasing. So that's the (unintelligible).

The corner columns of the balconies, they look to me like they're oversized. And you can correct me if I'm wrong, but I think architecturally the larger ones should be on the first floor and they should reduce in size if they go up. That was not done on the old Town Hall. It drives me crazy every time I drive by it. So I would hope that we could address that.

And, also, I noticed that the base is cantilevered out from the slabs on those, unless I'm not reading these plans correctly. But they don't sit -- the base does not sit on the balcony slab 100 percent. So I'm sure --

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MR. D'ANTONIO: No, I think they would. I mean, we honestly haven't detailed --

MR. KWIST: (unintelligible).

MR. D'ANTONIO: -- all that right yet.

MR. KWIST: Overall, I think it's too much building on too small a space. And in height, mass, and scale, I think it exceeds my taste for what it should look like. I think the top floor ought to be set back so that you can't see it from the opposite side of the street.

And I also think there ought to be more in and out detailing of the walls to allow for interest in the textures of the building and also may accommodate saving some significant trees that are slated to come down. And so I would like to see the scope of the work reduced and the height brought down at least visually by setting the top floor back.

And you said at some point that this is purely an urban project, and I don't think Summerville is an urban city. I think we're a village and a township, if you will. So I think we ought to look at the overall aspect of it and come up with a design that represents Summerville more than what I see here. Those are my comments. Thank you.

(Applause)

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DR. PRICE I have some issues (unintelligible). I have some issues regarding the mass of the project. I want to first of all say that I have nothing against this concept in town in the appropriate place.

I walked around the property or an hour and a half yesterday with the drawings, tried to imagine the mass of the different facades respective to what lies in the immediate vicinity. And as best I can determine, the top of this at the four-story level ends up being approximately the height of the top of our -- the top of the wall of the parking garage.

When we as a Board dealt with that issue, we dealt with the fact that the parking garage was going to be on the interior of the block, not on the street, rising straight up from the streetscape. And I think this is going to -- as it currently is drawn is going to feel very massive in that place.

When we looked at the project that we're in now on the BAR, we were provided with a scale model of the block, and we -- I cannot vote in any way on this project until I see a scale model. So if the others want to vote without me, they can, but I need to see a scale model.

One of the issues for us people who are

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not architects is when we see a set of architectural plans, they are presented to us as if there's 100 yards of open field around the building. And it's not your fault. That's just how they're presented to us. But it doesn't give us an opportunity to get a feel of what the surrounding streetscape is.

And some issues I'd like to know in terms of actual numbers are the finishing touch building which is the old clapboard, two-story building that's across the street from this that faces Richardson, across from the post office, across from CPW -- the long clapboard building. I'd like to know what the height of the ridge of that two-story, steeply pitched building is versus what the top of this building is going to be immediately across the street; and also the height of this building.

And we know about these various kinds of height limits and everything, but until we see a stick or something that says what 55 feet is, it's hard to imagine. But if you could provide us with what the height of some of the taller buildings are in town, that would be helpful.

And when I look at the building -- you wouldn't notice this, but it's the Seymour Lynch building across from Tom Davenport's office, that's a two-story building, and although the grade level is higher on that

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side of the street, you're going to have that with much higher buildings sitting across the street from it.

And I was kind of interested to see in the paper this morning when I was reading about us that Charleston is also struggling with things, and they have a 30-foot height limit for new building construction immediately against King Street. And we're looking at much higher. And I don't know whether the amount of green space between the sidewalk and the building here changes that or not, but I do not want to see a situation where we have buyer's remorse like they had in Mount Pleasant with the boulevard project and they say, "Oh, my God. What did we just do?"

So that is what I've got to say at this point.

MS. HUGGINS: I don't want to be repetitive, but I agree with what David was saying. I think the height is a huge problem for me. I'm not in on the architectural end of it as far as construction-wise, but I do aesthetically -- and that's why I'm here on the board -- aesthetically, I want to see -- I would like to see more elements. To me this looks very cold and sterile, and I would like to see more elements that would cozy it up to what our – I mean, what -- the feel of our town.

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This, to me, does not reflect the feel of the town. So I would just like to see more spaces like John said to save trees and different things like that. And I think you could be more sensitive in that area and still get the hotel that you want.

Those are my comments.

MS. COLTHRAN: What I would like is impossible. I would like for you to build something that looks just like the old Pine Forest.

(Applause)

MS. COLTHRAN: You might take a look at some of the old pictures and look, for instance, at the way the roofs were graduated and your -- your saucer effect here on the -- over the front door might be a cupola. It is a recognizable cupola for me. And I also like clapboard.

MR. D'ANTONIO: Well, we tried to take elements, like I said, of the town. I mean, we spent a lot of time going around and looking at things. So, you know, these are just flat pictures on a screen, and I think if you really look at the plans we do have ins and outs in the design. You may not read it that way, but residential areas have a lot of -- on the residential part it does have a lot of relief.

On the hotel part you do have, you know,

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rooms, so we've broken up that façade. We can't give you relief on every single room, because I think that would look chaotic. And if you look at your downtown commercial buildings, they're fairly straight, long facades. On the park there, that's a fairly straight, long façade, and it's articulated by the way they do the windows and the cornices and other things on that building. So those are kinds of the things we've tried to relate to in doing this.

MS. COLTHRAN: And I understand that, and certainly agree with you and understand that. But I don't think that a boutique hotel should necessarily look like a commercial building. I think it needs to look like something --

(Applause)

MS. COLTHRAN: -- that's going to make people want to come here and stay there.

FEMALE SPEAKER: And I think that's why we may need the mold. I mean, it would certainly help me to visualize what's going on and what you're proposing.

MALE SPEAKER: The -- a model that reflects what we're talking about -- a model that reflects that we're discussing, not a model that reflects these drawings, because we've already said we don't like those.

FEMALE SPEAKER: Correct.

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MALE SPEAKER: Yeah. I mean --
MR. D'ANTONIO: Well, keep in mind we're here for kind of -- on a conceptual basis, too, and this is not a final product by any stretch. So, you know, we're in the process of developing this design and we're happy to hear your comments and take them into consideration. So we thank you for that. You know, this is not -- we're not asking you to vote for a final design.
MS. BURTON: I wanted to talk first of all about your site -- I wanted to talk first of all about your site design, and then talk a little bit about the specific building design.
I really liked how you started tonight talking about Summerville, looking at the buildings that were there and looking at the characteristics of our town. And I liked how you tried to use those words and ideas when you were working through your actual design.
I thought that the total concept of this project fits really nicely with the three pieces or the four pieces of the parking garage as well. And I actually think that on a conceptual level your site plan is really nice. I like how the conference facility is off to the side. I like how the driveway in -- you've really got some nice landscaping ideas and, you know, using that feature to break up the two parts to the building.

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I thought the whole concept you had of using the grade change to create an upper terrace and lower terrace and the kind of site design around the edge was really nice. So the -- on a site plan level, I really like your design and I think it's really effective, and you're using some nice design pieces to really make a very rich streetscape. And I think that that's a really good way to keep on going.
The -- some of the comments that I have is that, like the others on our board, I really like having the center entrance or the corner entrance, but I don't think you've found a good way to actually express (unintelligible) entrance, and that I would suggest that a gazebo is not necessarily the right image to use for your entrance. So while I like the rooftop function of that, I'm not sure that it's the right entrance piece to look at.
And it felt -- I guess like the others -- just a little bit too cold, and a little bit maybe too Daniel Island as opposed to specifically Summerville with our -- you know, like, I guess your sense of proportion and scale just wasn't working as much as what I had hoped.
So when I look specifically at the building design, there's lot of things that I like about Cedar Street. You've got like a fairly -- well, you've

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got a lower sense of scale. When you see the prospective views, the rooftop stuff is almost invisible, so you've got a really nice streetscape with all of the activity at the street and then the rooftop is set back. So it's a really nice proportioned streetscape relative to the rest of the Cedar Street massing and scale of buildings.
What I have a lot of trouble with is where we're switching -- well, let me still talk then about the conference facility. I really like how you've got a one-story building. It's a tall one-story building, but it seems to be the right kind of scale of building to fit going back into that lower residential neighborhood, and you've used a lot of things like, you know, the piers, the columns, breaking that up. I like all of that a lot.
Some of your specific detailing I don't like as much. Like the little bracket things don't really seem to be, again, Summerville. And I'd suggest to you find maybe some other detailing pieces, but that -- but that concept of a brick building, having some kind of porch at the front, having some kind of cornice ideas, and then breaking up the mass and having big windows, I think is a really appropriate way to start thinking about that conference building. And I like that you can access it both from the lane way (ph) or -- and then a street side.

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So back to the residential building.
And this is the part that I had the biggest trouble with. I hear you talking about proportion of windows, the cornice. I can see that you're working at trying to create a lower mass and then have an upper part that perhaps is in -- you know, appears to be set back or appears to be different and -- you know, so that the massing is reduced.
And I know that you've worked at creating piers or, you know, indents, so you have massing of the rooms and then a porch beside it and then a recess that has the Hardie plank or (unintelligible) lap siding. And so you're doing a lot of things that are really good things to start thinking about -- how to break up that mass.
But perhaps you need to think further -- like, for example, it really still remains a four-story wall that goes straight up. And even the porches don't change their character. It's still four stories that go straight up. And the four stories is really quite strong.
And what I note is that in all the prospective that you gave us, you had a lot along Cedar Street, a lot of that hotel. There were none that showed the prospective view of what the residential part was like. And so it was very difficult for me to truly gauge,

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like, how much do those setbacks work? How much does that balcony break up the massing? I can't really tell, but it appears like it's still two massive and too much of a straight wall.

And I am especially worried about -- you've got a really nice sense of scale that goes along Cedar, but I feel that the differentiation between the end of your residential building, your lot line, and then the abrupt transition into the historic residential district is too big, and that the scale of that change from four-story residential block into a historic residential neighborhood it's too abrupt a change, and the massing and the -- the -- you know, how the building actually makes that corner and makes that change is, I don't think, as thoughtful as your Cedar Street design is.

So I would really strongly recommend that you think about how do you make that transition from -- you're calling it an urban building. I mean, it is a higher density building. I think there needs to be more thought between that -- the end of that building and then moving into the residential neighborhood.

And I'm not entirely sure how you manage to do that, but I think that that -- the largeness of the mass of the residential building is just too big, too

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high, too solid despite the work that you've done with creating, you know, the ingress and the material breaks.

MR. D'ANTONIO: One thing I failed to mention in the presentation, if you'd give me a moment -- one of the things we did do on the residential, the floor heights of the -- what happens is the land is high at the intersection of Richardson and South Cedar. It kind of comes to a -- the highest point is right there on the corner.

Well, then the property drops off in sort of both directions from that corner. So what we've tried to do is on the West Richardson side, every one of the units that is on the ground floor has an entrance that comes to the porch. You can't really see it very well here.

MS. BURTON: I see the steps coming down.

MR. D'ANTONIO: But there are steps. And so we tried to make a relationship to the street.

MS. BURTON: Yeah.

MR. D'ANTONIO: And it's set back further than -- a little bit further in some areas than the hotel to give it a little bit more of a residential feel than the hotel part of the project, so that we do have the entrance that gets you in so you can go into the

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building and go up an elevator if you're on the upper floors, but on the grade floor we've tried to translate that and to address the streetscape by having these steps and elements that come down to grade and make it feel like that is an entrance to those individual units.

MS. BURTON: And I come back again and I say that in my opinion how you've addressed the site and how the building meets the grade on all sides, I think you've done exceptionally well. And this is just one further example.

And I guess I'm talking more about just the size of the overall building, you know, and how it then meets the residential neighborhood. But I really do applaud you on the actual, you know, site design that you've done and how these buildings (unintelligible) the street and that interaction and activity, I think you've done a really thoughtful job.

MR. D'ANTONIO: Thank you.

CHAIRMAN DIXON: (unintelligible).

MS. COLTHRAN: May I say one more thing? I have a question. Is there a way to do this without putting the drive out into Cedar Street? That is a horribly congested area right there, and if there was some way maybe to bring people in off of West Richardson and take them out off of West Second, something -- that's a

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bad place right there.

MR. D'ANTONIO: We looked at those options and one of the issues -- we looked at elevating -- I told you earlier, elevating the conference center which would've allowed us to exit down to the other side street to Second, but we felt like that -- that didn't work very well because it elevated that conference center substantially.

And if you look at where this curb cut is, I mean, you're talking about -- it's at the mid-block between the two streets. So from a DOT standpoint, there is an existing curb cut there which we -- very close to where our drive is, which we'd be entitled to have.

So, you know, this isn't like a -- there will be certain times of the day when there will be people coming there to the hotel using it to get -- to check in, check out. You're only -- you're talking about 36 residences, you know, which we don't think is -- from a traffic generation standpoint is going to generate a huge number of trips.

The conference center, we suspect because of our parking garage and such that some people will be using the parking garage over here next to this building to go over there to any conference of any size. So we're not expecting that street to generate a

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tremendous amount of traffic that you might think. And we can -- you know, I don't have the statistical information, but we're doing a traffic study and we would have that information. But that -- you know, we looked at different options of where that could be.

And the other thing is if we bring the street out -- something going out to Richardson, then we're breaking kind of that pedestrian flow along Richardson and that residential area, so we were trying to not bring a drive out to West Richardson for that reason. But that was our --

MS. COLTHRAN: There's a pedestrian --

MR. D'ANTONIO: -- that's our thought.

MS. COLTHRAN: -- flow on Cedar Street as well. And --

MR. D'ANTONIO: That's true. Yeah.

MS. COLTHRAN: Maybe you should just go down there and park and watch.

MR. D'ANTONIO: Yeah. I think it depends on the time of day. I'm sure there are certain times where it's busy.

MS. COLTHRAN: I've been by there different times of day and I don't think it makes any difference. It is just a -- it is a main thoroughfare and -- through town.

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MALE SPEAKER: Where is the planned check-in?

MR. D'ANTONIO: Let me go back to --

MALE SPEAKER: Is that the --

MR. D'ANTONIO: Yeah.

MALE SPEAKER: -- corner tower?

MR. D'ANTONIO: Yes. What happens is you would pull off along here. This is a loading/unloading zone along South Cedar. And we also have a little bit of area on West Richardson. But West Richardson, you know, you'd have to come -- turn around, come up and come this way. If you're coming from the interstate or you're coming up from the downtown area, from 17-A, you would be coming up this way and making a left, and therefore those loading/unloading zone makes the most sense.

MALE SPEAKER: You would have some dedicated parking there for people --

MR. D'ANTONIO: Yeah. There's pull-offs. Right. There's valet. What they would do is they would help take your bag in and valet -- you'd go in and they'd valet your car back to the garage.

MALE SPEAKER: I think a big hunk of the day people exiting that facility are going to have to do right-turn-only.

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MR. D'ANTONIO: Yeah. What would happen is the -- let's say you're checking out. The valet would come get your car. It wouldn't try to come this way. He would come around the block and either pick you up over here on West Richardson or go back around onto South Cedar.

MALE SPEAKER: Hank, I just was thinking about the traffic. And we're going to have delivery trucks -- beverage, food, laundry, flowers, retail shops. We're going to have maintenance trucks. We're going to have garbage trucks to pick up the garbage. We're going to have hotel guests, shuttle services, conference center attendees, and retail shoppers. We've got to deal with that traffic somehow.

MR. D'ANTONIO: Well --

MALE SPEAKER: I don't think saying that we only have one place to do that -- which is, what, 100 feet from the corner -- I don't think that's the answer.

MR. D'ANTONIO: It's 150 feet or better, probably close to 200 feet -- or 175 feet.

MALE SPEAKER: Yeah.

MR. D'ANTONIO: But at any rate, this is not unlike any other downtown business. I mean, you have here -- there's not necessarily a lot of options for people to --

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MALE SPEAKER: You're right.

MR. D'ANTONIO: -- separate every one of these functions.

MALE SPEAKER: You're right, but it's already congested and we're going to add to that. And so you say you're having a traffic study done?

MR. D'ANTONIO: Uh-huh.

MALE SPEAKER: And who's doing that?

MR. D'ANTONIO: That's being done by Stantec, our civil engineers.

MALE SPEAKER: Yeah. And so when they turn in that study and it recommends a change, are you going to -- what are you going to do? Because right now there's no -- from what I'm hearing you say there's no other option.

MR. D'ANTONIO: Well, we could start over with this entire project, but I don't think that's a possibility because this is --

MALE SPEAKER: I'm not asking you to start over, but I'm asking you to --

MR. D'ANTONIO: Yeah. I mean, that's --

MALE SPEAKER: -- think through what the real problem is going to be. We're going to have a conundrum that we don't have a solution for if we don't

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plan ahead. And so --
MR. D'ANTONIO: Well, I'm not a traffic engineer, so I could defer to my colleagues to try to address some of your concerns when the time comes that we can present that.
MALE SPEAKER: Before we go too much further, we should get that traffic study to see if this is really feasible, don't you think? And I'm not trying to talk you out of the project. I'm just saying we need to deal with the traffic in a realistic way.
FEMALE SPEAKER: Can I ask you a quick question? For instance, if you were using the conference center and you had rentals to be delivered, where would those load in and load out?
MR. D'ANTONIO: Rentals, as in?
FEMALE SPEAKER: Like tables, chairs, any kind of thing --
MR. D'ANTONIO: Well, there's storage areas in the project and in the hotel as well. And the intent is that the tables and chairs available for the conference center would be part of the conference center.
FEMALE SPEAKER: Yeah. I mean, that was just an example, but I was just thinking different elements that were being delivered to that --
MR. D'ANTONIO: The food service, if it

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comes from here, it's going to -- they're going to take carts -- warmer carts, and it's going to be taken down and brought in. There's a back door back here to this area, which is kind of a serving/prep kitchen area. Food won't be prepared there, but it will plated back in this back quarter and taken into the conference room. This is the public side. And they will enter -- all the public will enter from kind of this quadrant, which is where you saw the nice open glass windows --
FEMALE SPEAKER: Right.
MR. D'ANTONIO: -- and colonnaded area there. So there's a service area. We also maybe have the potential to bring in some things from this side of the project, depending -- I'm working with the city with a few of the parking spaces that are along there that could be dedicated for a -- kind of an unloading/loading zone.
FEMALE SPEAKER: Right. Right. I was just thinking that it would be nice to have that type of delivery truck not visible to everyone that pulls in the main driveway. So just something to consider.
MR. D'ANTONIO: Well, I don't think for the conference center it's going to generate a lot of delivery trucks, per se. You might have somebody coming for flowers or something like that.
FEMALE SPEAKER: I don't know. You

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might be surprised. I'm just saying I think it would be worth the consideration. I was thinking about Charleston Place. I know it's on a much larger scale, but Charleston Place has a place where delivery trucks that go in and deliver whether it's food or delivering panels or, you know, whatever -- whatever kind of conference is taking place, you will have to have some type of room so that (unintelligible) whether they're owned by Summerville or not. So that might come into --
MR. D'ANTONIO: Well, we have -- the courtyard we have is pretty large, back in the back here, and it's kind of -- the reason we built this -- show this wall as a screen wall, it kind of -- and we could likewise do a similar wall if we had to on the other side -- to kind of keep this more of a service area. It is large enough for trucks to -- they can't turn around in a big circle and come out, but they can --
FEMALE SPEAKER: Right.
MR. D'ANTONIO: -- pull up and back up and then come back out, so --
FEMALE SPEAKER: That is how everyone gets to the --
MR. D'ANTONIO: Garage.
FEMALE SPEAKER: -- parking space. Okay.

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MR. D'ANTONIO: That's true.
MS. COLTHRAN: How was the decision made to make the conference center one story instead of two?
MR. D'ANTONIO: Well, the program -- this is about a 10,000 square foot building. The program came from the idea of being able to seat about 300 people in a sit-down dining situation. So that deems that that conference space itself has to be about 4,500 square feet, in that range, to allow for 300 people to sit at tables in a seated situation. That was -- that's where the -- that program from -- came from.
What we had previously in our design that we didn't present before when this was elevated was the -- was -- it was going to be really high in the air because we were looking at then the potential for bringing trucks underneath the thing -- just getting so high that we didn't feel it was going to do justice to the -- to those surrounding buildings. And that's why we didn't do it.
So getting cars in and out, yes, we realize that's an issue. Getting service vehicles, yes, we understand that's an issue. I mean, if we had to, we could come out maybe on the side on Richardson, if that satisfies. We would wind up losing units in here and we'd have some other way to do that, to come out there on that side -- but I don't know that we want to -- you know, we

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want to break that façade up with an exit, let's say, on that side. It could be done, but it's -- at this point it's not preferred by our client, so --

MS. COLTHRAN: Well, the parking garage could possibly be a little bit smaller, and that might help in that regard somehow. And I have another question. What -- how was the decision made to make this an outdoor swimming pool?

MR. D'ANTONIO: I guess it was presented as being an amenity to be there, and because of our climate being -- you know, being able to be -- to swim in an outdoor setting in -- six, seven months out of the year, eight months out of the year, whatever, that that was the determination, that it made sense to be an outdoor space.

And, you know, we're not trying to make this a Embassy Suites hotel or something like that with a big enclosed atrium or anything like that. We're trying to make it a boutique hotel and have a courtyard that is a beautifully landscaped and -- nice courtyard, with a swimming pool.

The other thing is it's pretty sequestered from the public side of the building. You don't see this pool from any perspective. There is a pool building that separates the -- for the utilities of the pool -- the pump and all those kinds of service functions

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-- that separate the pool area from the -- from that drive. So it's kind of an enclosed exterior area. Plus, we thought it would be nice for the other folks looking down onto that space and so on with the hotel rooms looking down onto space. So it's a landscaped, nice are.

MR. KWIST: I've got just a side question. What constitutes a boutique hotel?

MR. D'ANTONIO: Well, a boutique hotel generally is not a flag hotel, meaning it's a -- meaning it's not a chain. It's not a Hilton. It's not a -- you know, one of the major chains. It's generally -- for instance, this hotel -- we did -- to give you an example, we did the Harbor View Inn downtown. You may be familiar with the French Quarter Inn downtown. Some of these hotels would be considered boutique hotels.

The hotel would be managed by Charlestowne Hotels. They're a local management company that manages these special kinds of hotels, not only in the Charleston area but around the country. So that's what makes it a special hotel.

I mean, if you look in "Southern Living" magazine, you can look at many hotels in like Asheville and other destination cities that have these small, specialized hotels. That's what makes it a boutique hotel.

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MR. KWIST: One last thing. I heard you clearly that you said you could go as high as 55 feet. You chose not to. And I would add that just because you can doesn't mean that we should.

MR. D'ANTONIO: Right.

MR. KWIST: So I hope that you heard this panel and -- our concerns about the height and the mass and the scale of it, and will come back with some more agreeable type design. Thank you.

MR. D'ANTONIO: Thank you.

CHAIRMAN DIXON: Just one comment right now on the -- and I'll go back to the traffic side of it. I think this is something that you really need to spend a lot of time on it, because those of us that live in Summerville and have been here for quite a while, we know which lane not to get into and which lane to get into, to get around this particular intersection. And it -- it's all time of the day. It's not one time or another.

And just as a -- this is probably -- well, it's -- the way y'all put it is this is the conference center in the town of Summerville. One of the areas that could give you a problem is -- for instance, say it's used for a job fair, and you've got all these people that -- they're going to set up booths. They're going to have to bring stuff in to put it in there.

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I don't really see a way that that sort of thing can -- can access that facility. And then you're going to have people coming in there and going out, all day long, which is going to exacerbate any traffic problems. So I think you really -- that's something that you really need to take a long, hard look at.

Anybody else?

With our comments now, and we'll probably have some more by the time y'all are through -- but we'll get to the -- to y'all's questions for the architect. Don't sit down, sir. You're probably going to be the one answering all their questions.

Anyhow, I will remind you about the three minutes. We are keeping track of it. And I'm not going to get on this microphone, I hope, and tell you to sit down. But I'll do this: If you've gotten your three minutes, at that point I really expect you to finish your statement, what you plan -- I hope you've thought what you're going to say first, so you just don't ramble on. And that -- so that the three minutes that you can -- you can get your point across, what you've got.

Also, we don't have a microphone here. I don't quite know how we're going to --

MALE SPEAKER: How about if we just take one off from here and set it over here?

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CHAIRMAN DIXON: I just wondered whether -- I mean, as far as I'm concerned, if you want to stand right at your chair, if you can speak loud enough, and you want to address it right from there rather than walking up front, be my guest. I'm not going to require that you -- that you come up here in front of everybody to ask your questions.

You got one? A question -- comment on this microphone: If you want to use it, while you're talking, hold the blue button down. Otherwise you might as well stand where you are.

Rudd, you're the first one.

RUDD SMITH: Rudd Smith. I live at 201 South Hickory, which is three blocks away from this. Thank you for your comments, which were about the same things I wanted to say. The only one I'd repeat is no boulevard, no boulevard, no boulevard.

Being a little more specific, looking at the compass rows, I think it would be a lot easier if maybe you'd re-label a lot of these elevations. We all think of Cedar going north/south. If maybe you'd put an elevation screen up. Would you put an elevation -- the one on the top I would call that the north elevation of that building, if I'm standing on Richardson looking at it. I think I'd say the same for the one in the middle.

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I'm not sure about this one, but I'm betting that's the west elevation, the one at the bottom.

MR. D'ANTONIO: That's all part of the same (unintelligible).

RUDD SMITH: I just found all of your compasses confusing, looking at that.

The final thing I'd say, where I live, my parents bought the house in 1961. My brothers and I played out in the dirt on South Hickory Street, and we stopped more often for horses than we did for cars. I mention that only to say I think the town is kind of new in the sidewalk business.

We really didn't start building a lot of sidewalks until late seventies and on into the eighties. And we really didn't know as we began we've got too many sidewalks and too many trees, too close together. You can walk around town any number of places and there are sections of sidewalk lifted. The town has put the spray paint indicating that they need to be replaced.

When you look at the site plan there, it looks to me like all these trees that are going to soften the building are going to be right next to the sidewalk, and they're going to do is introduce problems with roots under the sidewalk, maybe problems with underground cables, with things that -- it seems to me that building

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needs to be back from the street a little more and that all those trees that get planted on I'm going to call it the inbound side of the sidewalk -- not the street side of it. And I think they need to be back far enough that they don't disturb what's there and don't create a maintenance problem for us.

CHAIRMAN DIXON: Thank you, sir. Joyce Delk.

JOYCE DELK: On the fact sheet that has been distributed, on the top of the second page, it says, "The developer has agreed to a $20 million investment in the project development and will acquire additional property and easements to complete the project."

And I need to get a full understanding, because I agree with some of the ones that have spoken up-front -- and I appreciate your words -- but that's a lot of structure on a little bit of property. So where do we stand -- how much more property is this going to entail than what we already have? What's going on there? The whole location doesn't seem ideal, just sitting here with common sense.

So what is going to be done to acquire more property? Why are we going forward on a project that doesn't have all the property acquired yet -- acquisitioned, whatever the word would be, purchased?

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MALE SPEAKER: I think this is one of the questions that needs to go to the council, not to us.

(Unintelligible simultaneous speaking)

JOYCE DELK: I am addressing the whole structure, and I agree with --

CHAIRMAN DIXON: This --

JOYCE DELK: -- like I said, with what you're talking about. That's a lot of building for a little bit of property. And that's --

CHAIRMAN DIXON: That's right. But this is the property that they're -- been given to design this building on. There is no additional property at this time.

JOYCE DELK: Well, what does that mean then? I need to -- I really need to understand that desperately. My mind is really going 100 miles an hour with that particular issue. What will be acquired later?

CHAIRMAN DIXON: I don't know of any other, and I think that you'll have to go to Town Council and ask them that.

FEMALE SPEAKER: Could you please announce the next Town Council meeting -- the time and the place? I know it's here. Not everybody here maybe knows when the next Town Council meeting is. Could you please announce it for everyone?

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MS. DREYER: October 8th.
FEMALE SPEAKER: It's Wednesday at 7:30 right here.
FEMALE SPEAKER: Yes. I understand what you're saying. Can I add my two cents' worth of what you folks have said?
CHAIRMAN DIXON: Yes, ma'am. You're still within your three minutes. Go ahead.
JOYCE DELK: It's a major, major perspective that I'm seeing, and I think that y'all agree with what I was going to say, but I'm -- I want to let you know that I appreciate what you have said tonight wholeheartedly, because what we're looking at is a really sad situation. It doesn't seem good. It doesn't seem good at all. Thank you.
CHAIRMAN DIXON: The next person is Mary Becker.
MARY BECKER: Thank you. Thanks for the (unintelligible) allowing me to speak (unintelligible) Summerville.
Like you, I think the project is -- the building is too large. The gentleman that did the slide show talked about it being an urban project. And I think in an urban setting it would probably be fine. I don't think Summerville is a large urban setting. I came from

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(unintelligible). I moved here, so I kind of understand what that is, but I don't understand this to be that.
I think it will be incompatible with the setting that it's going into, especially as you move from downtown into the historic residential area. It just doesn't fit.
Another thing I have real concerns about is the conference center. I owned a business for many years in San Francisco in the financial district. And twice a year I went to a conference center not quite that small, but a conference center like that to showcase my company.
And I went with a lot of stuff -- actually a truck went with me. I had an eight-foot kind of arch that went up and across and down. My company name was on it -- big letters. Of course, I wanted you to see it when you walked in the room, because we're in sales and that's what we're doing is selling our company there.
We had a baby video show that flashed pictures at you. We also lit up our website address, because we wanted you, after you went home, to go to the website. So those are the kind of things that are going to be going in and out of that conference center.
If it were just a conference center there, it might work, but then you have the hotel. The

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fish guy is coming to deliver the fish, the meat guy is coming to deliver the meat for dinner. The bread guy has got to come by with some fresh French bread. The cocktail lounge at the top of the building, which is going to be very (unintelligible) -- but they also have to come and deliver wine and vodka and all the things you need to make wonderful cocktails, which I'm not against at all. But I just don't see how all this is going to work.
Then you have 30-some condos. Well, I buy one of those condos. I don't like the carpet. You need to come and pull in the back and bring me some new carpet. Then I may want to do some things in the kitchen, and the painters have to come and paint the bedroom.
I mean, there are going to be people going in and out of this thing all day long. And that's before I even start talking about the hotel -- the linen people delivering the linens to the tablecloths, the napkins and stuff.
I just think this is -- I think we really need to think about this a little bit more before we put this in the middle of downtown, because what you're going to do to people like me -- I'm going to get in my car (unintelligible) and I'm going to say, "I'll just go to a different town to shop." And I hate to do that because there's a lots of (unintelligible) for dinner and

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(unintelligible). Thank you for your time.
MR. D'ANTONIO: Point of clarification. There is a laundry facility in the hotel that will be doing the washing and pressing; and all the linens for the hotel are going to be processed in the hotel.
CHAIRMAN DIXON: Robert Klinger.
ROBERT KLINGER: Well, I feel better after I heard you voice your concerns because I was shocked to see the size and the impact on the neighborhood and all that.
One thing I didn't hear anybody here talk about was Summerville -- this is in an historic district. And no one is going to mistake this building for a historic building. No one is going to think it's an old building. This building might be a great building put somewhere else. One of you said this is just not Summerville.
The other thing that I just wanted to bring up is if you go around Summerville and you take pictures of porches or cupolas or different elements, I mean, those aren't porches on the outside of that building. Those are little cubbyholes. And it's just -- it's just an inappropriate building for that location. It might be a great building in another location. Thank you.
CHAIRMAN DIXON: Christine.

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CHRISTINE CZARNIK: Thank you. Christine Czarnik. I live at 406 South Gum Street. What we saw here tonight was a presentation of a very generic, modern, commercial building. It would be at home in almost any city. It might even be at home Summerville (unintelligible) -- not downtown, not in the historic district.

I like the idea of a boutique hotel and all that other stuff, but in that location it should be reminiscent of something like the Pine Forest Inn, something that has beautiful architectural detail, something that honors the history of the town, and is appropriate for the site. I think tourists would come to see a building like that. I don't think there's a tourist in the world who go out of their way to see what we saw tonight.

When I bought my house two blocks from here, I had an architect come before the Board of Architectural Review and present my plans to restore that house. I spent more money restoring the house than it would have taken to tear it down and build a new one. But I did it because I love the house, I love the neighborhood, and I love this town. And I know my neighbors do exactly the same thing.

We invest our money, our time, our hearts

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and our souls in conserving the charm of this city. It's not too much for us to expect that commercial development honors what we're trying to preserve. So what I would ask you as a board is to hold any project that goes on that corner to the same standard that you hold us when we --

(Applause)

CHAIRMAN DIXON: Anne Gaither.

ANNE GAITHER: I'm Anne Gaither. I live at 213 West Second South on the little gray box to -- just above (unintelligible). And trust me, that's not to scale. It's a lot closer. It's a lot (unintelligible).

I don't really have anything original to say either, except I applaud the way you worded it. If I could've said it the way you said it, that's the way I would've said. But I do want to reiterate the traffic issue. I do live right there. I know the traffic is 24-hour constant. You can't get across the street. You can't make turns. Either you have to have another way in or you have to have two ways in. It's just not going to work.

Even if everybody went to the same concert who lived in the condos and the hotel, and they all came home at one time, they couldn't get in there.

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I think there will be backlogs between the trucks and the people coming in, and there would be -- you're saying -- I just don't think you can get in there -- turn the corner, get into the garage. It just doesn't seem feasible.

I also take offense at the way that the place looks for the same reasons. It does not reflect the Low Country look. It does not reflect what we love about Summerville.

Again, I think it detracts from the historic district because it is so completely different. We've got this massive structure. Then you go down to these little tiny homes, like mine, which look fine before you put a big fancy structure next to it. But once you put that big structure then everything else in the town is -- the appeal is going to change. They're going to look different compared to the look of this.

And that's it. Thank you.

CHAIRMAN DIXON: Thank you, ma'am. David Comer.

DAVID COMER: My name is David Comer. I live at Richardson Avenue, about four blocks away. I have a design degree in architecture from Clemson.

I want to speak towards the context of the design of this structure. I think scale is important, and massing has been addressed very well here.

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When I see pictures of context -- and I think this is becoming more prevalent everywhere -- I see lots of different things. And then it's all put into one building in a way that is not a good design, in my opinion.

When I think of Summerville I think of elegant simplicity. The buildings are well designed. You don't see a lot of materials, especially down Short Central (ph), closer to this site. So -- and I agree with what other say. I think because of all the different materials -- I understand using materials in trying to break up the scale and mass, but I think when you put too many things into the design it's like throwing wads of paper and seeing what sticks.

And I think we need to go for elegance. Summerville has a rich history in inns. Boutique hotel? I think of Pine Forest Inn. I know they're not the same thing, but I think the simple elegance -- I think simple design is what needs to be considered -- reconsidered by the architects.

