

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1238-B Camp Road, James Island, SC 29412
BZA AGENDA
April 17, 2018
7:00 PM**

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

- I. CALL TO ORDER
- II. PRAYER AND PLEDGE
- III. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- IV. INTRODUCTIONS
- V. REVIEW SUMMARIES AND RULINGS FROM THE MARCH 20, 2018 BZA MEETING
 1. BZAS-1-18-014
TMS #425-03-00-037
Special Exception request for the placement of a full-service carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road.
WITHDRAWN
 2. BZAV-1-18-012
TMS #425-03-00-037
Variance request for pavement encroachment of more than 25% of the canopy of a grand tree for a carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road.
WITHDRAWN
 3. BZAV-1-18-013
TMS #425-03-00-037
Variance request for a 30' reduction of OCRM Critical Line Buffer from 35' to 5' for the pavement of a carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road – Town of James Island
WITHDRAWN
- VI. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- VII. EXECUTIVE SESSION: The BZA may/will enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina
- VIII. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- IX. REVIEW OF THE FOLLOWING APPLICATIONS:
NEW BUSINESS:
 1. BZAS-3-18-015
TMS #425-03-00-037 and TMS #425-03-00-038
Special Exception request for the placement of a full-service carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 and 761 Folly Road.

2. BZAV-3-18-014
TMS #425-03-00-037
Variance request for pavement encroachment of more than 25% of the canopy of a grand tree for a carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road.

- X. ADDITIONAL BUSINESS
 1. Next Meeting: May 15, 2018

- XI. ADJOURN

*Full packet available for public review Monday through Friday during normal business hours.

TOWN OF JAMES ISLAND

BOARD OF ZONING APPEALS (BZA)
SUMMARY OF MARCH 20, 2018

Members present: Mr. Jim Fralix, Mr. Sim Parrish, Mr. Jason Gregorie, Vice Chairman, Mr. Roy Smith, and Chairwoman Brook Lyon. Also: Planning Director, Kristen Crane, BZA Attorney, Bo Wilson, Town Administrator, Ashley Kellahan, Councilmember/Mayor Pro-tem, Leonard Blank, and Town Clerk and Secretary to the BZA, Frances Simmons.

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:00 p.m. A quorum was present to conduct business.

Prayer and Pledge: Chairwoman Lyon asked members of the BZA and others who care to, to join in the prayer and Pledge of Allegiance.

Compliance with FOIA: Chairwoman Lyon announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairwoman Lyon introduced the members of the Board of Zoning Appeals (BZA), BZA Attorney, staff, and Councilmember/Mayor Pro-tem Blank.

Review Summary and Rulings from the January 16, 2018 BZA Meeting: Chairwoman Lyon asked if there were corrections to the minutes. There were no corrections. A motion to approve was made by Mr. Fralix, seconded by Mr. Gregorie and passed unanimously.

1. BZAS-12-17-012
TMS# 454-13-00-068
Special Exception request for the placement of an outpatient/mobile veterinary service in the Low-Density Suburban Residential (RSL) District on property located at 936 Stiles Drive. **WITHDRAWN**
2. BZAS-12-17-013
TMS# 425-08-00-023
Special Exception request to amend existing Special Exception (*BZAS-2-14-002 – sale of alcoholic beverages in the Community Commercial District*) for the extension of hours of operation on property located at 792 Folly Road, F1. **APPROVED WITH AMENDED CONDITIONS**

Update on the Following Applications:
NEW BUSINESS:

1. BZAS-1-18-014
TMS# 425-03-00-037
Special Exception request for the placement of a full-service carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road. **WITHDRAWN**
2. BZAV-1-18-012
TMS# 425-03-00-037

Variance request for pavement encroachment of more than 25% of the canopy of a grand tree for a carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road. **WITHDRAWN**

3. BZAV-1-18-013
TMS# 425-03-00-037

Variance request for a 30' reduction of OCRM Critical Line Buffer from 35' to 5' for the pavement of a carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road, Town of James Island. **WITHDRAWN**

Public Comment: Chairwoman Lyon stated it is important to note that this is not a Public Hearing for the proposed carwash and any comments heard tonight cannot be used as testimony either for or against the carwash. She stated that each comment is limited to 2 minutes. Commenters may not question Board Members and Board Members may not question commenters.

The following persons spoke:

Carole Delger, 1732 Brantley Drive, spoke in objection to the Board granting the applicants request for a waiver. Mrs. Delger said that she lives around the corner from the proposed carwash and has sent a letter of opposition to the Board. She understand this is a development company with many businesses. She is not against development; but does not want it in this area because it is already in danger. She understands their new technology where water is filtered, put in tanks and reused; but the area has now flooded three years in a row and residents have had to deal with a lot of contamination. She said the marsh used to be beautiful, almost over her head when they were in their boat, but it is gone now because of the buildings, and bridges. Nesting birds, such as Isis, Cranes, predatory birds, and different animals will be impacted. She is in opposition to this request.

