

A Summary of the Political Background and Permitting History for I'On.

Background:

The traditional walking neighborhood of I'On is located on a 243-acre infill site in Mt. Pleasant, SC located 5 miles from Charleston's historic district and 3 miles from the Old Village of Mt. Pleasant. The site is surrounded by conventional subdivision development of the 1950's, 60's, 70's, and 80's. Approximately 60% of I'On's acreage was originally comprised of former agricultural fields, 30% was 30-40 year old hard wood growth, and 10% took the form of three man made lakes. The design workshop for I'On took place in May of 1995. I'On received approval in March of 1997, and ground was broken on infrastructure in June of 1997, and on the first house in March of 1998. Approximately 310 homes are now completed in I'On, with another 70 homes or so underway. There are also 25,000 s.f. of commercial space completed. A Montessori school has opened in I'On, and plans are in place for two churches.

Mt. Pleasant is a bedroom community of Charleston. It has a population of approximately 50,000 people spread over 26,000 acres (roughly the size of Hilton Head Island or Manhattan Island). In 1992, well in advance of the initial design workshop for I'On, the Town Council of Mt. Pleasant unanimously adopted a town-wide Master Plan incorporating Traditional Neighborhood Design (TND) principles. This plan, known as the Redmon-Johnson Master Plan, praised the Old Village of Mt. Pleasant with its mix of civic, commercial, and residential uses as *the* development model to emulate. It even recognized the site upon which I'On was to be built as an ideal location for a TND. In addition, the Town had adopted and unanimously approved a Strategic Plan in 1994, which also encouraged future development to take the form of compact, traditional neighborhood like the Old Village of Mt. Pleasant. Unfortunately, the Town's zoning had never been modified to make it consistent with the Master Plan or the Strategic Plan. The underlying zoning for the site was "R-1" specifying 10,000 s.f. minimum lot sizes with accompanying requirements of conventional development (minimum lot widths, setbacks, etc). Thus, to develop the property as a TND required a zoning change to "Planned Development".

The Founders retained Dover Kohl and DPZ as land planners for the neighborhood. The Founders led the combined firms on a tour of the best models of urbanism in the region including Savannah and Charleston, as well as the historic areas of lesser known coastal towns like Beaufort, Rockville, and the Old Village of Mt. Pleasant. In addition, the group toured Newpoint, a three-year-old TND the Founders were currently building in Beaufort.

Over the next seven days, the group worked to develop a design code and plan comprising 800 single-family lots, 440 multi-family units, 90,000 s.f. of commercial space, and a number of civic sites. Andres Duany presented the plan to a standing room only crowd at the Mt. Pleasant Town Council chambers in mid-May of 1995.

The Founders spent the next few months working with members of DPZ and Dover Kohl to fine tune the plan and code to ready them for rezoning application submission. The rezoning application was submitted in August, 1995. After several public meetings, it received a 7-2 recommendation for approval by the Mt. Pleasant Planning Board. Prior to being reviewed by Mt. Pleasant's Town Council, compromises were made to the rezoning application reducing single-family lots to 730, and multi-family units to 120. These 850 units worked out to a density of 3.5 units/acre. 3.5 units/acre met the Town's definition of "low density" [Note: this definition has since been revised downward to 2.8 units/acre.].

Despite more citizens speaking in favor of the project than in opposition at the Mt. Pleasant Town Council meeting held in December of 1995, the application was rejected by a 5-4 vote.

Among other concerns, several residents from the adjacent subdivisions of Hobcaw Point, Molasses Creek, and Heron Pointe feared that the smaller lots would depress their property values, the proposed roundabout would be a "circle of death", some of the planned streets would be too narrow for fire equipment to use, the parks and apartments would attract "undesirables", and traffic from I'On would overwhelm Mathis Ferry Road.

After much debate, the Founders elected to continue with option payments to purchase the property. They worked to decipher what kind of plan would be supported by those council members who voted against the application. They also worked with planners to make further compromises to the plan such as removing the multi-family component, reducing the number of proposed thoroughfare types from 11 to 4, reducing commercial from 90,000 s.f. to 30,000 s.f, eliminating a vehicular connection to the adjacent neighborhood, and reducing the total unit count to 759. The Founders had deep regrets about making these compromises as they felt the neighborhood would be less diverse and less affordable, thus reducing the overall quality of I'On. However, political circumstances made these compromises necessary to get anything approved.