I think this is going to be built. I'm accepting that. If a developer has the money, they've got the location, if they can get it through BAR and the town, it's going to be built. It's going to be built with that many rooms. It's going to be built with everything that's in the scope of work, because it has to for the

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money (unintelligible).
So I think we need to do everything we can, back to her point, to reflect Summerville -- simple. I don't like a white base. That looks like Daniel Island. Our buildings are simple. They're brick. And I'd like to see that in this design. Thank you.
CHAIRMAN DIXON: Mary.
MARY COMER: I'm Mary Comer. I also live at 708 West Richardson. Most of my comments that I wrote down have been addressed either by the BAR or by others. And so I won't rehash all of that, except to say, really, the main thing for me is the height of the scale and the dominance of this building on this site in this location. And we're kind of passing aside the other residences that are going to remain around it -- the ones that will remain.
I really think that that's a problem. It's hard even with the street view perspectives that we've seen to imagine what this is going to look like because it did not show it in context with the neighboring buildings. None of the views showed Anne Gaither's house, or (unintelligible) house, or the house across the street, the (unintelligible) building across the street. And those are so important because this is higher than any other structure in our town, possibly rivaled by the

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parking garage which (unintelligible). So that is my main and utmost concern.
Another thing that came to my mind when discussing the traffic and hearing that there are going to be loading zones along Richardson Avenue, we -- residents in this neighborhood have spent years trying to get reduced speed and no-through-truck traffic on our road, and it was just passed.
And now -- and the exception will be for delivery trucks for going to businesses in downtown. And so now that we finally have no-through-truck traffic pending on our road, we're going to have a lot more delivery vehicles coming on that route and unloading on Richardson Avenue. So those are my two main concerns. I urge the BAR to please follow your heads and hearts and demand a better solution for this. Thank you.
CHAIRMAN DIXON: Deb.
MS. DREYER: Campeau.
CHAIRMAN DIXON: Huh?
MS. DREYER: Campeau.
CHAIRMAN DIXON: Deb Campeau.
MALE SPEAKER: She left.
MS. DREYER: Oh.
CHAIRMAN DIXON: Okay. Peter.
PETER GORMAN: Good evening. My name

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is Pete Gorman, and I live at 313 South Magnolia. I came here tonight fully prepared to oppose this project, but having heard your comments tonight I'm encouraged that there is some good modifications that can be made, perhaps, to make it acceptable to the town.
Two years ago, my wife and I moved here and made a substantial investment in a historic structure on Magnolia and Third Street. We're currently spending a significant amount of money historically -- restoring that house.
Had we come to Summerville and seen this thing in the heart of Summerville we probably would've gone to Mount Pleasant. It is trying to be too many things to too many people. It's out of scale. It's inappropriate. And there are other places where it could fit in, like (unintelligible) Square. It does not belong (unintelligible).
CHAIRMAN DIXON: Adrian.
MALE SPEAKER: Blue button.
FEMALE SPEAKER: Blue button.
CHAIRMAN DIXON: You've got to hold it down.
ADRIAN KWIST: My name is Adrian Kwist and I've been in Summerville for 49 years, and I've seen a lot of changes, some for the good, some for the not so

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good. And in my opinion this hotel that's being proposed is too large of a building -- too large a project for too small of an area. And I sympathize with the people that live in the neighborhood because they have to put up with all this.
I do appreciate the comments that were made in regard to what was said by the people on this committee and the people here in the audience.
One thing that I'd like to know is -- excuse me -- (unintelligible) a lot of brick and mortar with the building, and I'll be curious to know what color the brick is going to be, because that can have a big impact on how the building is going to look. I see some buildings around town that's got some ugly brick on there. So I'm open to (unintelligible) and the public has some input on, whether we like it or not.
And I'm hoping that the architect is taking notes of everything that's being said because there's some good comments being made tonight. I call it constructive criticism. To keep Summerville, the small town atmosphere, we need a building that blends in with the rest of the buildings out here in town. Thank you very much.
CHAIRMAN DIXON: Faye Croft.
FAYE CROFT: I was born and raised in

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Summerville, and I have a property right next -- alongside (unintelligible). And I have three bedrooms in that house that face the condos. And I called the Town Hall last week to ask if they were planning to build a fence that's going to cover the view into my bedrooms. And I was told no, they just plan to use the trees that are right -- separating the two properties right now, and that would be my sound barrier and my vision barrier. The building is too tall and it looks right into my house.

And anyway, I'm very much opposed to the concept of the condos being built towards back over there and so close to my property line. Thank you.

CHAIRMAN DIXON: Linda Shelbourne.

LINDA SHELBOURNE: I'm very much in favor of the project. I think Summerville is ready for this kind of thing. But I agree with everybody here and the other -- Board of Architectural Review. I'm very, very thankful for all the things that you said, and I hope that you will -- I urge you to hold your ground and really go for it, because it would be wonderful if it had a little more grace and Low Country look.

But I do have a question to ask, and that is why does it need to be so big? Why do we need 60 rooms and 30-some condos? Could it not be smaller? Perhaps there's a financial reason, but I would love to hear the

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answer.

MS. DREYER: It's not our call. That's Council --

MALE SPEAKER: I don't have an answer for that, but my hunch is that the developer does, and it's all about the money. He has to turn that revenue to get his money back. So it's not a good answer, and I don't agree with it. So --

MALE SPEAKER: Can I just make a point (unintelligible)? We're talking in the -- in Charleston about the (unintelligible) thing. And we are being guided by not the money but by the amount (unintelligible due to background talking of board members). That's -- the City is doing that. (unintelligible) do that, too. In other words, no matter how much money we've got, we're going to be restricted to how many rooms we can put in the hotel.

MALE SPEAKER: Thank you.

CHAIRMAN DIXON: Diane.

DIANE FRANKENBERGER: My name is Diane Frankenberger, and I'm the house at 310 Central Avenue, which is just in the next block down from this proposal. And I also have a business here in town, which is across the street at 129 West Richardson Avenue.

When I first heard about this boutique

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hotel -- and I was glad to have David ask that question; I didn't know what a boutique hotel was -- I was excited, and I'm still excited about the concept of all of these things because economics 101 is what we have, plus what we need, equals the item.

And so when I was part of the mayor's study on what we needed downtown, a lot of people said they wanted housing right downtown, so the condos would satisfy that. And then in working (unintelligible) the cultural arts people said that they wanted a place where they could meet, a place that was large enough. So the center would solve that problem.

And then when I go places I like to stay in unusual places, rather than the Hampton Inn, and so a boutique hotel would be nice. And when I think about the hotel I have to admit, I don't think of what I saw. I don't know about the Squirrel Inn (ph). That was -- I mean the Pine Forest Inn, and that was fairly ran. But I love the Squirrel Inn and how that looks. And to me, that's Summerville.

The parking garage, you know, in my wildest dreams, I never would've imagined there would be a parking garage right now in Summerville, but it's filled. And if this is the success that I hope it is, I'm going to tell you, you need two ways in and two ways

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out. The one that's here now is a problem.

And because I have a business downtown, I know what a problem service trucks can be. And Montrose, the bar, is next door to me. Those are good people and they have a good business and they changed the life of downtown, but their trucks take up essentially two lanes. They can't park closer because they tear the trees up, so they're in -- not in the parking lane, but the one next to it.

And my other neighbor here, the Padre, they have service trucks. They have enough room that their trucks pull in off the street and they don't block traffic. And then they have people that come and stop traffic so they can back out.

So if I can make a humble suggestion here, the hours that service trucks come in will have to be restricted, and that could be done.

I don't know how tall the parking garage is, but I know in other places they do landscaping on top of that, so -- I've been in less expensive hotel rooms where (unintelligible) air conditioning units and parking garages, and I'm thinking if it were landscaped that would look nice and also (unintelligible).

I'm thinking also that swimming pools are nice, but this is America nowadays and not everybody

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weighs 110 pounds. You know, (unintelligible) something that is not terribly attractive. And so (unintelligible) the history of Summerville there are really nice gardens and there are palms, and so if this maybe were something along that line. And I'm going to sit down before my three minutes are up. Thank you.

CHAIRMAN DIXON: Ed Harshaw.

ED HARSHAW: I'm Ed Harshaw. I live on 208 South Pine Street. And the last few days -- well, yesterday, mainly, was when I found out about this, but (unintelligible). And I can tell you with 40 or 45 or 50 condos looming over your house, it will look like a ping-pong ball next to the Titanic.

I've just got a few minutes, and we'll just read them so (unintelligible) three minutes. It's too tall. It's too much mass, too stark, too sterile, not fitting in our historic flavor. It needs more setback from the sidewalk and the street. The architectural drawings do not blend in with any of the surrounding historic buildings. The balconies do not break up the street side façade, and I'd suggest recess the third floor walls 15 feet back like you were saying on the second floor. And then that recessed area on top of the second floor, perhaps put roof gardens there to soften the whole thing.

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The breaking out of the stark walls into the two street facades could be done by just looking at the next block that's between here and that intersection. You've got one building jammed up against another. They all look different because they were all built separately. So they could do that, and it would break it up where it's not just (unintelligible) Daniel Island look. There's a lot of this kind of building that's been put in downtown Charleston already, and it just looms over the street.

The residential units are all the same. They can change them up just as (unintelligible) hotel so they appear to be unrelated and (unintelligible) being built. That's it.

CHAIRMAN DIXON: Todd Davenport.

TODD DAVENPORT: If you look at the map, I live five blocks that way in Gaston (ph), but I spend the bulk of my life for the last three, four years in that little two-block building there below the (unintelligible). That's my office building, along with a couple other attorneys and CPAs.

David, I think your quote was "all the architectural drawings look as if the building is sitting out in a field with nothing for 100 yards." And as you described the traffic, I think you sort of described the

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traffic the same way, because if you check in right there on the corner, 4:00 or 5:00 at most hotels is check-in, and every single day, every single parking space on Richardson is taken up by people going to gymnastics. Our kids walk across the street -- small children in little leotards with their mother or father going to the gymnastics center. And you tell me those will disappear now and those are going to become spaces that will be loading zones.

Also, if you round the corner onto Cedar, basically, there's nothing after you pass Laura Jones' building on the corner. It's a vacant lot all the way to my building, but every one of those spaces are currently occupied every day, every hour, but you're telling me they're about to become loading zones or check in and out. We've asked several times, but you keep acting as if it won't happen.

On the other side of the (unintelligible) building is St. Luke's, and St. Luke's has their art every day where they sit (unintelligible) Parkinson's, Alzheimer's, dementia people. They have a tractor-trailer that brings in -- not a small truck but a tractor every week that comes in. So to say tractors won't be coming is really sort of naïve, and they can't get in there. And if they do, they can't turn around,

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and they can't get out; and if they do, what happens to traffic on Cedar for the next 15 minutes while we do that?

So then you say, well, we'll put them on the side, but that's where check-in is. (unintelligible) check-in or tractors, it's either/or.

The last thing, now, this is sort of getting about me. You talk about your entrance. If you've heard cars drive down a brick driveway -- I have a 100-year-old building with no insulation. Cars all day on a brick driveway would be terrible. It's beautiful. Don't get me wrong. But if there's that much traffic, that will be a sound problem for my tenants.

The last -- this goes to Town Council, but unfortunately this is about me, too. When I asked the city -- most of my business -- I'm in investments and most of my clients are retired. I've been in that same building for 24 years. A lot of those clients have been with me that long. They started when they were 50 or 60. Today they're 74 or 84. They can't park around the corner. So I asked the city, what can I do to have parking there? And they said, you cannot reserve parking. That's City parking. So I guess my question is, how can you reserve parking but I can't? So sorry, but that's about me.

(Applause)

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CHAIRMAN DIXON: And Heyward.
HEYWARD HUTSON: Yep. I'm shaking because I'm cold. This is not about me either, Todd and board members. I think you've been extremely kind in your comments, but I commend the Board. You've been very polite in what you've said and your approach of the project.
But the fact remains -- I want to tell you that despite all the pictures that -- of places in Summerville that you showed early on and indicated that you had considered the architecture of these places in Summerville, I've got to say that your design really doesn't show that you used those in any way in coming up with the design plan that you did.
Now, I grew up on Richardson Avenue. I was born in the place that -- the building that now belongs to Summerville CPW. I was born there a year before they built that, in 1937. So I have a pretty good idea of the surrounding architecture. And the house that I grew up in faces where this project is supposed to be built. And the house, it's a 1860 house.
I don't think this building that you propose has any relationship to an 1860 building. Neither does it relate to the Canarins' (ph) building across the street, the one that I think you mentioned,

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David, as being important. And that building dates from about 1880. So you're right in the middle of the historic district and you want to plant a building as enormous as it is. The footprint covers -- actually covers most of that block.
And I want to add to the comments that were made about the safety issues and the congestion issues. The YMCA is located right across the street from this proposed project. I've had problems in getting out of my driveway there because mothers and parents are constantly offloading and picking up little children. And so, you have a big safety issue there. And I heard you suggest that it might be okay to have one of the entrances or exits on Richardson Avenue. There is absolutely no space there. It would -- it -- they have problems right now in parking on West Richardson Avenue.
I want -- I'd like to give you the benefit of a little bit of history. I think it will be helpful to the architects. Do you mind?
I have some pictures of the inns from Summerville's past, and I think you will be able to appreciate what the architecture for a boutique hotel that fits in the historic district should look like. From the early -- from the period of 1860 -- excuse me, 1851, this is a view of Brown's Hotel. And this was on

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the corner of Sumter (ph) Avenue and West Carolina.
Brown's Hotel was built by my great-great grandfather in 1851 and was owned and operated by I.P. Brown, my great-great grandfather, until 1891, when he died. And it was renovated and became (unintelligible) the Dorchester Inn. Now, I think my grandfather would turn over in his grave if he saw your design plan. And I actually have a photograph of the renovated Brown's Hotel it became the Dorchester Inn. And I'll be happy to put that on the table so you can see it.
This is another view along Sumter Avenue of the inn. It eventually became the Carolina Inn, and unfortunately was torn down around 1970. Some of you on the board have mentioned the beauty of the Pine Forest Inn, so I want to show you Mary Ann Bridgeman's (ph) painting of the Pine Forest Inn.
FEMALE SPEAKER: (unintelligible).
HEYWARD HUTSON: Now --
MALE SPEAKER: Build that.
HEYWARD HUTSON: How does --
(Applause)
HEYWARD HUTSON: I mean, this is what we want to see. I mean, this is what you can build and make people happy. But --

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FEMALE SPEAKER: (unintelligible).
HEYWARD HUTSON: -- take note that you need a lot of landscaping, because this hotel was built on a lot of acreage. They had their own laundry. They had their own power source, power station, golf course, and what have you. But this is the kind of architecture we expect you to build in Summerville.
The last thing -- and I'll have it on display -- is in the most recent issue of the (unintelligible), which is the publication of the South Carolina Historical Society, it has an article on -- towards the back of the magazine on the Parson family home which you all know is the late Woodlands Resort and Inn -- a five-star hotel which had only, I think, 20-some rooms.
FEMALE SPEAKER: 18.
HEYWARD HUTSON: Excuse me?
FEMALE SPEAKER: 18.
HEYWARD HUTSON: 18. But it was a five-star inn. It was like a boutique hotel. And they -- after I don't know how many years of operation, with the benefit of a British billionaire, they never made a profit any year. But it was a -- it still is a beautiful inn and would be a model for your boutique hotel. Thank you.
(Applause)

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HEYWARD HUTSON: Can I put these on the table?

CHAIRMAN DIXON: So you've heard a lot of comment. Do you have any comments you'd like to make at this time or discussion points before we get back to the board?

MR. D'ANTONIO: Well, yeah. I will say a couple things. One is I think the board, everybody needs to decide, you know, what is the character of this hotel? I think what -- our approach was to take cues from the community and use those cues to develop a -- something that's respectful of Summerville but does not replicate history. If you want us to replicate history, that can be done, but the question is, is that the right thing to do?

FEMALE SPEAKER: Yes.

(Laughter and applause)

MR. D'ANTONIO: We have this issue all the time in Charleston, where we design buildings, as you well know. A number of years ago we designed the Harbor View Inn. I don't know how many of you know where it is down by the Waterfront Park. We tried to fit that in. And it's a -- you know, it's still a modern hotel, contemporary boutique hotel. It only has -- it has 50 -- I think it's 56 rooms or something like that. That's

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on a much smaller lot than what we're talking about here.

But the idea of neither replication, duplicating something that is not of this time, that's the question. Do you duplicate something that's not of this time or do you build something that is respectful for the community it's in, has the good materials, has good details, all of which have not been developed in this design yet but will be developed in the design? Do you do that, or do you go back and replicate the past and make something exactly a replica of what was done? I mean, that is the real question.

If that is something that the board and this community truly feels is the only thing that would work, then we need to hear that. If it's -- if you're --

(Applause)

MR. D'ANTONIO: If you're willing, and this is board is willing to look at, how do we make this hotel better and is of today, you know, not -- we don't have a fireplace in every one of these rooms. We don't have -- you know, that -- I mean, there's things like that that need to be considered. This is not going back and trying to be an historic hotel like the Grove Park Inn, like some of these other buildings with -- even if they added to those buildings, they didn't try to replicate

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down to the very details the original building. So if that's, you know, something that this board desires, we need to hear it. Thank you.

MR. KWIST: Can I speak on that?

CHAIRMAN DIXON: Yeah.

MR. KWIST: Hank, I'm not necessarily asking you to replicate historic buildings. I'm not opposed to modernism. I'm not hung up on having to have replications today that don't reflect today's times. When Leolio (ph) designed this building, there were two or three charettes held where there was public input. We didn't have that advantage. There was no public input as far as I know in your design. And I think that's where we probably -- that's where the mistake was made, in not having the public giving some input in this process.

So now that you know that we generally feel that this is out of scale -- we're not telling you necessarily what to design, but we do want something more elegant, we want (unintelligible), we want something (unintelligible) project to kind of shrink down a little bit so that it doesn't overfill the lot. And, also, to address this traffic, because I really see that as the number one concern. Thank you.

DR. PRICE I think people need to understand what historic preservation and building in an

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historic district involves, especially if it's infill. The National Trust does not get -- give very many points for trying to put an exact replica of what's around it in place.

What you need to do when you have -- when you're trying to put a new building in an old area is to make a building that's sensitive, and sensitive does not necessarily mean that it has to look like whatever period (unintelligible). You showed the Pine Forest Inn. Well, if there had been a BAR when that was built and the BAR had said it has to look like everything else in Summerville at that time, the Pine Forest Inn never would've been built.

FEMALE SPEAKER: That's exactly right.

DR. PRICE So, you know, if somebody came along and made a design for a really fine, "knock your eyes out," modern building that was unique, that would be potentially a statement for Summerville that would live for years to come. Making copies of something that's been here before is not the answer, and making generic buildings is not the answer. The answer is to design something that hopefully is unique but fits in with what we have here.

So I'm sorry if some of you want to see -- approve something that looked like the Pine Forest Inn

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for this site. I would be very much against that. But I would be very much in favor of something that is appropriately massed, appropriately detailed, and is spectacular.

(Applause)

CHAIRMAN DIXON: Anyone else?

TIFFANY WILSON: Can I say something?

CHAIRMAN DIXON: Quickly, yes.

TIFFANY WILSON: My name is Tiffany Wilson. I live at 110 South Pine Street. I'm on the corner of South Pine and West Richardson where all this is happening. I was born here; so were my parents and grandparents and so on. So this has been a big discussion and a pretty scary ordeal for us at our house.

You know, our daughter walks down the street, uptown. And, you know, on Fridays, the kids from the School of the Arts always walk down this way, going home. And that's something to think about. You know, this is going to be a lot of increased traffic.

Another thing I wanted to say is already right there, there is a lot of traffic. I understand there needs to be another way to get in and out, but I don't think right there on Richardson with the YMCA and all those kids that are walking up and down Richardson right there is the best route, either. Perhaps all the

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way down to South Loop there.

But the other thing I wanted to mention is it seems like this building is focused on being brick, and it doesn't have to be. You know, if you go down West Richardson, all those buildings, they're white siding or wood siding or Hardie plank. I don't know why this hotel can't be that.

The other thing -- last thing I want to say is if you go down to Disney World, their number-one selling hotel that they are always sold out, and most expensive hotel, the Grand Floridian. It's a white -- they tried to replicate an old -- it's modern inside and old, historic-looking replica outside. And they get the most money, and it's always booked. You know, why can't we do something a little more like that with this? That's it.

CHAIRMAN DIXON: Thank you.

MALE SPEAKER: I have one question. What was the decision (unintelligible) carport?

MS. DREYER: Denied.

MALE SPEAKER: I didn't hear the decision on --

MS. DREYER: It was denied.

(Unintelligible simultaneous speaking)

MALE SPEAKER: Denied?

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MS. DREYER: Uh-huh.

MALE SPEAKER: I'd say let him go ahead and build it, if you want to have any kind of say-so on this. I mean, (unintelligible).

CHAIRMAN DIXON: Quickly.

MALE SPEAKER: I'm (unintelligible) Laurel and I've been here all my life (unintelligible) Summerville Hospital. This is not right. The people that come out of the Y, children -- you can't tell a child and a woman, mother -- mom has a couple children and one runs out into the highway. I don't know how many times (unintelligible).

And then I have witnessed two Acute Care & Specialties coming from that side north (unintelligible due to board members talking). I don't think you can come this way. I just think that building is too big. (unintelligible) but safety has to be the number one priority.

There will be somebody to get hurt. There will be somebody to get run over because I have witnessed accidents and had to go to court to witness. (unintelligible) because I know there's traffic on both streets all the time.

CHAIRMAN DIXON: Well, I've conferred with the board, and I don't think that we're in a position,

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really, to have a vote right now. I think that you -- Hank, you've heard a lot tonight, and I think now is the time for you to take it back and take a think on it and take a look at it. And let's get back at another point and maybe take another look.

This is -- and this is not unusual, folks. This is -- every large project that we've had in the Town of Summerville, we've gone through a series of meetings with the architect and developers to come up with a plan that works for Summerville. St. Paul's did it. St. Luke's did it. The Methodist church did it. The town did it. All big projects. We have had series of meetings to develop our project. And I want it to be our project. I don't want it to be their project. I want it to be Summerville's project.

So I'm going to adjourn the meeting at this point, and say it's (unintelligible) for right now. I don't want to take a vote. And let y'all take a look at it, and we'll be ready to look at it whenever you're ready. Thank you, sir, for coming out.

(WHEREIN, the meeting was adjourned.)

CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Sherri L. Jolley

BOARD OF ARCHITECTURAL REVIEW MINUTES

NOVEMBER 3, 2014

TOWN HALL ANNEX -- COUNCIL CHAMBERS

IN RE: 208 S. CEDAR STREET, 200, 206, 201 W. RICHARDSON AVENUE

MIXED USE DEVELOPMENT - DORCHESTER HOTEL

MEMBERS PRESENT:	STAFF PRESENT:
Phil Dixon, Chairman	Madelyn Robinson, Planning Dept.
Jeff Bowers	Rich Palmer, Building Dept.
Rachel Burton	Lucy Dreyer, Board Secretary
Cecile Colthran	
Beth Huggins	
John Kwist	
David Price	

COPY

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

Sherri L. Jolley

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TRANSCRIPTION

MALE SPEAKER: We've gotten variance. We've drawn lines three feet away from a workshop/carport that I have there that will need screening between the two houses. And what we need to do -- we hate that we really have to do too much to the house, but mother and father, in spite of having some health -- got some doors that are too small and too many right angles and some halls that makes it hard the last couple of years of their life.

We've had a lot of bruised knuckles and hard times getting them around corners and helping them with their mobility. And we're trying to remedy those problems as well as (unintelligible) let us enjoy the things that we like doing.

We got Rachel to help us and we've been going for, what, a good four, five months, kind of developing what we wanted to do and what the site would allow.

I've spoken to all of my immediate neighbors about it, and spoken to maybe half a dozen others who don't live nearby. So we've certainly done all we can to let people know what we want to do. And I think with what we mean to do if you're a passerby, basically other than seeing a screened porch that we want to add on the street end, it's going to have about the

same street end impact and you'll see about the same thing. We appreciate your consideration.

MS. BURTON: Can all of you see this if I keep the easel here? This is the site plan, and I'm going to just talk a little bit about this first, and then we'll look at the floor plans.

This is the existing cottage, and there's a little (unintelligible) in the corner, so you can see where the cottage is relative to the big house. And then this is a new line that is going to subdivide the lot into two pieces.

There was also some issue that (unintelligible) have had to address with the town about exactly where the property line is along the street, because when it was first laid out it was identified as being in one place and when we actually went back and surveyed it was a little bit different. So that's something that Rudd is working through with the town, about adjusting or defining definitively where that is and sidestep that.

Do you want to talk about that in more detail, Rudd, or do you want --

RUDD: Just in summary, (unintelligible) issue. The fellow that laid the town out in the early 1800s -- I've talked to both the town

attorney and to the town engineer, and the application is the sort he's used to getting. And both indicated no basic problem with it. He has (unintelligible) will have to go to the Public Works Committee Wednesday, give two readings -- if we get that. And we need a plat approval. We counted the other day. We have seven permissions we need to get to do this for our property. If y'all approve us tonight, that would be two, and we'll have only five to go. So there are a number of things that kind of fit in with this.

MS. BURTON: Okay. So, essentially, this house was an H-shape, and what we want to do is add two little additions at -- where is the existing entry. We want to add a new addition at the front, with a screened porch beside it. And we want to fill in this part of the H, and then we want to add a new addition on the back. So the parts that will be visible from the street are the new additions (unintelligible) -- or on the street side.

I've given you a demolition plan just so you can see it. But this is the floor plan, and that's just showing in more detail what the site has. So filling in the middle here is a new kitchen and den. On the front is a screened porch with a library. And then there's two little infills on what is the existing porch, and then an addition on the back that's bathrooms and then a work

room.

One of the things that we're going to do is -- it seems like there will be more building than it is just because we're going to take out the existing roof that's in the middle and rebuild it just so that the ridge heights match and that we've got the correct slope on both sides.

And this is the sheet of the elevations. So the very top elevation is -- this is the view that is a side view to the street, but it's the front view of the home. This is the existing front door with the two additions on either side. This is existing, and this is existing. We have the new part on the front that's the library, and a new part on the back that is the new addition, the bathrooms, and the work room.

And I'll go -- skip to the bottom and show you the street elevation next. So you can see the library is on your left side, and then adjacent to that is the screened porch. And what we think is the -- the scale of it is really appropriate to the size of the building. It's a nice street view. It's, you know, very similar to the kinds of things that you would see within that neighborhood.

This is the other long view, with the two existing parts and then filling in the middle with the

screened porch on the front and the other addition on the back. And, again, I just think that the scale of all of that work is really appropriate for the size of the cottage and it just blends in really well. And then the back view that nobody would see. It's just a simple addition.

Do any of you have any questions about the plans, elevations, or the architecture?

MALE SPEAKER: I'm sorry. What was the question?

MS. BURTON: Anybody have any questions about (unintelligible)?

MR. KWIST: Yeah, I do. On the south elevation --

MS. BURTON: Yes.

MR. KWIST: -- do you think it would be appropriate to create a simulated vertical like those two gables to --

MS. BURTON: You mean here?

MR. KWIST: -- to resemble the north elevation more? You see the one to the right of that window?

MS. BURTON: Yep.

MR. KWIST: And if you put, like, a vertical break there, it would -- the siding wouldn't look

like a long continuous run, and it would line up with that -- you see the foundation line where you have the new additional infill?

MS. BURTON: Yep.

MR. KWIST: It would kind of line up with that and make it -- it looks like those corners are missing there, although I recognize that they're not really corners.

MS. BURTON: They're not really corners.

MR. KWIST: Right.

MS. BURTON: And on the north elevation you'll see there's actually a break.

MR. KWIST: Yeah.

MS. BURTON: And so they're in a different plane.

MR. KWIST: It's just that big --

MS. BURTON: So on this -- on the south elevation it really is a continuous wall.

MR. KWIST: Yeah. Just that gable -- that gable looks funny being supported on one corner and not on the other. That's all I'm trying to say, so --

MS. BURTON: Yeah.

MR. KWIST: Just an aesthetics thing. Just --

MS. BURTON: I hear what you're saying. I mean, the only other comment that I would make about that is that we didn't want to do that because the lines -- the plane of the wall is continuous. And, also, the -- when you have landscaping and put it in, I'm not sure how visible that would be (unintelligible). But we will take that under advisement. That's something that we'd really like to --

MR. KWIST: Yeah. When I pencil them in, to me, it looks better.

MS. BURTON: Okay.

MR. KWIST: Just my opinion.

MS. BURTON: Yep.

CHAIRMAN DIXON: Any other comments? Other than that I'm fine with this. A motion?

MALE SPEAKER: What's the motion?

CHAIRMAN DIXON: Huh? Do we accept it or do you want to add --

MALE SPEAKER: (unintelligible) changes?

CHAIRMAN DIXON: (unintelligible) changes or --

MALE SPEAKER: I don't know. What's the motion?

CHAIRMAN DIXON: Well, I'm asking for a

motion.

FEMALE SPEAKER: (unintelligible).

MALE SPEAKER: I would move that we accept the drawings as drawn. Being that those two gables -- gables lens that we're looking at are fairly dissimilar in terms of (unintelligible) and proportions, I don't see that there's any need to set them off, but I can go either way on that. I'm happy with it the way it is.

MALE SPEAKER: I second the motion.

CHAIRMAN DIXON: All in favor?

(Group indicates aye)

CHAIRMAN DIXON: No opposed?

(No verbal response).

CHAIRMAN DIXON: Thank you.

MS. DREYER: Okay.

MS. BURTON: Thank you very much.

(unintelligible background conversations)

MALE SPEAKER: What's the (unintelligible) Congress Street --

MS. DREYER: They're not here. We're going to put this at the end.

MALE SPEAKER: Jeff seems to think that we had previous --

MS. DREYER: You have. This was the one where they came in with real casual drawings. And the proportion wasn't right, so we asked for scale drawings.

MALE SPEAKER: Okay.

CHAIRMAN DIXON: Since they're not here, we'll wait until after the other one and take a look at it. At this point, I'm going to take about a 15-minute break, and all that that wish to sign in to speak, if you would come up and we'll post something up here for you to sign in so we'll know who's going to speak. So --

(A short break was taken)

CHAIRMAN DIXON: Ladies and gentlemen, it's time to get back. Please take your seats. For those of y'all that were here last month, this will be a little redundant for you, but I want to make sure the newcomers understand the rules that we're operating under.

Before we get started, let me say up-front, this is not a meeting to decide whether this hotel and other facilities should or should not be built here. That's already been decided. The Town of Summerville Planning and Zoning Department staff has reviewed this project and has advised us that the purposes spelled out in this submittal meet the requirements of the ordinance for this tract of land.

If your soul purpose for being here is to argue either for or against this hotel, you have my permission to leave now, because I will not allow you to speak concerning that. And as soon as I or one of the other board members realizes that that's what you're doing, we'll ask you to sit down. That discussion needs to be taken up by Town Council, and I understand that they have scheduled a time at their next Town Council meeting to discuss this project.

We are looking at this project, as one of our members said, purely on the aesthetics, design, architecture, height, mass, and scale, and in harmony with the historic district of the Town of Summerville.

We looked at the overall street scene. As with any other project the applicant has the opportunity to present conceptual or master plan for our review prior to committing funds for a full set of design plans and specifications. This means that we might agree with the concept while disagreeing with some of the details.

It also means that each phase of the project must be submitted at a later date once plans are more fully developed to obtain the board's approval for that individual portion of the project. And any disagreements will have to be worked out before the

applicant comes back to the board.

Demolition is also considered as a separate action by the board, and while conceptual approval may be contingent on some demolition it doesn't mean that the motion concerns are overlooked. Although we're not required to solicit comments from anyone other than the applicant and the board members, we have chosen based on the great interest expressed in this for -- both for and against this project to allow others to express comments that might help influence our decision making.

For this purpose, we have placed a sign-in sheets and you have filled that out and you will be called up in the order that you signed in.

Please note that by signing in you agree to abide by the rules we have established for this meeting. To allow everyone who wishes to be heard a reasonable opportunity, we must insist that each of you comply with the following guidelines:

Each person will be limited to three minutes to speak on topic. We will be monitoring the time, and when you're told your three minutes are up, we expect you to rapidly wrap up what you're saying and sit down. There will be no exceptions. And the way I'm not going to -- I'm not going to get on this microphone and tell you unless you stay there. All I'll do is hold up

three fingers, and you'll know that your time is up and it's time to wrap it up.

I want you to begin by stating your name and where you live in the town of Summerville. Address your comments to the board, and do not engage in any side conversations with our other guests. If someone before you has made your point, please limit your comments to stating that you agree with them. Rehashing the same points over and over will not enhance your position and, in fact, might damage it.

When you're not speaking, please remain silent so that the board and the applicant can hear what the speaker has to say. If you will not comply with this, you will be asked to leave. Again, I must stress that if you are here to argue either for or against building a hotel, you're at the wrong meeting, and you will not be allowed to speak.

So with that, sir, you ready?

ARTHUR APPLEGATE: Yes, sir. Thank you very much. My name is Arthur Applegate. I'm the president of Applegate & Company. We are the developer of the project. And I would like to start by -- could we get -- we're going to dim the lights, because I think it will be a lot easier to see.

MS. DREYER: Lisa is doing that right

now.

ARTHUR APPLEGATE: I don't know whether you all have screens before you, but feel free to come down and have a seat here, because I think you'll be able to see it a lot better -- whatever is the most comfortable for y'all.

I'd like to start by just making some general comments and to thank the Board for their comments that were made at the last meeting, to thank the public for their input. We took those comments and those questions very seriously, and we went back and spent a great deal of time working on the design. And what you will see tonight, I believe, will be significantly different than what you saw at the last meeting.

I think that the project as shown before tended to have a very institutional feel that was cold and unapproachable, and I did not personally think wore that well within the context of the Town of Summerville.

I think what you'll see tonight is significantly different. I want to start with this slide because from this you can see a number of things that we're doing that are different and take into consideration comments that were made. We've done a tremendous amount to break up the massing of the building. We have done things to reduce the scale of the building and the impact

of the height to the surrounding buildings.

One thing that I think really kind of pops out at me very clearly when I look at this rendering is this -- the buildings are set back from the street significantly more than the existing buildings today. It is very much keeping with trying to create a very vibrant space downtown and -- and I don't know the exact footages, but it's 40 feet, approximately, from the edge of the street back to the building itself.

The -- I'll go to the next slide. Let's see. Okay. This is just another rendering of that. I think you can see very clearly when you look at this what we have done. If you will recall, the -- I'm having a little technical difficulty here. Let's see if that works.

All right. I've got a green light. Okay. I think this is very different than what you saw before. We have done -- we've changed the treatment at the top of the building. We've broken up the cornice. And we've created a building that reads very differently in terms of how the massing is. It reads now almost like one, two, three, four structures as opposed to one sort of monolithic design that was there before.

We've changed the entire base of the building. We've softened the building. We've even

looked a great deal -- I know we're not here to talk about colors tonight, but we noticed that this color green was used in a number of places, both on Hutchison Square and other places. I think it's far more representative of what -- what's taking place today.

I think this next slide really clearly shows the difference between what you saw last time and what you see today. And when I look at this, I almost feel like I can be looking at a building that can be in downtown D.C. or a metropolitan area. There's very little of this that makes me feel like I'm in Summerville.

When I look at the building that you see below that, I feel -- I have a very different emotional response to it. And so we've -- there were comments that were made about the treatment at the top of the building. Obviously, by removing that, we have lowered the impact of the height of the building, the scale.

Later in the presentation we're going to look at how this structure compares in size to surrounding buildings, and I think you'll be very surprised about what we found. I certainly was.

So this is looking at -- from Cedar Street looking back towards the corner of Richardson. The area that is here is the restaurant area. As you know, we have a 5,000 square foot restaurant. We have

outdoor seating at the terrace area. And this will be a -- hopefully will be a five-star restaurant, but it will certainly be a very nice restaurant that will go in. These are balconies that are over the outreaches of the hotel.

Let's see. So once again, I think this is an incredible illustration of the difference between what was presented before and what is being presented now. I certainly get a very different feel from it.

So this is looking on Richardson. We will get into detailed drawings as we go forward and away from these illustrations. But once again I think you'll see kind of the streetscape that's being achieved by setting the buildings back, creating a storefront area. It is very -- it has -- it reads more like you're on Hutchison Square now than at an institutional type of facility.

The residential units we've done a lot to soften them, to make them look more residential in nature. We've done things like -- by the creation of this little eyebrow effect here, when you're at the street, this will read like it is three stories and not four stories.

Let's see. So this is the conference center on West Second Street. And we have two entrances

to the conference center. This is on West Second. It's across from the churches. It's actually a structure that is lower in height than the building on the corner of West Second and Cedar.

So what this is, again, is looking at the conference center. There was discussion about the idea of increasing the circulation and to have a drive-through. It would clearly require us to go to a second story structure. One thing I should make clear is, as the developer, I do not own the conference center and I do not own the parking garage.

So one of the things the -- every -- many things come down to a function of cost. And to build the structure that you see above, it's about a million dollars more than it cost to -- it's nine hundred and some thousand dollars. Well, if the town of Summerville decides that they want to have this two-story structure, they would like the board to consider conceptually the approval of both the conference center in the one-story format and also in a two-story format.