Chris Carr, 1551 Patterson Avenue, spoke in objection to the carwash. He will live across the street from the carwash and it will look tacky. He does not want to have five carwashes on Folly Road.

Requests for Approval:

Request for waiver of one-year waiting period for resubmittal of applications for a carwash at 765 Folly Road, per § 153.040 (M) (2) of the Zoning and Land Development Regulations Ordinance:

Chairwoman Lyon introduced the agenda item that the Board would hear one request for a waiver of the 12-month waiting period for resubmittal of applications for a carwash per Section 153.040 (M) (2) of the Zoning and Land Development Regulations Ordinance. Written notice of the waiver request was included in the Board's packets.

Applicant Presentation:

Mike McDonald, Pavilion Development is contracted to purchase the parcel and the Title Max parcel for the proposed development called AutoBell Carwash, (a full service, high-end car wash). Mr. McDonald said they are present to request a waiver in order to appear before the Board on April 17. The request was originally submitted in January for the February 20 hearing but at that point, they did not have the Title Max property under contract. Since then, they were able to come to an agreement that he feels will improve the project from the original application they submitted and this is why they withdrew. Mr. McDonald said he believes the development will improve the situation from an environmental standpoint that will be great for the community. A meeting with the public has been scheduled for April 3 at the Spring Hill Suites to answer questions and concerns about the carwash. Mr. McDonald asked the Board to grant the waiver so they can present their case before them.

Ross Appel, 31 Lytleton Street, Attorney for the Pavilion Company. Mr. Appel reiterated that the focus of this meeting is for consideration for a waiver to present and proceed with the revised, improved, and more environmentally sensitive development from the one submitted in January. He touched on the meeting with the public scheduled for April 3. This meeting will be advertised through social media and on other available avenues. Mr. Appel said he thinks there is a considerable, practical and legal case for granting the waiver. From the practical side, he said it encourages developers to do the right thing. His clients understands there is public concern about the project and is why the original application was withdrawn. Another application was submitted last Friday. This is an improved design as they have acquired the Title Max property to the north. The need to encroach on the OCRM buffer has been removed and there is no need for a variance from the critical line setback. He said by allowing them to present the case sets the precedence that developers are encouraged to listen to the public, the Town, and staff to improve the design as they move forward. He said legally there are issues with there being a waiver process. He does not think it is allowed under State law as there is no objective criteria for the Board to consider whether to grant a waiver. As an example, when there is a variance request there is a legal test. There is no legal test for a waiver. He thinks it would be appropriate from a practical and legal standpoint for them to be able to proceed and have their day before the BZA. He promised that his clients would present a professional and serious presentation on April 17 that the Town deserves. In closing, he said the Town deserves a quality, well thought out development and that is what his clients will bring to the table. He respectfully requested to be allowed to proceed.

Carl Howard, 1521 E. Third St., Charlotte, NC, is the owner of Autobell, a family run business with 80 carwashes along the east coast. He said they capture wastewater, treats it, and gives it back to cities cleaner than when they got it. He said a mini-water treatment plant is on each carwash site and the current condition is not capturing the stormwater. They will do that by treating wastewater before releasing it into James Island's storm sewer system. The current conditions at the site will be improved more than what is now being done on the island. They will improve driveway car washing, capturing the wastewater instead of allowing it to fall onto concrete.

Questions for the Applicant: None

Chairwoman Lyon asked for a motion from the Board in order to have discussion. Vice Chair Gregorie moved to grant approval of the waiver, and Mr. Fralix seconded.

Mr. Smith asked Mrs. Crane and Attorney Wilson if a waiver such as this had been granted before, and if so, when. Mrs. Crane responded that Town Council did about three years ago for a Planned Development.

Mr. Smith commented on the rules about withdrawal of applications after advertising for public hearings or signs posted on the subject property that it shall be treated the same as a denied application. He said it seems from the wording that it causes work for staff and it could happen again and again. Mr. Smith asked is this cumbersome, overly cumbersome, does the application pay for itself; and does it tax the Town's resources. Mr. Wilson said this would not happen again and again because an applicant is only allowed one withdrawal. He commented about how this could be an endless process, but this would be treated on a case-by-case basis should it occur. We do not anticipate more than one withdrawal without a reasonable explanation for such.

Chairwoman Lyon commented that the hearing tonight is not to be for or against the carwash, it is whether to grant the applicant's waiver. She said from the information and evidence they have presented, to her it seems they are trying to take into consideration the public's oppositions and concerns by making the application less offensive and obtrusive by dropping the variance for OCRM's critical line setback. Since the applicants have not had a hearing, it would be unfair to deny them a chance to come before the Board.