Note: 759 units on 243 acres works out to a density of 3.1 units per acre. For comparison, the Old Village of Mt. Pleasant has 3.7 units per acre, Charleston south of Broad Street has 5.2 units per acre, and a conventional R-1 subdivision in Mt. Pleasant has about 2.7 units per acre.

The compromises alleviated the concerns of a large portion of the opposition. However, there was still a core group of four or five individuals lead by Vince Adams who were determined to defeat the development proposal. Opponents argued that the neighborhood plan would generate too much traffic on Mathis Ferry Road. They refused to believe a traffic impact study prepared for the project, which found that because of the off-sight improvements being made by the developer (which included a new connector road between Mathis Ferry Road and U.S. 17) the traffic impact from new homes in I'On would be less than it would be from a conventional subdivision development where no connector road was required. This study also found that the level of service (a qualitative measure of traffic flow conditions) on Mathis Ferry Road would not change once the development was fully built out. Nor would opponents believe the Town of Mt. Pleasant's own traffic engineering consultant who reviewed the study and concurred with its findings.

The opponents' claimed the I'On Founders were being deceptive, and the maximum number of units that could be built on the property using R-1 guidelines was between 450 and 500 units. Their basis for this claim was a land plan that had been prepared for the property in the early 1990s, which opponents would cite in public meetings and letters to the Planning Board and Town Council. This plan, which showed 450 units, had been commissioned by Bob Miller, a developer with strong political connections, who had been building conventional subdivisions in the Town for many years. Miller had worked on this plan with Dick Jones, a former Mayor of the Town.

This new plan and rezoning application was submitted in December, 1996. After the requisite public hearing, it received a 7-1 recommendation for approval by the Mt. Pleasant Planning Board in January, 1997, followed by a 7-2 first reading approval by Town Council in February of 1997. The plan and

rezoning application received 6-3 final approval by Town Council in March of 1997 (one council member who had supported the rezoning in February, switched his vote after intense lobbying by rezoning opponents). As with the 1995 application, the majority of citizens who came to speak at public hearings voiced support for the plan for I'On.

Infrastructure construction began in the summer of 1997 (two years after the initial design workshop took place) and ground was broken on the first house in March of 1998. Homes in the neighborhood have ranged in price from \$160,000 to \$1,700,000, and lots range in size from 1/20th to one half of an acre. It is worth noting that some of the more expensive homes sold in the neighborhood are located on some of the smallest lots. Quantity is not quality, and thus, does not necessarily translate into a higher price.

During the time the Planned Development ordinance received first reading approval in February of 1997 and infrastructure ground breaking in the summer of that year, the opponents of the project gathered a petition of 3,500 registered voters, which they presented to Town Council requesting that governing body overturn the approved ordinance, or otherwise, hold a referendum enabling the citizenry to vote on the zoning. The Founders challenged this action, and a Circuit Court Judge placed a Temporary Restraining Order (TRO) on the Town prohibiting them from acting on this petition. This TRO was subsequently lifted, and while the Town Council voted 6-3 against overturning the rezoning, they did schedule a Town-wide referendum to be held in October of 1997.

The Founders continued their legal challenge, while preparing a campaign to win support for I'On at the polls in October. Site work construction continued unabated throughout despite the opponents' legal attempts to stop it. One week prior to the scheduled referendum, Circuit Court Judge Markley Dennis ruled that a municipality could not hold a referendum on zoning issues. The Town was satisfied with the decision, but the opponents were not and intervened to appeal this decision. The appeal was heard by the South Carolina State Supreme Court in December of 1999. In January of 2000 the Supreme Court ruled unanimously to affirm the lower court decision.