Let's see. Once again, that's just looking at it so that you can get a feeling of the difference between -- this is from the view if you were standing on Cedar Street looking back at the conference facility. I think you can see pretty dramatically, even

if you had seen the rendering on the bottom. It's a very different feel from where we are today.

Once again, this is just continuing that study of looking at the conference center at two levels versus one, just so that you could see it for comparative purposes.

This is a slide that from here one of the big questions was some understanding of the mass of what is being built relative to what is around the existing blocks. The area was zoned and part of the vision plan was that this area would become part of the central business district.

And when we look at the next few slides we're going to see -- excuse me, (unintelligible). So what -- the massing that you see here, which is basically the city hall complex, and the massing that you see about a block on Hutchison Square, the YMCA, what I think you'll see as we go through this, that the massing that's going to take place on Cedar and Richardson are very similar to what is happening on the other three blocks.

So I'm going to -- we're going to kind of go in an aerial around the block. And I think it does a wonderful job of kind of showing the Dorchester in the context of what is happening.

The idea is -- it's not so much that the

Dorchester is going into a residential area. It is more that the Dorchester is going into an area that has been zoned and determined would be commercial in nature. But -- so this is a view -- sorry, I keep -- so this is a view if we were looking -- if we were at the corner of Main and Richardson, looking back. And we're going to work our way around the block so you can see it from different perspectives.

So this is looking at the building from the southwest perspective. And, once again, you can kind of see how it fits into the massing of the buildings around it. It's very similar in size to what you see here. Once again, another view from the northwest as we're working our way around the block.

And I can kind of come back and talk about those more if you would like to see it. The idea that we're trying to illustrate there is that the massing is very similar to what's seen on the other three blocks.

This is a sight plan of the overall sight, with the conference center being here in the red, the hotel being in the blue, the residential being in the yellow, and the gray is the parking garage. We -- later, as we get into the discussion, the -- there's been a traffic study that's been completed.

There were questions that came up

regarding circulation and where delivery trucks park, how the garbage trucks access the area, pick up and turn around. And one thing that's a little misleading -- this area right here is larger, for example, than the area in the back of Charleston Place Hotel downtown. Granted, Charleston Place is very tight, but we have, we believe, more than ample space to handle the traffic and to handle the delivery trucks that will come and go from this location. We also have areas that are designated in front of the conference center. We have areas that will be in front of the hotel. We have parking up and down Richardson.

So when we get into the presentation, there are representatives from Stantec that can answer detailed questions that you might have regarding the traffic study and the circulation and how it works.

I will tell you it's a subject that's very near and dear to our heart because we're going to be trying to run a successful 5,000 square foot restaurant, a hotel. We've got a residential component and the conference center. It's extremely important to us that this works well from a traffic standpoint. That would be our worst nightmare, and I can assure you we've spent a tremendous amount of time studying that issue.

So here is a site that includes the

demolition that will be done in order to accommodate the project. It's demolition and/or relocation of structures.

This is really what I think is -- gets to be really interesting. And this addresses height in a way that we can all relate to. I think it's very interesting to note that the height of the front of the hotel is 38 feet. The height of City Hall is 38 feet, four inches.

The height of the bell tower that we see -- and it's interesting (unintelligible) in -- but the height of the bell tower is actually -- it's 46 feet, 8 inches. It is taller than any part of the structure. And, in fact, it is right in line with the residential height that is on Cedar.

The -- as you look at -- and I would ask everyone to study these heights because it's a very interesting thing. You may have had a chance to do it. But, for example, this is along Hutchison Square, and that -- the top of that is 30 feet. So we are looking at a structure that is eight feet higher than the building on Hutchison Square.

We're looking at a -- when -- down here, looking at -- this is from where Mr. Davenport's house is, looking across the street at that structure. It's

32 feet, 6 inches to the top of this. It is therefore, you know, six feet difference between what is here and what is here.

And I read -- as -- I was very surprised at the height and the scale as -- is far more compatible than I even thought it was when I looked at it before.

So this is a really neat slide because right here where we -- this is the building that is on the corner of Cedar and Richardson, directly across from the hotel. Okay. The top of that roof line is 36 feet, 4 inches. The top of this is 36, 0 -- 36 feet even. So the top of that is actually taller than the top of this portion of the hotel structure.

Once again, the -- if you look at city hall and the bell tower, you see that the scale and height is very comparable to what is currently there.

So this is the elevation of the residential -- this shows the entire residential component as we come down Richardson. Once again, I think this does a wonderful job of illustrating how we've broken up the massing of the building. We've done it by changing the depth of the buildings, by changing the color, by changing the base. Where the original elevation that you saw read like this one very cold, large, monolithic structure, now it has a very different

feel than what it had before.

We went back and looked at comments that were made about the size of the columns. We made adjustments to -- I think that if I went point by point from all of the comments made by the Board and many that were made by the general public, I think Goff D'Antonio has done a great job of really rethinking the project in its entirety and responding to the comments made. And I think it's a much better project today than it was a month ago.

So with that, I will kind of open it to questions. And we have various members of the team that are here that are far more qualified than I am to respond. But I wanted to -- I think it's -- you know, it's really remarkable the progress that we've made in a short period of time, and I hope y'all feel that as well.

We are here tonight, by the way, to -- two things: Obviously to get -- we'd like to get conceptual and preliminary approval for the project. We know there's a lot of work to be done on the detail. And the other part -- the other aspect of it is for the board to grant approval for both a one-story and a two-story conference center.

So having said that, I'll be happy to turn it over to y'all for questions. And, once again,

if it's a real easy question I might try to answer it, but more than likely I'll defer to the experts.

MR. KWIST: I'll take the opportunity to comment first. I agree that you've made giant steps forward and addressed a lot of the issues that were brought up.

One of the issues that I think really cut through everything that was said by both members of the audience and the board the last time -- at the last meeting was that given we're going to have a hotel here, that we want it to be something special that will be a potential landmark in town, be a draw to town, not give us another building.

And one of the issues in that regard was the entrance -- entryway. And I did some thinking about a way to -- that might make -- soften further this and make a potentially elegant entryway. There was also an issue at the last meeting about the need for a swimming pool for a project like this. And I have been to a number of "boutique hotels" and small urban hotels, upscale ones, and it wasn't a necessity that you have a swimming pool in those.

And so my thinking was that the area where the swimming pool currently exists on this plan could, one, be a courtyard of some sort similar to the

courtyard that's used as restaurant space at the Omni; or -- and the idea I really was drawn to was to make that the potential entrance -- automobile entrance to the hotel by coming in to the hotel courtyard and having a place for people to get out and register and unload the car, et cetera, then sacrificing one or two first-floor hotel rooms and have an exit out into the parking garage through there and, you know, sacrifice another couple of parking places.

And, you know, if there is a feeling that it would be desirable to have a swimming pool -- and I also understand there's going to be an exercise facility in the hotel -- was work out an agreement with the Y to have the Y provide those facilities for your guests and for the people that are in the apartment -- or the condos, and potentially supporting a local organization, the Y, and they provide the services you need. You end up with potentially a more handsome entry facility there, and you are (unintelligible) the liability of running a swimming pool.

ARTHUR APPLEGATE: Well, thank you very much for your comments. The -- I think that the pool area will read more like a courtyard. It's designed to be aesthetically very pleasing. The residents who will occupy the residential units will have an opportunity to

join the Dorchester Club, if they choose, and pay a small additional fee as part of their regime fee to be able to use the exercise facility, the conference facilities, the business office, and pool area.

The rooms that are on the back side actually have in some cases balconies overlooking the pool area and that sort of thing. So it's -- we can certainly look at what you've suggested, but it would involve an entire redesign to the project. And --

MR. KWIST: It was just a suggestion.

ARTHUR APPLEGATE: Yeah. And it certainly --

MR. KWIST: That's what you're here for and --

ARTHUR APPLEGATE: Yeah. And I certainly will look at it. We can discuss it. But I don't really know how to go beyond that at this point.

MR. KWIST: You heard what we said last time and you went back and did some thinking and came back with some great ideas.

ARTHUR APPLEGATE: Right.

MR. KWIST: This might --

ARTHUR APPLEGATE: And we're happy --

(Unintelligible simultaneous speaking)

ARTHUR APPLEGATE: We'll be happy to

look at that. It won't change the height, the scale, or the mass of the project --

MR. KWIST: Right.

ARTHUR APPLEGATE: -- but we will certainly study it.

MS. COLTHAN: I had the same idea about cooperation with the Y --

ARTHUR APPLEGATE: Okay.

MS. COLTHAN: -- because I agree that it's just not necessary to have a pool.

ARTHUR APPLEGATE: Right.

MS. COLTHAN: And I do think it could be a problem in that area to have -- and not really very pleasant from the standpoint of the driveway going back and forth around there. I wouldn't particularly want to be out there in my swimming suit, but --

ARTHUR APPLEGATE: Well, one thing you need to understand is that the pool area is raised. The pool area has -- the only access to the pool area is through control gates at the hotel. So --

MS. COLTHAN: Or a fence if you're very agile. But the thing that really I think would be even more beneficial about eliminating the pool is that hopefully that could reduce more of the footprint by giving you floors above the pool.

ARTHUR APPLEGATE: We'll certainly look at it. I -- we have dealt and worked very closely with our hotel partner and this group called Charlestowne Hotels and they have probably 60 hotels that they manage and operate. So we've relied very heavily on their advice and counsel.

What we want to do is we want to do everything we can to make the hotel successful, and so I rely very heavily on my advice and counsel from people that I feel like (unintelligible).

MS. COLTHAN: Certainly. Certainly.

MALE SPEAKER: (unintelligible) also.

ARTHUR APPLEGATE: Yeah.

MS. COLTHAN: I think the -- another thing that -- well, one thing that's bothered all of us is the business of the traffic flow, so we'll look forward to hearing --

ARTHUR APPLEGATE: Okay.

MS. COLTHAN: -- from Stantec about that.

ARTHUR APPLEGATE: All right.

MS. COLTHAN: And another thing that continues to bother me is I just think that the condo part of the project is too big.

ARTHUR APPLEGATE: All right.

MS. COLTHAN: It's too tall. I don't

like that fourth floor. Now, that's my personal opinion, but I just --

ARTHUR APPLEGATE: Right.

MS. COLTHAN: -- just think it looks like too much.

ARTHUR APPLEGATE: Yeah. Well, I think that if you are comparing it next to a single-family residence I completely understand, but when you look at it within the context of knowing that it's not any higher, for example, than the bell tower, maybe it makes --

MS. COLTHAN Well, I think the bell tower deserves to be taller.

ARTHUR APPLEGATE: Right. Well, that's a good point and I --

MS. COLTHAN And I -- you know, and the peak of City Hall was --

ARTHUR APPLEGATE: You know --

MS. COLTHAN -- mentioned in (unintelligible). I think -- I don't think that it needs to be as tall --

ARTHUR APPLEGATE: Right.

MS. COLTHAN: -- as they are, and I just think it's too tall.

ARTHUR APPLEGATE: Right. I understand your sentiments there. I will say that the

-- not to be argumentative, but that the height of this area that was determined was 55 feet, and we're well below that, but --

MS. COLTHAN: (unintelligible).

ARTHUR APPLEGATE: Yeah, I understand. I have to deal with things like economically (unintelligible).

MS. COLTHAN: I know.

ARTHUR APPLEGATE: I already have very few (unintelligible), but I know that's not your concern.

MS. COLTHAN: My husband and I have been in business 50 years (unintelligible) several businesses, and so I appreciate your investment.

ARTHUR APPLEGATE: Thank you.

MALE SPEAKER: Arthur, thank you for removing the halo.

ARTHUR APPLEGATE: Oh, yeah.

MALE SPEAKER: That was a thorn in everyone's side, I think, and that certainly enhanced the appearance of the hotel. And, also, I thank you for creating some interest in the walls being in and out and creating different buildings.

I agree with Cecile that the fourth story of the condos -- you said in your presentation that from the street it will look like three stories. That's just

not true. That façade goes straight up. And if you want it to look like a three-story building you should set it back about 20 feet so that you can't see it from the opposite side of the street. And whatever hardship that poses on you, just because you can't -- or, I mean, just because you can build 50 feet high doesn't mean that you should.

ARTHUR APPLEGATE: Well, we're not.

MALE SPEAKER: I know, but I'm saying that --

ARTHUR APPLEGATE: Right.

MALE SPEAKER: -- that we need to keep in context --

ARTHUR APPLEGATE: Right.

MALE SPEAKER: -- what the neighborhood -- the surrounding neighborhood looks like. And your -- you mentioned the building across the street from the hotel and the height of it being almost similar to the -- but, in reality, what you see is up to the eave height, and that's significantly lower than the ridge height of that roof.

ARTHUR APPLEGATE: Right.

MALE SPEAKER: And so you really should compare what the eave height is compared to across the street, and it's lower. So the -- those are just

observations of mine. And I really do think that the condominiums are much too massive, overbearing and in your face. And the detailing of it looks more like beachfront condominiums than Summerville.

Back to the hotel --

ARTHUR APPLEGATE: Just one thing, a comment. We've played with lots of different looks for the condominiums -- all brick to what you saw before with the base. And now we have the base brick, and we really were trying to respond to downtown -- I mean, to the historic district of Summerville.

And I will let the architects in some detail talk about the treatment at the top and why we went to sort of that clapboard look and tried to introduce colors that would soften and make the project (unintelligible). I -- you know, those kinds of details, whether it's all brick or you don't like those things, we can deal with, you know, as we get into the details.

MALE SPEAKER: Well, again, the improvements to the hotel are significant.

ARTHUR APPLEGATE: Right.

MALE SPEAKER: The changes to the condominiums, in my opinion, are not (unintelligible). Really, we need to discuss the height and mass and scale of that, and also the -- that eyebrow and -- but I'd like

to get back to the hotel briefly.

ARTHUR APPLEGATE: Sure.

MALE SPEAKER: I mentioned previously that I think through-wall air conditioning units are inappropriate in an upscale hotel, and they're still here. You've kind of shaded them in so they're barely noticeable, but those are significant size grills. And I think the appearance of it will change -- will change (unintelligible) drastically because there's one in every unit and it just makes it look more like a motel rather than a hotel. So I'd like to get rid of those if there's any way.

And since you have recessed those areas maybe you can put them on the side wall, if you have them at all. Preferably you would include a chiller and fan coil units in those rooms, which is really what an upscale hotel should have.

In the illustration of the hotel there's no interest at all in the window headers, whatsoever. And if you look at the buildings facing Hutchison Square you'll notice that there are different types of (unintelligible) arched windows. And all we have here is square rectangles with some kind of white band at the top. And I don't think that that's good enough for what this hotel should be. So I hope the architect can

increase some details there.

The traffic, as Cecile said, is a major concern because there's still one way in and one way out coming out on Central Avenue. And I know that it's dear to your heart, but it's even dearer to the people who have to live here and have to travel down that road.

I think part of the developer's responsibility talking about the buildings that are on the site now should be to relocate those buildings. I think we have lost too many buildings in Summerville already that are historic in nature, and we don't need to keep tearing these things down and demolishing them. And, also, there's a significant tree, 13 feet in circumference -- maybe the oldest tree in Summerville -- and I think some effort needs to be made to build around that rather than cutting it down.

Those are my comments.

ARTHUR APPLEGATE: Thank you.

MS. BURTON: Well, first of all, I wanted to say I really appreciate how much work you and the whole team has done to change the design and have listened so well to the comments that were made. I like a lot of the changes that you have done, and I can appreciate the care that you've taken to work with it.

So I'm going to break down my comments

into each of the three parts and go from there. In the hotel, I really like the development of the cornice, the base, the green color. I like the setbacks within that. I like the use of brick instead of the previous materials. And I will accept that you say that the surface lane is adequate. I'll have to rely on your judgment because I don't have any expertise to debate that.

But like John, I really do agree that while you've looked very closely at the architecture within Summerville, the missing piece is probably still the window (unintelligible). I'm going to need a little more detail with that. So overall I thought the hotel is probably one of the strongest pieces of the whole design. I like how it's set back from the street. I like the -- you know, the -- what you've done along the whole street front. So the hotel I like quite a lot.

The conference center, I like as a one-story building. I like how it's being developed. I like the brick and the patterns within the brick.

I know that you've asked us to consider that we would just approve either one or two, depending on what you need it to, but I honestly don't know how we could approve a two because what you showed us was the previous two-story, and the difference between that architecture and the one you've shown is so great that

I would imagine you would have to be equally thoughtful in what you did to make it two.

So it's not -- I mean, it's not just saying, oh, well, it's the same. It really is different. And I think that it would -- it would need to be looked at before we could just say unanimously and without reservation that we could approve that.

ARTHUR APPLEGATE: Yeah. Essentially what we would be doing is taking the one-story building that you see and the design of that and the look and feel of that, and it would simply be two levels.

MS. BURTON: Yeah. But what I love so much about it is -- because it looks so lovely as a little one-story building and the proportions could look so different when it's two. So I honestly couldn't just say that a two would be acceptable until I saw that. But I do -- but I do like the little conference center as it is now.

And I think overall those two pieces fit really well -- the hotel within the commercial district and the conference center within the smaller buildings and on the side.

But the part that I remain concerned about is the residential building. So on the plus side I really like how you've broken up the mass, you know,

both, you know, from the street going back. I like how you've developed a base, a middle, and a top, and you've tried to work within, you know, how it meets.

I strongly disagree with you that your eye would stop at the eyebrow and that, therefore, the building would not look like a three-story -- or a four-story; it would look like a three. But what I do like about the attempt of the eyebrow is that it adds detail and texture, which actually makes it an interesting building. And so I think that that's the right track, but I don't agree with your conclusion about why it works.

But the problem that I have with it is that when you look at it on Cedar Street you have a shorter -- or a narrower piece that is a tower, and then a larger center piece, and then you have sort of a medium length at the end. And so, collectively, that together looks quite broken up, and the scale of that looks like you're heading in the right direction.

When you look at it on the side, which is where it abruptly hits the residential neighborhood -- and that was my second sort of little aside, is that you say yes, this is within the commercial business district and it's a -- you know, a commercial project. And that is totally true. And when you look at the

analysis within those four blocks, it's totally true that it's very appropriate within those four blocks. However, you are (unintelligible).

And so how it then transitions from that edge into the residential needs to be, I think, considered in a little more detail, which comes back to when you turn the corner you've got a big side -- two big side pieces and then a big middle piece. And so the amount of texture and breakup within your mass is, in fact, less than you have on the street. So from, you know, that sort of idea that you might be transitioning into a residential neighborhood, I think it's not there and it, in fact, feels more like a wall.

So I would -- I think that this needs to really address how do you transition from the commercial business district into that residential neighborhood? Is it possible to recess back the fourth floor so that it does appear to be a shorter building? You know, I'm not quite sure what all the solutions are, but I really think that that remains the challenge of this particular project, is the transition line between this really, you know, bigger building into a residential building.

But overall I just think that you have come an awful long way, and the development and design is really good. And I like how it really does read as

smaller buildings, and it's much more successful for Summerville than the one that we saw last month.

MALE SPEAKER: Is the parking garage open on the top?

ARTHUR APPLEGATE: The parking garage is open on the top.

MALE SPEAKER: So the -- the top four residences would be opening out onto the parking garage?

ARTHUR APPLEGATE: No. If you look at the site plan, there is a corridor that goes -- interior corridor that --

MALE SPEAKER: It would be at the level of --

ARTHUR APPLEGATE: Yeah. It would be at the level --

MALE SPEAKER: -- of the parking garage?

ARTHUR APPLEGATE: I was going to show -- what the deal is, is -- so this is just a corridor that is interior to the residential units that go around it. So no units open out onto the parking area.

MALE SPEAKER: Yeah. I was --

ARTHUR APPLEGATE: Now, if somebody is on the third floor, they would park here and they'd go through a door and walk into their unit. Or if somebody came on the elevator they would access into that corridor.

But it's a separate structure.

MALE SPEAKER: Arthur, you could -- just looking at that plan, you could sacrifice a few parking spaces on that top deck and slide those units back -- those fourth floor units, slide them back about 20 feet, couldn't you?

ARTHUR APPLEGATE: There are a lot of issues with that.

MALE SPEAKER: I'm sorry?

ARTHUR APPLEGATE: I say there are many issues with that in terms of how you stack the units.

MALE SPEAKER: But it would accomplish the --

FEMALE SPEAKER: (unintelligible).

MALE SPEAKER: It would accomplish what we're after, and that's to make it look like a three-story rather than a four-story building.

ARTHUR APPLEGATE: We'll certainly study it.

MALE SPEAKER: Yeah. Yeah.

MS. BURTON: I'll just add one more -- a little bit more mud into the water about the pool issue. I don't mind if it's a pool. I know that there are some reasons why you want to do that and you have considered what amenities you need to offer. But I would offer a

piece of advice that Summerville is very known for its (unintelligible) with sculpture, and that if you wanted (unintelligible) make a very pleasant outdoor space that would really feel like it was a continuation of Summerville.

ARTHUR APPLEGATE: Well, and I'm a big believer in making pools look like an architectural feature and not like a pool. I don't -- personally, I'm not a big fan of swimming pools. At our house we were looking at a pool, but I said the only way it works for me is if it reads not like a pool at all. So I'm very sensitive to that notion.

CHAIRMAN DIXON: A couple minor comments. I think everybody (unintelligible). Were you aware that the YMCA is just across the street, and there's a pool and a weight room?

ARTHUR APPLEGATE: Yeah, I absolutely was. And one of the things that for those people that make the Dorchester their home, the idea was is that if they were existing members of the Y and wanted to walk across the street and use it they would do so, and they would not be a member of the club. The amenities that are in the hotel are really for the hotel.

CHAIRMAN DIXON: Okay.

ARTHUR APPLEGATE: I mean -- and so when

somebody is coming to Summerville, they don't go to the YMCA. You know, and --

CHAIRMAN DIXON: I just -- I wasn't aware of whether you knew --

ARTHUR APPLEGATE: Yeah. I was aware.

CHAIRMAN DIXON: Everybody was saying Y, but I didn't know whether you thought it was down --

ARTHUR APPLEGATE: Yeah. Yeah.

CHAIRMAN DIXON: -- three or four blocks. Well, one of the things that is unique in Summerville is that our business district and our residential districts seem to meld together. They don't -- they're not here's business and there's residential.

For instance, we were talking about the Y. It used to be the Coca-Cola Bottling Company, and they built the building -- metal building there. And we had them step back part of the front of the building so that the residence that was next door, the people indicated that they like to sit on the front porch and watch the intersection. And we got that -- just to take care of it.

Then we got the same thing in the back side here where the residents that her comment last month was the fact that her bedrooms were on the condominium side and all of a sudden, now, she's going to have people

looking down from 40 foot up into her bedrooms. That would -- you know, if we can pull the top back a little bit, maybe that would help.

I -- as a civil engineer, I am concerned very much -- and I'm really waiting to hear what your traffic engineer says -- about the access in here. I know if I bought one of those units and for one or two days straight I couldn't get out because there were delivery trucks in there, there would be a for sale sign out in front of that unit.

ARTHUR APPLEGATE: Right. And I can assure you we would not do anything to compromise the --

CHAIRMAN DIXON: No. But I'm just saying --

ARTHUR APPLEGATE: -- (unintelligible) project.

CHAIRMAN DIXON: -- it -- with all the traffic coming in, in that one location --

ARTHUR APPLEGATE: Right.

CHAIRMAN DIXON: -- everything -- and as I mentioned -- I think I mentioned last month, it's all fine and good if we have a sit-down conference where somebody is presenting all day long. But what happens if we have a job fair and we have trucks coming in and out all day long, bringing groups in to set up and also

were coming in and out all day long? A single means of egress and ingress is going to be a bit of a problem, I'm afraid.

ARTHUR APPLEGATE: Well, we -- I'll let -- once again, I'll let the engineers deal with that. We'll look at the dimensions from the front of the garage over to the conference center. This area is a lot larger than it certainly appears on the screen.

The only way to address having two means of ingress and egress is to have the conference center in two (unintelligible). That's the only way you do it.

MALE SPEAKER: I just want to make one final comment. The -- these are the guidelines for the Board of Architectural Review, and I don't know if you've seen them. But our charge, so that you don't feel like we're beating up on you --

ARTHUR APPLEGATE: No.

MALE SPEAKER: -- is that the BAR serves to ensure that the building conforms to the character of its neighborhood. And I think you have made significant progress with the hotel but not with the residential. And so I think there's work to be done there. And if you asked me to vote tonight, I would not approve that residential design as it stands now.

ARTHUR APPLEGATE: Okay.

MALE SPEAKER: I hate to sound like I'm beating a drum here, but it's not at all unusual in upscale, small hotels for them to offer their guests membership for the time they're there at a nearby health club, so --

CHAIRMAN DIXON: Questions? We do have people that have signed up to -- would you rather have the rest of your presentation first, and then -- you said you had your traffic man?

ARTHUR APPLEGATE: I'm happy to -- I would think it would be better to address that question since it's part of the presentation and then let people respond to that.

Are there any additional questions or comments?

CHAIRMAN DIXON: No. I just --

MS. COLTHRAN: I have one, before you sit down. I don't think I said but I very much appreciate what you are doing, and am very much in favor of this hotel. We have needed it for a long time. We've had many situations in my family where we wanted somebody to be able to stay close-by.

ARTHUR APPLEGATE: And we think that they'll -- we'll get tremendous use for wedding receptions and events like that using the -- being able

to accompany people at the hotel when you're having a wedding at one of the nearby churches and having the conference center where we can do a 300-person seated dinner, all those kinds of things. I think it's a game changer, but I know we're not commenting on that.

CHAIRMAN DIXON: Do you want to go ahead and have the rest of your presentation?

ARTHUR APPLEGATE: Yeah. I was going to say, if there's no additional questions --

CHAIRMAN DIXON: I think you better wait for the questions from the -- or the comments from the audience until after you've completed all your presentation, because somebody is going to sit there and say, oh, I wish I had known about that.

ARTHUR APPLEGATE: Yeah. Okay. Well, we'll finish the presentation. Rick, I'll let you take over (unintelligible). And, also, if you have any specific architectural questions we can address those as well.

RICK REIF: Good evening. My name is Rick Reif (ph). I'm a registered professional engineer with Stantec Consulting, with a focus and concentration in traffic studies.

We were hired to look at the traffic for the Dorchester and wanted to present the results to you

here tonight.

We performed a traffic study looking at the traffic impacts of the hotel, the residential units, the (unintelligible), and the conference center in accordance with SCDOT standards as well as the town guidelines for traffic studies, and considered the one main project driveway exit point on South Cedar Street.

Based upon the results of our traffic study, the location of that project driveway meets all the applicable SCDOT standards for spacing along South Cedar Street. Furthermore, the results of the analysis show that all the study intersections, including the project driveway along South Cedar Street, will operate at an acceptable level of service conditions with considerations of the Dorchester mixed-use development.

We performed a conservative analysis. We assumed that all the traffic would use the project driveway and go back into the parking garage. But in reality there's ample off-street parking and loading zones along West Richardson Avenue, South Cedar Street, and West Second Street as well that will serve the site.

I think you had a question on loading zones. And we're specifically improving the access on West Second Street so that loading for conferences can take place on the street and not within the

(unintelligible) in the middle of the conference center.

I believe there were also concerns about circulation through the project driveway and the ingress to the parking garage. We've also looked at that, as Arthur has stated. We have designed it so it will work for the residents and the hotel guests.

I believe there was an issue on garbage truck access, and we're confident that we've designed it to where the dumpsters have (unintelligible) access for garbage trucks to pull in, make their pickup, and then (unintelligible) turn around and leave the site once they're done.

We've contacted Republic Service -- or Republic Services, the waste management company, who will serve the Dorchester. Showed them the site plan. They have no issues with what we're showing in terms of access to the dumpsters.

With that, I'd welcome any more questions that you may have regarding the traffic.

FEMALE SPEAKER: Can you show me where the dumpsters are?

RICK REIF: They're right --

CHAIRMAN DIXON: Oh, well.

RICK REIF: (unintelligible).

ARTHUR APPLEGATE: (unintelligible).

MS. COLTHRAN: Something we didn't address tonight but we did last month was the possibility of the entry to the hotel not being on that very busy corner. Your study says that it's all right to have people stopped there on that corner to load and unload and so forth?

RICK REIF: Yes, ma'am. Today there's on-street parking on Richardson as well, some Cedar Street. So right --

MS. COLTHRAN: But not right at the corner.

RICK REIF: Correct. There's the new curb extensions right along here. There will be the loading zone and on-street parking will begin beyond that -- beyond the movement of the main flow of traffic.

MS. COLTHRAN: But they walk into that corner to register. Isn't that where registration is to be?

ARTHUR APPLEGATE: Yeah. They would park on the side and then they would walk into this corner. (unintelligible).

MS. COLTHRAN: And you're going to have some nice fellows with big umbrellas?

ARTHUR APPLEGATE: We're going to have -- yeah. We're going to have an awning over the

(unintelligible).

MALE SPEAKER: Well, my office is on the corner of Pine Street and Central. The address is 300 Central. From three o'clock on I -- I have two driveways, one going onto Pine Street and the other one coming on Central. From three o'clock on I just go to Pine Street and go around the clock to go home. I cannot get out on Central. Have you actually done a traffic count along Central at the busy times of the day?

RICK REIF: Yes, sir. And based upon the SCDOT guidelines, we took peak hour counts at Richardson and South Cedar Street, at least at the traffic signal, from 7:00 a.m. to 9:00 a.m. in the morning and from 4:00 p.m. to 6:00 p.m. in the afternoon. And we took traffic counts at South Cedar Street and West Second Street as well on the other side of the block during those same time periods. And that's what the traffic analysis is based upon.

MALE SPEAKER: And so coming out of the driveway right there in the afternoon, could you make a left turn coming out --

RICK REIF: Yes, sir.

MALE SPEAKER: -- at those times of day?

RICK REIF: Yes, sir. The results --

MALE SPEAKER: Come on.

RICK REIF: The results of the analysis show that the driveway will work acceptably, and you've got gaps being generated by the signal at Richardson and South Cedar as well as the signal on the other side of Laurel and South Cedar.

MS. COLTHRAN: The people in my family -- my personal -- my immediate family will not cross there on foot in any direction at that corner because there's traffic coming from everywhere all the time.

CHAIRMAN DIXON: Also, those of us that know that intersection, if we're going straight across Richardson, we -- it is two lanes wide, but you get in the right-hand lane because the left-hand lane is going to be there for two or three light changes.

MALE SPEAKER: There's no (unintelligible).

CHAIRMAN DIXON: Oh.

MALE SPEAKER: Yeah. I would think that the only way to egress would be right turn only and go around the block. But what I would say about whether you can make a left turn or not out of there at busy times, there may be stopping in traffic, but if the traffic going out of town on Central Avenue is stopped at Richardson, and the traffic going towards the railroad track on Central is also stopped, there's probably not a place to

turn into the stopped traffic there.

So it -- I don't want to openly question how you did the study, but I think all of us from Summerville would say it would be very dicey getting out of there and turning left into traffic many times of the day, and probably the appropriate thing would e to go around the block.

MALE SPEAKER: You're just not talking about one or two folks trying to get out of there. I mean, you've got, what, 36 residents or 64 hotel guests, and possibly 300 people at the conference center, plus your service trucks and delivery trucks. It's just -- it doesn't add up. It just does not.

RICK REIF: Well, and they're not there at the same times.

MALE SPEAKER: Well, the hotel guests hopefully are because you want to be booked 100 percent. The residences, they want to sell all 100 of them and -- I mean all 34 of them. And I assume in order to pay for that conference center they're going to have a number of conferences that will seat two or three hundred people.

So it's going to happen quite often, and it's going to be a real hardship on the people in that part of the community. It really is just not realistic to think that it will not be. So we need to see something

in writing.

RICK REIF: I understand (unintelligible). We're more than happy to provide the traffic study for your review.

MALE SPEAKER: I also want you to come try pulling out of my parking lot at three o'clock in the afternoon. So anyway, that's -- you know, the proof is in the pudding, not on paper, so --

CHAIRMAN DIXON: Okay. (unintelligible) dropping people off and all there, I've had occasion to carry people to various places in Charleston -- to hotels -- and -- for instance, like the Hampton down there by the market. It's a zoo. If there's any -- if there were any traffic on that side street besides the people trying to get in to the Hampton Inn, it would be impossible. And it's almost impossible now because everybody is coming up, turning around, coming back and parking two and three deep in the road. I can see people on Cedar parking two and three deep, which just completely would shut the traffic down.

RICK REIF: I don't think this is the case. I don't think this is similar to market and Hampton -- Hampton Inn in downtown Charleston. You know, it's a boutique hotel. It's a smaller hotel. And we don't

envision folks, you know, two, three deep stacking up on Cedar. There's more than ample on-street parking, loading zones on Richardson, as well as South Cedar Street that can accommodate the traffic.

ARTHUR APPLEGATE: (unintelligible), but we plan that there will be valet parking for both the restaurant and the hotel, so that will help alleviate traffic. I mean, the reality is, if Cedar -- if you can't take the left turn on Cedar, the person in the drive-off is going to take a right turn (unintelligible). I mean, that's just the reality of any particular moment. But you do have lit intersections that, you know, at least regulate traffic to some extent.

MALE SPEAKER: Yeah, but the person coming --

ARTHUR APPLEGATE: There's no place during traffic -- during rush hour in the Tri-County area that you don't deal with issues. When you're trying to get onto Main Street or someplace, that's just reality.

MALE SPEAKER: You're right. What they're saying, Arthur, is that it's already congested, and now we want to add more. And so --

ARTHUR APPLEGATE: Well, and you can't -- you cannot build a hotel and build the conference center without adding congestion. It's just not

possible.

MALE SPEAKER: Well, that's our point.

(Applause)

MS. BURTON: Could you clarify -- because you said all of this is within the acceptable limits defined by SCDOT?

RICK REIF: Yes, ma'am.

MS. BURTON: So maybe you could tell us, does it mean that it's okay that you sit at a light for three times before you go through? Like, is that deemed -- I mean, is that an acceptable thing that's said to be okay? Like, what can we expect? Like, how heavy will it be, and how long will you sit at a light, and how does that work in reality, not just, it's within the guidelines?

RICK REIF: Right. Intersection level of service was the term I used before. It's the -- it's a measure of the condition of an intersection, how it operates. It's graded on level from Level A -- that's (unintelligible), you know, no one there --

FEMALE SPEAKER: Yeah.

RICK REIF: -- all the way to Level Service F, which is bumper to bumper and you have to wait, you know, three, four cycles to get through the light. From our analysis, we show that the intersection of

Richardson and South Cedar Street is operating at Level Service B as in boy, with and without -- it's operating at B today, and will operate at B with consideration of the Dorchester.

The intersection down at Cedar and West Second Street is operating at C as in cat. And then our project driveway intersection is operating Level Service D as in dog, which is an acceptable level of service per DOT standards. If we get to a level of Service D and F, that's when we start having the congestion issues and we have to look at improvements to (unintelligible) level of service.

MS. BURTON: Okay.

CHAIRMAN DIXON: Any other questions?

MS. COLTHRAN: I have a lot of issues with South Carolina DOT, personally. So -- but we appreciate you spelling that all out. I don't like a D, though. That doesn't sound good.

RICK REIF: Okay. And that's a simple standard that DOT (unintelligible) --

MS. COLTHRAN: Well, I'm not surprised.

MS. BURTON: (unintelligible) comparison then if you were on Main Street, like in front of Azalea Square, in the afternoon, like, what would that be like? Just --

RICK REIF: That's an F.

MS. BURTON: That's an F?

RICK REIF: Yes.

MS. BURTON: Okay.

RICK REIF: I travel that every day and that's --

MS. BURTON: Okay.

RICK REIF: I think this is comparable to, you know, Short Central on Richardson. They're very similar. There's a lot more intense uses on Short Central because there's our retail and restaurants through there, and access to the garage. I think this is very comparable to that.

MS. COLTHRAN: Oh, you're talking about the little -- I was going to say Short Central is not there anymore, but you're talking from Richardson going into the (unintelligible)?