She said at that time the Board can look at the evidence and make its decision. Legally and professionally, we would want to consider that.

Chairwoman Lyon called for the vote. The roll was called and votes were recorded as follows:

Mr. Fralix	aye
Mr. Parrish	aye
Vice Chair Gregorie	aye
Mr. Smith	nay
Chairwoman Lyon	aye

Chairwoman Lyon announced that the motion carried upon a vote of 4-1 and the request for a waiver has been granted.

Additional Business

Next Meeting: April 17, 2018

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:23 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk and Secretary to the BZA

CASE # BZAS-3-18-015/BZAV-3-18-014
TMS #425-03-00-037 and 425-03-00-038
765 and 761 Folly Road

SUBJECT PROPERTY

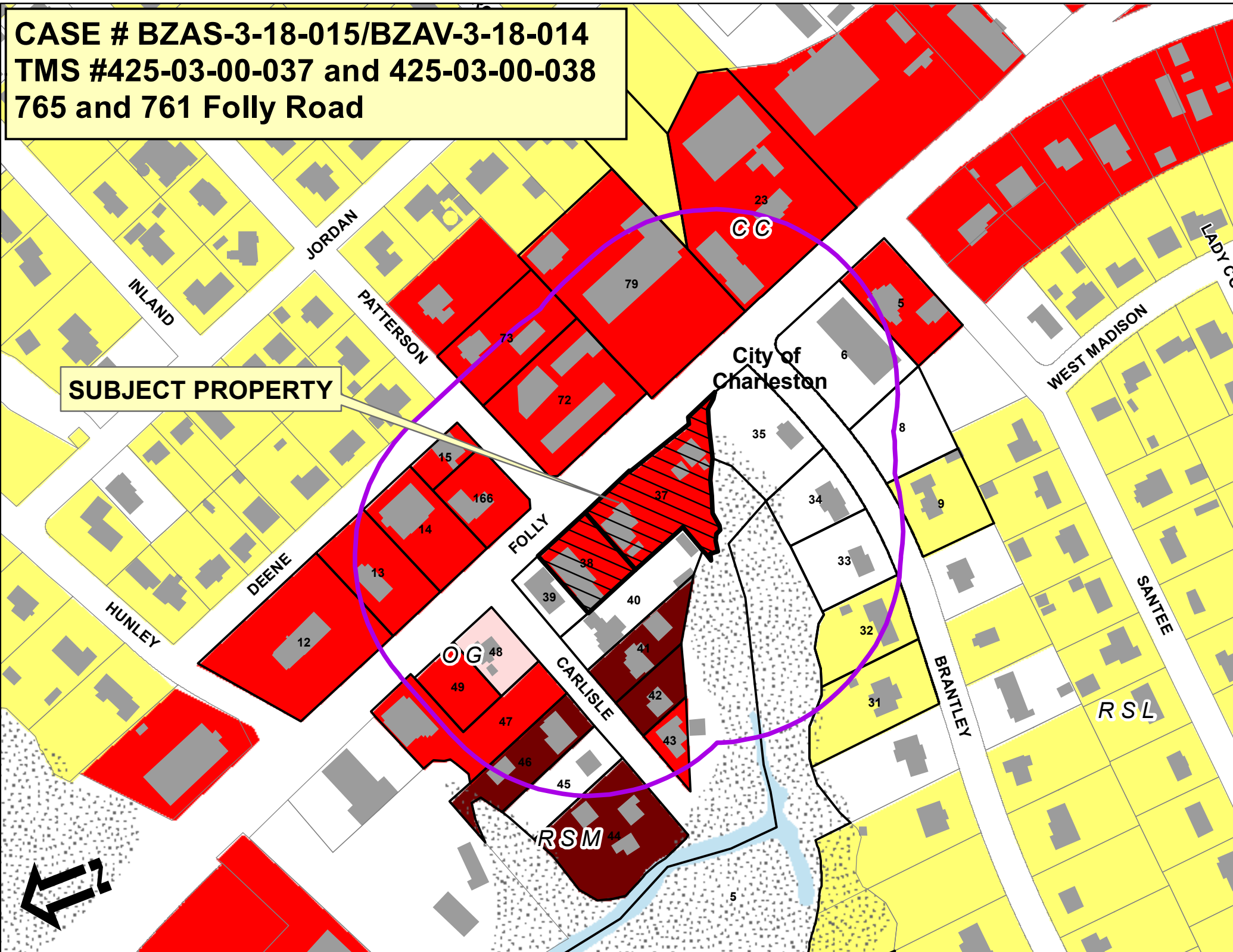
City of Charleston

RSL

RSM

CC

OG



Staff Review:

The applicant, Mr. Christopher Orman of Pavilion Development Company, is requesting a Special Exception for the placement of a full-service carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 765 Folly Road (TMS #425-03-00-037) and 761 Folly Road (TMS #425-03-00-038). Adjacent property to the east is also in the Community Commercial Zoning District and in the Town of James Island. Adjacent property to the south and north are zoned General Business (GB) and are in the City of Charleston's jurisdiction. To the west is marsh, residential, and GB zoned parcels, and are in the City of Charleston's jurisdiction. The adjacent GB zoned property to the west is residential in nature while the adjacent GB zoned parcel to the south is vacant. The Overlay's land use recommendation for the subject properties is Commercial, which matches the current Zoning District. Other uses within 300' of the subject properties include restaurants (Bojangles, Dunkin Donuts, Baguette Magic), bar or lounge (The Break), medical office (Doctor's Care), retail sales (Badd Kitty, Purple Haze, O'Reilly Auto Parts, Blue Water), retail or personal services (Town and Country Cleaners, JI Driving School, Top of the Line Barber Shop, View Salon and Spa, Charleston Tattoo Company, Holy City Nail Spa), animal services (Susan's VIP Grooming Salon, JI Veterinary Hospital), offices (Stringer and Stringer Law), repair and maintenance services (911 Appliance Repair, Scooter Stop) and residential uses.

*Town of James Island Zoning and Land Development Regulations, Folly Road Corridor Overlay Zoning District, Commercial Core §153.093 H states, "Uses Requiring Special Exception: Liquor Beer or Wine Sales (as defined in this Ordinance), Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, **Vehicle Service.**"*

In the letter of intent, the applicant explains, "*Pavilion feels confident that we can redevelop the site with a great use that would add to the Town of James Island, protecting the marsh, cleaning up the site, and preserving the live oak on site*". Staff conducted a site visit of the subject property on February 5, 2018. Please review the attached documents for further information regarding this request.

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*, Future Land Use Categories states *“The Community Commercial Future Land use Category is intended to allow retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community”*. However, a Land Use Strategy listed in the *Comprehensive Plan* is to *“Encourage commercial structures that are in character with the suburban nature of the area”* while a Land Use Element Need is listed as *“Encouraging sensitive and sustainable development practices.”* Additionally, the purpose and intent of the Folly Road Corridor Overlay District is *“to create a corridor that is well-planned and attractive through the implementation of consistent land use and design standards with adjacent jurisdictions and utilizing traffic safety measures and access management for vehicles and pedestrians to ensure safe and efficient traffic movement.”* Therefore, this application may not be consistent with the Town of James Island *Comprehensive Plan* as implemented through the CC District.

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: The proposed use may be compatible with other uses within 300’ of the subject property to the north and east including a gas station and self-service car wash, but the subject property is bordered by residential and wetland property to the south and west.

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 for buffer areas. Additionally, the applicant’s representative states, *“Moreover, Pavilion intends to add privacy fencing along the side property line.”* However, the proposed site plan does not show protection from the possible adverse influence of the proposed use such as noise, vibration, and similar factors for the residential properties and marshland to the northwest and west.

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

Response: The applicant is working with an arborist to ensure there are no adverse effects to the 61” DBH Live Oak tree from the development of the site, which the letter of intent addresses: *“the proposed plan will be a benefit to the health and longevity of the tree”*, and the site plan also shows the wooded area to the

south is to remain wooded. However, the applicant has applied for a grand tree canopy pavement encroachment.

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: The applicant proposes to install a 10' multi-use path down the length of the properties, narrowing around the grand tree. Pedestrian movement shall not be hindered or endangered. Vehicular traffic may be hindered due to the layout of the proposed site and the close proximity from the stacking area to Folly Road, and from the impediment of the off-street parking spaces from the stacking area.

