

**TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
Town Hall  
1122 Dills Bluff Road, James Island, SC 29412  
BZA AGENDA  
July 19, 2022  
7:00 PM**

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

**(PLEASE SEE ZOOM LINK AND CALL-IN NUMBERS BELOW TO VIEW VIRTUALLY, OR VISIT THE TOWN'S  
YouTube CHANNEL)**

**Members of the public speaking during Public Comment at Town Hall must sign in. Social distancing will be in place. The Town invites the public to submit comments on this case prior to the meeting via email to [kcrane@jamesislandsc.us](mailto:kcrane@jamesislandsc.us) referencing the Case #. Your name and address must be included in the email for the record.**

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. EXECUTIVE SESSION: THE BZA MAY/WILL ENTER INTO AN EXECUTIVE SESSION IN ACCORDANCE WITH 30-4-70(a) CODE OF LAWS OF SOUTH CAROLINA
- V. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VI. PUBLIC COMMENT
- VII. REVIEW OF THE FOLLOWING APPLICATION  
(RESUMED)
  1. **Case # BZAS-5-22-025**  
TMS # 425-06-00-101  
Special Exception request for a fast-food restaurant on a vacant lot in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road.  
*Link to Traffic Impact Analysis:*  
<https://www.jamesislandsc.us/Data/Sites/1/media/boardofzoningappeals/2022-06-14-kfc-tia-memo.pdf>  
\*Full packet available for public review during business hours and on website
- VIII. ADDITIONAL BUSINESS:
  1. Potential Regular Meeting Time Change (discussion and vote)
  2. Next Meeting Date: August 16, 2022
- IX. ADJOURN

**Please click the link below to join the webinar:**

**<https://us02web.zoom.us/j/81534903573?pwd=V7Mnd15VKCWBf9tEUBx6ofdDITrFIG.1>**

**Passcode: 166865**

**Or One tap mobile :**

**US: +19292056099,,81534903573#,,,,\*166865# or +13017158592,,81534903573#,,,,\*166865#**

**Webinar ID: 815 3490 3573**

**Passcode: 166865**

# Application for Special Exception

## Town of James Island Board of Zoning Appeals

Town of James Island  
Zoning/Planning Department  
1122 Dills Bluff Road  
James Island, SC 29412  
Phone 843-795-4141  
Fax 843-795-4878  
[www.jamesislandsc.us](http://www.jamesislandsc.us)



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Special Exception. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Completed Special Exception application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) A **letter of Intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.045 E. All proposed Special Exceptions, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees (24" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.  
**One 24 x 36 copy & fifteen (15) 11 x 17 copies.**
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island".

Applicant Name: KFC Corporation

Mailing Address: 1900 Colonel Sanders Lane

City, State, Zip Code: Louisville, KY 40213 Daytime Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Subject Property Address: 890 Folly Rd, Charleston, SC 29412

Present Use of Property: Undeveloped lot

Special Exception Description: Quick service restaurant with single lane drive thru