RICK REIF: Correct.

MS. COLTHRAN: Which brings up another question.

CHAIRMAN DIXON: Anyone?

MS. COLTHRAN: Has anybody considered -- and this is (unintelligible) questions. It's for Mr. Applegate. Did you consider at any time about maybe having the garage be smaller? I want to see the footprint

reduced if we can.

ARTHUR APPLEGATE: Yes. The garage is --

MS. COLTHRAN: And use the municipal garage with valet service. I've stayed in hotels where that's what they did. The garage was two blocks away.

ARTHUR APPLEGATE: Well, the parking is absolutely essential to the project. It's not a large garage. And to build it without parking would make no sense.

MALE SPEAKER: But to her point, if you're going to have valet parking for hotel guests, why couldn't they use the town parking garage and reduce the size of the parking garage here?

ARTHUR APPLEGATE: The reality is that when there are events that are at the conference center, both garages will be used. There's insufficient -- one of the big things to serve the retail portions of the overall area downtown, it's absolutely essential to the project that you have parking associated.

MS. COLTHRAN: Well, on the driveway, it sounds like Summerville is going to have to spend another million dollars and lift that conference center so we can have a garage out through there.

ARTHUR APPLEGATE: That is -- you know,

that's up to the town. I can't --

(Unintelligible simultaneous speaking)

MS. COLTHRAN: Well, I think even -- well --

MS. BURTON: What would be the impact on parking if there was that other access and it went under the conference --

RICK REIF: Parking? I don't think it will necessarily -- I think that we could locate some of the parking underneath the conference center, but it wouldn't be significant at all.

MS. BURTON: But would it change the D -- the driveway to -- like, would it change things?

RICK REIF: I think it would improve a little bit with the (unintelligible) having two points of ingress and egress. I don't have that information on how much it will improve.

ARTHUR APPLEGATE: And I'm happy to -- you know, from that standpoint, if the Board decides and the City of Summerville decides that they want to have the project done that way, we would be more than happy to do it, try to make it as attractive as we can. It still would be only basically two stories and the hotel is three stories, so it's -- from a scale standpoint, it wouldn't (unintelligible).

MALE SPEAKER: You do have to elevate it enough to be able to get access to vehicles under there. You know, if you're going to count on that being active for service people, things like that, you know, you're putting that building up at a highway overpass level. That's basically what you're doing. You know, you're putting it up. It's considerably (unintelligible) that just like a residential parking garage in terms of being able to access it.

ARTHUR APPLEGATE: But it still would be below the height of the hotel.

MALE SPEAKER: That's right.

CHAIRMAN DIXON: Have you -- has anybody looked at the person who owns the Loan (ph) house down Richardson that has been concerned about looking at the tall side of the residential portion? Has any thought been given to seeing whether that person is interested in parting with that property and then using a drive out through there?

ARTHUR APPLEGATE: No.

MALE SPEAKER: Or shorten the project (unintelligible)?

MALE SPEAKER: No. No thought has been given --

MALE SPEAKER: No. We have not looked

into or approached the owner about selling.

MALE SPEAKER: Is that something that if the owner were interested in doing you would consider?

ARTHUR APPLEGATE: Yeah. We can consider it for additional -- I don't see how by having the corner -- I don't see how it fits within the context of being able to create more circulation.

MALE SPEAKER: Right.

ARTHUR APPLEGATE: I think the way that you create more circulation --

MALE SPEAKER: You can have circulation go out -- there's the top of the picture there -- and you could additionally have the building on the top of the picture there, step down a little bit. And, you know, if the -- if one of the issues appears to be this abrupt change, we're certainly happy to (unintelligible).

MALE SPEAKER: Well, it's just a thought.

CHAIRMAN DIXON: Yeah. I think now it's time to go ahead and let the folks that have been sitting here patiently listening to us go ahead and -- thank you very much. I appreciate your presentation.

ARTHUR APPLEGATE: Did the architect have anything to add before we hear any questions or comments?

MR. D'ANTONIO: If you have any questions, I'll be happy to answer them.

ARTHUR APPLEGATE: But you don't have any additional information than what's already --

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: All right. Let's go ahead and get started. Christine Czarnik.

CHRISTINE CZNARIK: Do you want me up front or --

CHAIRMAN DIXON: Yes.

MS. DREYER: If you would.

CHAIRMAN DIXON: If you would come up so we can hear you.

CHRISTINE CZNARIK: I'm Christine Czarnik. I live at 46 South Gum Street. And I have a few items that I think are still of a big concern, now, even with this second go-round.

The first is with deliveries. They said that a garbage truck can get down that driveway and turn around, come back out, and I imagine it could. But your food service and your retail deliveries are going to come on 53-foot trucks. You don't have a choice. That's just how they come. The driver is not going to pull down that driveway knowing that he has to back out blindly onto Cedar Street. So what they're going to do is park on

Cedar or on Richardson or on West Second to make those deliveries. They don't have a choice.

Another issue is the parking. Mr. Applegate said that's not a large garage, and he's right. When you consider 34 to 36 condos, an average household has two cars, 66 hotel rooms, employees from the hotel, patrons to the restaurant, employees to the restaurant, retail employees, retail patrons, the garage is already full. Now, you're going to have an event at the conference center. This is 300 people seated, 400 standing. All that parking is going to be forced into the neighborhood. It's going to be like Flower Town Festival weekend every single day.

(Applause)

CHRISTINE CZNARIK: Also, I don't know who made the comment, but with this rendering the condos still look very modern, very blocky, very inappropriate to the town.

My last comments would be to thank you as a board. You talked about your charter being to preserve the character of the historic district, and I do think you're doing a good job of keeping that in mind and I do appreciate it.

CHAIRMAN DIXON: Thank you. Nathan Rice.

NATHAN RICE: My name is Nathan Rice. I'm the pastor at St. Luke's Lutheran Church. And I obviously don't have much expertise in architectural review or planning or traffic studies or anything like that, but hearing all the comments here today does leave me with some concern for parking for our church, especially on Sunday mornings, especially if there is something going on at the convention center on a Sunday morning and there's loading and unloading while folks are trying to get into church.

It also looks like on this rendering that there are -- the parking spaces that are on West Second are still there. My question would be, are those parking spaces going to stay or is that street going to turn into a two-way street and those parking spaces will all be gone? Do we have an answer to that?

ARTHUR APPLEGATE: No, I don't.

CHAIRMAN DIXON: That's not something that the Board can address. You'd have to go to Town Council about that.

NATHAN RICE: Oh.

CHAIRMAN DIXON: Sorry.

NATHAN RICE: Thanks. Those are my concerns.

CHAIRMAN DIXON: William Hardison (ph).

WILLIAM HARDISON: Thank you. I do think that you gentlemen, ladies have a handle on this thing. I really do, because I really (unintelligible) y'all hit the needle on the head. I like the bell tower. I like it as it is. I don't think we should be (unintelligible). And you are absolutely right. There's no way to get out at three o'clock. Traffic backed up from (unintelligible) to the Presbyterian Church every day beyond the Presbyterian Church.

The gentleman last time said that they're going to have valet parking when the parking garage fills up. Now, we have a way (unintelligible). We have people coming -- you're coming (unintelligible). Are you going to park -- try to park in the garage now or -- I measured it. I measured the distance from there to my house on West Second Town Street and Laurel. They'll be parking all on there. I'll guarantee you. And I hope they'll park in (unintelligible) yard, because they ain't going to be parking in mine. I pull people (unintelligible) up front on West Richardson. They fall down (unintelligible) fall down. (unintelligible) once a year. I don't mind helping these people, but I don't want every day.

When I came to Summerville years ago, this was a nice place. I've got a pond out in my yard.

I sit out -- I've got -- when I came here people let me build a little room on for a washer/dryer, and I put a little deck out (unintelligible), you know, it would be nice to have a little deck on it. And I came back (unintelligible).

And now you're putting (unintelligible) hotel and there's no regard for the traffic, where people are going to be parking. And I'll guarantee you they're going to be parking in my yard. And if that happens, I'm going to probably come back to the town (unintelligible). I own 403 West Second Town Street and 404 (unintelligible) happening right now. And I pay $7,000 worth of taxes a year, and I need some consideration. Thank you.

CHAIRMAN DIXON: Dave Comer.

DAVE COMER: My name is David Comer. I live at 708 West Richardson Avenue. Just a couple of quick points.

I think in our last meeting some good points were made. I think the architects did take those into consideration and make some strides that we're looking for. I think we're giving them good comments tonight as well that I hope they'll consider.

I just want to reiterate the transition from the condos to the residential. It's just too abrupt. I think that's one of the main issues. I like

the idea of somehow pushing back that fourth floor. I think that there's a way to do that and accomplish what we're addressing with that concern.

I agree that the windows deserve a little more decorative treatment somehow on the hotel side, whether that's through lintels or brick (unintelligible) or whatever. I think this hotel deserves that.

But I think one of the things that's been brought up about these through-wall units needs to be really thought about. And I don't know that it's been addressed, and that's going to be the noise from those. If you think about these kind of units, think about those things running at different times. How many are we talking about?

MALE SPEAKER: 64. 64.

DAVE COMER: Well, yeah, that --

MALE SPEAKER: Hotel rooms.

DAVE COMER: Right, right. Hotel rooms. So that's a lot of on and off. I just -- I think that's something that we're not factoring in as well that could be changed and addressed.

CHAIRMAN DIXON: Joyce Delk.

JOYCE DELK: I'm Joyce Delk, 208 Essex. I have gotten interested in this whole project because of various reasons. It isn't just one. I guess y'all

were thinking there is reasons to be talking about it (unintelligible). I only bring up the reasons that tie into what y'all are talking about tonight.

And I've lived in Summerville since 1954, so I'm an old-timer here. As a matter of fact, just for your knowledge, my parents are the people that bought the old (unintelligible) house in 1954. So I'm (unintelligible) child. And I had the pleasure of enjoying that home so much, but I don't live there now.

But I do love this town so much, and all the aspects about what this means (unintelligible) has struck me, plus another reason we're talking about now is the traffic because I've noticed the traffic problems are already there. (unintelligible). And I've seen that all of my thoughts are pretty much your thoughts. And I appreciate the perspectives that you all have brought forward.

I really, really do have a problem with so much on that little bit of property. Even if we had it scaled down, the traffic would still be too much. But I would like to see something scaled down so that the traffic wouldn't be as bad. It is going to be (unintelligible) spot. I don't think it's an ideal spot.

So if we're going to have to deal with this spot, (unintelligible) changing the whole

appearance (unintelligible). I agree that the appearance needs to be improved, but it still has a long way to go, in my opinion, too. I'm with you on the condos. They strike me horribly. I would be sick every time I drove by them. I don't intend to live in one, but I would be sick to drive by them.

To be honest with you, I got sick the first time I saw this building (unintelligible). But that's just me. And I never want to a person that stands in the way of progress. I think that we have to find a solution -- maybe less condos so we can have some more driving space, more access maybe -- maybe from Richardson into the area where you see the condos are connected to the hotel, right there off Richardson Avenue; maybe have a little cut-through somehow to get into the parking garage.

I don't see (unintelligible) myself. I just think we need a lot of big-time differences, and y'all have addressed some of them specifically. But I'm seeing some of the things I would make differently, so I'm just up here to speak my mind a little bit, and I hope that you appreciate that. Is there anything else?

CHAIRMAN DIXON: You're out of time.

JOYCE DELK: My time is up?

CHAIRMAN DIXON: Yes. Thank you.

JOYCE DELK: Thank you for listening.

CHAIRMAN DIXON: Peter Gorman.

PETER GORMAN: Good evening, members. My name is Peter Gorman. I live on the corner of South Magnolia and Third. There was mention of a traffic study. I'm dying of curiosity to read it. It sounds like you haven't seen it either. I'd like to suggest that before you vote tonight that that be released to the public and put on the town website so we can all read it.

Traffic is obviously the hot button here. It's a major concern. I'd like to restrict my remarks to primarily the traffic impact of the project.

The contract calls for some 30 on-street parking spots as part of the hotel parking. And my question is, are we sacrificing current -- existing parking on West Richardson or on Cedar to proprietary hotel parking? I haven't heard an answer to that question this evening.

Secondly, the elevation shows (unintelligible) corner of the intersection. That looks awfully narrow to me, that one lane passing in front of the hotel. It looks narrower than what's there now. I'm just wondering if there's any encroachment by the hotel into Cedar Street.

I think you should note that this project

is book ended at both ends by a children's playground along Cedar, with YMCA and the church. And I think that that deserves special consideration. You're going to have children trying to cross these streets with this additional traffic.

The -- someone suggested -- one of the members -- that the garage be undergrounded, or at least put on the ground level and the conference center on the second level. I think that's an excellent idea to reduce the impact or footprint of this project.

People have commented on the condos. They look like stacked boxes. They don't belong in Summerville. They have absolutely no relationship to the architectural history of Summerville. They need to be completely redesigned.

(Applause)

PETER GORMAN: In sum, the footprint and the height are the same as we saw before in the previous meeting. We've had cosmetic changes. Yes, they are improvement, but the impact is the same. It's too massive for this location, and we suggest that it be moved to another location.

(Applause)

CHAIRMAN DIXON: Heyward.

HEYWARD HUTSON: Is the demolition of

the 210 West Richardson still on the -- under consideration or --

MS. DREYER: That's part of the project.

HEYWARD HUTSON: It hasn't been addressed.

MS. DREYER: It's one of the addresses that's under part of this project.

HEYWARD HUTSON: All right. I'm Heyward Hutson, and I live at 215 Golf Road in Summerville. And I've been president of the preservation society here for 26 years. I grew up in the neighborhood that's being impacted by this proposed boutique hotel.

I agree with several of you who have made the point that four stories of the condos is oversized and it is completely incompatible with the other houses and architecture in that area. The houses in that area date from before the Civil War, 1860 and earlier, and basically this -- the condos really look like something that I saw in Moscow -- those apartment buildings in Moscow. They're drab and have no appeal at all.

I'm worried about that end of the -- of it, because it appears because of the request for demolition of the house that they intend to -- Mr. Applegate, that you intend to fill right up to the

property line. And that is unacceptable for several reasons. It would require -- if you approve the demolition, it would mean taking out a house that contributes to the historic district.

And I checked out the survey earlier today in Lucy's office, and that house is -- contributes significantly to the historic district. It definitely should not be demolished. And it was as -- as late as 2012, two years ago, it was in use by Summerville Police Department as a place for victims' use. So you can take down -- you can eliminate the mildew and the mold with a good job of washing down that house.

And it's a disgrace that the town has allowed that to happen and be in this position. So in no case should that house be demolished. If anything, it should be -- you should be required to move it elsewhere in the historic district so that it continues to contribute to the historic district.

The other point I want to make is perhaps going to make you a little bit unhappy, but I'm going to point out that -- I want to ask the question: How many of you in this room have read the agreement? How many?

Well, I know there are two over here, and I assume that Mr. Applegate has read it because --

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: Heyward, that's not part of our purview. Please stop on that right now.

HEYWARD HUTSON: Yes. I want to read the paragraph --

CHAIRMAN DIXON: No.

HEYWARD HUTSON: -- that applies to this board.

MS. DREYER: The agreement is not between us.

HEYWARD HUTSON: No?

MS. DREYER: No.

HEYWARD HUTSON: Let me read the paragraph that applies to this meeting tonight, because --

CHAIRMAN DIXON: Your three minutes are up, also, sir.

HEYWARD HUTSON: Well --

MALE SPEAKER: Let him read it.

CHAIRMAN DIXON: Go ahead and read it.

HEYWARD HUTSON: This applies to the project design and construction, site and architectural design. "The project site and architectural design will be based on the conceptual provided in Exhibit F, and as agreed upon by the parties. Prior to submission for review and approval to any required public agency for

permitting or certificate of appropriateness, developer will submit a final design for both the private and public improvements to the RDC for review and approval."

Now, I want to know if you have received some type of notification that -- from the RDC, from the redevelopment corporation, that they had in fact reviewed and approved the plans that you are considering.

CHAIRMAN DIXON: We're looking at concept right now, Heyward. We're not even looking at final plans. So they would not have them developed to submit to the RDC yet.

HEYWARD HUTSON: Well, they're submitting something that if you approve it will be the final plan.

MALE SPEAKER: No, sir.

CHAIRMAN DIXON: No, not necessarily. It will have to come back before us to approve the concept. They still have to come back before us with their final plans for our review again.

HEYWARD HUTSON: Okay. Well, one of the things that you need to consider is that tree over there, because it has a lot of potential as far as being a tourist attraction. And that -- cutting down the tree needs to go before the tree committee so that you can determine how much of an imprint this project is going

to have on that lawn.

CHAIRMAN DIXON: You're absolutely right. It does have to go before the tree committee.

HEYWARD HUTSON: So anyway, I rest my case.

CHAIRMAN DIXON: Mr. Applegate, do you have anything further you wanted to say?

ARTHUR APPLEGATE: No, sir.

CHAIRMAN DIXON: All right.

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: I think enough points have been raised tonight that I must ask you to go back and look at them again. And we are available -- if you have a -- if you come up with something before the next regular meeting, we can call a special meeting to do it. We have done that before. It's often with commercial buildings.

In fact, it was -- with the Town Hall, the addition, it took several meetings before we finally came up with an approval that was -- and I mean sincerely that we're not here to decide whether we put a hotel or the condominiums there. They're both -- they fit the zoning of that area, which has been the zoning for quite a long time. And so it's just a matter that we want to make certain we have something that we'll be proud of

(unintelligible). That's all with this particular project for now.

One of the points -- let me just explain something. If the Board votes out and out to disapprove a project, I don't have the ordinance here to tell you the time, but it's something like six months before the applicant can come back again.

So the Board's policy has been if there are disagreements or some ideas that we feel that the applicant needs to look at, that we will defer ruling on it and let them take a look at it. If they come back and say, "No. That's what we want," then we'll vote.

But at this point we feel that we're still in the -- you might say the negotiating stage. And so with that, we've got another project we've got to look at. If y'all wish to leave, you're more than welcome.

Yes, sir?

MALE SPEAKER: You just said that they potentially could request a special meeting before the next regularly scheduled one. Would that mean that the public will be advised of that?

CHAIRMAN DIXON: Of course.

MS. DREYER: It will be posted on our website. We have to put 24-hour notice on it.

MALE SPEAKER: 24-hour notice?

MS. DREYER: Uh-huh.

CHAIRMAN DIXON: And --

FEMALE SPEAKER: Or you can call me any time to find out.

CHAIRMAN DIXON: I mean, we have gotten -- there was one occasion where we sat down with the applicant's attorney. It got to that point. But we just sat around a table, and it worked out. And I think we're all proud of what we got.

Yes, sir?

ADRIAN KWIST: I failed to sign up to speak. Can I say a couple -- ask a couple of comments? You've got a few minutes here.

CHAIRMAN DIXON: If you'd be real quick.

ADRIAN KWIST: I will be real quick. (unintelligible).

My name is Adrian Kwist and I've been a resident of Summerville for about 50 years. Talking about the height of the building, the hotel, nothing was said about the rooftop bar. Do we really have to have a rooftop bar on top of the hotel, which would -- I know it sets back from the front of the building, but (unintelligible) height of the building I don't know about how many feet. But a rooftop bar will create more noise at night and it could be annoying to some of the

people that live in the surrounding area or in it.

FEMALE SPEAKER: And you've got a half a dozen churches.

ADRIAN KWIST: The other comment I have to you, I'm asking if you as a group will come to the Town Council meeting and emphasize on the traffic problems that we'll have, because in my opinion this hotel is too large a hotel for this area that you're going to put it on.

CHAIRMAN DIXON: Let me answer that one for you real quick.

ADRIAN KWIST: We are appointed by the Town Council and we will not go to Town Council as a board to speak on it. Any of the members -- our members live in the town of Summerville and can go speak as an individual, and of course you may.

ADRIAN KWIST: Okay.

CHAIRMAN DIXON: And I know that -- excuse me -- that the mayor -- I'm sorry. I'm doing a lot of church work these days. But the mayor has called a meeting and -- it's still on, isn't it? --

MS. DREYER: Uh-huh.

CHAIRMAN DIXON: -- before the regular Town Council meeting to discuss this project. And I -- anybody that has a -- he'll probably hate me for saying

it, but go. I mean, fill this room up and ask your questions. I mean --

ADRIAN KWIST: Okay.

CHAIRMAN DIXON: -- it's our town.

ADRIAN KWIST: Sure.

MALE SPEAKER: But do you go to the Town Council meeting and put your two cents' worth in as a citizen?

CHAIRMAN DIXON: I will not. I will not. No.

MALE SPEAKER: Why? Why don't you? You live three doors down from there. I don't know why -- you should.

CHAIRMAN DIXON: No. I'm -- the main reason I won't is because I'm going to be laid up because I'm going to have knee surgery tomorrow.

MALE SPEAKER: I know what that's like.

CHAIRMAN DIXON: Okay. Excuse me. I didn't mean to bring that up, but -- all right.

ADRIAN KWIST: But in a nutshell, the traffic issue is a major safety concern, and (unintelligible). But I do appreciate y'all being involved. I think you brought up some good points today. Again, this hotel is too large a hotel to be built on this property. That's all I have to say tonight.

(Applause)

CHAIRMAN DIXON: All right. Thank you, Mr. Kwist.

MALE SPEAKER: Mr. Dixon, you may feel that you -- it's inappropriate for you to go a Town Council meeting, but I would like to invite everybody here, including the Board, to our community public meeting on Thursday evening at County Council chambers at 500 North Cedar Street. And you will have an opportunity to raise whatever questions or make whatever comments that you care to make there. So --

CHAIRMAN DIXON: Okay. All right. Thank you.

MALE SPEAKER: (unintelligible) --

CHAIRMAN DIXON: Y'all ready to leave, unless you want to hear us talk about a screened porch.

(WHEREIN, the meeting concerning the hotel was concluded.)

CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



Sherri L. Jolley

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BOARD OF ARCHITECTURAL REVIEW MINUTES

NOVEMBER 3, 2014

TOWN HALL ANNEX -- COUNCIL CHAMBERS

IN RE: 208 S. CEDAR STREET, 200, 206, 201 W. RICHARDSON AVENUE

MIXED USE DEVELOPMENT - DORCHESTER HOTEL

MEMBERS PRESENT:	STAFF PRESENT:
Phil Dixon, Chairman	Madelyn Robinson, Planning Dept.
Jeff Bowers	Rich Palmer, Building Dept.
Rachel Burton	Lucy Dreyer, Board Secretary
Cecile Colthran	
Beth Huggins	
John Kwist	
David Price	

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

Sherri L. Jolley

Midwest Litigation Services

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

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TRANSCRIPTION

MALE SPEAKER: We've gotten variance. We've drawn lines three feet away from a workshop/carport that I have there that will need screening between the two houses. And what we need to do -- we hate that we really have to do too much to the house, but mother and father, in spite of having some health -- got some doors that are too small and too many right angles and some halls that makes it hard the last couple of years of their life.

We've had a lot of bruised knuckles and hard times getting them around corners and helping them with their mobility. And we're trying to remedy those problems as well as (unintelligible) let us enjoy the things that we like doing.

We got Rachel to help us and we've been going for, what, a good four, five months, kind of developing what we wanted to do and what the site would allow.

I've spoken to all of my immediate neighbors about it, and spoken to maybe half a dozen others who don't live nearby. So we've certainly done all we can to let people know what we want to do. And I think with what we mean to do if you're a passerby, basically other than seeing a screened porch that we want to add on the street end, it's going to have about the

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same street end impact and you'll see about the same thing. We appreciate your consideration.

MS. BURTON: Can all of you see this if I keep the easel here? This is the site plan, and I'm going to just talk a little bit about this first, and then we'll look at the floor plans.

This is the existing cottage, and there's a little (unintelligible) in the corner, so you can see where the cottage is relative to the big house. And then this is a new line that is going to subdivide the lot into two pieces.

There was also some issue that (unintelligible) have had to address with the town about exactly where the property line is along the street, because when it was first laid out it was identified as being in one place and when we actually went back and surveyed it was a little bit different. So that's something that Rudd is working through with the town, about adjusting or defining definitively where that is and sidestep that.

Do you want to talk about that in more detail, Rudd, or do you want --

RUDD: Just in summary, (unintelligible) issue. The fellow that laid the town out in the early 1800s -- I've talked to both the town

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attorney and to the town engineer, and the application is the sort he's used to getting. And both indicated no basic problem with it. He has (unintelligible) will have to go to the Public Works Committee Wednesday, give two readings -- if we get that. And we need a plat approval. We counted the other day. We have seven permissions we need to get to do this for our property. If y'all approve us tonight, that would be two, and we'll have only five to go. So there are a number of things that kind of fit in with this.

MS. BURTON: Okay. So, essentially, this house was an H-shape, and what we want to do is add two little additions at -- where is the existing entry. We want to add a new addition at the front, with a screened porch beside it. And we want to fill in this part of the H, and then we want to add a new addition on the back. So the parts that will be visible from the street are the new additions (unintelligible) -- or on the street side.

I've given you a demolition plan just so you can see it. But this is the floor plan, and that's just showing in more detail what the site has. So filling in the middle here is a new kitchen and den. On the front is a screened porch with a library. And then there's two little infills on what is the existing porch, and then an addition on the back that's bathrooms and then a work

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room.

One of the things that we're going to do is -- it seems like there will be more building than it is just because we're going to take out the existing roof that's in the middle and rebuild it just so that the ridge heights match and that we've got the correct slope on both sides.

And this is the sheet of the elevations. So the very top elevation is -- this is the view that is a side view to the street, but it's the front view of the home. This is the existing front door with the two additions on either side. This is existing, and this is existing. We have the new part on the front that's the library, and a new part on the back that is the new addition, the bathrooms, and the work room.

And I'll go -- skip to the bottom and show you the street elevation next. So you can see the library is on your left side, and then adjacent to that is the screened porch. And what we think is the -- the scale of it is really appropriate to the size of the building. It's a nice street view. It's, you know, very similar to the kinds of things that you would see within that neighborhood.

This is the other long view, with the two existing parts and then filling in the middle with the

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screened porch on the front and the other addition on the back. And, again, I just think that the scale of all of that work is really appropriate for the size of the cottage and it just blends in really well. And then the back view that nobody would see. It's just a simple addition.

Do any of you have any questions about the plans, elevations, or the architecture?

MALE SPEAKER: I'm sorry. What was the question?

MS. BURTON: Anybody have any questions about (unintelligible)?

MR. KWIST: Yeah, I do. On the south elevation --

MS. BURTON: Yes.

MR. KWIST: -- do you think it would be appropriate to create a simulated vertical like those two gables to --

MS. BURTON: You mean here?

MR. KWIST: -- to resemble the north elevation more? You see the one to the right of that window?

MS. BURTON: Yep.

MR. KWIST: And if you put, like, a vertical break there, it would -- the siding wouldn't look

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like a long continuous run, and it would line up with that -- you see the foundation line where you have the new additional infill?

MS. BURTON: Yep.

MR. KWIST: It would kind of line up with that and make it -- it looks like those corners are missing there, although I recognize that they're not really corners.

MS. BURTON: They're not really corners.

MR. KWIST: Right.

MS. BURTON: And on the north elevation you'll see there's actually a break.

MR. KWIST: Yeah.

MS. BURTON: And so they're in a different plane.

MR. KWIST: It's just that big --

MS. BURTON: So on this -- on the south elevation it really is a continuous wall.

MR. KWIST: Yeah. Just that gable -- that gable looks funny being supported on one corner and not on the other. That's all I'm trying to say, so --

MS. BURTON: Yeah.

MR. KWIST: Just an aesthetics thing. Just --

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MS. BURTON: I hear what you're saying. I mean, the only other comment that I would make about that is that we didn't want to do that because the lines -- the plane of the wall is continuous. And, also, the -- when you have landscaping and put it in, I'm not sure how visible that would be (unintelligible). But we will take that under advisement. That's something that we'd really like to --

MR. KWIST: Yeah. When I pencil them in, to me, it looks better.

MS. BURTON: Okay.

MR. KWIST: Just my opinion.

MS. BURTON: Yep.

CHAIRMAN DIXON: Any other comments? Other than that I'm fine with this. A motion?

MALE SPEAKER: What's the motion?

CHAIRMAN DIXON: Huh? Do we accept it or do you want to add --

MALE SPEAKER: (unintelligible) changes?

CHAIRMAN DIXON: (unintelligible) changes or --

MALE SPEAKER: I don't know. What's the motion?

CHAIRMAN DIXON: Well, I'm asking for a

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motion.

FEMALE SPEAKER: (unintelligible).

MALE SPEAKER: I would move that we accept the drawings as drawn. Being that those two gables -- gables lens that we're looking at are fairly dissimilar in terms of (unintelligible) and proportions, I don't see that there's any need to set them off, but I can go either way on that. I'm happy with it the way it is.

MALE SPEAKER: I second the motion.

CHAIRMAN DIXON: All in favor?

(Group indicates aye)

CHAIRMAN DIXON: No opposed?

(No verbal response).

CHAIRMAN DIXON: Thank you.

MS. DREYER: Okay.

MS. BURTON: Thank you very much.

(unintelligible background conversations)

MALE SPEAKER: What's the (unintelligible) Congress Street --

MS. DREYER: They're not here. We're going to put this at the end.

MALE SPEAKER: Jeff seems to think that we had previous --

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MS. DREYER: You have. This was the one where they came in with real casual drawings. And the proportion wasn't right, so we asked for scale drawings.

MALE SPEAKER: Okay.

CHAIRMAN DIXON: Since they're not here, we'll wait until after the other one and take a look at it. At this point, I'm going to take about a 15-minute break, and all that that wish to sign in to speak, if you would come up and we'll post something up here for you to sign in so we'll know who's going to speak. So --

(A short break was taken)

CHAIRMAN DIXON: Ladies and gentlemen, it's time to get back. Please take your seats. For those of y'all that were here last month, this will be a little redundant for you, but I want to make sure the newcomers understand the rules that we're operating under.

Before we get started, let me say up-front, this is not a meeting to decide whether this hotel and other facilities should or should not be built here. That's already been decided. The Town of Summerville Planning and Zoning Department staff has reviewed this project and has advised us that the purposes spelled out in this submittal meet the requirements of the ordinance for this tract of land.

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If your soul purpose for being here is to argue either for or against this hotel, you have my permission to leave now, because I will not allow you to speak concerning that. And as soon as I or one of the other board members realizes that that's what you're doing, we'll ask you to sit down. That discussion needs to be taken up by Town Council, and I understand that they have scheduled a time at their next Town Council meeting to discuss this project.

We are looking at this project, as one of our members said, purely on the aesthetics, design, architecture, height, mass, and scale, and in harmony with the historic district of the Town of Summerville.

We looked at the overall street scene. As with any other project the applicant has the opportunity to present conceptual or master plan for our review prior to committing funds for a full set of design plans and specifications. This means that we might agree with the concept while disagreeing with some of the details.

It also means that each phase of the project must be submitted at a later date once plans are more fully developed to obtain the board's approval for that individual portion of the project. And any disagreements will have to be worked out before the

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applicant comes back to the board.

Demolition is also considered as a separate action by the board, and while conceptual approval may be contingent on some demolition it doesn't mean that the motion concerns are overlooked. Although we're not required to solicit comments from anyone other than the applicant and the board members, we have chosen based on the great interest expressed in this for – both for and against this project to allow others to express comments that might help influence our decision making.

For this purpose, we have placed a sign-in sheets and you have filled that out and you will be called up in the order that you signed in.

Please note that by signing in you agree to abide by the rules we have established for this meeting. To allow everyone who wishes to be heard a reasonable opportunity, we must insist that each of you comply with the following guidelines:

Each person will be limited to three minutes to speak on topic. We will be monitoring the time, and when you're told your three minutes are up, we expect you to rapidly wrap up what you're saying and sit down. There will be no exceptions. And the way I'm not going to – I'm not going to get on this microphone and tell you unless you stay there. All I'll do is hold up

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three fingers, and you'll know that your time is up and it's time to wrap it up.

I want you to begin by stating your name and where you live in the town of Summerville. Address your comments to the board, and do not engage in any side conversations with our other guests. If someone before you has made your point, please limit your comments to stating that you agree with them. Rehashing the same points over and over will not enhance your position and, in fact, might damage it.

When you're not speaking, please remain silent so that the board and the applicant can hear what the speaker has to say. If you will not comply with this, you will be asked to leave. Again, I must stress that if you are here to argue either for or against building a hotel, you're at the wrong meeting, and you will not be allowed to speak.

So with that, sir, you ready?

ARTHUR APPLEGATE: Yes, sir. Thank you very much. My name is Arthur Applegate. I'm the president of Applegate & Company. We are the developer of the project. And I would like to start by – could we get -- we're going to dim the lights, because I think it will be a lot easier to see.

MS. DREYER: Lisa is doing that right

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now.

ARTHUR APPLEGATE: I don't know whether you all have screens before you, but feel free to come down and have a seat here, because I think you'll be able to see it a lot better -- whatever is the most comfortable for y'all.

I'd like to start by just making some general comments and to thank the Board for their comments that were made at the last meeting, to thank the public for their input. We took those comments and those questions very seriously, and we went back and spent a great deal of time working on the design. And what you will see tonight, I believe, will be significantly different than what you saw at the last meeting.

I think that the project as shown before tended to have a very institutional feel that was cold and unapproachable, and I did not personally think wore that well within the context of the Town of Summerville.

I think what you'll see tonight is significantly different. I want to start with this slide because from this you can see a number of things that we're doing that are different and take into consideration comments that were made. We've done a tremendous amount to break up the massing of the building. We have done things to reduce the scale of the building and the impact

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of the height to the surrounding buildings.

One thing that I think really kind of pops out at me very clearly when I look at this rendering is this -- the buildings are set back from the street significantly more than the existing buildings today. It is very much keeping with trying to create a very vibrant space downtown and -- and I don't know the exact footages, but it's 40 feet, approximately, from the edge of the street back to the building itself.

The -- I'll go to the next slide. Let's see. Okay. This is just another rendering of that. I think you can see very clearly when you look at this what we have done. If you will recall, the -- I'm having a little technical difficulty here. Let's see if that works.

All right. I've got a green light. Okay. I think this is very different than what you saw before. We have done -- we've changed the treatment at the top of the building. We've broken up the cornice. And we've created a building that reads very differently in terms of how the massing is. It reads now almost like one, two, three, four structures as opposed to one sort of monolithic design that was there before.

We've changed the entire base of the building. We've softened the building. We've even

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looked a great deal -- I know we're not here to talk about colors tonight, but we noticed that this color green was used in a number of places, both on Hutchison Square and other places. I think it's far more representative of what -- what's taking place today.

I think this next slide really clearly shows the difference between what you saw last time and what you see today. And when I look at this, I almost feel like I can be looking at a building that can be in downtown D.C. or a metropolitan area. There's very little of this that makes me feel like I'm in Summerville.

When I look at the building that you see below that, I feel -- I have a very different emotional response to it. And so we've -- there were comments that were made about the treatment at the top of the building. Obviously, by removing that, we have lowered the impact of the height of the building, the scale.

Later in the presentation we're going to look at how this structure compares in size to surrounding buildings, and I think you'll be very surprised about what we found. I certainly was.

So this is looking at -- from Cedar Street looking back towards the corner of Richardson. The area that is here is the restaurant area. As you know, we have a 5,000 square foot restaurant. We have

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outdoor seating at the terrace area. And this will be a -- hopefully will be a five-star restaurant, but it will certainly be a very nice restaurant that will go in. These are balconies that are over the outreaches of the hotel.

Let's see. So once again, I think this is an incredible illustration of the difference between what was presented before and what is being presented now. I certainly get a very different feel from it.

So this is looking on Richardson. We will get into detailed drawings as we go forward and away from these illustrations. But once again I think you'll see kind of the streetscape that's being achieved by setting the buildings back, creating a storefront area. It is very -- it has -- it reads more like you're on Hutchison Square now than at an institutional type of facility.