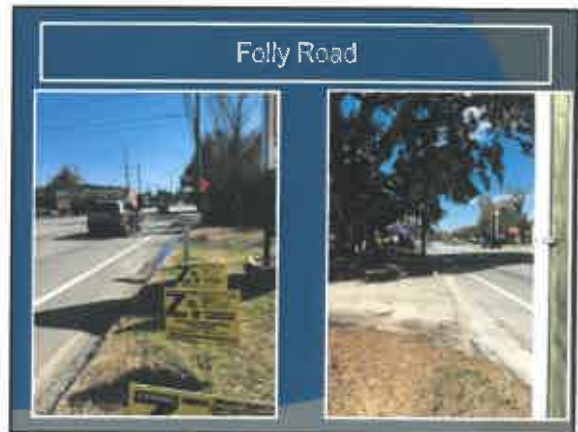
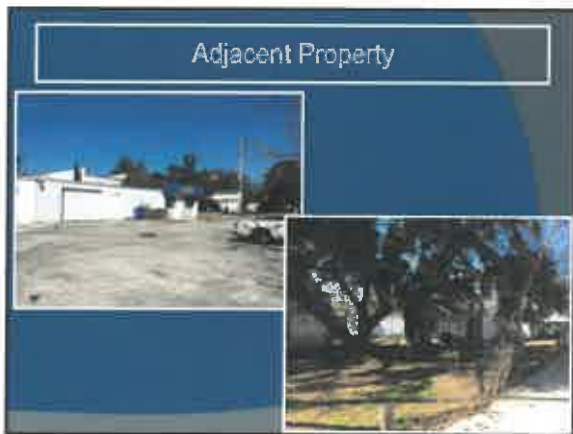
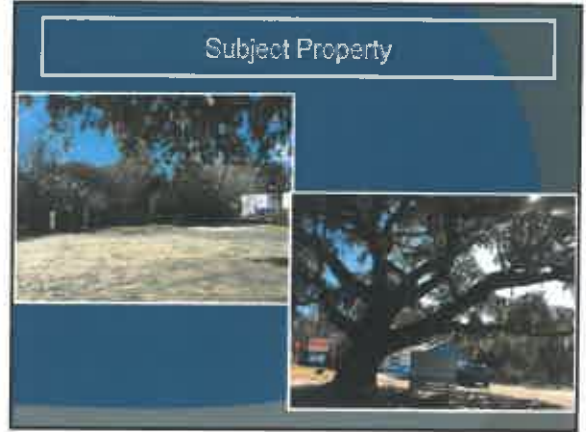
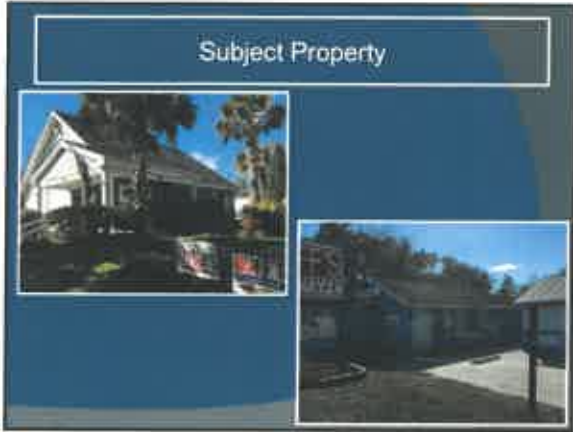
In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the 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-3-18-015 (Special Exception request for the placement of a full-service carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 765 Folly Road (TMS #425-03-00-037) and 761 Folly Road (TMS #425-03-00-038), based on the "Findings of Fact" listed above, unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions:

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install a tree barricade around the grand and protected trees on the property, as described in §153.334 of the *Ordinance*.
2. A separated 12-foot multi-use path along the frontage of the parcels shall be installed. ROW buffers can be reduced to accommodate the path if space is limited. The Zoning Administrator shall be authorized to reduce the width of the required multi-use path if conditions exist that would render the required width unfeasible.
3. A plan to expand stacking spaces in the event of traffic, parking and stacking congestion, shall be submitted and approved by the Town prior to obtaining a Zoning Permit for the proposed site improvements.

4. An 8' wooden privacy fence shall be installed along the entire rear perimeter and anywhere "fence" is labeled on submitted site plan.
5. Architectural plans shall be subject to the discretion of the Town as to whether architectural guidelines and development standards have been followed.





March 29, 2018

Town of James Island

Re: 765 Folly Road Charleston, South Carolina 29412 – BZA Application

Parcel # 425-03-00-037

Dear Ms. Crane,

Pavilion Development is contracted to purchase the Huff's Seafood parcel at 765 Folly Rd and the TitleMax parcel at 761 Folly Road, with plans to re-develop the site with a high-end, full-service nationally branded car wash, AUTOBELL Car Wash. Please see the attached package for more information on AUTOBELL. There are two action items required to be able to re-develop this site. A Special Exception for the use, and a Variance to pave within the 25% canopy setback of the grand oak. Pavilion feels confident that we can effectively redevelop the site with a use that is consistent with the goals of the Town Comprehensive Plan and underlying CC zoning and be additive to the Town of James Island. The use and site plan will demonstrably protect the marsh from the currently negative water run-offs, cleaning up the site which is a non-conforming use, and enhancing the preservation of the live oak on site.