The principal opponents of I'On targeted the incumbent supporters for defeat. In subsequent elections, five of the six council members who had voted to support the rezoning of I'On were defeated at the polls, and the other member of Council who had voted to support the rezoning, elected not to run. Despite all its aesthetic, economic, environmental and social successes, I'On was effectively used as a galvanizing issue for the anti-growth forces of the Town to defeat incumbents.

Since its approval, I'On has received numerous local, state and national awards for environmental sensitivity, sustainability, and design, including a Stewardship Award from the South Carolina Department of Natural Resources, and the National Association of Home Builders "Best Smart Growth Community" in the country in 2002. It has also received national and international recognition from media outlets ranging from CNN to *National Geographic* magazine. The neighborhood has played host to college groups, city councils and planning staffs from other municipalities in the Carolinas, and developers from as far away as Europe, Japan, and Australia. They come to learn more about smart growth principles in action.

The political fervor has died down over the years as I'On's residential property values have consistently

outperformed the market and are easily the highest of any new community in Mt. Pleasant. However, from time to time a new controversy will arise. A 2001 proposal to connect with the new subdivision of Braemore to the southwest was fought by Council. Another 2001 proposal to allow up to 80 of the 762 approved homes to take the form of "Rainbow Row" styled townhouses was voted down by Town Council 9-0. In 2002 the Town chose to fight a Montessorri School's decision to locate on one of the sites designated for civic use in I'On, by arguing that a school is not a civic use. A circuit court judge ruled that the Town cannot exclude a school from the definition of a civic use, but despite this, the Town asked its city attorney to appeal this decision to the State Court of Appeals in April of 2002, where it currently stands pending a hearing.

A few observations. As discussed, the neighborhood is located in close proximity to two historic districts that are, if price is any measure, the most sought after places to live in the area; through its Master Plan and Strategic Plan the Town had adopted a clear vision for the kind of development they wanted; we had two of the best, if not the best, planning teams in the country creating the initial plan; no less than four environmentally oriented groups endorsed the plan along with a substantial number of community leaders; and the developer had a track record of successful TND development within a 90-minute drive of the subject property.

It is important to recognize that our society has politicized property rights and democratized land use to the point that most re-zonings now involve a political campaign. Even with great built examples such as the historic area of Charleston and the Old Village of Mt. Pleasant, one should not make the naïve mistake of assuming that citizens or their elected leaders will understand the concept after hearing a lecture or reading a few articles on Traditional Neighborhood Development. Some may take years to understand the concept, while others may never understand it. And there are some for who seem to feel that accepting the design principles of TND involves an admission that what has been built over the last 50 years was a mistake. They may be unable or unwilling to make such an admission. Also, one should not assume that if a politician or appointed board member likes a project or thinks it is "the right thing to do" they will necessarily support it in a public forum. Few are those who possess the political will or guts to stand up to an angry room full of NIMBYs, or a well-connected citizen.

It is extraordinarily difficult to win such a political campaign in most areas of the country for three reasons: (1) the overall shoddiness of the built environment of the last 50 years makes people distrustful of anything new. Most people thus believe that anything built will make things worse; (2) the private/exclusive mindset embodied in the suburban mentality (which has spread to many urban areas) leads people to believe that any more development will degrade their privacy and exclusivity; and (3) it is in the best short-term economic interests of existing property owners because limiting supply of new homes, puts upward pressure on existing home prices.

There are many bright spots in the I'On story that those involved in campaigning for, building, and living in the neighborhood can view with pride. As mentioned, the neighborhood continues to grow in aesthetic, economic, and social value. It attracts people from around the world interested in smart growth principles, and demonstrates that it is still possible to build in a beautiful manner.

The present Town Council of Mt. Pleasant attempts to address growth by widening roads, and mandating lower densities and segregated land uses. This has the effect of spreading new growth out to the fringes of Town, which induces further driving and exacerbates the problem of traffic congestion.

There are however, many smart growth oriented municipalities that have taken aggressive measures to address the problems of sprawl. For example, the Founders have been welcomed by other municipalities and their citizens in South Carolina, North Carolina, and Florida to participate in building new neighborhoods. With I'On and other examples of smart growth now taking shape across the country, the future looks bright for a wider availability of housing choices.

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