Applicant Signature: [Signature] Date: 5/14/2022

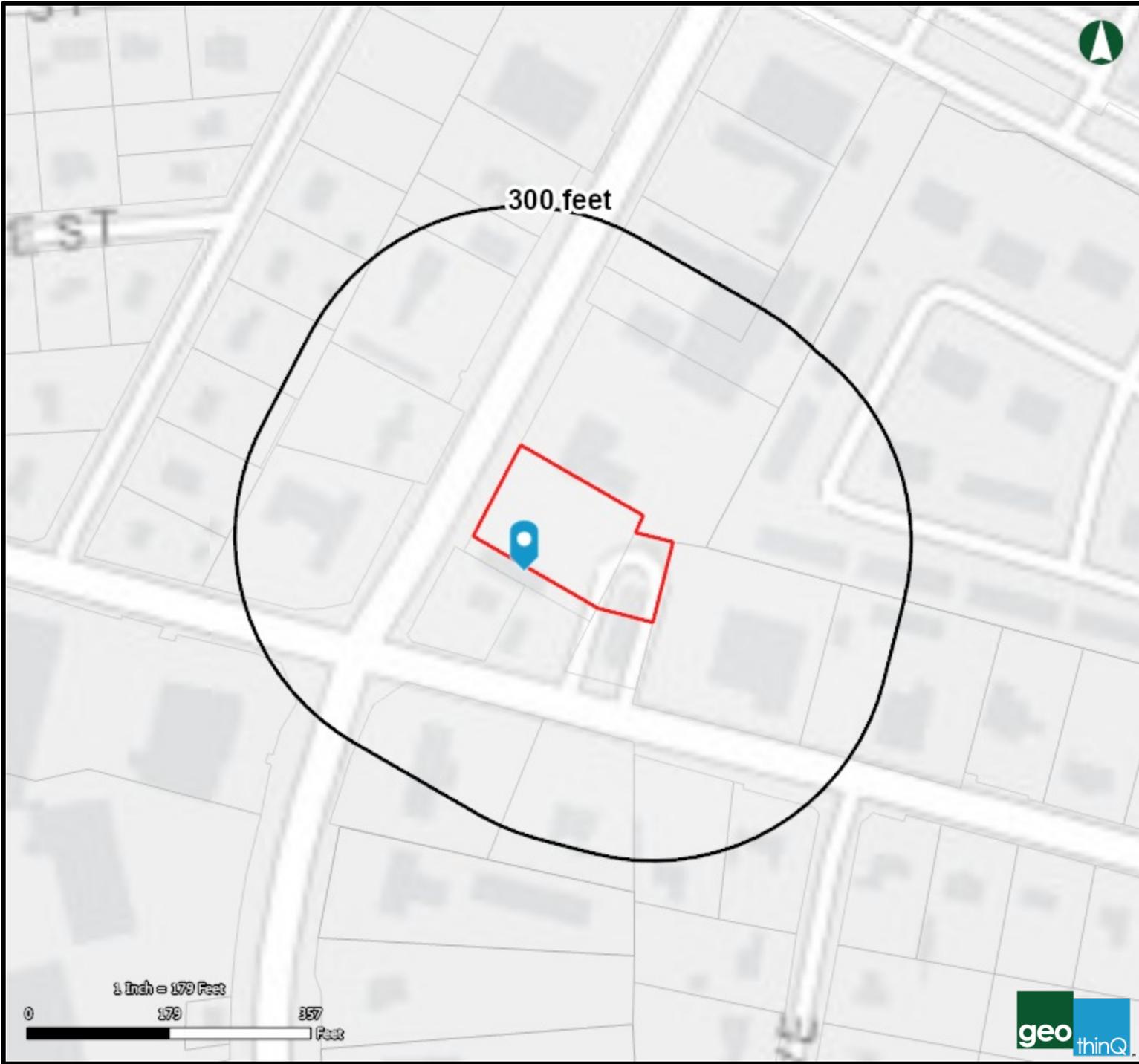
**Designation of Agent** (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Pebble Hill MP, LLC Date: \_\_\_\_\_ Owner Mailing Address: 5 Brewster Street, #368

Owner Print Name: \_\_\_\_\_ Date: \_\_\_\_\_ Owner Mailing Address: Glen Cove, NY 11542

Owner Signature: Christoph Cushman, Authorized Signatory City, State, Zip Code: \_\_\_\_\_

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| FOR OFFICE USE ONLY:                |                                   |
| Application #: <u>BZAS-5-22-025</u> | Flood Zone: _____                 |
| Zoning District: <u>CC</u>          | Fee Paid (\$250): <u>ck # 136</u> |
| Date Filed: <u>5/14/2022</u>        | Zoning Officer: <u>LHC</u>        |
| TMS#: <u>425-06-00-101</u>          |                                   |