1. Pavilion is requesting a Special Exception for the use. Currently the site is home to a retail seafood store, zoned "CC" which allows car washes, but does need a special exception for the how the use is developed. The Town of James Island's Comprehensive Plan indicates the underlying zoning district is described as follows; "Community Commercial: The Community Commercial Future Land Use Category is intended to allow retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community." We believe that a full-service AUTOBELL car wash is one of the highest and best uses for the property and the surrounding area and fits the model for the Town's Comprehensive Plan. The intended re-development of this property will be both orderly, and developed in a way that is more environmentally sound than the existing condition of the site. The intended re-development of this property is in the area designated for commercial properties and is going through a very thorough site planning process as prescribed by the Town. AUTOBELL Car Wash is based out of Charlotte, NC and is a luxury full service wash with locations throughout much of NC, VA, GA, MD and SC.
2. There is a grand oak on the edge of this property that sits right on Folly Road. Pavilion will be keeping the tree in place, protecting it from further abuse. The plan calls for paving underneath a portion of the canopy. A variance is required to pave under a portion of the tree, within the 25% canopy setback. The existing business has a driveway and parking area under the same grand tree which has not been adequately protected. Aside from the existing distance between the tree and Folly Road, anywhere between 13 - 25 feet will remain open and pervious (see attached site plan for visual). Pavilion has worked with local arborist, Donnie Skinner Certified Arborist SO-5166A, to get a report on the condition of the tree, and ways to rehabilitate the damage that exists from present use and preserve it from future damage by a more "tree sensitive" development plan (see attached). Mr. Skinner believes in his professional opinion there will be no future adverse effects to the tree from the proposed development plan and recommends that a few of the low hanging and damaged

limbs are cut to ensure a healthier future for the grand oak. Donnie Skinner also recommends that some of the dead wood throughout the canopy be removed. The development proposal would accomplish all these recommendations of arborist, Donnie Skinner. As an expert Arborist, Donnie Skinner believes proposed plan will be a benefit to the health and longevity of the tree. Mr. Skinner, plans to attend the BZA meeting to speak in support of the proposed plan for the tree and answer any questions. Along with keeping this tree, Pavilion will provide a 10-foot side walk along Folly Road, promoting the future plans for James Island to be pedestrian friendly. The proposed 10' sidewalk greatly exceeds the requirement of 4' and allows varied use of the sidewalk by residents who cycle, walk or run in groups, and promotes a great quality of life, while keeping people safer from accidents with vehicles.

Pavilion Development believes that based on the consistency with the goals of Comprehensive Plan, conformity with the underlying zoning, and improvements planned by an expert arborist to the long term health of the grand tree that a Special Exception for the use, and a Variance to pave within the 25% canopy setback of the grand oak, are reasonable, and in the public interest of James Island.

Thank You,

Christopher Orman
Senior Development Associate
Pavilion Development Company



Ross A. Appel
Phone: (843) 937-0400
Fax: (843) 937-0706
ross@mklawsc.com

March 29, 2018

VIA E-MAIL ONLY

Kristen Crane
Planning Director
Town of James Island
kcrane@jamesislandsc.us

Re: Letter in Support of Pavilion Development Company's Special Exception and Variance Applicants

Dear Ms. Crane,

I hope this finds you well. My firm represents Pavilion Development Company ("Pavilion") in the proposed redevelopment of 765 Folly Rd. (TMS No. 425-03-00-037) (the "Huff Property") and the northerly adjacent 761 Folly Rd. (TMS No. 425-03-00-038) (the "Title Max Property") both of which are zoned Community Commercial (CC) and located in the Folly Road Corridor Overlay District (FRC-O), Commercial Core Area (collectively, the "Properties"). Per the revised letter of intent being submitted, Pavilion has applied for a special exception for a car wash use (specifically, an Auto Bell Car Wash) and a variance from Section 153.334(D)(4), ZLDR. This letter addresses the relevant legal criteria for each and demonstrates why my client satisfies them.

Special Exception

Staff has determined that the proposed car wash use requires a special exception under Section 153.093(H)(2), ZLDR because it constitutes a "vehicle service" use.¹ This use is allowed by right under the CC Zoning District, but the FRC-O regulations require special exception approval on the issues identified in the FRC-O ordinance. The following analysis presents the Town's special exception criteria and addresses them.

(1) Special exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

(a) Is consistent with the recommendations contained in the Town Comprehensive Plan and the character of the underlying zoning district "purpose and intent."

The Properties' base zoning district is CC, which is the Town's second most intense district behind only the Industrial District. Section 153.076, ZLDR states that the "purpose and intent" of

¹ The ZLDR defines "Vehicle Service, Limited" as "[a]n establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the vehicle or nearby while the service is performed.

the CC District “implements the commercial policies of the Comprehensive Plan.” As mentioned above, vehicle service uses are allowed by right in the CC District. In fact, the Table of Uses specifically calls out car washes as an allowed use in the CC District. The Properties’ are also located in the FRC-O, Commercial Core Area.