The residential units we've done a lot to soften them, to make them look more residential in nature. We've done things like -- by the creation of this little eyebrow effect here, when you're at the street, this will read like it is three stories and not four stories.

Let's see. So this is the conference center on West Second Street. And we have two entrances

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to the conference center. This is on West Second. It's across from the churches. It's actually a structure that is lower in height than the building on the corner of West Second and Cedar.

So what this is, again, is looking at the conference center. There was discussion about the idea of increasing the circulation and to have a drive-through. It would clearly require us to go to a second story structure. One thing I should make clear is, as the developer, I do not own the conference center and I do not own the parking garage.

So one of the things the -- every -- many things come down to a function of cost. And to build the structure that you see above, it's about a million dollars more than it cost to -- it's nine hundred and some thousand dollars. Well, if the town of Summerville decides that they want to have this two-story structure, they would like the board to consider conceptually the approval of both the conference center in the one-story format and also in a two-story format.

Let's see. Once again, that's just looking at it so that you can get a feeling of the difference between -- this is from the view if you were standing on Cedar Street looking back at the conference facility. I think you can see pretty dramatically, even

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if you had seen the rendering on the bottom. It's a very different feel from where we are today.

Once again, this is just continuing that study of looking at the conference center at two levels versus one, just so that you could see it for comparative purposes.

This is a slide that from here one of the big questions was some understanding of the mass of what is being built relative to what is around the existing blocks. The area was zoned and part of the vision plan was that this area would become part of the central business district.

And when we look at the next few slides we're going to see -- excuse me, (unintelligible). So what -- the massing that you see here, which is basically the city hall complex, and the massing that you see about a block on Hutchison Square, the YMCA, what I think you'll see as we go through this, that the massing that's going to take place on Cedar and Richardson are very similar to what is happening on the other three blocks.

So I'm going to -- we're going to kind of go in an aerial around the block. And I think it does a wonderful job of kind of showing the Dorchester in the context of what is happening.

The idea is -- it's not so much that the

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Dorchester is going into a residential area. It is more that the Dorchester is going into an area that has been zoned and determined would be commercial in nature. But -- so this is a view -- sorry, I keep -- so this is a view if we were looking -- if we were at the corner of Main and Richardson, looking back. And we're going to work our way around the block so you can see it from different perspectives.

So this is looking at the building from the southwest perspective. And, once again, you can kind of see how it fits into the massing of the buildings around it. It's very similar in size to what you see here. Once again, another view from the northwest as we're working our way around the block.

And I can kind of come back and talk about those more if you would like to see it. The idea that we're trying to illustrate there is that the massing is very similar to what's seen on the other three blocks.

This is a sight plan of the overall sight, with the conference center being here in the red, the hotel being in the blue, the residential being in the yellow, and the gray is the parking garage. We -- later, as we get into the discussion, the -- there's been a traffic study that's been completed.

There were questions that came up

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regarding circulation and where delivery trucks park, how the garbage trucks access the area, pick up and turn around. And one thing that's a little misleading -- this area right here is larger, for example, than the area in the back of Charleston Place Hotel downtown. Granted, Charleston Place is very tight, but we have, we believe, more than ample space to handle the traffic and to handle the delivery trucks that will come and go from this location. We also have areas that are designated in front of the conference center. We have areas that will be in front of the hotel. We have parking up and down Richardson.

So when we get into the presentation, there are representatives from Stantec that can answer detailed questions that you might have regarding the traffic study and the circulation and how it works.

I will tell you it's a subject that's very near and dear to our heart because we're going to be trying to run a successful 5,000 square foot restaurant, a hotel. We've got a residential component and the conference center. It's extremely important to us that this works well from a traffic standpoint. That would be our worst nightmare, and I can assure you we've spent a tremendous amount of time studying that issue.

So here is a site that includes the

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demolition that will be done in order to accommodate the project. It's demolition and/or relocation of structures.

This is really what I think is -- gets to be really interesting. And this addresses height in a way that we can all relate to. I think it's very interesting to note that the height of the front of the hotel is 38 feet. The height of City Hall is 38 feet, four inches.

The height of the bell tower that we see -- and it's interesting (unintelligible) in -- but the height of the bell tower is actually -- it's 46 feet, 8 inches. It is taller than any part of the structure. And, in fact, it is right in line with the residential height that is on Cedar.

The -- as you look at -- and I would ask everyone to study these heights because it's a very interesting thing. You may have had a chance to do it. But, for example, this is along Hutchison Square, and that -- the top of that is 30 feet. So we are looking at a structure that is eight feet higher than the building on Hutchison Square.

We're looking at a -- when -- down here, looking at -- this is from where Mr. Davenport's house is, looking across the street at that structure. It's

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32 feet, 6 inches to the top of this. It is therefore, you know, six feet difference between what is here and what is here.

And I read -- as -- I was very surprised at the height and the scale as -- is far more compatible than I even thought it was when I looked at it before.

So this is a really neat slide because right here where we -- this is the building that is on the corner of Cedar and Richardson, directly across from the hotel. Okay. The top of that roof line is 36 feet, 4 inches. The top of this is 36, 0 -- 36 feet even. So the top of that is actually taller than the top of this portion of the hotel structure.

Once again, the -- if you look at city hall and the bell tower, you see that the scale and height is very comparable to what is currently there.

So this is the elevation of the residential -- this shows the entire residential component as we come down Richardson. Once again, I think this does a wonderful job of illustrating how we've broken up the massing of the building. We've done it by changing the depth of the buildings, by changing the color, by changing the base. Where the original elevation that you saw read like this one very cold, large, monolithic structure, now it has a very different

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feel than what it had before.

We went back and looked at comments that were made about the size of the columns. We made adjustments to -- I think that if I went point by point from all of the comments made by the Board and many that were made by the general public, I think Goff D'Antonio has done a great job of really rethinking the project in its entirety and responding to the comments made. And I think it's a much better project today than it was a month ago.

So with that, I will kind of open it to questions. And we have various members of the team that are here that are far more qualified than I am to respond. But I wanted to -- I think it's -- you know, it's really remarkable the progress that we've made in a short period of time, and I hope y'all feel that as well.

We are here tonight, by the way, to -- two things: Obviously to get -- we'd like to get conceptual and preliminary approval for the project. We know there's a lot of work to be done on the detail. And the other part -- the other aspect of it is for the board to grant approval for both a one-story and a two-story conference center.

So having said that, I'll be happy to turn it over to y'all for questions. And, once again,

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if it's a real easy question I might try to answer it, but more than likely I'll defer to the experts.

MR. KWIST: I'll take the opportunity to comment first. I agree that you've made giant steps forward and addressed a lot of the issues that were brought up.

One of the issues that I think really cut through everything that was said by both members of the audience and the board the last time -- at the last meeting was that given we're going to have a hotel here, that we want it to be something special that will be a potential landmark in town, be a draw to town, not give us another building.

And one of the issues in that regard was the entrance -- entryway. And I did some thinking about a way to -- that might make -- soften further this and make a potentially elegant entryway. There was also an issue at the last meeting about the need for a swimming pool for a project like this. And I have been to a number of "boutique hotels" and small urban hotels, upscale ones, and it wasn't a necessity that you have a swimming pool in those.

And so my thinking was that the area where the swimming pool currently exists on this plan could, one, be a courtyard of some sort similar to the

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courtyard that's used as restaurant space at the Omni; or -- and the idea I really was drawn to was to make that the potential entrance -- automobile entrance to the hotel by coming in to the hotel courtyard and having a place for people to get out and register and unload the car, et cetera, then sacrificing one or two first-floor hotel rooms and have an exit out into the parking garage through there and, you know, sacrifice another couple of parking places.

And, you know, if there is a feeling that it would be desirable to have a swimming pool -- and I also understand there's going to be an exercise facility in the hotel -- was work out an agreement with the Y to have the Y provide those facilities for your guests and for the people that are in the apartment -- or the condos, and potentially supporting a local organization, the Y, and they provide the services you need. You end up with potentially a more handsome entry facility there, and you are (unintelligible) the liability of running a swimming pool.

ARTHUR APPLEGATE: Well, thank you very much for your comments. The -- I think that the pool area will read more like a courtyard. It's designed to be aesthetically very pleasing. The residents who will occupy the residential units will have an opportunity to

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join the Dorchester Club, if they choose, and pay a small additional fee as part of their regime fee to be able to use the exercise facility, the conference facilities, the business office, and pool area.

The rooms that are on the back side actually have in some cases balconies overlooking the pool area and that sort of thing. So it's -- we can certainly look at what you've suggested, but it would involve an entire redesign to the project. And --

MR. KWIST: It was just a suggestion.

ARTHUR APPLEGATE: Yeah. And it certainly --

MR. KWIST: That's what you're here for and --

ARTHUR APPLEGATE: Yeah. And I certainly will look at it. We can discuss it. But I don't really know how to go beyond that at this point.

MR. KWIST: You heard what we said last time and you went back and did some thinking and came back with some great ideas.

ARTHUR APPLEGATE: Right.

MR. KWIST: This might --

ARTHUR APPLEGATE: And we're happy --

(Unintelligible simultaneous speaking)

ARTHUR APPLEGATE: We'll be happy to

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look at that. It won't change the height, the scale, or the mass of the project --

MR. KWIST: Right.

ARTHUR APPLEGATE: -- but we will certainly study it.

MS. COLTHAN: I had the same idea about cooperation with the Y --

ARTHUR APPLEGATE: Okay.

MS. COLTHAN: -- because I agree that it's just not necessary to have a pool.

ARTHUR APPLEGATE: Right.

MS. COLTHAN: And I do think it could be a problem in that area to have -- and not really very pleasant from the standpoint of the driveway going back and forth around there. I wouldn't particularly want to be out there in my swimming suit, but --

ARTHUR APPLEGATE: Well, one thing you need to understand is that the pool area is raised. The pool area has -- the only access to the pool area is through control gates at the hotel. So --

MS. COLTHAN: Or a fence if you're very agile. But the thing that really I think would be even more beneficial about eliminating the pool is that hopefully that could reduce more of the footprint by giving you floors above the pool.

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ARTHUR APPLEGATE: We'll certainly look at it. I -- we have dealt and worked very closely with our hotel partner and this group called Charlestowne Hotels and they have probably 60 hotels that they manage and operate. So we've relied very heavily on their advice and counsel.

What we want to do is we want to do everything we can to make the hotel successful, and so I rely very heavily on my advice and counsel from people that I feel like (unintelligible).

MS. COLTHAN: Certainly. Certainly.

MALE SPEAKER: (unintelligible) also.

ARTHUR APPLEGATE: Yeah.

MS. COLTHAN: I think the -- another thing that -- well, one thing that's bothered all of us is the business of the traffic flow, so we'll look forward to hearing --

ARTHUR APPLEGATE: Okay.

MS. COLTHAN: -- from Stantec about that.

ARTHUR APPLEGATE: All right.

MS. COLTHAN: And another thing that continues to bother me is I just think that the condo part of the project is too big.

ARTHUR APPLEGATE: All right.

MS. COLTHAN: It's too tall. I don't

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like that fourth floor. Now, that's my personal opinion, but I just --

ARTHUR APPLEGATE: Right.

MS. COLTHAN: -- just think it looks like too much.

ARTHUR APPLEGATE: Yeah. Well, I think that if you are comparing it next to a single-family residence I completely understand, but when you look at it within the context of knowing that it's not any higher, for example, than the bell tower, maybe it makes --

MS. COLTHAN Well, I think the bell tower deserves to be taller.

ARTHUR APPLEGATE: Right. Well, that's a good point and I --

MS. COLTHAN And I -- you know, and the peak of City Hall was --

ARTHUR APPLEGATE: You know --

MS. COLTHAN -- mentioned in (unintelligible). I think -- I don't think that it needs to be as tall --

ARTHUR APPLEGATE: Right.

MS. COLTHAN: -- as they are, and I just think it's too tall.

ARTHUR APPLEGATE: Right. I understand your sentiments there. I will say that the

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-- not to be argumentative, but that the height of this area that was determined was 55 feet, and we're well below that, but --

MS. COLTHAN: (unintelligible).

ARTHUR APPLEGATE: Yeah, I understand. I have to deal with things like economically (unintelligible).

MS. COLTHAN: I know.

ARTHUR APPLEGATE: I already have very few (unintelligible), but I know that's not your concern.

MS. COLTHAN: My husband and I have been in business 50 years (unintelligible) several businesses, and so I appreciate your investment.

ARTHUR APPLEGATE: Thank you.

MALE SPEAKER: Arthur, thank you for removing the halo.

ARTHUR APPLEGATE: Oh, yeah.

MALE SPEAKER: That was a thorn in everyone's side, I think, and that certainly enhanced the appearance of the hotel. And, also, I thank you for creating some interest in the walls being in and out and creating different buildings.

I agree with Cecile that the fourth story of the condos -- you said in your presentation that from the street it will look like three stories. That's just

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not true. That façade goes straight up. And if you want it to look like a three-story building you should set it back about 20 feet so that you can't see it from the opposite side of the street. And whatever hardship that poses on you, just because you can't – or, I mean, just because you can build 50 feet high doesn't mean that you should.

ARTHUR APPLEGATE: Well, we're not.

MALE SPEAKER: I know, but I'm saying that --

ARTHUR APPLEGATE: Right.

MALE SPEAKER: -- that we need to keep in context --

ARTHUR APPLEGATE: Right.

MALE SPEAKER: -- what the neighborhood -- the surrounding neighborhood looks like. And your -- you mentioned the building across the street from the hotel and the height of it being almost similar to the -- but, in reality, what you see is up to the eave height, and that's significantly lower than the ridge height of that roof.

ARTHUR APPLEGATE: Right.

MALE SPEAKER: And so you really should compare what the eave height is compared to across the street, and it's lower. So the -- those are just

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observations of mine. And I really do think that the condominiums are much too massive, overbearing and in your face. And the detailing of it looks more like beachfront condominiums than Summerville.

Back to the hotel --

ARTHUR APPLEGATE: Just one thing, a comment. We've played with lots of different looks for the condominiums -- all brick to what you saw before with the base. And now we have the base brick, and we really were trying to respond to downtown -- I mean, to the historic district of Summerville.

And I will let the architects in some detail talk about the treatment at the top and why we went to sort of that clapboard look and tried to introduce colors that would soften and make the project (unintelligible). I -- you know, those kinds of details, whether it's all brick or you don't like those things, we can deal with, you know, as we get into the details.

MALE SPEAKER: Well, again, the improvements to the hotel are significant.

ARTHUR APPLEGATE: Right.

MALE SPEAKER: The changes to the condominiums, in my opinion, are not (unintelligible). Really, we need to discuss the height and mass and scale of that, and also the -- that eyebrow and -- but I'd like

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to get back to the hotel briefly.
ARTHUR APPLEGATE: Sure.
MALE SPEAKER: I mentioned previously that I think through-wall air conditioning units are inappropriate in an upscale hotel, and they're still here. You've kind of shaded them in so they're barely noticeable, but those are significant size grills. And I think the appearance of it will change -- will change (unintelligible) drastically because there's one in every unit and it just makes it look more like a motel rather than a hotel. So I'd like to get rid of those if there's any way.
And since you have recessed those areas maybe you can put them on the side wall, if you have them at all. Preferably you would include a chiller and fan coil units in those rooms, which is really what an upscale hotel should have.
In the illustration of the hotel there's no interest at all in the window headers, whatsoever. And if you look at the buildings facing Hutchison Square you'll notice that there are different types of (unintelligible) arched windows. And all we have here is square rectangles with some kind of white band at the top. And I don't think that that's good enough for what this hotel should be. So I hope the architect can

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increase some details there.
The traffic, as Cecile said, is a major concern because there's still one way in and one way out coming out on Central Avenue. And I know that it's dear to your heart, but it's even dearer to the people who have to live here and have to travel down that road.
I think part of the developer's responsibility talking about the buildings that are on the site now should be to relocate those buildings. I think we have lost too many buildings in Summerville already that are historic in nature, and we don't need to keep tearing these things down and demolishing them. And, also, there's a significant tree, 13 feet in circumference -- maybe the oldest tree in Summerville -- and I think some effort needs to be made to build around that rather than cutting it down.
Those are my comments.
ARTHUR APPLEGATE: Thank you.
MS. BURTON: Well, first of all, I wanted to say I really appreciate how much work you and the whole team has done to change the design and have listened so well to the comments that were made. I like a lot of the changes that you have done, and I can appreciate the care that you've taken to work with it.
So I'm going to break down my comments

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into each of the three parts and go from there. In the hotel, I really like the development of the cornice, the base, the green color. I like the setbacks within that. I like the use of brick instead of the previous materials. And I will accept that you say that the surface lane is adequate. I'll have to rely on your judgment because I don't have any expertise to debate that.
But like John, I really do agree that while you've looked very closely at the architecture within Summerville, the missing piece is probably still the window (unintelligible). I'm going to need a little more detail with that. So overall I thought the hotel is probably one of the strongest pieces of the whole design. I like how it's set back from the street. I like the -- you know, the -- what you've done along the whole street front. So the hotel I like quite a lot.
The conference center, I like as a one-story building. I like how it's being developed. I like the brick and the patterns within the brick.
I know that you've asked us to consider that we would just approve either one or two, depending on what you need it to, but I honestly don't know how we could approve a two because what you showed us was the previous two-story, and the difference between that architecture and the one you've shown is so great that

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I would imagine you would have to be equally thoughtful in what you did to make it two.
So it's not -- I mean, it's not just saying, oh, well, it's the same. It really is different. And I think that it would -- it would need to be looked at before we could just say unanimously and without reservation that we could approve that.
ARTHUR APPLEGATE: Yeah. Essentially what we would be doing is taking the one-story building that you see and the design of that and the look and feel of that, and it would simply be two levels.
MS. BURTON: Yeah. But what I love so much about it is -- because it looks so lovely as a little one-story building and the proportions could look so different when it's two. So I honestly couldn't just say that a two would be acceptable until I saw that. But I do -- but I do like the little conference center as it is now.
And I think overall those two pieces fit really well -- the hotel within the commercial district and the conference center within the smaller buildings and on the side.
But the part that I remain concerned about is the residential building. So on the plus side I really like how you've broken up the mass, you know,

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both, you know, from the street going back. I like how you've developed a base, a middle, and a top, and you've tried to work within, you know, how it meets.

I strongly disagree with you that your eye would stop at the eyebrow and that, therefore, the building would not look like a three-story -- or a four-story; it would look like a three. But what I do like about the attempt of the eyebrow is that it adds detail and texture, which actually makes it an interesting building. And so I think that that's the right track, but I don't agree with your conclusion about why it works.

But the problem that I have with it is that when you look at it on Cedar Street you have a shorter -- or a narrower piece that is a tower, and then a larger center piece, and then you have sort of a medium length at the end. And so, collectively, that together looks quite broken up, and the scale of that looks like you're heading in the right direction.

When you look at it on the side, which is where it abruptly hits the residential neighborhood -- and that was my second sort of little aside, is that you say yes, this is within the commercial business district and it's a -- you know, a commercial project. And that is totally true. And when you look at the

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analysis within those four blocks, it's totally true that it's very appropriate within those four blocks. However, you are (unintelligible).

And so how it then transitions from that edge into the residential needs to be, I think, considered in a little more detail, which comes back to when you turn the corner you've got a big side -- two big side pieces and then a big middle piece. And so the amount of texture and breakup within your mass is, in fact, less than you have on the street. So from, you know, that sort of idea that you might be transitioning into a residential neighborhood, I think it's not there and it, in fact, feels more like a wall.

So I would -- I think that this needs to really address how do you transition from the commercial business district into that residential neighborhood? Is it possible to recess back the fourth floor so that it does appear to be a shorter building? You know, I'm not quite sure what all the solutions are, but I really think that that remains the challenge of this particular project, is the transition line between this really, you know, bigger building into a residential building.

But overall I just think that you have come an awful long way, and the development and design is really good. And I like how it really does read as

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smaller buildings, and it's much more successful for Summerville than the one that we saw last month.

MALE SPEAKER: Is the parking garage open on the top?

ARTHUR APPLEGATE: The parking garage is open on the top.

MALE SPEAKER: So the -- the top four residences would be opening out onto the parking garage?

ARTHUR APPLEGATE: No. If you look at the site plan, there is a corridor that goes -- interior corridor that --

MALE SPEAKER: It would be at the level of --

ARTHUR APPLEGATE: Yeah. It would be at the level --

MALE SPEAKER: -- of the parking garage?

ARTHUR APPLEGATE: I was going to show -- what the deal is, is -- so this is just a corridor that is interior to the residential units that go around it. So no units open out onto the parking area.

MALE SPEAKER: Yeah. I was --

ARTHUR APPLEGATE: Now, if somebody is on the third floor, they would park here and they'd go through a door and walk into their unit. Or if somebody came on the elevator they would access into that corridor.

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But it's a separate structure.

MALE SPEAKER: Arthur, you could -- just looking at that plan, you could sacrifice a few parking spaces on that top deck and slide those units back -- those fourth floor units, slide them back about 20 feet, couldn't you?

ARTHUR APPLEGATE: There are a lot of issues with that.

MALE SPEAKER: I'm sorry?

ARTHUR APPLEGATE: I say there are many issues with that in terms of how you stack the units.

MALE SPEAKER: But it would accomplish the --

FEMALE SPEAKER: (unintelligible).

MALE SPEAKER: It would accomplish what we're after, and that's to make it look like a three-story rather than a four-story building.

ARTHUR APPLEGATE: We'll certainly study it.

MALE SPEAKER: Yeah. Yeah.

MS. BURTON: I'll just add one more -- a little bit more mud into the water about the pool issue. I don't mind if it's a pool. I know that there are some reasons why you want to do that and you have considered what amenities you need to offer. But I would offer a

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piece of advice that Summerville is very known for its (unintelligible) with sculpture, and that if you wanted (unintelligible) make a very pleasant outdoor space that would really feel like it was a continuation of Summerville.

ARTHUR APPLEGATE: Well, and I'm a big believer in making pools look like an architectural feature and not like a pool. I don't -- personally, I'm not a big fan of swimming pools. At our house we were looking at a pool, but I said the only way it works for me is if it reads not like a pool at all. So I'm very sensitive to that notion.

CHAIRMAN DIXON: A couple minor comments. I think everybody (unintelligible). Were you aware that the YMCA is just across the street, and there's a pool and a weight room?

ARTHUR APPLEGATE: Yeah, I absolutely was. And one of the things that for those people that make the Dorchester their home, the idea was is that if they were existing members of the Y and wanted to walk across the street and use it they would do so, and they would not be a member of the club. The amenities that are in the hotel are really for the hotel.

CHAIRMAN DIXON: Okay.

ARTHUR APPLEGATE: I mean -- and so when

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somebody is coming to Summerville, they don't go to the YMCA. You know, and --

CHAIRMAN DIXON: I just -- I wasn't aware of whether you knew --

ARTHUR APPLEGATE: Yeah. I was aware.

CHAIRMAN DIXON: Everybody was saying Y, but I didn't know whether you thought it was down --

ARTHUR APPLEGATE: Yeah. Yeah.

CHAIRMAN DIXON: -- three or four blocks. Well, one of the things that is unique in Summerville is that our business district and our residential districts seem to meld together. They don't -- they're not here's business and there's residential.

For instance, we were talking about the Y. It used to be the Coca-Cola Bottling Company, and they built the building -- metal building there. And we had them step back part of the front of the building so that the residence that was next door, the people indicated that they like to sit on the front porch and watch the intersection. And we got that -- just to take care of it.

Then we got the same thing in the back side here where the residents that her comment last month was the fact that her bedrooms were on the condominium side and all of a sudden, now, she's going to have people

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looking down from 40 foot up into her bedrooms. That would -- you know, if we can pull the top back a little bit, maybe that would help.

I -- as a civil engineer, I am concerned very much -- and I'm really waiting to hear what your traffic engineer says -- about the access in here. I know if I bought one of those units and for one or two days straight I couldn't get out because there were delivery trucks in there, there would be a for sale sign out in front of that unit.

ARTHUR APPLEGATE: Right. And I can assure you we would not do anything to compromise the --

CHAIRMAN DIXON: No. But I'm just saying --

ARTHUR APPLEGATE: -- (unintelligible) project.

CHAIRMAN DIXON: -- it -- with all the traffic coming in, in that one location --

ARTHUR APPLEGATE: Right.

CHAIRMAN DIXON: -- everything -- and as I mentioned -- I think I mentioned last month, it's all fine and good if we have a sit-down conference where somebody is presenting all day long. But what happens if we have a job fair and we have trucks coming in and out all day long, bringing groups in to set up and also

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were coming in and out all day long? A single means of egress and ingress is going to be a bit of a problem, I'm afraid.

ARTHUR APPLEGATE: Well, we -- I'll let -- once again, I'll let the engineers deal with that. We'll look at the dimensions from the front of the garage over to the conference center. This area is a lot larger than it certainly appears on the screen.

The only way to address having two means of ingress and egress is to have the conference center in two (unintelligible). That's the only way you do it.

MALE SPEAKER: I just want to make one final comment. The -- these are the guidelines for the Board of Architectural Review, and I don't know if you've seen them. But our charge, so that you don't feel like we're beating up on you --

ARTHUR APPLEGATE: No.

MALE SPEAKER: -- is that the BAR serves to ensure that the building conforms to the character of its neighborhood. And I think you have made significant progress with the hotel but not with the residential. And so I think there's work to be done there. And if you asked me to vote tonight, I would not approve that residential design as it stands now.

ARTHUR APPLEGATE: Okay.

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MALE SPEAKER: I hate to sound like I'm beating a drum here, but it's not at all unusual in upscale, small hotels for them to offer their guests membership for the time they're there at a nearby health club, so --

CHAIRMAN DIXON: Questions? We do have people that have signed up to -- would you rather have the rest of your presentation first, and then -- you said you had your traffic man?

ARTHUR APPLEGATE: I'm happy to -- I would think it would be better to address that question since it's part of the presentation and then let people respond to that.

Are there any additional questions or comments?

CHAIRMAN DIXON: No. I just --

MS. COLTHRAN: I have one, before you sit down. I don't think I said but I very much appreciate what you are doing, and am very much in favor of this hotel. We have needed it for a long time. We've had many situations in my family where we wanted somebody to be able to stay close-by.

ARTHUR APPLEGATE: And we think that they'll -- we'll get tremendous use for wedding receptions and events like that using the -- being able

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to accompany people at the hotel when you're having a wedding at one of the nearby churches and having the conference center where we can do a 300-person seated dinner, all those kinds of things. I think it's a game changer, but I know we're not commenting on that.

CHAIRMAN DIXON: Do you want to go ahead and have the rest of your presentation?

ARTHUR APPLEGATE: Yeah. I was going to say, if there's no additional questions --

CHAIRMAN DIXON: I think you better wait for the questions from the -- or the comments from the audience until after you've completed all your presentation, because somebody is going to sit there and say, oh, I wish I had known about that.

ARTHUR APPLEGATE: Yeah. Okay. Well, we'll finish the presentation. Rick, I'll let you take over (unintelligible). And, also, if you have any specific architectural questions we can address those as well.

RICK REIF: Good evening. My name is Rick Reif (ph). I'm a registered professional engineer with Stantec Consulting, with a focus and concentration in traffic studies.

We were hired to look at the traffic for the Dorchester and wanted to present the results to you

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here tonight.

We performed a traffic study looking at the traffic impacts of the hotel, the residential units, the (unintelligible), and the conference center in accordance with SCDOT standards as well as the town guidelines for traffic studies, and considered the one main project driveway exit point on South Cedar Street.

Based upon the results of our traffic study, the location of that project driveway meets all the applicable SCDOT standards for spacing along South Cedar Street. Furthermore, the results of the analysis show that all the study intersections, including the project driveway along South Cedar Street, will operate at an acceptable level of service conditions with considerations of the Dorchester mixed-use development.

We performed a conservative analysis. We assumed that all the traffic would use the project driveway and go back into the parking garage. But in reality there's ample off-street parking and loading zones along West Richardson Avenue, South Cedar Street, and West Second Street as well that will serve the site.

I think you had a question on loading zones. And we're specifically improving the access on West Second Street so that loading for conferences can take place on the street and not within the

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(unintelligible) in the middle of the conference center.

I believe there were also concerns about circulation through the project driveway and the ingress to the parking garage. We've also looked at that, as Arthur has stated. We have designed it so it will work for the residents and the hotel guests.

I believe there was an issue on garbage truck access, and we're confident that we've designed it to where the dumpsters have (unintelligible) access for garbage trucks to pull in, make their pickup, and then (unintelligible) turn around and leave the site once they're done.

We've contacted Republic Service -- or Republic Services, the waste management company, who will serve the Dorchester. Showed them the site plan. They have no issues with what we're showing in terms of access to the dumpsters.

With that, I'd welcome any more questions that you may have regarding the traffic.

FEMALE SPEAKER: Can you show me where the dumpsters are?

RICK REIF: They're right --

CHAIRMAN DIXON: Oh, well.

RICK REIF: (unintelligible).

ARTHUR APPLEGATE: (unintelligible).

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MS. COLTHRAN: Something we didn't address tonight but we did last month was the possibility of the entry to the hotel not being on that very busy corner. Your study says that it's all right to have people stopped there on that corner to load and unload and so forth?

RICK REIF: Yes, ma'am. Today there's on-street parking on Richardson as well, some Cedar Street. So right --

MS. COLTHRAN: But not right at the corner.

RICK REIF: Correct. There's the new curb extensions right along here. There will be the loading zone and on-street parking will begin beyond that -- beyond the movement of the main flow of traffic.

MS. COLTHRAN: But they walk into that corner to register. Isn't that where registration is to be?

ARTHUR APPLEGATE: Yeah. They would park on the side and then they would walk into this corner. (unintelligible).

MS. COLTHRAN: And you're going to have some nice fellows with big umbrellas?

ARTHUR APPLEGATE: We're going to have -- yeah. We're going to have an awning over the

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(unintelligible).

MALE SPEAKER: Well, my office is on the corner of Pine Street and Central. The address is 300 Central. From three o'clock on I -- I have two driveways, one going onto Pine Street and the other one coming on Central. From three o'clock on I just go to Pine Street and go around the clock to go home. I cannot get out on Central. Have you actually done a traffic count along Central at the busy times of the day?

RICK REIF: Yes, sir. And based upon the SCDOT guidelines, we took peak hour counts at Richardson and South Cedar Street, at least at the traffic signal, from 7:00 a.m. to 9:00 a.m. in the morning and from 4:00 p.m. to 6:00 p.m. in the afternoon. And we took traffic counts at South Cedar Street and West Second Street as well on the other side of the block during those same time periods. And that's what the traffic analysis is based upon.

MALE SPEAKER: And so coming out of the driveway right there in the afternoon, could you make a left turn coming out --

RICK REIF: Yes, sir.

MALE SPEAKER: -- at those times of day?

RICK REIF: Yes, sir. The results --

MALE SPEAKER: Come on.

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RICK REIF: The results of the analysis show that the driveway will work acceptably, and you've got gaps being generated by the signal at Richardson and South Cedar as well as the signal on the other side of Laurel and South Cedar.

MS. COLTHRAN: The people in my family -- my personal -- my immediate family will not cross there on foot in any direction at that corner because there's traffic coming from everywhere all the time.

CHAIRMAN DIXON: Also, those of us that know that intersection, if we're going straight across Richardson, we -- it is two lanes wide, but you get in the right-hand lane because the left-hand lane is going to be there for two or three light changes.

MALE SPEAKER: There's no (unintelligible).

CHAIRMAN DIXON: Oh.

MALE SPEAKER: Yeah. I would think that the only way to egress would be right turn only and go around the block. But what I would say about whether you can make a left turn or not out of there at busy times, there may be stopping in traffic, but if the traffic going out of town on Central Avenue is stopped at Richardson, and the traffic going towards the railroad track on Central is also stopped, there's probably not a place to

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turn into the stopped traffic there.

So it -- I don't want to openly question how you did the study, but I think all of us from Summerville would say it would be very dicey getting out of there and turning left into traffic many times of the day, and probably the appropriate thing would e to go around the block.

MALE SPEAKER: You're just not talking about one or two folks trying to get out of there. I mean, you've got, what, 36 residents or 64 hotel guests, and possibly 300 people at the conference center, plus your service trucks and delivery trucks. It's just -- it doesn't add up. It just does not.

RICK REIF: Well, and they're not there at the same times.

MALE SPEAKER: Well, the hotel guests hopefully are because you want to be booked 100 percent. The residences, they want to sell all 100 of them and -- I mean all 34 of them. And I assume in order to pay for that conference center they're going to have a number of conferences that will seat two or three hundred people.

So it's going to happen quite often, and it's going to be a real hardship on the people in that part of the community. It really is just not realistic to think that it will not be. So we need to see something

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in writing.
RICK REIF: I understand (unintelligible). We're more than happy to provide the traffic study for your review.
MALE SPEAKER: I also want you to come try pulling out of my parking lot at three o'clock in the afternoon. So anyway, that's -- you know, the proof is in the pudding, not on paper, so --
CHAIRMAN DIXON: Okay. (unintelligible) dropping people off and all there, I've had occasion to carry people to various places in Charleston -- to hotels -- and -- for instance, like the Hampton down there by the market. It's a zoo. If there's any -- if there were any traffic on that side street besides the people trying to get in to the Hampton Inn, it would be impossible. And it's almost impossible now because everybody is coming up, turning around, coming back and parking two and three deep in the road. I can see people on Cedar parking two and three deep, which just completely would shut the traffic down.
RICK REIF: I don't think this is the case. I don't think this is similar to market and Hampton -- Hampton Inn in downtown Charleston. You know, it's a boutique hotel. It's a smaller hotel. And we don't

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envision folks, you know, two, three deep stacking up on Cedar. There's more than ample on-street parking, loading zones on Richardson, as well as South Cedar Street that can accommodate the traffic.
ARTHUR APPLEGATE: (unintelligible), but we plan that there will be valet parking for both the restaurant and the hotel, so that will help alleviate traffic. I mean, the reality is, if Cedar -- if you can't take the left turn on Cedar, the person in the drive-off is going to take a right turn (unintelligible). I mean, that's just the reality of any particular moment. But you do have lit intersections that, you know, at least regulate traffic to some extent.
MALE SPEAKER: Yeah, but the person coming --
ARTHUR APPLEGATE: There's no place during traffic -- during rush hour in the Tri-County area that you don't deal with issues. When you're trying to get onto Main Street or someplace, that's just reality.
MALE SPEAKER: You're right. What they're saying, Arthur, is that it's already congested, and now we want to add more. And so --
ARTHUR APPLEGATE: Well, and you can't -- you cannot build a hotel and build the conference center without adding congestion. It's just not

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possible.
MALE SPEAKER: Well, that's our point.
(Applause)
MS. BURTON: Could you clarify -- because you said all of this is within the acceptable limits defined by SCDOT?
RICK REIF: Yes, ma'am.
MS. BURTON: So maybe you could tell us, does it mean that it's okay that you sit at a light for three times before you go through? Like, is that deemed -- I mean, is that an acceptable thing that's said to be okay? Like, what can we expect? Like, how heavy will it be, and how long will you sit at a light, and how does that work in reality, not just, it's within the guidelines?
RICK REIF: Right. Intersection level of service was the term I used before. It's the -- it's a measure of the condition of an intersection, how it operates. It's graded on level from Level A -- that's (unintelligible), you know, no one there --
FEMALE SPEAKER: Yeah.
RICK REIF: -- all the way to Level Service F, which is bumper to bumper and you have to wait, you know, three, four cycles to get through the light. From our analysis, we show that the intersection of

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Richardson and South Cedar Street is operating at Level Service B as in boy, with and without -- it's operating at B today, and will operate at B with consideration of the Dorchester.
The intersection down at Cedar and West Second Street is operating at C as in cat. And then our project driveway intersection is operating Level Service D as in dog, which is an acceptable level of service per DOT standards. If we get to a level of Service D and F, that's when we start having the congestion issues and we have to look at improvements to (unintelligible) level of service.
MS. BURTON: Okay.
CHAIRMAN DIXON: Any other questions?
MS. COLTHRAN: I have a lot of issues with South Carolina DOT, personally. So -- but we appreciate you spelling that all out. I don't like a D, though. That doesn't sound good.
RICK REIF: Okay. And that's a simple standard that DOT (unintelligible) --
MS. COLTHRAN: Well, I'm not surprised.
MS. BURTON: (unintelligible) comparison then if you were on Main Street, like in front of Azalea Square, in the afternoon, like, what would that be like? Just --

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RICK REIF: That's an F.
MS. BURTON: That's an F?
RICK REIF: Yes.
MS. BURTON: Okay.
RICK REIF: I travel that every day and that's –
MS. BURTON: Okay.
RICK REIF: I think this is comparable to, you know, Short Central on Richardson. They're very similar. There's a lot more intense uses on Short Central because there's our retail and restaurants through there, and access to the garage. I think this is very comparable to that.
MS. COLTHRAN: Oh, you're talking about the little – I was going to say Short Central is not there anymore, but you're talking from Richardson going into the (unintelligible)?
RICK REIF: Correct.
MS. COLTHRAN: Which brings up another question.
CHAIRMAN DIXON: Anyone?
MS. COLTHRAN: Has anybody considered -- and this is (unintelligible) questions. It's for Mr. Applegate. Did you consider at any time about maybe having the garage be smaller? I want to see the footprint

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reduced if we can.
ARTHUR APPLEGATE: Yes. The garage is --
MS. COLTHRAN: And use the municipal garage with valet service. I've stayed in hotels where that's what they did. The garage was two blocks away.
ARTHUR APPLEGATE: Well, the parking is absolutely essential to the project. It's not a large garage. And to build it without parking would make no sense.
MALE SPEAKER: But to her point, if you're going to have valet parking for hotel guests, why couldn't they use the town parking garage and reduce the size of the parking garage here?
ARTHUR APPLEGATE: The reality is that when there are events that are at the conference center, both garages will be used. There's insufficient -- one of the big things to serve the retail portions of the overall area downtown, it's absolutely essential to the project that you have parking associated.
MS. COLTHRAN: Well, on the driveway, it sounds like Summerville is going to have to spend another million dollars and lift that conference center so we can have a garage out through there.
ARTHUR APPLEGATE: That is -- you know,

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that's up to the town. I can't –
(Unintelligible simultaneous speaking)
MS. COLTHRAN: Well, I think even -- well –
MS. BURTON: What would be the impact on parking if there was that other access and it went under the conference –
RICK REIF: Parking? I don't think it will necessarily -- I think that we could locate some of the parking underneath the conference center, but it wouldn't be significant at all.
MS. BURTON: But would it change the D -- the driveway to -- like, would it change things?
RICK REIF: I think it would improve a little bit with the (unintelligible) having two points of ingress and egress. I don't have that information on how much it will improve.
ARTHUR APPLEGATE: And I'm happy to -- you know, from that standpoint, if the Board decides and the City of Summerville decides that they want to have the project done that way, we would be more than happy to do it, try to make it as attractive as we can. It still would be only basically two stories and the hotel is three stories, so it's -- from a scale standpoint, it wouldn't (unintelligible).