Town of James Island  
South Carolina



## Radius Map

890 Folly Road  
06/03/2022

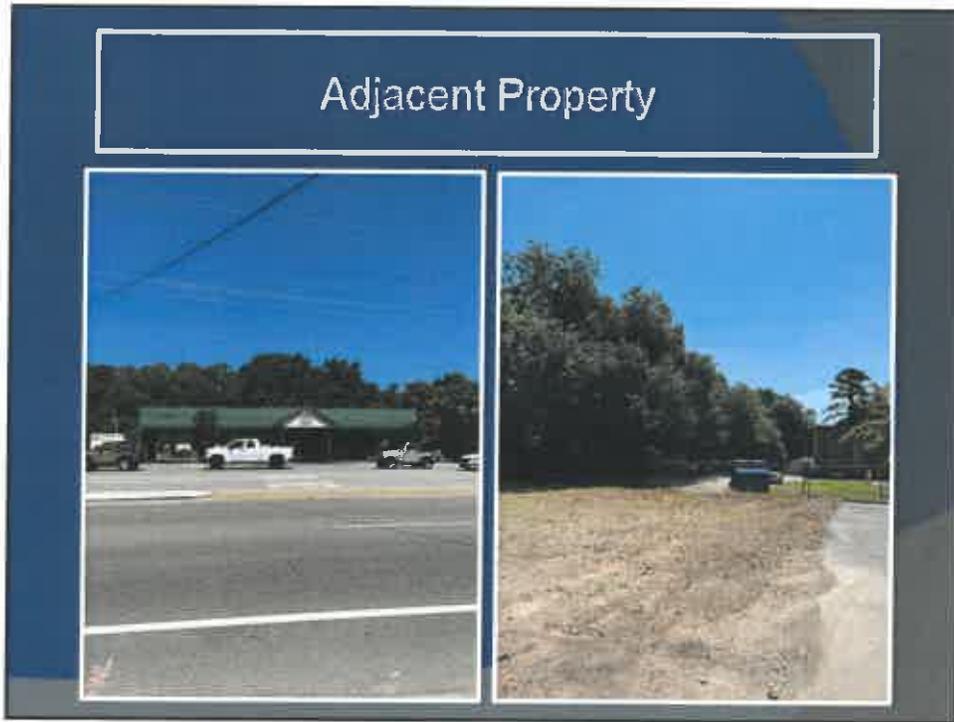




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**Staff Review:**

The applicant, Kentucky Fried Chicken (KFC) Corporation, is requesting a Special Exception for a fast-food restaurant on a vacant lot in the Community Commercial (CC) Zoning District in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District. The lot lines for 890 and 896 Folly Road have been recently reconfigured, and the properties are the previous locations of Pizza Hut, Subway, Papa John's and Corky's Outdoor Power Equipment, which have since been demolished. 890 Folly Road (TMS #425-06-00-101) is 0.65 acres in size. Adjacent property to the south, north and west are in the Town of James Island and are zoned Community Commercial (Chase Bank, Hyam's Garden & Accent, and Island Car Wash). The adjacent parcel to the east is in the City of Charleston's jurisdiction and is zoned General Office (Southern Bell Telephone & Telegraph Company, utilized by AT&T). Additional uses within 300' include convenience stores and service stations (Circle K), vehicle service (Super Suds Carwash), general restaurant (Tropical Smoothie Café) social club or lodge (VFW), florist (Floriography Studio), drug store (Walgreens), personal improvement services (Folly Jujitsu) and parcels in the Town of James Island zoned RSL and DR-1F in the City of Charleston.

*Section 153.093, FRC-O (H) (2) states that uses requiring a Special Exception include fast-food restaurants.*

The applicant is seeking to utilize the property for the operation of a KFC quick service restaurant. As stated in the letter of intent "the intent for this project is to offer a family friendly restaurant to the Town of James Island. It is our intention that this site will be beneficial to the area and fulfill all necessary special exception requirements. KFC is excited for this opportunity and will work diligently to avoid any negative impact to the surrounding James Island community and avoid any potential development that is inconsistent with the Town of James Island Comprehensive Plan." Pebble Hill MP, LLC is the current owner of the subject parcel, and the lot is considered legal and conforming.