The Properties’ Future Land Use Designation in the Comprehensive Plan is “Commercial.” This category “is intended to allow retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community.”² The Comprehensive Plan’s contains several commercial policies advanced by Pavilion’s application. These include the following:

- Chapter 3.1.6 (Land Use Element Strategies and Time Frames)
 - LU 1. Protect and enhance the environmental quality of the Town’s natural features.
 - LU 2. Preserve and enhance the cultural, historic and archaeological assets of the Town.
 - LU 3. Maintain the low density, single family residential character of the Town.
 - LU 4. Implement sustainable and flexible development guidelines to maintain the suburban character of the Town.
 - LU 5. Encourage commercial structures that are in character with the suburban nature of the area.
 - LU 6. Identify parcels currently in use as a different type than the current zoning district allows (existing nonconforming) and examine rezoning or developing a new district to allow the existing use.
- Chapter 3.2.3 (Economic Development Element Needs)
 - “Identify existing commercial corridors and investigate developing planning techniques to assist redevelopment efforts to improve Town aesthetics.”
 - “Identify appropriate future commercial areas and/or uses that could contribute to the local economy and serve the residents of the Town.”
- Chapter 3.2.4 (Economic Development Element Goal)
 - Improve the suburban character of the area by limiting commercial activities to designated areas and improving the Site Plan Review process.

As for the FRC-O, the Comprehensive Plan states it “was adopted to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards.” Section 153.093(H), ZLDR provides: “This area consists of higher intensity commercial uses such as chain type restaurants, vehicle service and repair, drug stores, and shopping centers with minimal buffering along Folly Road. Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor. Future development in this area should place high priority

² Notably, this is the Town’s most intensive commercial future land use category when compared to “Neighborhood Commercial.”

on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and building architecture.”³

The Auto Bell car wash proposed is consistent both with the underlying zoning and the Comprehensive Plan as it relates to the following environmental issues:

- Pavilion’s arborist, Donnie Skinner (Certified Arborist SO-5166A) has closely examined the tree’s existing conditions and the proposed development. He has opined in his expert opinion that the tree has been damaged and not properly maintained but can still be preserved and protected by following the steps outlined in the report submitted with our application. Pavilion will incorporate these recommendations into their plans for the site.
- The new development will not disrupt the nearby wetlands, and will in fact mitigate the present issue of “unfiltered surface water run-off” that currently maybe affecting nearby wetlands. Moreover, the existing structure currently housing the snow cone shop and located in the OCRM setback will be removed.
- The car wash captures and recycles all of the water used in the car wash process. Auto Bell employs that enables all the water in the car wash process to drain into a trench inside the car wash bay. The trench captures some sediment, and the water is then piped to additional tanks that capture more sediment. Once the water goes through the settling tanks, it is then pumped through centrifugal filters that then get the finer sediment out of the water (5-7 microns) – i.e. drinkable quality water. From there, the water slowly flows through a microbial filtration system, which naturally consumes the remaining hydrocarbons, soaps, and other residual materials from the car wash process. The resulting recycled water is used on site – none drains untreated into the municipal storm-water system or adjacent properties or wetlands. This system can process 10,000 gallons per hour.

Aside from environmental concerns, the Auto Bell car wash proposal satisfies the Comprehensive Plan’s commercial polices. The Comprehensive Plan specifically designates the Properties for commercial development, and the implementing zoning regulations allow for a car wash, which is an appropriate, normal use for a commercial corridor. Auto Bell anticipates hiring approximately 25 people (average shift 5-8 employees) and the economic contribution to the Town will greatly exceed the “status quo” (both in terms of local economic production, and tax revenue for the Town and County). Moreover, the design of the Auto Bell car wash will be harmonious with the surrounding environs and the Town’s character. For example, in the interests of promoting connectivity and pedestrian safety, Pavilion will locate ten (10) feet of sidewalk fronting along Folly Road in all possible locations instead of the minimum requirement of four (4) feet. This

³ The nature of the FRC-O’s purpose and its implementing regulations reveal that the special exception test and the BZA’s scope of authority is limited to how a car wash is approved, not whether it is improved. The sole issues for the BZA to consider are: “traffic safety measures”, “visual character of the corridor,” and “consistency between the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards.”

enables local pedestrians, runners and cyclists to be safer and have a more enjoyable experience. We will continue to work with the Town and the community on a suitable, appropriate design.

Finally, as to the FRC-O specific policies, it is important to note these speak only to issues of traffic safety, visual character, and consistency amongst the various local government jurisdictions along Folly Road rather than use *per se*. As mentioned herein, these concerns have been consciously addressed by Pavilion. The FRC-O policies do not suggest that certain uses are to be allowed or disallowed, rather, the enumerated impacts must be addressed. Therefore, the BZA's focus in administering the special exception criteria in this case should not be on whether a car wash should be allowed or not (its allowed by right in the Properties' base zoning district); rather, the focus should be on whether the traffic safety, visual character, and consistency values are sufficiently addressed, which they are.