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MALE SPEAKER: You do have to elevate it enough to be able to get access to vehicles under there. You know, if you're going to count on that being active for service people, things like that, you know, you're putting that building up at a highway overpass level. That's basically what you're doing. You know, you're putting it up. It's considerably (unintelligible) that just like a residential parking garage in terms of being able to access it.
ARTHUR APPLEGATE: But it still would be below the height of the hotel.
MALE SPEAKER: That's right.
CHAIRMAN DIXON: Have you -- has anybody looked at the person who owns the Loan (ph) house down Richardson that has been concerned about looking at the tall side of the residential portion? Has any thought been given to seeing whether that person is interested in parting with that property and then using a drive out through there?
ARTHUR APPLEGATE: No.
MALE SPEAKER: Or shorten the project (unintelligible)?
MALE SPEAKER: No. No thought has been given –
MALE SPEAKER: No. We have not looked

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into or approached the owner about selling.
MALE SPEAKER: Is that something that if the owner were interested in doing you would consider?
ARTHUR APPLEGATE: Yeah. We can consider it for additional -- I don't see how by having the corner -- I don't see how it fits within the context of being able to create more circulation.
MALE SPEAKER: Right.
ARTHUR APPLEGATE: I think the way that you create more circulation --
MALE SPEAKER: You can have circulation go out -- there's the top of the picture there -- and you could additionally have the building on the top of the picture there, step down a little bit. And, you know, if the -- if one of the issues appears to be this abrupt change, we're certainly happy to (unintelligible).
MALE SPEAKER: Well, it's just a thought.
CHAIRMAN DIXON: Yeah. I think now it's time to go ahead and let the folks that have been sitting here patiently listening to us go ahead and -- thank you very much. I appreciate your presentation.
ARTHUR APPLEGATE: Did the architect have anything to add before we hear any questions or comments?

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MR. D'ANTONIO: If you have any questions, I'll be happy to answer them.
ARTHUR APPLEGATE: But you don't have any additional information than what's already --
(Unintelligible simultaneous speaking)
CHAIRMAN DIXON: All right. Let's go ahead and get started. Christine Czarnik.
CHRISTINE CZNARIK: Do you want me up front or --
CHAIRMAN DIXON: Yes.
MS. DREYER: If you would.
CHAIRMAN DIXON: If you would come up so we can hear you.
CHRISTINE CZNARIK: I'm Christine Czarnik. I live at 46 South Gum Street. And I have a few items that I think are still of a big concern, now, even with this second go-round.
The first is with deliveries. They said that a garbage truck can get down that driveway and turn around, come back out, and I imagine it could. But your food service and your retail deliveries are going to come on 53-foot trucks. You don't have a choice. That's just how they come. The driver is not going to pull down that driveway knowing that he has to back out blindly onto Cedar Street. So what they're going to do is park on

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Cedar or on Richardson or on West Second to make those deliveries. They don't have a choice.
Another issue is the parking. Mr. Applegate said that's not a large garage, and he's right. When you consider 34 to 36 condos, an average household has two cars, 66 hotel rooms, employees from the hotel, patrons to the restaurant, employees to the restaurant, retail employees, retail patrons, the garage is already full. Now, you're going to have an event at the conference center. This is 300 people seated, 400 standing. All that parking is going to be forced into the neighborhood. It's going to be like Flower Town Festival weekend every single day.
(Applause)
CHRISTINE CZNARIK: Also, I don't know who made the comment, but with this rendering the condos still look very modern, very blocky, very inappropriate to the town.
My last comments would be to thank you as a board. You talked about your charter being to preserve the character of the historic district, and I do think you're doing a good job of keeping that in mind and I do appreciate it.
CHAIRMAN DIXON: Thank you. Nathan Rice.

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NATHAN RICE: My name is Nathan Rice. I'm the pastor at St. Luke's Lutheran Church. And I obviously don't have much expertise in architectural review or planning or traffic studies or anything like that, but hearing all the comments here today does leave me with some concern for parking for our church, especially on Sunday mornings, especially if there is something going on at the convention center on a Sunday morning and there's loading and unloading while folks are trying to get into church.
It also looks like on this rendering that there are -- the parking spaces that are on West Second are still there. My question would be, are those parking spaces going to stay or is that street going to turn into a two-way street and those parking spaces will all be gone? Do we have an answer to that?
ARTHUR APPLEGATE: No, I don't.
CHAIRMAN DIXON: That's not something that the Board can address. You'd have to go to Town Council about that.
NATHAN RICE: Oh.
CHAIRMAN DIXON: Sorry.
NATHAN RICE: Thanks. Those are my concerns.
CHAIRMAN DIXON: William Hardison (ph).

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WILLIAM HARDISON: Thank you. I do think that you gentlemen, ladies have a handle on this thing. I really do, because I really (unintelligible) y'all hit the needle on the head. I like the bell tower. I like it as it is. I don't think we should be (unintelligible). And you are absolutely right. There's no way to get out at three o'clock. Traffic backed up from (unintelligible) to the Presbyterian Church every day beyond the Presbyterian Church.

The gentleman last time said that they're going to have valet parking when the parking garage fills up. Now, we have a way (unintelligible). We have people coming -- you're coming (unintelligible). Are you going to park -- try to park in the garage now or -- I measured it. I measured the distance from there to my house on West Second Town Street and Laurel. They'll be parking all on there. I'll guarantee you. And I hope they'll park in (unintelligible) yard, because they ain't going to be parking in mine. I pull people (unintelligible) up front on West Richardson. They fall down (unintelligible) fall down. (unintelligible) once a year. I don't mind helping these people, but I don't want every day.

When I came to Summerville years ago, this was a nice place. I've got a pond out in my yard.

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I sit out -- I've got -- when I came here people let me build a little room on for a washer/dryer, and I put a little deck out (unintelligible), you know, it would be nice to have a little deck on it. And I came back (unintelligible).

And now you're putting (unintelligible) hotel and there's no regard for the traffic, where people are going to be parking. And I'll guarantee you they're going to be parking in my yard. And if that happens, I'm going to probably come back to the town (unintelligible). I own 403 West Second Town Street and 404 (unintelligible) happening right now. And I pay $7,000 worth of taxes a year, and I need some consideration. Thank you.

CHAIRMAN DIXON: Dave Comer.

DAVE COMER: My name is David Comer. I live at 708 West Richardson Avenue. Just a couple of quick points.

I think in our last meeting some good points were made. I think the architects did take those into consideration and make some strides that we're looking for. I think we're giving them good comments tonight as well that I hope they'll consider.

I just want to reiterate the transition from the condos to the residential. It's just too abrupt. I think that's one of the main issues. I like

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the idea of somehow pushing back that fourth floor. I think that there's a way to do that and accomplish what we're addressing with that concern.

I agree that the windows deserve a little more decorative treatment somehow on the hotel side, whether that's through lintels or brick (unintelligible) or whatever. I think this hotel deserves that.

But I think one of the things that's been brought up about these through-wall units needs to be really thought about. And I don't know that it's been addressed, and that's going to be the noise from those. If you think about these kind of units, think about those things running at different times. How many are we talking about?

MALE SPEAKER: 64. 64.

DAVE COMER: Well, yeah, that --

MALE SPEAKER: Hotel rooms.

DAVE COMER: Right, right. Hotel rooms. So that's a lot of on and off. I just -- I think that's something that we're not factoring in as well that could be changed and addressed.

CHAIRMAN DIXON: Joyce Delk.

JOYCE DELK: I'm Joyce Delk, 208 Essex. I have gotten interested in this whole project because of various reasons. It isn't just one. I guess y'all

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were thinking there is reasons to be talking about it (unintelligible). I only bring up the reasons that tie into what y'all are talking about tonight.

And I've lived in Summerville since 1954, so I'm an old-timer here. As a matter of fact, just for your knowledge, my parents are the people that bought the old (unintelligible) house in 1954. So I'm (unintelligible) child. And I had the pleasure of enjoying that home so much, but I don't live there now.

But I do love this town so much, and all the aspects about what this means (unintelligible) has struck me, plus another reason we're talking about now is the traffic because I've noticed the traffic problems are already there. (unintelligible). And I've seen that all of my thoughts are pretty much your thoughts. And I appreciate the perspectives that you all have brought forward.

I really, really do have a problem with so much on that little bit of property. Even if we had it scaled down, the traffic would still be too much. But I would like to see something scaled down so that the traffic wouldn't be as bad. It is going to be (unintelligible) spot. I don't think it's an ideal spot.

So if we're going to have to deal with this spot, (unintelligible) changing the whole

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appearance (unintelligible). I agree that the appearance needs to be improved, but it still has a long way to go, in my opinion, too. I'm with you on the condos. They strike me horribly. I would be sick every time I drove by them. I don't intend to live in one, but I would be sick to drive by them.

To be honest with you, I got sick the first time I saw this building (unintelligible). But that's just me. And I never want to a person that stands in the way of progress. I think that we have to find a solution -- maybe less condos so we can have some more driving space, more access maybe -- maybe from Richardson into the area where you see the condos are connected to the hotel, right there off Richardson Avenue; maybe have a little cut-through somehow to get into the parking garage.

I don't see (unintelligible) myself. I just think we need a lot of big-time differences, and y'all have addressed some of them specifically. But I'm seeing some of the things I would make differently, so I'm just up here to speak my mind a little bit, and I hope that you appreciate that. Is there anything else?

CHAIRMAN DIXON: You're out of time.

JOYCE DELK: My time is up?

CHAIRMAN DIXON: Yes. Thank you.

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JOYCE DELK: Thank you for listening.

CHAIRMAN DIXON: Peter Gorman.

PETER GORMAN: Good evening, members. My name is Peter Gorman. I live on the corner of South Magnolia and Third. There was mention of a traffic study. I'm dying of curiosity to read it. It sounds like you haven't seen it either. I'd like to suggest that before you vote tonight that that be released to the public and put on the town website so we can all read it.

Traffic is obviously the hot button here. It's a major concern. I'd like to restrict my remarks to primarily the traffic impact of the project.

The contract calls for some 30 on-street parking spots as part of the hotel parking. And my question is, are we sacrificing current -- existing parking on West Richardson or on Cedar to proprietary hotel parking? I haven't heard an answer to that question this evening.

Secondly, the elevation shows (unintelligible) corner of the intersection. That looks awfully narrow to me, that one lane passing in front of the hotel. It looks narrower than what's there now. I'm just wondering if there's any encroachment by the hotel into Cedar Street.

I think you should note that this project

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is book ended at both ends by a children's playground along Cedar, with YMCA and the church. And I think that that deserves special consideration. You're going to have children trying to cross these streets with this additional traffic.

The -- someone suggested -- one of the members -- that the garage be undergrounded, or at least put on the ground level and the conference center on the second level. I think that's an excellent idea to reduce the impact or footprint of this project.

People have commented on the condos. They look like stacked boxes. They don't belong in Summerville. They have absolutely no relationship to the architectural history of Summerville. They need to be completely redesigned.

(Applause)

PETER GORMAN: In sum, the footprint and the height are the same as we saw before in the previous meeting. We've had cosmetic changes. Yes, they are improvement, but the impact is the same. It's too massive for this location, and we suggest that it be moved to another location.

(Applause)

CHAIRMAN DIXON: Heyward.

HEYWARD HUTSON: Is the demolition of

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the 210 West Richardson still on the -- under consideration or --

MS. DREYER: That's part of the project.

HEYWARD HUTSON: It hasn't been addressed.

MS. DREYER: It's one of the addresses that's under part of this project.

HEYWARD HUTSON: All right. I'm Heyward Hutson, and I live at 215 Golf Road in Summerville. And I've been president of the preservation society here for 26 years. I grew up in the neighborhood that's being impacted by this proposed boutique hotel.

I agree with several of you who have made the point that four stories of the condos is oversized and it is completely incompatible with the other houses and architecture in that area. The houses in that area date from before the Civil War, 1860 and earlier, and basically this -- the condos really look like something that I saw in Moscow -- those apartment buildings in Moscow. They're drab and have no appeal at all.

I'm worried about that end of the -- of it, because it appears because of the request for demolition of the house that they intend to -- Mr. Applegate, that you intend to fill right up to the

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property line. And that is unacceptable for several reasons. It would require -- if you approve the demolition, it would mean taking out a house that contributes to the historic district.

And I checked out the survey earlier today in Lucy's office, and that house is -- contributes significantly to the historic district. It definitely should not be demolished. And it was as -- as late as 2012, two years ago, it was in use by Summerville Police Department as a place for victims' use. So you can take down -- you can eliminate the mildew and the mold with a good job of washing down that house.

And it's a disgrace that the town has allowed that to happen and be in this position. So in no case should that house be demolished. If anything, it should be -- you should be required to move it elsewhere in the historic district so that it continues to contribute to the historic district.

The other point I want to make is perhaps going to make you a little bit unhappy, but I'm going to point out that -- I want to ask the question: How many of you in this room have read the agreement? How many?

Well, I know there are two over here, and I assume that Mr. Applegate has read it because --

(Unintelligible simultaneous speaking)

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CHAIRMAN DIXON: Heyward, that's not part of our purview. Please stop on that right now.

HEYWARD HUTSON: Yes. I want to read the paragraph --

CHAIRMAN DIXON: No.

HEYWARD HUTSON: -- that applies to this board.

MS. DREYER: The agreement is not between us.

HEYWARD HUTSON: No?

MS. DREYER: No.

HEYWARD HUTSON: Let me read the paragraph that applies to this meeting tonight, because --

CHAIRMAN DIXON: Your three minutes are up, also, sir.

HEYWARD HUTSON: Well --

MALE SPEAKER: Let him read it.

CHAIRMAN DIXON: Go ahead and read it.

HEYWARD HUTSON: This applies to the project design and construction, site and architectural design. "The project site and architectural design will be based on the conceptual provided in Exhibit F, and as agreed upon by the parties. Prior to submission for review and approval to any required public agency for

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permitting or certificate of appropriateness, developer will submit a final design for both the private and public improvements to the RDC for review and approval."

Now, I want to know if you have received some type of notification that -- from the RDC, from the redevelopment corporation, that they had in fact reviewed and approved the plans that you are considering.

CHAIRMAN DIXON: We're looking at concept right now, Heyward. We're not even looking at final plans. So they would not have them developed to submit to the RDC yet.

HEYWARD HUTSON: Well, they're submitting something that if you approve it will be the final plan.

MALE SPEAKER: No, sir.

CHAIRMAN DIXON: No, not necessarily. It will have to come back before us to approve the concept. They still have to come back before us with their final plans for our review again.

HEYWARD HUTSON: Okay. Well, one of the things that you need to consider is that tree over there, because it has a lot of potential as far as being a tourist attraction. And that -- cutting down the tree needs to go before the tree committee so that you can determine how much of an imprint this project is going

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to have on that lawn.

CHAIRMAN DIXON: You're absolutely right. It does have to go before the tree committee.

HEYWARD HUTSON: So anyway, I rest my case.

CHAIRMAN DIXON: Mr. Applegate, do you have anything further you wanted to say?

ARTHUR APPLEGATE: No, sir.

CHAIRMAN DIXON: All right.

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: I think enough points have been raised tonight that I must ask you to go back and look at them again. And we are available -- if you have a -- if you come up with something before the next regular meeting, we can call a special meeting to do it. We have done that before. It's often with commercial buildings.

In fact, it was -- with the Town Hall, the addition, it took several meetings before we finally came up with an approval that was -- and I mean sincerely that we're not here to decide whether we put a hotel or the condominiums there. They're both -- they fit the zoning of that area, which has been the zoning for quite a long time. And so it's just a matter that we want to make certain we have something that we'll be proud of

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(unintelligible). That's all with this particular project for now.

One of the points -- let me just explain something. If the Board votes out and out to disapprove a project, I don't have the ordinance here to tell you the time, but it's something like six months before the applicant can come back again.

So the Board's policy has been if there are disagreements or some ideas that we feel that the applicant needs to look at, that we will defer ruling on it and let them take a look at it. If they come back and say, "No. That's what we want," then we'll vote.

But at this point we feel that we're still in the -- you might say the negotiating stage. And so with that, we've got another project we've got to look at. If y'all wish to leave, you're more than welcome.

Yes, sir?

MALE SPEAKER: You just said that they potentially could request a special meeting before the next regularly scheduled one. Would that mean that the public will be advised of that?

CHAIRMAN DIXON: Of course.

MS. DREYER: It will be posted on our website. We have to put 24-hour notice on it.

MALE SPEAKER: 24-hour notice?

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MS. DREYER: Uh-huh.

CHAIRMAN DIXON: And --

FEMALE SPEAKER: Or you can call me any time to find out.

CHAIRMAN DIXON: I mean, we have gotten -- there was one occasion where we sat down with the applicant's attorney. It got to that point. But we just sat around a table, and it worked out. And I think we're all proud of what we got.

Yes, sir?

ADRIAN KWIST: I failed to sign up to speak. Can I say a couple -- ask a couple of comments? You've got a few minutes here.

CHAIRMAN DIXON: If you'd be real quick.

ADRIAN KWIST: I will be real quick. (unintelligible).

My name is Adrian Kwist and I've been a resident of Summerville for about 50 years. Talking about the height of the building, the hotel, nothing was said about the rooftop bar. Do we really have to have a rooftop bar on top of the hotel, which would -- I know it sets back from the front of the building, but (unintelligible) height of the building I don't know about how many feet. But a rooftop bar will create more noise at night and it could be annoying to some of the

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people that live in the surrounding area or in it.

FEMALE SPEAKER: And you've got a half a dozen churches.

ADRIAN KWIST: The other comment I have to you, I'm asking if you as a group will come to the Town Council meeting and emphasize on the traffic problems that we'll have, because in my opinion this hotel is too large a hotel for this area that you're going to put it on.

CHAIRMAN DIXON: Let me answer that one for you real quick.

ADRIAN KWIST: We are appointed by the Town Council and we will not go to Town Council as a board to speak on it. Any of the members -- our members live in the town of Summerville and can go speak as an individual, and of course you may.

ADRIAN KWIST: Okay.

CHAIRMAN DIXON: And I know that -- excuse me -- that the mayor -- I'm sorry. I'm doing a lot of church work these days. But the mayor has called a meeting and -- it's still on, isn't it? --

MS. DREYER: Uh-huh.

CHAIRMAN DIXON: -- before the regular Town Council meeting to discuss this project. And I -- anybody that has a -- he'll probably hate me for saying

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it, but go. I mean, fill this room up and ask your questions. I mean --

ADRIAN KWIST: Okay.

CHAIRMAN DIXON: -- it's our town.

ADRIAN KWIST: Sure.

MALE SPEAKER: But do you go to the Town Council meeting and put your two cents' worth in as a citizen?

CHAIRMAN DIXON: I will not. I will not. No.

MALE SPEAKER: Why? Why don't you? You live three doors down from there. I don't know why -- you should.

CHAIRMAN DIXON: No. I'm -- the main reason I won't is because I'm going to be laid up because I'm going to have knee surgery tomorrow.

MALE SPEAKER: I know what that's like.

CHAIRMAN DIXON: Okay. Excuse me. I didn't mean to bring that up, but -- all right.

ADRIAN KWIST: But in a nutshell, the traffic issue is a major safety concern, and (unintelligible). But I do appreciate y'all being involved. I think you brought up some good points today. Again, this hotel is too large a hotel to be built on this property. That's all I have to say tonight.

(Applause)

CHAIRMAN DIXON: All right. Thank you, Mr. Kwist.

MALE SPEAKER: Mr. Dixon, you may feel that you -- it's inappropriate for you to go a Town Council meeting, but I would like to invite everybody here, including the Board, to our community public meeting on Thursday evening at County Council chambers at 500 North Cedar Street. And you will have an opportunity to raise whatever questions or make whatever comments that you care to make there. So --

CHAIRMAN DIXON: Okay. All right. Thank you.

MALE SPEAKER: (unintelligible) --

CHAIRMAN DIXON: Y'all ready to leave, unless you want to hear us talk about a screened porch.

(WHEREIN, the meeting concerning the hotel was concluded.)

CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Sherri L. Jolley

BOARD OF ARCHITECTURAL REVIEW MINUTES

MONDAY, JANUARY 5, 2015

TOWN HALL ANNEX -- COUNCIL CHAMBERS

IN RE: 208 S. CEDAR STREET, 200, 206, 201 W. RICHARDSON AVENUE

MIXED USE DEVELOPMENT - DORCHESTER HOTEL

MEMBERS PRESENT:	STAFF PRESENT:
Phil Dixon, Chairman	Madelyn Robinson, Planning Dept.
Jeff Bowers	Rich Palmer, Building Dept.
Rachel Burton	Lucy Dreyer, Board Secretary
Cecile Colthran	
Beth Huggins	
John Kwist	
David Price	

COPY

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

Sherri L. Jolley

Midwest Litigation Services

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

T R A N S C R I P T I O N

CHAIRMAN DIXON: -- the Board, and while conceptual approval may be contingent upon some demolition, it doesn't mean that demolition concerns are overlooked.

Although we are not required to solicit comments from anyone other than the applicant and the board members, we usually choose to allow others to express comments that might help influence our decision making.

To allow everyone who wishes to be heard a reasonable opportunity, we must insist that each of you comply with the following guidance: We ask that you limit your comments to not more than three minutes, to speak on topic. Before you begin, please sign in up here so that we'll have a record of who spoke. Address your comments to the board, and do not engage in side conversations with other guests.

Please limit your comments to new concerns not previously brought to our attention. Rehashing the same points over and over will not enhance a position. If you are not the person called on to speak, please remain silent so that the board and the applicant can hear what the speaker has to say.

The first project on our list is 100

Central Avenue.

DR. PRICE Can I make a motion that we change our usual order of presentation and take care of a couple of smaller projects so that those people are not inconvenienced by staying around for what I imagine is going to be some degree of controversy?

CHAIRMAN DIXON: Do I have a second?

MALE SPEAKER: Can I ask one thing? On 100 Central Avenue, we were here last month and it shouldn't take very long.

MS. BURTON: I second that.

MALE SPEAKER: I beg your pardon?

MS. BURTON: I second the motion that we look at the small projects first.

CHAIRMAN DIXON: Any comments?

MS. COLTHRAN: I agree.

MALE SPEAKER: Agree.

CHAIRMAN DIXON: All right. Then we'll -- we know there's one project that is going to be lengthy, and I -- we'll hold that one until last so the other applicants can get out.

(This portion of the meeting was requested not to be transcribed regarding 100 Central Avenue, 134 Gadsden Street, 618 Laurel Street)

CHAIRMAN DIXON: The next one is 208

South Cedar.

FEMALE SPEAKER: 208?

CHAIRMAN DIXON: Yeah.

(Unintelligible simultaneous speaking)

FEMALE SPEAKER: No, just the hotel project.

MALE SPEAKER: Do we have maybe one more chair?

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: Do you need to sign in?

MALE SPEAKER: Yes, sir.

MALE SPEAKER: Would it make more sense for him to put that behind us and let us turn around and face it so --

CHAIRMAN DIXON: That might be.

MALE SPEAKER: -- (unintelligible)?

CHAIRMAN DIXON: Yeah, if you don't mind moving it.

MALE SPEAKER: I can do that or I can kind of twist it this way and --

MALE SPEAKER: I think we can --

MALE SPEAKER: Okay. I think we can turn around if you'd rather us put this behind.

(Unintelligible simultaneous speaking)

ARTHUR APPLEGATE: Thank y'all for

being here tonight. I'm Arthur Applegate, the developer of the project, and we have made a number of significant changes since our last meeting. And I thought what I'd do is try to address the major changes first, and then as we get into the details we can go over that with the board members.

Probably one of the most significant things that we did is we put Anne Gaither's property under contract that is here and is represented by this here -- by this drawing here. And what this simply shows you is a before-and-after scenario. One of the major issues that was raised was the circulation and having -- excuse me; I've got a bad cold -- two points of ingress and egress and the ability to have a better flow -- traffic flow.

And so, when we -- by acquiring Anne's property, it allowed us to create a drive where we could have two points to enter the property and two points to exit the property, significantly improving the traffic and the circulation.

And one of the other things that it allows us to do is to put the conference center at grade on a single story, addressing the height and the scale and the mass of the project. So I think the site plan pretty clearly shows the improvement of circulation and traffic flow.

The next -- while I'm on that subject, I'll just show you the difference between -- this shows the conference center at grade as opposed to the way it was done before at two stories; and this shows -- and you can come up and look. It's hard for you in the back to see -- the elevations from -- the west elevation, the south elevation, and the east elevation of the project. But it's a significant difference and -- in terms of the scale and (unintelligible).

The other major change that we made was we reduced the residential portion from four stories to three stories. In addition to that, we made some changes in the architectural detailing of the roof and the base of the building. And you can study them and look at them afterwards to see the difference in the scale and the way the project reads today versus the way it read before.

One of the final things we did was we -- before, we had a system of through-the-wall HVAC. We went to a central HVAC system so there's no -- so you don't see anything on the exterior of the building. All the heating and air conditioning is on the roof and is internal to the building. So those were the four major changes we made. And then we can go through the plans and give you greater detail.

Do you want me to just kind of thumb

through each of the pages?

CHAIRMAN DIXON: Go ahead.

ARTHUR APPLEGATE: And we're here, as you know, to get the site approval, the conceptual and the preliminary approval tonight.

Any questions on any of that?

CHAIRMAN DIXON: Let's do that, and then before we finish I do want you to talk about the demolition, about what you have to remove --

ARTHUR APPLEGATE: Okay.

CHAIRMAN DIXON: -- and cover that, what your plans are.

ARTHUR APPLEGATE: Okay. All right. Do you want to go through this first or --

CHAIRMAN DIXON: Yeah. Let's do this first.

ARTHUR APPLEGATE: Okay. The first page after the cover shows the structures that are on the property, and there are five buildings that are on the site plan. Starting from the corner of West Richardson and Cedar, we have the old gas station. That is 200 West Richardson. And we are asking that that be demolished.

And then working our way north on Richardson, we have two structures. The structure at the front is 206 West Richardson, where we currently have the

sales office for the residential units. And then in the back we have 208 West Richardson. What we have done as far as those structures is the owners of the property, Laura and Neyle Jones, have, as you know, indicated that they'd like to move the smaller structure in the back to a property they have.

The structure in the front, we have offered to any interested parties. We first offered it to the Preservation Society, if they had an interest in the property. We have not heard anything back from them. We have also advertised all of the properties in the Summerville paper on four different occasions, indicating that we -- that these houses would be made available to anybody who might have an interest in them.

The structure in the front is very challenging because there was an addition made to the cottage, and to move that house you're going to have to remove the addition on the back and remove the porch on the front. It is structurally a very challenging structure to move. We had J.E. Oswald & Sons of Batesburg look at the structures. Their quote was that neither house is practical to move.

And then we had -- to get a second opinion, we went to Johnson House Movers of Summerville, and had them look at the challenges of moving the houses.

And they feel equally as though they would be extremely difficult to move because of the condition that they're currently in.

The last structure, Anne Gaither's house, it could be moved, but the only way that it can be moved is if it's cut in half and then reassembled at another site. So, once again, we don't think that that is a very practical solution. And we have -- thus far, we have interest but no one has signed up to take that on.

MS. BURTON: Is that the 210?

ARTHUR APPLEGATE: That is the house at 213 --

MS. BURTON: 213.

ARTHUR APPLEGATE: -- 213 West Second Street. It's Anne W. Gaither's home. And then the structure that is to the north of the Jones' property further down Richardson, it belongs to the town and they can comment on that property.

But there are a variety of issues and they have plans to demolish it. There are -- asbestos, I think, were some issues that needed to be addressed. And they are in the process of going through the permitting to remove that structure from the town-owned property.

So I have -- is that -- have I addressed it sufficiently or -- are there any questions anybody has?

CHAIRMAN DIXON: Okay.

MALE SPEAKER: Thank you. I think so long as the buildings are offered to the public --

CHAIRMAN DIXON: I've seen them in the "Journal Scene."

MALE SPEAKER: Yeah, but as a board (unintelligible) that at least five buildings I can think of have been moved since I've been on the board. I've seen 201 --

CHAIRMAN DIXON: Yes. Some of them were much more difficult than yours.

MALE SPEAKER: Right. Right. If you've got a piece of property and you get the building for free, even though you have to spend a fair amount of money to move it, you're still ahead.

MS. BURTON: Has an inspection been done of 206?

ARTHUR APPLEGATE: We have had -- we've had all of the structures inspected by the house moving companies, but they have not been done -- inspections done beyond that. And the reason that the Gaither house has to be cut in half is not for structural reasons but it's because of the size of the house and the width. There

are limitations as to what they can do on public streets. Now, whether they can get variation -- you know, some kind of variances to allow them to move it, I don't know anything much about moving houses beyond that.

CHAIRMAN DIXON: Yeah.

ARTHUR APPLEGATE: But we have -- you know, and what -- we are continuing to explore options as to where they could be moved.

CHAIRMAN DIXON: Yeah. Well, the Preservation Society in the past has taken a strong assistance in that, and hopefully they'll do that on yours, see if they can find somebody that would like it.

ARTHUR APPLEGATE: We would welcome that, obviously. We, you know, have notified them and tried to encourage them to participate.

MS. COLTHRAN: Well, it occurs to me that an inspection, which is not that expensive, might help some people not to be fearful of even inquiring about the house.

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: I'm sure they look at it and say --

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: -- "Oh, I can't imagine what's there."

ARTHUR APPLEGATE: Uh-huh.

MALE SPEAKER: You're talking about a structural --

MS. COLTHRAN: So I think that will be --

ARTHUR APPLEGATE: Yeah. Well --

MS. COLTHRAN: I'm talking about --

ARTHUR APPLEGATE: Yeah. We've -- and what we've done is we've relied on the moving companies to provide their structural assessment from the standpoint that they know what's involved in moving it. They -- their professional opinion is that it's not very feasible. Anything can be done. It's just a question of the cost of doing it.

But we can get additional --

MS. COLTHRAN: I was talking about the type of inspection that you have when you purchase a house.

ARTHUR APPLEGATE: Buy a house to make sure. Yeah.

MS. COLTHRAN: And they're going to look at everything --

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: -- and they're -- some companies are especially good --

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: -- about giving very full reports.

ARTHUR APPLEGATE: Right. Well, we can certainly do a more detailed assessment of the property -- of the -- in terms of getting another third -- we've just relied on the movers because that's what we were focused on.

CHAIRMAN DIXON: I think at this point the only thing we can do is -- I'm going to ask you to keep trying, see what you can come up with.

ARTHUR APPLEGATE: Well, and we will continue to work on that and we would -- we'd certainly like to, you know, address those structures, that they're not issues on demolition only. For example, the old gas station, we've had no opposition to that. We would like to get the approval to be able to do the demolition on that. And whatever approvals we can get, we'd like to get.

And those that we can't, if we have a contingency where we're getting site approval contingent upon a resolution to the houses satisfactory to the Board so that if it's determined that we can't find someone to take Anne Gaither's house and it's not practical to move it, and it does not have historical significance, that

we would then be permitted to do the demolition on it. But -- so I'd just ask the Board to consider some kind of conditional approval as well on the site.

Excuse us just a minute.

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: (unintelligible).

ARTHUR APPLEGATE: So we can -- if we can come back and visit with that -- on that further and --

CHAIRMAN DIXON: Do we want to take any action on any, like the gas station? We've already approved the one cottage to be relocated down. Do we have a problem with demolition of the gas station?

FEMALE SPEAKER: No.

MS. COLTHRAN: No.

CHAIRMAN DIXON: So I think we can probably go ahead and approve the --

MALE SPEAKER: I think we ought to get pictures of what can be done with what used to be a really ugly building that's really nicely rehabbed.

(Laughter)

FEMALE SPEAKER: Are you asking should we decide now about these other buildings?

CHAIRMAN DIXON: Yeah. Well, as to this one.

FEMALE SPEAKER: Okay.

CHAIRMAN DIXON: That one is already taken care of --

MS. BURTON: Yeah.

CHAIRMAN DIXON: -- so far.

MS. BURTON: And this is the one that's --

CHAIRMAN DIXON: I'd like to --

MS. BURTON: -- part of the (unintelligible)?

CHAIRMAN DIXON: I'd like to leave the other three with their -- they've got continuing bases of trying to get rid of them. And --

MS. BURTON: But isn't the town-owned one part of this, too?

CHAIRMAN DIXON: Yeah.

FEMALE SPEAKER: Yeah. There's a letter in there that describes the town (unintelligible).

CHAIRMAN DIXON: Are they asking -- is the town asking for --

FEMALE SPEAKER: Yes.

MALE SPEAKER: They're asking for demolition as well.

FEMALE SPEAKER: So I think we should consider that.

CHAIRMAN DIXON: Well, let's take care

of the gas station first. Let's just do them --

MS. DREYER: One at a time.

CHAIRMAN DIXON: -- one at a time.

DR. PRICE I'm fine with the gas station being demolished if the project is approved.

MS. COLTHRAN: I second that.

MS. HUGGINS: I agree with David on that. Yes.

CHAIRMAN DIXON: Lisa?

LISA: I'm good.

CHAIRMAN DIXON: All right. John?