**Findings of Fact:**

*According to §153.045 E, Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:*

- E. (a): *Is consistent with the recommendations contained in the Town of James Island Comprehensive Plan and the character of the underlying zoning district "Purpose and Intent";*

**Response:** **The Town of James Island Comprehensive Plan, Economic Development Element states a strategy as "encouraging a variety of diverse commercial uses that will benefit the Town as a whole". The applicant states in the letter of intent that they will "contribute to the economic development by adding to the town's**

work force... offering employment positions for up to 12+ community members. We will also be paying for a business license, adding to the Town's revenue in hopes to improve the negative decline as a result and impact of the Covid pandemic". Transportation Element Strategies include "encouraging redevelopment activities that improve existing CARTA bus stops and bicycle facilities." According to the letter of intent, "KFC will adhere to the Transportation Element Goal, which strives to '...promote a safe and inclusive transportation network.' KFC will be actively contributing to this goal by building the bus shelter that is in front of our restaurant." Additionally, §153.093(H) states that, in the Commercial Core Area, "Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor."

E (b): *Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;*

**Response:** Nearby properties have a wide range of existing uses including convenience store, service stations, vehicle service, restaurant general, social club or lodge, florist, drug store, personal improvement services, banks, & garden supplies centers. The use may be compatible with most of the existing uses in the vicinity and should not adversely affect the general welfare or character of the immediate community. Additionally, the letter states that "in consideration of the Rethink Folly Road project, the development fits in with the plan by remaining pedestrian friendly. We have done this by creating a large patio for outdoor seating and will have an exterior image that is welcoming to our guests. We have reoriented our building so that the door is now accessible from the front to pedestrians instead of from the side. We have also increased our building transparency, so that only doors and windows, not blank walls, face the streets."

E (c): *Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;*

**Response:** A comprehensive landscaping plan is required during the Site Plan Review process to address supplemental buffering, fencing requirements, parking, lighting, and setbacks. The applicants have presented a site plan showing required landscape buffering and in their letter of intent state that "traffic congestion has been addressed by completing a traffic study. The traffic study

found that there was no significant change or delay in traffic.” Although noise, vibration, dust, glare and odor have not been addressed in the application, all applicants are required to meet Town ordinances concerning such.

E (d): *Where applicable, will be developed in a way that will preserve and incorporate any important natural features;*

**Response:** The parcel is currently vacant and has been previously prepped for future construction, therefore there are no important natural features on site that will be impacted. Landscaping and vegetation will be incorporated per requirements in the Town’s zoning regulations.

E (e): *Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and*

**Response:** The applicant is in the process to ensure compliance with the applicable regulations.

E (f): *Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.*

**Response:** Vehicular traffic should not be hindered or endangered, due to the recent intersection improvements at the site, as well as the improved parking layout and drive aisle design with the development of the neighboring parcel (Chase Bank). Additionally, the development of the neighboring parcel included a 12’ multi-use path throughout the length of the subject parcel, with no new curb cuts shown on the proposed site plan, therefore pedestrian movement should not be hindered or endangered. The applicant’s letter of intent states that they have “complied with all applicable rules and regulations, such as the requirement for a 10-car stack, parking on the side of the building, and avoidance of disturbing pedestrian traffic.” The applicant has also supplied a Traffic Impact Analysis (TIA) updated with the proposed use that shows “no significant change or delay in traffic” according to the LOI and the previous TIA. Recommended improvements from the TIA have already been constructed and approved by SCDOT.

*In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E 2).*

**Action:**

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAS-05-22-025 (Special Exception Request for a fast-food restaurant on a vacant lot in the Community Commercial (CC) Zoning District in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District) based on the “Findings of Fact” listed above, unless additional information is deemed necessary to make an informed decision.

June 14, 2022

## **LETTER OF INTENT – SPECIAL EXCEPTION**

Town of James Island  
Board of Zoning Appeals Members

RE: Site Plan Review – Letter of Intent - 890 Folly Road, Charleston, South Carolina

Dear Board:

The intent for this project is to offer a family friendly restaurant to the Town of James Island. The property owner is Pebble Hill MP LLC and will be leasing to KFC Corporation for the operation of a KFC quick service restaurant. It is our intention that this site will be beneficial to the area and fulfill all necessary special exception requirements. KFC is excited for this opportunity and will work diligently to avoid any negative impact to the surrounding James Island community and avoid any potential development that is inconsistent with the Town of James Island Comprehensive Plan.