MR. KWIST: I'm sorry. I'm --

CHAIRMAN DIXON: You missed most of --

MR. KWIST: I'm sorry I'm late. Are we talking about the gas station on the corner?

CHAIRMAN DIXON: Yes.

FEMALE SPEAKER: Yeah.

CHAIRMAN DIXON: And what the -- the vote is to allow demolition of it if the project is approved and moves forward.

MR. KWIST: Yeah. I'd be fine with that.

CHAIRMAN DIXON: Okay. All right. (unintelligible) that one.

MS. DREYER: Okay. Gas station.

CHAIRMAN DIXON: The Town of Summerville -- and we've got the letter in our --

MS. DREYER: In your packets.

CHAIRMAN DIXON: Who's going to present that? Do I have to?

MS. DREYER: Rich is here. Rich, could you say anything about the house at 210 West Richardson?

RICH PALMER: Yeah. We've taken a look at that house and it's really in bad shape. I mean, if somebody were to try to move it or whatever, it needs a lot of renovation. It's got a lot of mold in it. It's got weeds growing inside of the walls. It's in really bad shape.

CHAIRMAN DIXON: Rich, what's the overall condition -- I know it's part pine. What's the condition of the wood?

RICH PALMER: It has a lot of material in it, and somebody might want to salvage --

CHAIRMAN DIXON: That's what I was wondering, if --

RICH PALMER: But to fix the house itself, I think it would cost a lot.

FEMALE SPEAKER: Could someone go in and salvage what they can salvage?

CHAIRMAN DIXON: Huh?

FEMALE SPEAKER: A company could go in and salvage?

CHAIRMAN DIXON: There are companies that do that in the area.

MALE SPEAKER: Yeah.

FEMALE SPEAKER: Yeah.

CHAIRMAN DIXON: I don't know whether they're -- whether they know about it yet.

MS. COLTHRAN: Well --

CHAIRMAN DIXON: Is that an area that you have at least looked at yet?

ARTHUR APPLEGATE: No.

CHAIRMAN DIXON: I do know there are salvage companies.

MALE SPEAKER: Right.

CHAIRMAN DIXON: I've visited them myself, so I -- I wonder if that would be a --

MALE SPEAKER: (unintelligible) cost of the materials (unintelligible).

CHAIRMAN DIXON: Yeah. That might be a --

MALE SPEAKER: Yeah.

CHAIRMAN DIXON: If -- I'd like to --

ARTHUR APPLEGATE: We can certainly do that and have the remaining structures looked at in the

same context.

CHAIRMAN DIXON: Okay. All right. I think that's probably a good thing. I would like to try to get the other two --

ARTHUR APPLEGATE: Okay.

CHAIRMAN DIXON: -- relocated.

ARTHUR APPLEGATE: We'll get -- the other two we'll have inspected and we'll look at salvage value.

CHAIRMAN DIXON: All right. If that's all right, we'll hold that until --

FEMALE SPEAKER: And the gas station has some really nice beams in it, inside. That might be something that --

ARTHUR APPLEGATE: Yeah. We're -- I mean, if we're going to have the salvage come out, we'll have them look at all the structures.

FEMALE SPEAKER: Perfect.

CHAIRMAN DIXON: All right.

ARTHUR APPLEGATE: So just thumbing through, we've kind of talked about the site issues. One of the things I didn't mention before is that the area behind the conference center is an area that will be used for storm water retention. And the -- what it allows -- the -- us to do is to retain all of the storm water that

is produced from the project on the site as opposed to having it released into the existing Town of Summerville storm water situation.

Before, the way we were having to handle that was it was going to be in a vault underneath the conference center, which is an extremely expensive solution. The conference center was going to be raised as well, so --

We do not have the details on exactly what that's going to -- how that's going to look at this point in time.

FEMALE SPEAKER: Will it have a -- are you trying to aim for an appearance like a park or --

ARTHUR APPLEGATE: Yeah. Yeah. We -- what -- our idea is to make it as park-like as we can because the residential units that would be on the west side of the project will be looking out onto that. So it's extremely important that that be an attractive area. And we're looking at whether it's going to be, you know, a pond-type feature of some kind where we have a water feature or whether it's going to be a grassed area with the detention underneath. Those are, you know, options that are being studied.

The next rendering is the rendering that shows the removal of the -- through -- any sort of through-the-wall type units. It's not real easy to see,

but you'll be able to see it on your detailed drawings as we go. But the perspective on the left, if you look just to the -- between the windows you will actually see an area that, before, we would have done everything we could to disguise it, but in -- and you look at the perspective on the right-hand side. You do not see any of the grills or any of the -- any indication of the units because everything is being handled on the roof.

And that was an issue that some people raised not only from an appearance standpoint but from a noise standpoint. And in keeping with trying to have a first class, you know, hotel, we went to that arrangement. Albeit I think that they have made major changes in the way those units work and operate now, but at least we have addressed it. It was -- and I'm happy that we were able to accommodate that change.

The next page simply shows the elevation of the restaurant and the area around the restaurant, the terrace outside along Cedar Street. No real big changes in that from the last time.

And Hank, feel free if I say something that's not correct to jump in and say, "Oh, yeah, we made these big changes." But I think we made -- I don't think that we changed anything. We made a radical overhaul from the first time, but the current --

MALE SPEAKER: (unintelligible).

ARTHUR APPLEGATE: Yeah. One thing you do see is, once again, the HVAC units. Under the previous design you can see those on the corner of the building, whereas in the perspective of the proposed design you don't see them. So it's a small change, but it makes a big difference visually in terms of the impact it has on --

The next page is showing the -- on the left-hand side, we have the previous four-story residential units, and on the right side of the page we have the proposed three-story residential. And it has a huge impact in terms of the scale and how one -- how that reads now. And we made, if you notice, significant changes to the roof line and the detailing at the top of the third floor.

You know, I personally think it looks significantly better than the four-story, and I'm glad that we could make it work at the three stories. So we've reduced the total number of residential units from 36 units to 27 units. And we have made a number of design changes that you can see and look at in detail on the architectural drawings.

And as we get into the -- further into the package and we get into the sort of more detailed

design questions, you know, Hank can address those. And I -- I forgot to mention, Stantec has a representative here as well to address the impact of having two points of ingress and egress and the impact that that has on the traffic and can give you a detailed explanation of the impact.

Obviously, we thought it worked before, and we were assured by DOT and by Stantec that there were no issues. So now it simply works that much better.

I apologize for leaving you out.

MALE SPEAKER: Go ahead.

MALE SPEAKER: I think another thing, just one comment, also, by reducing the number of residential units, therefore you've reduced the number of trips and the number of actual need for parking. So we've actually reduced the parking requirement or need by that many units. So that, you know, if you're using the one and a half or so parking spaces per unit, whatever, that reduces it further.

ARTHUR APPLEGATE: Right. And we will -- we -- from a practical standpoint, we would do it two spaces per unit, so we reduced the need by 18 spaces. Now, in the earlier -- it's a little misleading, though, because in the earlier design, we had 22 surface spaces underneath the conference center. We lost those 22, but

we picked up 18, so we still have a four-space deficit. But the drive areas are sufficient where we have significantly more areas where people could park now than we had before. So we have more than sufficient parking.

The next perspective simply shows -- we had -- as you know, at one time had the conference center on two floors, but we were also looking at at one level before. But what this -- the design on the left of your booklet is the perspective from previously. The big change that you see is the addition of the street in front of the conference center on your right. So you kind of see how that reads. We're still showing the parking as it -- as it currently is along there.

The next page looks at the west elevation of the building. And you can see pretty clearly the difference between the proposed design and the previous design. It -- the significant differences in the way that reads now that that's gone from four stories to three stories. And we've changed some materials in that as well. The hotel portion is largely the same as what it was before.

MALE SPEAKER: I have a question on this, and it may just be because of the way it's drawn. But when you look -- you've got score marks on the new one, but it does look like the distance above that window

is higher on the proposed than on the original. Is there a reason for that?

MALE SPEAKER: I think it might just had to have do with what we did to the cap at the top of the --

MALE SPEAKER: Was any --

MALE SPEAKER: -- covered floor.

MALE SPEAKER: Was any of that due to your placement of the HVAC?

MALE SPEAKER: That specific piece does not relate to the placement of the HVAC, but the placement of the HVAC is still being studied because now the size of those units, because we're taking them out of the rooms, is going to be -- you know, there will be several units up there, and they'll be screened, but they'll likely be -- in plan, they'll likely be back.

They won't be near the edges of the building on either West Richardson or on South Cedar. So those things will be back behind kind of the pavilion at the top and, you know, will be screened with some kind of a screening device.

We don't have all the technical information yet to the -- to know how many of those units or how big they'll be at this point, but we will be pursue -- you know, as we proceed with the project, we'll define

that.

ARTHUR APPLEGATE: You won't be able to see any of those units from the street level. And, in fact, we're very sensitive to even being able to see the units from the rooftop, because if we've got a rooftop terrace and bar facility up there, you don't want to be looking from the terrace onto units. So they will be screened, but they'll be screened more back toward the interior portion of the roof, not on the edge.

CHAIRMAN DIXON: Is it possible that white part shown up there on the -- on your west elevation just is something that didn't get scrubbed? Because I notice it doesn't show up on your north elevation.

ARTHUR APPLEGATE: The -- on the west elevation, the area that you're referring to under the proposed design there -- okay.

CHAIRMAN DIXON: The white part.

ARTHUR APPLEGATE: Yeah, that white part, I think that is what -- what you're seeing there is the back wall of the parking deck. And it was just going to be -- we can address what color that is.

CHAIRMAN DIXON: I'm just saying it doesn't show on the --

MALE SPEAKER: Well, it doesn't show, but --

CHAIRMAN DIXON: -- north elevation.

MALE SPEAKER: -- because the other one -- the fourth floor of the (unintelligible) covered that, but it's so far back. You know, if you looked at it in perspective, you would not see it easily from any street angles, because it sits so far back behind the residential --

ARTHUR APPLEGATE: Well, then, also, the area on that side, you're in a small courtyard. So you can't even get far enough away from the building to see that if you look up. If you were further away, maybe at the end of that drive by the conference center and looked back, you'd be able to see the top of that portion. But to answer your -- yeah, the reason you see it on the proposed design and you did not see it on the previous design is that fourth level of the residential unit is covered.

CHAIRMAN DIXON: I'm talking about right here. On your north elevation --

ARTHUR APPLEGATE: Yes.

CHAIRMAN DIXON: -- it should show on that, if it's there.

MALE SPEAKER: Well, there -- that has a little bit of a sloped --

CHAIRMAN DIXON: (unintelligible) just

--

MALE SPEAKER: -- roof on it, the gray that you're seeing.

CHAIRMAN DIXON: I just thought maybe that just didn't get erased --

ARTHUR APPLEGATE: No.

CHAIRMAN DIXON: -- completely if something --

ARTHUR APPLEGATE: You can't -- I think the reason it's not shown there is you can't -- you can't see it --

CHAIRMAN DIXON: Okay.

ARTHUR APPLEGATE: -- from that perspective.

MALE SPEAKER: Yeah. There is the height of the garage. In other words, because the garage is a doughnut kind of in the center of the whole building --

CHAIRMAN DIXON: I understand.

MALE SPEAKER: -- and it does -- we still are maintaining these number of spaces that we originally had, that piece is -- you know, that piece is a bit higher. But all the edges of the project now have been basically with the residential reduced in scale and size -- so, you know, that's just back further and your view would not

-- normally, you wouldn't be able to see that.

CHAIRMAN DIXON: Okay.

ARTHUR APPLEGATE: Going to the next page, we're looking at the conference center that is being proposed versus the previous, and you don't really see much in the way of any kind of design changes. It was more pronounced if we had looked at this, the two-story versus the one-story. Then it would seem very pronounced change, but the way it is, you don't --

MALE SPEAKER: The window pattern --

ARTHUR APPLEGATE: The window pattern is a little different. And --

MALE SPEAKER: And it has two entrances. It's kind of got an entrance near the -- if you look on the right side of the page --

ARTHUR APPLEGATE: Right.

MALE SPEAKER: -- there's an entrance -- the main entrance is nearest the --

ARTHUR APPLEGATE: Hotel.

MALE SPEAKER: -- the hotel, but it still addresses the street on West Second to have, like, a porch element which would be, you know, kind of, of the character, at least, of the idea of having a porch on a building facing a street. That was that idea, and that idea still carries through on this new design where we

have a porch that's on the West Second Street side.

And this gallery space runs along the south wall of the building, which allows entrances into each of the conference spaces on the interior. So that's going to be a very active kind of public space facing towards downtown and South Cedar.

ARTHUR APPLEGATE: It will be facing towards South Cedar.

MALE SPEAKER: Facing towards South Cedar.

ARTHUR APPLEGATE: Yeah. That whole bank of windows there is not -- it's sort of the common space, if you will, where people will travel through there, and then they'll enter from that hallway into the various, you know, conference spaces.

The next drawing just shows the conference center as it was previously shown and then how it's being proposed. And the big change you notice there is the detailing of that entrance area has been given a little more attention to the detail on that portion.

The next page is a -- is a detailed site plan that we had up earlier. I don't know that there's anything -- one thing I will point out is that is very significant in my mind is the amount of space that we have from the edge of West Richardson to the edge of the

building is about -- I think it's 30 -- at this point it's around 35 feet. Is that correct, Hank?

MR. D'ANTONIO: I'm not sure.

ARTHUR APPLEGATE: Well, the scale is -- I'm looking at that and saying --

MR. D'ANTONIO: It's probably -- yeah, it's probably 20 -- between --

ARTHUR APPLEGATE: Five --

MR. D'ANTONIO: -- between 20 and 25 feet.

ARTHUR APPLEGATE: Yeah. So it's set back significantly more from the street than the current structures that are along West Richardson, both the residential and the hotel, but the hotel even more so. But one thing you can see from looking at it there, you see the movement going across the front of the façade.

MR. D'ANTONIO: The other thing that was brought up was the -- on the site was the issue of deliveries and circulation and so on, but now having the two entrances, having a wide enough entrance, there's room to pull off. If we even had a truck that came through there, they wouldn't have to back out on any street. They can come through and circulate through.

And if we had to have a truck park temporarily to unload in those -- along those drives, they

would be able to do that, and it wouldn't be that much different than what you have in your downtown now, if somebody is unloading stuff from the front of a -- of a building -- you know, of their building for unloading purposes. But in this case, it's not on any of the public surrounding streets.

ARTHUR APPLEGATE: It will all be on the -- internal to the project. You would have a delivery truck, for example, on Cedar or a delivery truck on West Second Street.

The -- and I don't know -- I'm not addressing the details of the site plan on the tree removal or the additional trees that are being added. They're on the plan, and I can certainly let Stantec comment on that, if y'all have any particular questions on that. They're very detailed landscape plans. And we have various perspectives as you work your way through the package. And it's -- begins to get a little redundant.

But at -- I think what -- you know, what the idea behind the package is, is to respond in detail to everything that is requested by the Board. And I think that they -- that we have met all of the requirements for the conceptual and preliminary approval from a detailing standpoint. But -- and we've got in here wall sections,

and we've got the details as you move into the back of the package.

I won't dredge -- I won't go back into the -- all the various height issues that we talked about before, but just -- you know, I will mention that now we're looking at a situation, for example, where the top of the hotel is 38 feet high. It's the same height as City Hall on the corner.

And the residential units are now -- I think that they're around 35 feet. And the highest point on the residential element is actually 38 feet. So it's approximately 17 feet lower than what you could build there under y'all's current zoning.

And the other thing I'll emphasize, we are not requesting nor are we required to have any variances whatsoever from any of the existing codes. Everything that's being done is being done in compliance with existing codes, and we're well below the maximum height requirements.

Usually on other projects that we've done, we are always asking for variances of one kind or another. We are not having to ask for any variances for any element of the project. I think that's correct statement.

MR. D'ANTONIO: Yes. And I think one

other thing we might mention is because we're asking for kind of conceptual, preliminary stage, keep in mind there will be more details to come in terms of some of the comments about this lintel or that lintel should look a different way, or this should be a different brick than that brick, or whatever. Those details will come. So those comments, I think, we will address eventually.

But I think for this -- purposes of tonight, we're looking at the height, scale, and mass and the -- and the composition, the -- sort of the master plan of our plan, and we're addressing all these major issues which was -- we've discussed here tonight. Those are the things that we think are germane to the project at this point.

ARTHUR APPLEGATE: Yeah. And we have -- in the package we've got detailed wall sections. We've got the detailed drawings on the --

CHAIRMAN DIXON: The building --

ARTHUR APPLEGATE: -- the parking garage. We've got the building sections that you can look at.

CHAIRMAN DIXON: Well, we'll get to that --

ARTHUR APPLEGATE: Yeah.

CHAIRMAN DIXON: -- when we get through

reviewing more final plans for each section. I mean, that's --

ARTHUR APPLEGATE: Yeah. And we certainly would welcome any comments that you would like to make for us to take under advisement as we look at the -- coming back for the final approval in terms of, you know, colors and that sort of thing.

CHAIRMAN DIXON: Yeah. We'll catch that at that point in time.

ARTHUR APPLEGATE: Yeah.

MR. KWIST: Can I make one --

ARTHUR APPLEGATE: Sure.

MR. KWIST: All right. You addressed the height, and I appreciate that. I don't think you've addressed the mass. And as I indicated to you in that workshop, the elevation along Richardson Avenue, best I could tell, is about 320 feet of continuous building.

And I was looking at the northwest aerial perspective that's included in this drawing, and all of the other buildings in the neighborhood have alleyways between them, pedestrian arcades, and drives.

And I think in the case of this building that we're in here, the only -- I believe the architect did a masterful job of breaking up the mass by having pedestrian arcades and walkways around all the buildings

and between the shops so that it didn't look like one big building.

And I think 320 feet continuous is really long. If you look at the newest construction that is in the triangular space between Short Central and Cedar Street, they created a pedestrian arcade there to break up that mass.

This building, as I indicated, has alleyways and drives and all-arounds so that you can -- so that it breaks up the --

ARTHUR APPLEGATE: Right.

MR. KWIST: -- the physical size of the building.

ARTHUR APPLEGATE: Right.

MR. KWIST: If you look on Hutchison Square --

ARTHUR APPLEGATE: Right.

MR. KWIST: -- those buildings -- the two main buildings there has an arcade. I think it's about 16 feet wide.

ARTHUR APPLEGATE: Right. We --

MR. KWIST: What's your answer to that?

ARTHUR APPLEGATE: Well, my answer to that is you did raise that subject before. We did study that subject, and it was not feasible to do that. We

looked -- what you have to understand is if you look at how we broke up -- if you look at the rendering under the -- that shows the residential units on Richardson, the section where we move from the retail space and the hotel space to the residential, that area is significantly set back where the entrance is.

And we think -- and I personally think the architects have done a great job of breaking up the massing of the building. But it's not possible to put an alley when you've got a parking garage behind it.

MR. KWIST: Sure it is. It's --

ARTHUR APPLEGATE: And so it --

MR. KWIST: It's the exactly the situation over here -- that you have right here.

ARTHUR APPLEGATE: Well, I -- you know, I --

MR. KWIST: Arthur, you didn't let me finish.

ARTHUR APPLEGATE: Okay. I'm sorry. I thought you had finished.

MR. KWIST: No.

ARTHUR APPLEGATE: Go ahead.

MR. KWIST: I was long from finished. I'm looking at -- in plan view at L100, I'm looking at that stairwell area, and it looks like about two-thirds

of the stairwell is blank space. That can easily become --

MR. D'ANTONIO: That's our circulation, and that's the way -- from an emergency egress we have access from both the hotel, from the residential area, and we have an elevator back in there that serves the garage and the residential component.

So, you know, taking that whole section out you still need vertical circulation to meet the code requirement, because of what we're doing with the fact that these two buildings are juxtapositioned next to each other.

MR. KWIST: If there's an alley there, you could -- it could still be emergency egress. Why could you not egress an alley just as easily as you could in a circulation?

MR. D'ANTONIO: Well, it takes room and space to do that. It's not just -- you know, there's --

ARTHUR APPLEGATE: We've -- let me assure you, we have studied the situation in great detail, and it is not feasible to run an alley from West Richardson through the garage and through the hotel and through the residential.

MR. KWIST: It's not feasible --

ARTHUR APPLEGATE: It's not feasible.

MR. KWIST: -- but it is possible?

ARTHUR APPLEGATE: It is not possible in my opinion.

MR. KWIST: Yeah, it is.

ARTHUR APPLEGATE: That's my opinion.

MR. KWIST: As a builder, I would much prefer to build these buildings separately than joined together. But let me tell you some benefits, I think, from a standpoint of fire protection, from a standpoint of circulation, from a standpoint of possibly -- if it were wide enough to be a private drive for the residences, they wouldn't have to compete with traffic in these service drives. So -- and there are more benefits that I can't even think of at this minute. But, you know, you asked for opinions, and I gave it to you then. I'm giving it to you now.

ARTHUR APPLEGATE: I -- I --

MR. KWIST: I think it's too long a stretch for one building -- 320 feet.

ARTHUR APPLEGATE: That's fine. I appreciate your --

MR. KWIST: All right.

ARTHUR APPLEGATE: I appreciate your comments. And we studied it and we did the best we could do.

MR. KWIST: Well, it's going to be there for the next 100 years, and we want it to be perfect, not the best you could. So anyway, that's -- that's my comment.

MR. D'ANTONIO: Well, I think, also, by breaking up the mass -- you know, this is not going to look, as you -- I mean, if this were one flat wall and it's a huge uninterrupted, single, flat wall, I think -- I wouldn't disagree with what you're saying. But this building, we're trying to break it up into pieces. There are ins. There are outs. There's differences in materials. There's differences in the fenestration.

This building is not going to look like one big long building, in our opinion. And architecturally, I think you're wrong. I think we can -- that this building is more of an urbanistic building. We would admit that. It's in downtown Summerville. And it is more urban than suburban. We don't have alleys going through all these areas.

Even this building we're in, there is a pedestrian area here, but you're -- the drives that are here were here before. There's not a drive that was bifurcating this lot before, and therefore it's part of one big block.

MR. KWIST: Well, we have a chance to

create something from a -- from a -- from brand-new, whether the drive is there or not. You can put a drive there if you choose to do so. And I will say that I -- that I -- that I find the architecture of the hotel very nice, but I don't necessarily think that the architecture of the residential units is pleading. And that's just my opinion. And so even more reason to set the two apart rather than have them conjoined.

ARTHUR APPLEGATE: Well, we -- I appreciate your opinion and we've done the best we could to study the situation, so --

CHAIRMAN DIXON: David.

DR. PRICE I would offer no further perspective. If you look at the elevation along Richardson, it may be able to be further enhanced, but the entryway is to that common stairwell or whatever circulation thingamabob, whatever it's called by code --

MS. BURTON: That's a highly architectural --

FEMALE SPEAKER: Thingamabob (unintelligible).

DR. PRICE Is that a good architectural word?

MS. BURTON: That was a great one.

DR. PRICE If you look at it on the

appropriate elevation, it does have a lot of the effect of an arcade being glass, and glass doors. It has very much -- although a different architectural style, very much the same effect as the arcade that was put in to divide the town square building.

MS. BURTON: Are you saying, David, that if that one piece was looked at and developed as a transition piece between those two, that's what you're saying?

DR. PRICE Yeah. Yeah. I think it could be changed from just an apparent entryway into a -- much more of a focal piece without changing what they're trying to do.

ARTHUR APPLEGATE: We can certainly --

DR. PRICE And this is again the stuff that we get into down in the road --

ARTHUR APPLEGATE: (unintelligible).

DR. PRICE -- not at this point, but --

MALE SPEAKER: We could certainly do that to make it maybe more opaque, you know, or -- make it more transparent so that the --

DR. PRICE Right.

MALE SPEAKER: -- it reads like a through unit. We can certainly look at that.

DR. PRICE Right. Yeah. Because it's

a fairly --

MALE SPEAKER: Yeah.

DR. PRICE -- significantly wide space which is way wider than just a glass door into a foyer. It's --

MALE SPEAKER: Right. That --

MR. PRICE It's significant --

(Unintelligible simultaneous speaking)

DR. PRICE It's a lobby.

ARTHUR APPLEGATE: That's achievable.

MALE SPEAKER: Yeah, because --

DR. PRICE And to accomplish the passageway thing, you could put on the other end of it where it goes into the parking garage an equally significant opening. So I'm not as disturbed by that.

CHAIRMAN DIXON: Beth.

MS. HUGGINS: I think the drawings have come a long way from the first time we met, and I appreciate your sensitivity on breaking up that long space.

ARTHUR APPLEGATE: Right.

MS. HUGGINS: Yeah. Yeah. And I think you're definitely on the right path. And, David, I will agree with you on making that entrance to that housing a little bit more important looking. That way --

everything else, I think y'all have done a wonderful job. And I really appreciate you taking the (unintelligible). And I know we get into the looks of everything, but the change of materials and all is looking more like what I think we all wanted to see.

CHAIRMAN DIXON: Cecile.

MS. COLTHRAN: I agree with what David was suggesting, and I certainly agree with what Beth has said. And I love the way you've changed the roof line -- not just the height of it, but the appearance.

ARTHUR APPLEGATE: Well, thank you.

MS. HUGGINS: It doesn't look so industrial.

MS. COLTHRAN: Right.

ARTHUR APPLEGATE: Yeah.

MS. COLTHRAN: Right.

MS. HUGGINS: It looks more --

MS. COLTHRAN: We don't want it to look like a hospital.

DR. PRICE Well, the challenge for us was the juxtaposition of the hotel next to residential.

MS. COLTHRAN: Right.

DR. PRICE How do you do that? And how do you make them compatible but yet different? That's the challenge. We wanted to make sure that it read still

to be residential, but at the -- you know, as opposed to a hotel. But at the same time, it's in the same block, so we want it to be compatible and have a relationship with that -- with the hotel.

MS. COLTHRAN: I think you've done that very well.

CHAIRMAN DIXON: Rachel, anything?

MS. BURTON: Yeah. I wanted to say thank you very much for listening so attentively to all the comments that were made and the significant changes that you made with the new drive, the acquisition of that property so you could put in the new drive, the reduction of the four stories to three, and the elimination of the units. Those are all really significant issues. And I think it's really significantly improved the overall project.

So I really like the conference room building or the conference center. I've always liked that piece. And my only question is, the one long side from the other long side has a different rhythm and pattern on each side, and perhaps they could be more alike. I mean, you've got three bays on the window side and two bays on the other. And I don't know if it would suit having a more, you know, complementary pattern on both.

And I really like the changes that you have made architecturally to the residential part, like the sloped roof on the residential part, the materials, the way that you've got bays within the -- under the windows that are in, like -- what looks like wood and then repeated patterns in brick. I think all of those are really nice.

The kind of questions that I have from here out are things that I hope will be presented next time, which is you're showing a landscape, and I'd really like to know what plants there are. And I have a question back to our board. The Commercial Design Review Board has a landscape architect who sits on that board, and this is a -- isn't there someone who's specifically looking at --

FEMALE SPEAKER: The staff will look at the landscaping to make sure it meets ordinance.

MS. BURTON: Okay. Okay. Well, I just wanted to make sure that we were going to look at it carefully, and especially that water retention area. And then just as a urban planning move, I really applaud the ability to keep the storm water on-site and to treat it on-site. That's really, really good.

That's it for me.

CHAIRMAN DIXON: Any other comments?

David?

DR. PRICE I think we should call the question as to whether we approve the conceptual plan.

CHAIRMAN DIXON: Okay. I'll take that as a motion.

DR. PRICE Is that the level at which --

CHAIRMAN DIXON: Yeah. I think we --

MALE SPEAKER: (unintelligible).

ARTHUR APPLEGATE: Conceptual and preliminary approval is what we're --

MR. D'ANTONIO: Yeah.

CHAIRMAN DIXON: Okay.

MS. BURTON: Are we going to treat that as two separate things or --

CHAIRMAN DIXON: No. We can just take it together.

MS. BURTON: Okay.

CHAIRMAN DIXON: Second?

MS. HUGGINS: I second.

CHAIRMAN DIXON: Okay. John, are you in favor or --

MR. KWIST: Well, I'll preface my vote by saying that there's not another 320-foot long building in the downtown area. And until that's broken up into two buildings I would have to vote no right now.

CHAIRMAN DIXON: Okay. David?

DR. PRICE I'm in favor.

CHAIRMAN DIXON: Beth?

MS. COLTHRAN: I'm in favor.

MS. HUGGINS: I'm in favor.

CHAIRMAN DIXON: And I'm in favor. So you've got your preliminary approval.

ARTHUR APPLEGATE: Thank you very much.

CHAIRMAN DIXON: So --

ARTHUR APPLEGATE: Appreciate your time.

CHAIRMAN DIXON: So I wish you well. I look forward to -- I hope you continue to listen to us and that --

ARTHUR APPLEGATE: We will.

CHAIRMAN DIXON: -- when we come back with the next phase --

ARTHUR APPLEGATE: We will try to listen as best we can. Thank you.

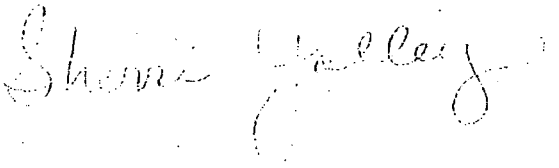
CHAIRMAN DIXON: Thank you. Thank y'all for being here with us this evening. And stay tuned.

(WHEREIN, the meeting was concluded.)

CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



Sherri L. Jolley

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BOARD OF ARCHITECTURAL REVIEW MINUTES

MONDAY, JANUARY 5, 2015

TOWN HALL ANNEX -- COUNCIL CHAMBERS

IN RE: 208 S. CEDAR STREET, 200, 206, 201 W. RICHARDSON AVENUE

MIXED USE DEVELOPMENT - DORCHESTER HOTEL

MEMBERS PRESENT:	STAFF PRESENT:
Phil Dixon, Chairman	Madelyn Robinson, Planning Dept.
Jeff Bowers	Rich Palmer, Building Dept.
Rachel Burton	Lucy Dreyer, Board Secretary
Cecile Colthran	
Beth Huggins	
John Kwist	
David Price	

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

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TRANSCRIPTION

CHAIRMAN DIXON: -- the Board, and while conceptual approval may be contingent upon some demolition, it doesn't mean that demolition concerns are overlooked.

Although we are not required to solicit comments from anyone other than the applicant and the board members, we usually choose to allow others to express comments that might help influence our decision making.

To allow everyone who wishes to be heard a reasonable opportunity, we must insist that each of you comply with the following guidance: We ask that you limit your comments to not more than three minutes, to speak on topic. Before you begin, please sign in up here so that we'll have a record of who spoke. Address your comments to the board, and do not engage in side conversations with other guests.

Please limit your comments to new concerns not previously brought to our attention. Rehashing the same points over and over will not enhance a position. If you are not the person called on to speak, please remain silent so that the board and the applicant can hear what the speaker has to say.

The first project on our list is 100 Central Avenue.

DR. PRICE Can I make a motion that we change our usual order of presentation and take care of a couple of smaller projects so that those people are not inconvenienced by staying around for what I imagine is going to be some degree of controversy?

CHAIRMAN DIXON: Do I have a second?

MALE SPEAKER: Can I ask one thing? On 100 Central Avenue, we were here last month and it shouldn't take very long.

MS. BURTON: I second that.

MALE SPEAKER: I beg your pardon?

MS. BURTON: I second the motion that we look at the small projects first.

CHAIRMAN DIXON: Any comments?

MS. COLTHRAN: I agree.

MALE SPEAKER: Agree.

CHAIRMAN DIXON: All right. Then we'll -- we know there's one project that is going to be lengthy, and I -- we'll hold that one until last so the other applicants can get out.

(This portion of the meeting was requested not to be transcribed regarding 100 Central Avenue, 134 Gadsden Street, 618 Laurel Street)

CHAIRMAN DIXON: The next one is 208 South Cedar.

FEMALE SPEAKER: 208?

CHAIRMAN DIXON: Yeah.

(Unintelligible simultaneous speaking)

FEMALE SPEAKER: No, just the hotel project.

MALE SPEAKER: Do we have maybe one more chair?

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: Do you need to sign in?

MALE SPEAKER: Yes, sir.

MALE SPEAKER: Would it make more sense for him to put that behind us and let us turn around and face it so --

CHAIRMAN DIXON: That might be.

MALE SPEAKER: -- (unintelligible)?

CHAIRMAN DIXON: Yeah, if you don't mind moving it.

MALE SPEAKER: I can do that or I can kind of twist it this way and --

MALE SPEAKER: I think we can --

MALE SPEAKER: Okay. I think we can turn around if you'd rather us put this behind.

(Unintelligible simultaneous speaking)

ARTHUR APPLEGATE: Thank y'all for being here tonight. I'm Arthur Applegate, the developer of the project, and we have made a number of significant changes since our last meeting. And I thought what I'd do is try to address the major changes first, and then as we get into the details we can go over that with the board members.

Probably one of the most significant things that we did is we put Anne Gaither's property under contract that is here and is represented by this here -- by this drawing here. And what this simply shows you is a before-and-after scenario. One of the major issues that was raised was the circulation and having -- excuse me; I've got a bad cold -- two points of ingress and egress and the ability to have a better flow -- traffic flow.

And so, when we -- by acquiring Anne's property, it allowed us to create a drive where we could have two points to enter the property and two points to exit the property, significantly improving the traffic and the circulation.

And one of the other things that it allows us to do is to put the conference center at grade on a single story, addressing the height and the scale and the mass of the project. So I think the site plan pretty clearly shows the improvement of circulation and traffic flow.

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The next – while I'm on that subject, I'll just show you the difference between -- this shows the conference center at grade as opposed to the way it was done before at two stories; and this shows -- and you can come up and look. It's hard for you in the back to see -- the elevations from -- the west elevation, the south elevation, and the east elevation of the project. But it's a significant difference and -- in terms of the scale and (unintelligible).

The other major change that we made was we reduced the residential portion from four stories to three stories. In addition to that, we made some changes in the architectural detailing of the roof and the base of the building. And you can study them and look at them afterwards to see the difference in the scale and the way the project reads today versus the way it read before.

One of the final things we did was we -- before, we had a system of through-the-wall HVAC. We went to a central HVAC system so there's no -- so you don't see anything on the exterior of the building. All the heating and air conditioning is on the roof and is internal to the building. So those were the four major changes we made. And then we can go through the plans and give you greater detail.

Do you want me to just kind of thumb

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through each of the pages?

CHAIRMAN DIXON: Go ahead.

ARTHUR APPLEGATE: And we're here, as you know, to get the site approval, the conceptual and the preliminary approval tonight.

Any questions on any of that?

CHAIRMAN DIXON: Let's do that, and then before we finish I do want you to talk about the demolition, about what you have to remove --

ARTHUR APPLEGATE: Okay.

CHAIRMAN DIXON: -- and cover that, what your plans are.

ARTHUR APPLEGATE: Okay. All right. Do you want to go through this first or --

CHAIRMAN DIXON: Yeah. Let's do this first.

ARTHUR APPLEGATE: Okay. The first page after the cover shows the structures that are on the property, and there are five buildings that are on the site plan. Starting from the corner of West Richardson and Cedar, we have the old gas station. That is 200 West Richardson. And we are asking that that be demolished.

And then working our way north on Richardson, we have two structures. The structure at the front is 206 West Richardson, where we currently have the

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sales office for the residential units. And then in the back we have 208 West Richardson. What we have done as far as those structures is the owners of the property, Laura and Neyle Jones, have, as you know, indicated that they'd like to move the smaller structure in the back to a property they have.

The structure in the front, we have offered to any interested parties. We first offered it to the Preservation Society, if they had an interest in the property. We have not heard anything back from them. We have also advertised all of the properties in the Summerville paper on four different occasions, indicating that we -- that these houses would be made available to anybody who might have an interest in them.

The structure in the front is very challenging because there was an addition made to the cottage, and to move that house you're going to have to remove the addition on the back and remove the porch on the front. It is structurally a very challenging structure to move. We had J.E. Oswald & Sons of Batesburg look at the structures. Their quote was that neither house is practical to move.