It is our intention that this site will be beneficial to the area and fulfill all necessary special exceptions requirements. The following items, as indicated in Section 153.045, outline our compliance and obtainable objections and conditions for the commercial project:

- A. The KFC restaurant will offer a neighborhood friendly development serving quality fried chicken and staple sides in adherence with the Town of James Island Comprehensive Plan. Specifically, KFC will adhere to the Transportation Element Goal, which strives to "...promote a safe and inclusive transportation network." KFC will be actively contributing to this goal by building the bus shelter that is in front of our restaurant. We have been in contact with BCDCOG (who speaks on behalf of CARTA) on details of what will be required to build this shelter. Additional documents on this build is attached to this application for your consideration.

Additionally, we are contributing to the economic development by adding to the town's work force. This restaurant will open and operate on a community-based need, typically 10:30 a.m. to 10 p.m., Sunday through Saturday, offering employment positions for up to 12+ community members. We will also be paying for a business license, adding to the Town's revenue in hopes to improve the negative decline as a result and impact of Covid pandemic. Further, in consideration of the ReThink Folly Road project, we are assuring our development fits in with the plan by remaining pedestrian friendly. We have done this by creating a large patio for outdoor seating and will have an exterior image that is welcoming to our guests. We have re-oriented our building so that the door is now accessible from the front to pedestrians instead of from the side. We have also increased our building transparency, so that only doors and windows, not blank walls, face the streets. Moreover, you can see that we incorporated a large window in the front of our building to accommodate this request with the attached renderings.

Finally, our building material choices will reflect James Island's unique character. We will be using wood as the main material to build with metal hold downs. We are in constant contact with the Town, working with them to make sure the building materials and colors are toned down and fit with the overall image of Folly Road and do not hinder the pride and intention of the community.

- B. This project is to offer a family friendly restaurant that will appeal to the people of the Town of James Island who are looking for quality quick service meals in a prestigious community. The character of the community is a large reason we have identified to enter back into this trade area. We have worked closely with Kristen Crane, planning director for the town of James Island, to make sure elements of our building fit into the community. We are paying close attention to the color scheme we use for our building exterior, assuring it's not too bright and flashy, deflecting from the natural appeal of the community. We are also proposing a mural on the interior of our building, dedicated to the splendor of James Island and its community.
- C. We have complied with all setback and buffering requirements per our Site Plan. Our landscape plan is attached to this LOI. Additionally, you will see that we used a lot of what the operating Chase bank planned for and applying it to our pad. As such, vehicular traffic and pedestrian movement on adjacent roads shall not be drastically hindered or endangered. Traffic congestion has been addressed by completing a traffic study. The traffic study found that there was no significant change or delay in traffic. The highest change in delay was 5.3 seconds at the intersection of Camp Road at Folly Road during the AM peak hour. They recommend a full movement driveway with one ingress and one egress lane on Camp Road, which currently exists. KFC plans on extending the access point to our site, which can be seen on our Site Plan. A full copy of the traffic study is attached.
- D. Architectural design of the building will keep with the Town of James Island standards and ensure compliance with all local regulations. As mentioned, our development will use locally sourced materials and adhere with the community's ambiance. Additionally, we are using a sustainable energy program to lower our impact on resources.
- E. KFC Corporation completed the initial requirements of the Site Plan Review application and will continue to adhere to all local regulations and standards for commercial development. We have complied with all applicable rules and regulations, such as the requirement for a 10-car stack, parking on the side of the building, and avoidance of disturbing pedestrian traffic.

We hope this assist you in your consideration and planning for your community. Please review the attached supporting documents and additional information regarding our exception application. We look forward to receiving a positive response to this application and joining the James Island Community.

Kindest Regards,

Samantha Wright  
Attachment/Enclosures







**Kimley»Horn**

115 Fairchild Street, Charleston, SC 29492

TITLE:  
**LANDSCAPE  
PERSPECTIVE**

PROJECT:  
**KFC JAMES ISLAND**

CLIENT:  
**KFC**

|             |            |
|-------------|------------|
| JOB NUMBER: | 014783000  |
| SCALE:      | N/A        |
| DATE:       | 06.14.2022 |
| SHEET:      |            |