And then we had -- to get a second opinion, we went to Johnson House Movers of Summerville, and had them look at the challenges of moving the houses.

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And they feel equally as though they would be extremely difficult to move because of the condition that they're currently in.

The last structure, Anne Gaither's house, it could be moved, but the only way that it can be moved is if it's cut in half and then reassembled at another site. So, once again, we don't think that that is a very practical solution. And we have -- thus far, we have interest but no one has signed up to take that on.

MS. BURTON: Is that the 210?

ARTHUR APPLEGATE: That is the house at 213 --

MS. BURTON: 213.

ARTHUR APPLEGATE: -- 213 West Second Street. It's Anne W. Gaither's home. And then the structure that is to the north of the Jones' property further down Richardson, it belongs to the town and they can comment on that property.

But there are a variety of issues and they have plans to demolish it. There are -- asbestos, I think, were some issues that needed to be addressed. And they are in the process of going through the permitting to remove that structure from the town-owned property.

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So I have -- is that -- have I addressed it sufficiently or -- are there any questions anybody has?

CHAIRMAN DIXON: Okay.

MALE SPEAKER: Thank you. I think so long as the buildings are offered to the public --

CHAIRMAN DIXON: I've seen them in the "Journal Scene."

MALE SPEAKER: Yeah, but as a board (unintelligible) that at least five buildings I can think of have been moved since I've been on the board. I've seen 201 --

CHAIRMAN DIXON: Yes. Some of them were much more difficult than yours.

MALE SPEAKER: Right. Right. If you've got a piece of property and you get the building for free, even though you have to spend a fair amount of money to move it, you're still ahead.

MS. BURTON: Has an inspection been done of 206?

ARTHUR APPLEGATE: We have had -- we've had all of the structures inspected by the house moving companies, but they have not been done -- inspections done beyond that. And the reason that the Gaither house has to be cut in half is not for structural reasons but it's because of the size of the house and the width. There

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are limitations as to what they can do on public streets. Now, whether they can get variation -- you know, some kind of variances to allow them to move it, I don't know anything much about moving houses beyond that.

CHAIRMAN DIXON: Yeah.

ARTHUR APPLEGATE: But we have -- you know, and what -- we are continuing to explore options as to where they could be moved.

CHAIRMAN DIXON: Yeah. Well, the Preservation Society in the past has taken a strong assistance in that, and hopefully they'll do that on yours, see if they can find somebody that would like it.

ARTHUR APPLEGATE: We would welcome that, obviously. We, you know, have notified them and tried to encourage them to participate.

MS. COLTHRAN: Well, it occurs to me that an inspection, which is not that expensive, might help some people not to be fearful of even inquiring about the house.

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: I'm sure they look at it and say --

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: -- "Oh, I can't imagine what's there."

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ARTHUR APPLEGATE: Uh-huh.

MALE SPEAKER: You're talking about a structural --

MS. COLTHRAN: So I think that will be --

ARTHUR APPLEGATE: Yeah. Well --

MS. COLTHRAN: I'm talking about --

ARTHUR APPLEGATE: Yeah. We've -- and what we've done is we've relied on the moving companies to provide their structural assessment from the standpoint that they know what's involved in moving it. They -- their professional opinion is that it's not very feasible. Anything can be done. It's just a question of the cost of doing it.

But we can get additional --

MS. COLTHRAN: I was talking about the type of inspection that you have when you purchase a house.

ARTHUR APPLEGATE: Buy a house to make sure. Yeah.

MS. COLTHRAN: And they're going to look at everything --

ARTHUR APPLEGATE: Right.

MS. COLTHRAN: -- and they're -- some companies are especially good --

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ARTHUR APPLEGATE: Right.

MS. COLTHRAN: -- about giving very full reports.

ARTHUR APPLEGATE: Right. Well, we can certainly do a more detailed assessment of the property -- of the -- in terms of getting another third -- we've just relied on the movers because that's what we were focused on.

CHAIRMAN DIXON: I think at this point the only thing we can do is -- I'm going to ask you to keep trying, see what you can come up with.

ARTHUR APPLEGATE: Well, and we will continue to work on that and we would -- we'd certainly like to, you know, address those structures, that they're not issues on demolition only. For example, the old gas station, we've had no opposition to that. We would like to get the approval to be able to do the demolition on that. And whatever approvals we can get, we'd like to get.

And those that we can't, if we have a contingency where we're getting site approval contingent upon a resolution to the houses satisfactory to the Board so that if it's determined that we can't find someone to take Anne Gaither's house and it's not practical to move it, and it does not have historical significance, that

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we would then be permitted to do the demolition on it. But -- so I'd just ask the Board to consider some kind of conditional approval as well on the site.

Excuse us just a minute.

(Unintelligible simultaneous speaking)

CHAIRMAN DIXON: (unintelligible).

ARTHUR APPLEGATE: So we can -- if we can come back and visit with that -- on that further and --

CHAIRMAN DIXON: Do we want to take any action on any, like the gas station? We've already approved the one cottage to be relocated down. Do we have a problem with demolition of the gas station?

FEMALE SPEAKER: No.

MS. COLTHRAN: No.

CHAIRMAN DIXON: So I think we can probably go ahead and approve the --

MALE SPEAKER: I think we ought to get pictures of what can be done with what used to be a really ugly building that's really nicely rehabbed.

(Laughter)

FEMALE SPEAKER: Are you asking should we decide now about these other buildings?

CHAIRMAN DIXON: Yeah. Well, as to this one.

FEMALE SPEAKER: Okay.

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CHAIRMAN DIXON: That one is already taken care of --

MS. BURTON: Yeah.

CHAIRMAN DIXON: -- so far.

MS. BURTON: And this is the one that's --

CHAIRMAN DIXON: I'd like to --

MS. BURTON: -- part of the (unintelligible)?

CHAIRMAN DIXON: I'd like to leave the other three with their -- they've got continuing bases of trying to get rid of them. And --

MS. BURTON: But isn't the town-owned one part of this, too?

CHAIRMAN DIXON: Yeah.

FEMALE SPEAKER: Yeah. There's a letter in there that describes the town (unintelligible).

CHAIRMAN DIXON: Are they asking -- is the town asking for --

FEMALE SPEAKER: Yes.

MALE SPEAKER: They're asking for demolition as well.

FEMALE SPEAKER: So I think we should consider that.

CHAIRMAN DIXON: Well, let's take care

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of the gas station first. Let's just do them --

MS. DREYER: One at a time.

CHAIRMAN DIXON: -- one at a time.

DR. PRICE I'm fine with the gas station being demolished if the project is approved.

MS. COLTHRAN: I second that.

MS. HUGGINS: I agree with David on that. Yes.

CHAIRMAN DIXON: Lisa?

LISA: I'm good.

CHAIRMAN DIXON: All right. John?

MR. KWIST: I'm sorry. I'm --

CHAIRMAN DIXON: You missed most of --

MR. KWIST: I'm sorry I'm late. Are we talking about the gas station on the corner?

CHAIRMAN DIXON: Yes.

FEMALE SPEAKER: Yeah.

CHAIRMAN DIXON: And what the -- the vote is to allow demolition of it if the project is approved and moves forward.

MR. KWIST: Yeah. I'd be fine with that.

CHAIRMAN DIXON: Okay. All right. (unintelligible) that one.

MS. DREYER: Okay. Gas station.

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CHAIRMAN DIXON: The Town of Summerville -- and we've got the letter in our --

MS. DREYER: In your packets.

CHAIRMAN DIXON: Who's going to present that? Do I have to?

MS. DREYER: Rich is here. Rich, could you say anything about the house at 210 West Richardson?

RICH PALMER: Yeah. We've taken a look at that house and it's really in bad shape. I mean, if somebody were to try to move it or whatever, it needs a lot of renovation. It's got a lot of mold in it. It's got weeds growing inside of the walls. It's in really bad shape.

CHAIRMAN DIXON: Rich, what's the overall condition -- I know it's part pine. What's the condition of the wood?

RICH PALMER: It has a lot of material in it, and somebody might want to salvage --

CHAIRMAN DIXON: That's what I was wondering, if --

RICH PALMER: But to fix the house itself, I think it would cost a lot.

FEMALE SPEAKER: Could someone go in and salvage what they can salvage?

CHAIRMAN DIXON: Huh?

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FEMALE SPEAKER: A company could go in and salvage?

CHAIRMAN DIXON: There are companies that do that in the area.

MALE SPEAKER: Yeah.

FEMALE SPEAKER: Yeah.

CHAIRMAN DIXON: I don't know whether they're -- whether they know about it yet.

MS. COLTHRAN: Well --

CHAIRMAN DIXON: Is that an area that you have at least looked at yet?

ARTHUR APPLEGATE: No.

CHAIRMAN DIXON: I do know there are salvage companies.

MALE SPEAKER: Right.

CHAIRMAN DIXON: I've visited them myself, so I -- I wonder if that would be a --

MALE SPEAKER: (unintelligible) cost of the materials (unintelligible).

CHAIRMAN DIXON: Yeah. That might be a --

MALE SPEAKER: Yeah.

CHAIRMAN DIXON: If -- I'd like to --

ARTHUR APPLEGATE: We can certainly do that and have the remaining structures looked at in the same context.

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CHAIRMAN DIXON: Okay. All right. I think that's probably a good thing. I would like to try to get the other two --

ARTHUR APPLEGATE: Okay.

CHAIRMAN DIXON: -- relocated.

ARTHUR APPLEGATE: We'll get -- the other two we'll have inspected and we'll look at salvage value.

CHAIRMAN DIXON: All right. If that's all right, we'll hold that until --

FEMALE SPEAKER: And the gas station has some really nice beams in it, inside. That might be something that --

ARTHUR APPLEGATE: Yeah. We're -- I mean, if we're going to have the salvage come out, we'll have them look at all the structures.

FEMALE SPEAKER: Perfect.

CHAIRMAN DIXON: All right.

ARTHUR APPLEGATE: So just thumbing through, we've kind of talked about the site issues. One of the things I didn't mention before is that the area behind the conference center is an area that will be used for storm water retention. And the -- what it allows -- the -- us to do is to retain all of the storm water that is produced from the project on the site as opposed to having it released into the existing Town of Summerville storm water situation.

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Before, the way we were having to handle that was it was going to be in a vault underneath the conference center, which is an extremely expensive solution. The conference center was going to be raised as well, so --

We do not have the details on exactly what that's going to -- how that's going to look at this point in time.

FEMALE SPEAKER: Will it have a -- are you trying to aim for an appearance like a park or --

ARTHUR APPLEGATE: Yeah. Yeah. We -- what -- our idea is to make it as park-like as we can because the residential units that would be on the west side of the project will be looking out onto that. So it's extremely important that that be an attractive area. And we're looking at whether it's going to be, you know, a pond-type feature of some kind where we have a water feature or whether it's going to be a grassed area with the detention underneath. Those are, you know, options that are being studied.

The next rendering is the rendering that shows the removal of the -- through -- any sort of through-the-wall type units. It's not real easy to see, but you'll be able to see it on your detailed drawings as we go. But the perspective on the left, if you look just to the -- between the windows you will actually see an area that, before, we would have done everything we could to disguise it, but in -- and you look at the perspective on the right-hand side. You do not see any of the grills or any of the -- any indication of the units because everything is being handled on the roof.

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And that was an issue that some people raised not only from an appearance standpoint but from a noise standpoint. And in keeping with trying to have a first class, you know, hotel, we went to that arrangement. Albeit I think that they have made major changes in the way those units work and operate now, but at least we have addressed it. It was -- and I'm happy that we were able to accommodate that change.

The next page simply shows the elevation of the restaurant and the area around the restaurant, the terrace outside along Cedar Street. No real big changes in that from the last time.

And Hank, feel free if I say something that's not correct to jump in and say, "Oh, yeah, we made these big changes." But I think we made -- I don't think that we changed anything. We made a radical overhaul from the first time, but the current --

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MALE SPEAKER: (unintelligible).

ARTHUR APPLEGATE: Yeah. One thing you do see is, once again, the HVAC units. Under the previous design you can see those on the corner of the building, whereas in the perspective of the proposed design you don't see them. So it's a small change, but it makes a big difference visually in terms of the impact it has on –

The next page is showing the -- on the left-hand side, we have the previous four-story residential units, and on the right side of the page we have the proposed three-story residential. And it has a huge impact in terms of the scale and how one -- how that reads now. And we made, if you notice, significant changes to the roof line and the detailing at the top of the third floor.

You know, I personally think it looks significantly better than the four-story, and I'm glad that we could make it work at the three stories. So we've reduced the total number of residential units from 36 units to 27 units. And we have made a number of design changes that you can see and look at in detail on the architectural drawings.

And as we get into the – further into the package and we get into the sort of more detailed

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design questions, you know, Hank can address those. And I -- I forgot to mention, Stantec has a representative here as well to address the impact of having two points of ingress and egress and the impact that that has on the traffic and can give you a detailed explanation of the impact.

Obviously, we thought it worked before, and we were assured by DOT and by Stantec that there were no issues. So now it simply works that much better.

I apologize for leaving you out.

MALE SPEAKER: Go ahead.

MALE SPEAKER: I think another thing, just one comment, also, by reducing the number of residential units, therefore you've reduced the number of trips and the number of actual need for parking. So we've actually reduced the parking requirement or need by that many units. So that, you know, if you're using the one and a half or so parking spaces per unit, whatever, that reduces it further.

ARTHUR APPLEGATE: Right. And we will -- we -- from a practical standpoint, we would do it two spaces per unit, so we reduced the need by 18 spaces. Now, in the earlier -- it's a little misleading, though, because in the earlier design, we had 22 surface spaces underneath the conference center. We lost those 22, but

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we picked up 18, so we still have a four-space deficit. But the drive areas are sufficient where we have significantly more areas where people could park now than we had before. So we have more than sufficient parking.

The next perspective simply shows -- we had -- as you know, at one time had the conference center on two floors, but we were also looking at at one level before. But what this – the design on the left of your booklet is the perspective from previously. The big change that you see is the addition of the street in front of the conference center on your right. So you kind of see how that reads. We're still showing the parking as it -- as it currently is along there.

The next page looks at the west elevation of the building. And you can see pretty clearly the difference between the proposed design and the previous design. It – the significant differences in the way that reads now that that's gone from four stories to three stories. And we've changed some materials in that as well. The hotel portion is largely the same as what it was before.

MALE SPEAKER: I have a question on this, and it may just be because of the way it's drawn. But when you look -- you've got score marks on the new one, but it does look like the distance above that window

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is higher on the proposed than on the original. Is there a reason for that?

MALE SPEAKER: I think it might just had to have do with what we did to the cap at the top of the –

MALE SPEAKER: Was any --

MALE SPEAKER: -- covered floor.

MALE SPEAKER: Was any of that due to your placement of the HVAC?

MALE SPEAKER: That specific piece does not relate to the placement of the HVAC, but the placement of the HVAC is still being studied because now the size of those units, because we're taking them out of the rooms, is going to be -- you know, there will be several units up there, and they'll be screened, but they'll likely be -- in plan, they'll likely be back.

They won't be near the edges of the building on either West Richardson or on South Cedar. So those things will be back behind kind of the pavilion at the top and, you know, will be screened with some kind of a screening device.

We don't have all the technical information yet to the -- to know how many of those units or how big they'll be at this point, but we will be pursue -- you know, as we proceed with the project, we'll define

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that.
ARTHUR APPLEGATE: You won't be able to see any of those units from the street level. And, in fact, we're very sensitive to even being able to see the units from the rooftop, because if we've got a rooftop terrace and bar facility up there, you don't want to be looking from the terrace onto units. So they will be screened, but they'll be screened more back toward the interior portion of the roof, not on the edge.
CHAIRMAN DIXON: Is it possible that white part shown up there on the -- on your west elevation just is something that didn't get scrubbed? Because I notice it doesn't show up on your north elevation.
ARTHUR APPLEGATE: The -- on the west elevation, the area that you're referring to under the proposed design there -- okay.
CHAIRMAN DIXON: The white part.
ARTHUR APPLEGATE: Yeah, that white part, I think that is what -- what you're seeing there is the back wall of the parking deck. And it was just going to be -- we can address what color that is.
CHAIRMAN DIXON: I'm just saying it doesn't show on the --
MALE SPEAKER: Well, it doesn't show, but --

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CHAIRMAN DIXON: -- north elevation.
MALE SPEAKER: -- because the other one -- the fourth floor of the (unintelligible) covered that, but it's so far back. You know, if you looked at it in perspective, you would not see it easily from any street angles, because it sits so far back behind the residential --
ARTHUR APPLEGATE: Well, then, also, the area on that side, you're in a small courtyard. So you can't even get far enough away from the building to see that if you look up. If you were further away, maybe at the end of that drive by the conference center and looked back, you'd be able to see the top of that portion. But to answer your -- yeah, the reason you see it on the proposed design and you did not see it on the previous design is that fourth level of the residential unit is covered.
CHAIRMAN DIXON: I'm talking about right here. On your north elevation --
ARTHUR APPLEGATE: Yes.
CHAIRMAN DIXON: -- it should show on that, if it's there.
MALE SPEAKER: Well, there -- that has a little bit of a sloped --
CHAIRMAN DIXON: (unintelligible) just

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--
MALE SPEAKER: -- roof on it, the gray that you're seeing.
CHAIRMAN DIXON: I just thought maybe that just didn't get erased --
ARTHUR APPLEGATE: No.
CHAIRMAN DIXON: -- completely if something --
ARTHUR APPLEGATE: You can't -- I think the reason it's not shown there is you can't -- you can't see it --
CHAIRMAN DIXON: Okay.
ARTHUR APPLEGATE: -- from that perspective.
MALE SPEAKER: Yeah. There is the height of the garage. In other words, because the garage is a doughnut kind of in the center of the whole building --
CHAIRMAN DIXON: I understand.
MALE SPEAKER: -- and it does -- we still are maintaining these number of spaces that we originally had, that piece is -- you know, that piece is a bit higher. But all the edges of the project now have been basically with the residential reduced in scale and size -- so, you know, that's just back further and your view would not

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-- normally, you wouldn't be able to see that.
CHAIRMAN DIXON: Okay.
ARTHUR APPLEGATE: Going to the next page, we're looking at the conference center that is being proposed versus the previous, and you don't really see much in the way of any kind of design changes. It was more pronounced if we had looked at this, the two-story versus the one-story. Then it would seem very pronounced change, but the way it is, you don't --
MALE SPEAKER: The window pattern --
ARTHUR APPLEGATE: The window pattern is a little different. And --
MALE SPEAKER: And it has two entrances. It's kind of got an entrance near the -- if you look on the right side of the page --
ARTHUR APPLEGATE: Right.
MALE SPEAKER: -- there's an entrance -- the main entrance is nearest the --
ARTHUR APPLEGATE: Hotel.
MALE SPEAKER: -- the hotel, but it still addresses the street on West Second to have, like, a porch element which would be, you know, kind of, of the character, at least, of the idea of having a porch on a building facing a street. That was that idea, and that idea still carries through on this new design where we

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have a porch that's on the West Second Street side.
And this gallery space runs along the south wall of the building, which allows entrances into each of the conference spaces on the interior. So that's going to be a very active kind of public space facing towards downtown and South Cedar.
ARTHUR APPLEGATE: It will be facing towards South Cedar.
MALE SPEAKER: Facing towards South Cedar.
ARTHUR APPLEGATE: Yeah. That whole bank of windows there is not -- it's sort of the common space, if you will, where people will travel through there, and then they'll enter from that hallway into the various, you know, conference spaces.
The next drawing just shows the conference center as it was previously shown and then how it's being proposed. And the big change you notice there is the detailing of that entrance area has been given a little more attention to the detail on that portion.
The next page is a -- is a detailed site plan that we had up earlier. I don't know that there's anything -- one thing I will point out is that is very significant in my mind is the amount of space that we have from the edge of West Richardson to the edge of the

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building is about -- I think it's 30 -- at this point it's around 35 feet. Is that correct, Hank?
MR. D'ANTONIO: I'm not sure.
ARTHUR APPLEGATE: Well, the scale is -- I'm looking at that and saying --
MR. D'ANTONIO: It's probably -- yeah, it's probably 20 -- between --
ARTHUR APPLEGATE: Five --
MR. D'ANTONIO: -- between 20 and 25 feet.
ARTHUR APPLEGATE: Yeah. So it's set back significantly more from the street than the current structures that are along West Richardson, both the residential and the hotel, but the hotel even more so. But one thing you can see from looking at it there, you see the movement going across the front of the façade.
MR. D'ANTONIO: The other thing that was brought up was the -- on the site was the issue of deliveries and circulation and so on, but now having the two entrances, having a wide enough entrance, there's room to pull off. If we even had a truck that came through there, they wouldn't have to back out on any street. They can come through and circulate through.
And if we had to have a truck park temporarily to unload in those -- along those drives, they

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would be able to do that, and it wouldn't be that much different than what you have in your downtown now, if somebody is unloading stuff from the front of a -- of a building -- you know, of their building for unloading purposes. But in this case, it's not on any of the public surrounding streets.
ARTHUR APPLEGATE: It will all be on the -- internal to the project. You would have a delivery truck, for example, on Cedar or a delivery truck on West Second Street.
The -- and I don't know -- I'm not addressing the details of the site plan on the tree removal or the additional trees that are being added. They're on the plan, and I can certainly let Stantec comment on that, if y'all have any particular questions on that. They're very detailed landscape plans. And we have various perspectives as you work your way through the package. And it's -- begins to get a little redundant.
But at -- I think what -- you know, what the idea behind the package is, is to respond in detail to everything that is requested by the Board. And I think that they -- that we have met all of the requirements for the conceptual and preliminary approval from a detailing standpoint. But -- and we've got in here wall sections,

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and we've got the details as you move into the back of the package.
I won't dredge -- I won't go back into the -- all the various height issues that we talked about before, but just -- you know, I will mention that now we're looking at a situation, for example, where the top of the hotel is 38 feet high. It's the same height as City Hall on the corner.
And the residential units are now -- I think that they're around 35 feet. And the highest point on the residential element is actually 38 feet. So it's approximately 17 feet lower than what you could build there under y'all's current zoning.
And the other thing I'll emphasize, we are not requesting nor are we required to have any variances whatsoever from any of the existing codes. Everything that's being done is being done in compliance with existing codes, and we're well below the maximum height requirements.
Usually on other projects that we've done, we are always asking for variances of one kind or another. We are not having to ask for any variances for any element of the project. I think that's correct statement.
MR. D'ANTONIO: Yes. And I think one

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other thing we might mention is because we're asking for kind of conceptual, preliminary stage, keep in mind there will be more details to come in terms of some of the comments about this lintel or that lintel should look a different way, or this should be a different brick than that brick, or whatever. Those details will come. So those comments, I think, we will address eventually.

But I think for this -- purposes of tonight, we're looking at the height, scale, and mass and the -- and the composition, the -- sort of the master plan of our plan, and we're addressing all these major issues which was -- we've discussed here tonight. Those are the things that we think are germane to the project at this point.

ARTHUR APPLEGATE: Yeah. And we have -- in the package we've got detailed wall sections. We've got the detailed drawings on the --

CHAIRMAN DIXON: The building --

ARTHUR APPLEGATE: -- the parking garage. We've got the building sections that you can look at.

CHAIRMAN DIXON: Well, we'll get to that --

ARTHUR APPLEGATE: Yeah.

CHAIRMAN DIXON: -- when we get through

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reviewing more final plans for each section. I mean, that's --

ARTHUR APPLEGATE: Yeah. And we certainly would welcome any comments that you would like to make for us to take under advisement as we look at the -- coming back for the final approval in terms of, you know, colors and that sort of thing.

CHAIRMAN DIXON: Yeah. We'll catch that at that point in time.

ARTHUR APPLEGATE: Yeah.

MR. KWIST: Can I make one --

ARTHUR APPLEGATE: Sure.

MR. KWIST: All right. You addressed the height, and I appreciate that. I don't think you've addressed the mass. And as I indicated to you in that workshop, the elevation along Richardson Avenue, best I could tell, is about 320 feet of continuous building.

And I was looking at the northwest aerial perspective that's included in this drawing, and all of the other buildings in the neighborhood have alleyways between them, pedestrian arcades, and drives.

And I think in the case of this building that we're in here, the only -- I believe the architect did a masterful job of breaking up the mass by having pedestrian arcades and walkways around all the buildings

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and between the shops so that it didn't look like one big building.

And I think 320 feet continuous is really long. If you look at the newest construction that is in the triangular space between Short Central and Cedar Street, they created a pedestrian arcade there to break up that mass.

This building, as I indicated, has alleyways and drives and all-arounds so that you can -- so that it breaks up the --

ARTHUR APPLEGATE: Right.

MR. KWIST: -- the physical size of the building.

ARTHUR APPLEGATE: Right.

MR. KWIST: If you look on Hutchison Square --

ARTHUR APPLEGATE: Right.

MR. KWIST: -- those buildings -- the two main buildings there has an arcade. I think it's about 16 feet wide.

ARTHUR APPLEGATE: Right. We --

MR. KWIST: What's your answer to that?

ARTHUR APPLEGATE: Well, my answer to that is you did raise that subject before. We did study that subject, and it was not feasible to do that. We

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looked -- what you have to understand is if you look at how we broke up -- if you look at the rendering under the -- that shows the residential units on Richardson, the section where we move from the retail space and the hotel space to the residential, that area is significantly set back where the entrance is.

And we think -- and I personally think the architects have done a great job of breaking up the massing of the building. But it's not possible to put an alley when you've got a parking garage behind it.

MR. KWIST: Sure it is. It's --

ARTHUR APPLEGATE: And so it --

MR. KWIST: It's the exactly the situation over here -- that you have right here.

ARTHUR APPLEGATE: Well, I -- you know, I --

MR. KWIST: Arthur, you didn't let me finish.

ARTHUR APPLEGATE: Okay. I'm sorry. I thought you had finished.

MR. KWIST: No.

ARTHUR APPLEGATE: Go ahead.

MR. KWIST: I was long from finished. I'm looking at -- in plan view at L100, I'm looking at that stairwell area, and it looks like about two-thirds

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of the stairwell is blank space. That can easily become --

MR. D'ANTONIO: That's our circulation, and that's the way -- from an emergency egress we have access from both the hotel, from the residential area, and we have an elevator back in there that serves the garage and the residential component.

So, you know, taking that whole section out you still need vertical circulation to meet the code requirement, because of what we're doing with the fact that these two buildings are juxtapositioned next to each other.

MR. KWIST: If there's an alley there, you could -- it could still be emergency egress. Why could you not egress an alley just as easily as you could in a circulation?

MR. D'ANTONIO: Well, it takes room and space to do that. It's not just -- you know, there's --

ARTHUR APPLEGATE: We've -- let me assure you, we have studied the situation in great detail, and it is not feasible to run an alley from West Richardson through the garage and through the hotel and through the residential.

MR. KWIST: It's not feasible --

ARTHUR APPLEGATE: It's not feasible.

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MR. KWIST: -- but it is possible?

ARTHUR APPLEGATE: It is not possible in my opinion.

MR. KWIST: Yeah, it is.

ARTHUR APPLEGATE: That's my opinion.

MR. KWIST: As a builder, I would much prefer to build these buildings separately than joined together. But let me tell you some benefits, I think, from a standpoint of fire protection, from a standpoint of circulation, from a standpoint of possibly -- if it were wide enough to be a private drive for the residences, they wouldn't have to compete with traffic in these service drives. So -- and there are more benefits that I can't even think of at this minute. But, you know, you asked for opinions, and I gave it to you then. I'm giving it to you now.

ARTHUR APPLEGATE: I -- I --

MR. KWIST: I think it's too long a stretch for one building -- 320 feet.

ARTHUR APPLEGATE: That's fine. I appreciate your --

MR. KWIST: All right.

ARTHUR APPLEGATE: I appreciate your comments. And we studied it and we did the best we could do.

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MR. KWIST: Well, it's going to be there for the next 100 years, and we want it to be perfect, not the best you could. So anyway, that's -- that's my comment.

MR. D'ANTONIO: Well, I think, also, by breaking up the mass -- you know, this is not going to look, as you -- I mean, if this were one flat wall and it's a huge uninterrupted, single, flat wall, I think -- I wouldn't disagree with what you're saying. But this building, we're trying to break it up into pieces. There are ins. There are outs. There's differences in materials. There's differences in the fenestration.

This building is not going to look like one big long building, in our opinion. And architecturally, I think you're wrong. I think we can -- that this building is more of an urbanistic building. We would admit that. It's in downtown Summerville. And it is more urban than suburban. We don't have alleys going through all these areas.

Even this building we're in, there is a pedestrian area here, but you're -- the drives that are here were here before. There's not a drive that was bifurcating this lot before, and therefore it's part of one big block.

MR. KWIST: Well, we have a chance to

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create something from a -- from a -- from brand-new, whether the drive is there or not. You can put a drive there if you choose to do so. And I will say that I -- that I -- that I find the architecture of the hotel very nice, but I don't necessarily think that the architecture of the residential units is pleading. And that's just my opinion. And so even more reason to set the two apart rather than have them conjoined.

ARTHUR APPLEGATE: Well, we -- I appreciate your opinion and we've done the best we could to study the situation, so --

CHAIRMAN DIXON: David.

DR. PRICE I would offer no further perspective. If you look at the elevation along Richardson, it may be able to be further enhanced, but the entryway is to that common stairwell or whatever circulation thingamabob, whatever it's called by code --

MS. BURTON: That's a highly architectural --

FEMALE SPEAKER: Thingamabob (unintelligible).

DR. PRICE Is that a good architectural word?

MS. BURTON: That was a great one.

DR. PRICE If you look at it on the

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appropriate elevation, it does have a lot of the effect of an arcade being glass, and glass doors. It has very much -- although a different architectural style, very much the same effect as the arcade that was put in to divide the town square building.

MS. BURTON: Are you saying, David, that if that one piece was looked at and developed as a transition piece between those two, that's what you're saying?

DR. PRICE Yeah. Yeah. I think it could be changed from just an apparent entryway into a -- much more of a focal piece without changing what they're trying to do.

ARTHUR APPLEGATE: We can certainly --

DR. PRICE And this is again the stuff that we get into down in the road --

ARTHUR APPLEGATE: (unintelligible).

DR. PRICE -- not at this point, but --

MALE SPEAKER: We could certainly do that to make it maybe more opaque, you know, or -- make it more transparent so that the --

DR. PRICE Right.

MALE SPEAKER: -- it reads like a through unit. We can certainly look at that.

DR. PRICE Right. Yeah. Because it's

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a fairly --

MALE SPEAKER: Yeah.

DR. PRICE -- significantly wide space which is way wider than just a glass door into a foyer. It's --

MALE SPEAKER: Right. That --

MR. PRICE It's significant --

(Unintelligible simultaneous speaking)

DR. PRICE It's a lobby.

ARTHUR APPLEGATE: That's achievable.

MALE SPEAKER: Yeah, because --

DR. PRICE And to accomplish the passageway thing, you could put on the other end of it where it goes into the parking garage an equally significant opening. So I'm not as disturbed by that.

CHAIRMAN DIXON: Beth.

MS. HUGGINS: I think the drawings have come a long way from the first time we met, and I appreciate your sensitivity on breaking up that long space.

ARTHUR APPLEGATE: Right.

MS. HUGGINS: Yeah. Yeah. And I think you're definitely on the right path. And, David, I will agree with you on making that entrance to that housing a little bit more important looking. That way --

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everything else, I think y'all have done a wonderful job. And I really appreciate you taking the (unintelligible). And I know we get into the looks of everything, but the change of materials and all is looking more like what I think we all wanted to see.

CHAIRMAN DIXON: Cecile.

MS. COLTHRAN: I agree with what David was suggesting, and I certainly agree with what Beth has said. And I love the way you've changed the roof line -- not just the height of it, but the appearance.

ARTHUR APPLEGATE: Well, thank you.

MS. HUGGINS: It doesn't look so industrial.

MS. COLTHRAN: Right.

ARTHUR APPLEGATE: Yeah.

MS. COLTHRAN: Right.

MS. HUGGINS: It looks more --

MS. COLTHRAN: We don't want it to look like a hospital.

DR. PRICE Well, the challenge for us was the juxtaposition of the hotel next to residential.

MS. COLTHRAN: Right.

DR. PRICE How do you do that? And how do you make them compatible but yet different? That's the challenge. We wanted to make sure that it read still

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to be residential, but at the -- you know, as opposed to a hotel. But at the same time, it's in the same block, so we want it to be compatible and have a relationship with that -- with the hotel.

MS. COLTHRAN: I think you've done that very well.

CHAIRMAN DIXON: Rachel, anything?

MS. BURTON: Yeah. I wanted to say thank you very much for listening so attentively to all the comments that were made and the significant changes that you made with the new drive, the acquisition of that property so you could put in the new drive, the reduction of the four stories to three, and the elimination of the units. Those are all really significant issues. And I think it's really significantly improved the overall project.

So I really like the conference room building or the conference center. I've always liked that piece. And my only question is, the one long side from the other long side has a different rhythm and pattern on each side, and perhaps they could be more alike. I mean, you've got three bays on the window side and two bays on the other. And I don't know if it would suit having a more, you know, complementary pattern on both.

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And I really like the changes that you have made architecturally to the residential part, like the sloped roof on the residential part, the materials, the way that you've got bays within the -- under the windows that are in, like -- what looks like wood and then repeated patterns in brick. I think all of those are really nice.

The kind of questions that I have from here out are things that I hope will be presented next time, which is you're showing a landscape, and I'd really like to know what plants there are. And I have a question back to our board. The Commercial Design Review Board has a landscape architect who sits on that board, and this is a -- isn't there someone who's specifically looking at --

FEMALE SPEAKER: The staff will look at the landscaping to make sure it meets ordinance.

MS. BURTON: Okay. Okay. Well, I just wanted to make sure that we were going to look at it carefully, and especially that water retention area. And then just as a urban planning move, I really applaud the ability to keep the storm water on-site and to treat it on-site. That's really, really good.

That's it for me.

CHAIRMAN DIXON: Any other comments?

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David?

DR. PRICE I think we should call the question as to whether we approve the conceptual plan.

CHAIRMAN DIXON: Okay. I'll take that as a motion.

DR. PRICE Is that the level at which --

CHAIRMAN DIXON: Yeah. I think we --

MALE SPEAKER: (unintelligible).

ARTHUR APPLEGATE: Conceptual and preliminary approval is what we're --

MR. D'ANTONIO: Yeah.

CHAIRMAN DIXON: Okay.

MS. BURTON: Are we going to treat that as two separate things or --

CHAIRMAN DIXON: No. We can just take it together.

MS. BURTON: Okay.

CHAIRMAN DIXON: Second?

MS. HUGGINS: I second.

CHAIRMAN DIXON: Okay. John, are you in favor or --

MR. KWIST: Well, I'll preface my vote by saying that there's not another 320-foot long building in the downtown area. And until that's broken up into two buildings I would have to vote no right now.

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CHAIRMAN DIXON: Okay. David?

DR. PRICE I'm in favor.

CHAIRMAN DIXON: Beth?

MS. COLTHRAN: I'm in favor.

MS. HUGGINS: I'm in favor.

CHAIRMAN DIXON: And I'm in favor. So you've got your preliminary approval.

ARTHUR APPLEGATE: Thank you very much.

CHAIRMAN DIXON: So --

ARTHUR APPLEGATE: Appreciate your time.

CHAIRMAN DIXON: So I wish you well. I look forward to -- I hope you continue to listen to us and that --

ARTHUR APPLEGATE: We will.

CHAIRMAN DIXON: -- when we come back with the next phase --

ARTHUR APPLEGATE: We will try to listen as best we can. Thank you.

CHAIRMAN DIXON: Thank you. Thank y'all for being here with us this evening. And stay tuned.

(WHEREIN, the meeting was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for the State of Missouri, do hereby certify that the tape transcription in the witness whose testimony appears in the foregoing transcript in the caption hereof and thereafter transcribed by me; that said transcript is a record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any parties to the action; and further that I am not a relative or employee of any counsel or attorney employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Sherri L. Jolley