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

The proposed Auto Bell car wash is consistent with surrounding properties and will not adversely impact public welfare, in fact it will provide demonstrable benefits in comparison to the existing use. The Properties are located along Folly Road in a location zoned and comprehensively planned specifically for not just commercial development but "higher intensity commercial uses." Section 153.093(H), ZLDR. For instance, there is a Mobil gas station across the street from the Properties, and Southeast Kitchens lays to the immediate north. Multiple shopping centers are located nearby. The Properties are the *most* appropriate location on James Island for a car wash, and this is not just our opinion – it is the stated public policy of the Town of James Island via its Comprehensive Plan and ZLDR.

(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.

The conceptual site plan not only incorporates all of the ZLDR's baseline setbacks and buffers it goes beyond them to address potential impacts to surrounding properties. For example, while the ZLDR requires a minimum ten (10) foot interior side setback the building is located fourteen (14) feet from the property located immediately behind the Properties. Moreover, Pavilion intends to add privacy fencing along the side property line. The proposal does not involve any incursion whatsoever into the OCRM critical line setback on the property. Pavilion is prepared to add planted buffers in locations adjacent to the wetlands.

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

As discussed herein, the grand tree on the property will not only be preserved, but its health will be enhanced according to the report prepared by expert arborist Donnie Skinner (Certified Arborist SO-5166A) and submitted with our application. Moreover, the nearby wetlands and creek will be preserved and enhanced by, among other things, removing the existing, non-conforming structure located in the OCRM critical line setback and proactively and professionally managing

storm-water on site. At present, all storm-water from the Properties drains into the marsh untreated. However, our development proposal entails capturing and treating all of the water associated with the car wash use and directing storm-water to the municipal drainage system.

(e) Complies with all applicable rules, regulations, laws, and standards of this chapter, including but not limited to any use conditions, zoning district standards, or site plan review requirements of this chapter.

In coordination with Town Staff, the proposal does and will satisfy all required elements of the ZLDR and other Town ordinances. From a use standpoint, a car wash is allowed by right in the CC District and the FRC-O does nothing to alter this. In fact, the FRC-O, Commercial Core Area, where the Properties are located, specifically envisions contemplates “vehicle service” uses in this area. Additionally, the FRC-O’s Commercial Core Area calls for “higher intensity commercial uses.” Although we do not believe a car wash is a high intensity commercial use, as there are much higher intensity uses in that corridor, we do contend this use is allowed and appropriate on the Properties.

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

Pavilion understands and fully embraces the Town’s desire to make Folly Road a safer, multi-modal transportation corridor. As part of the development, Pavilion will install ten (10) foot sidewalks along Folly Road wherever practicable instead of the minimum four (4) feet. This will lead to a much safer situation for local residents who have a pedestrian lifestyle than the Properties’ “status quo”. The materials submitted in support of our application demonstrate how the traffic circulation on site will be handled.

Variance

Staff has also determined that the proposed car wash use requires a variance under 153.334(D)(4), ZLDR because the proposed conceptual site plan would entail paving more than 25% of the protected area beneath the tree.⁴ Unfortunately, any commercial redevelopment of this site necessarily entails such an encroachment given the unique configuration of the lot, the location and size of the tree on the Properties, the need to safely accommodate vehicular circulation, and other special site-specific constraints. Fortunately, despite these challenges, the tree’s health will be preserved and enhanced by employing best practices and following the steps outlined by our expert arborist Donnie Skinner (Certified Arborist SO-5166A). The following analysis presents the Town’s variance criteria and addresses them.

(2) A zoning variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:

⁴ The ZLDR defines “Vehicle Service, Limited” as “[a]n establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the vehicle or nearby while the service is performed.

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property.

The Properties have several unique characteristics that lay the foundation for the need for a variance in this instance. For example, the lots have a relatively narrow depth, are polygonal in shape, and the grand tree at issue is located very close to Folly Road. These challenges, in addition to its close proximity to wetlands, makes the commercial redevelopment of the property, which is allowed by right, a design and engineering challenge. After the application of setbacks from Folly Road, setbacks from wetlands and the location of the grand tree, the resulting “development envelope” can only be utilized by a very small number of commercial property users. These immutable characteristics of the Properties creates a severe hardship for any type of meaningful commercial redevelopment.

(b) These conditions do not generally apply to other property in the vicinity.

Very few if any of the nearby properties along Folly Road share the Properties’ extraordinary and exception conditions, which are outlined above. In addition, the Properties are located adjacent to wetlands unlike the vast majority of other commercially zoned parcels along Folly Road. This adds further developmental constraints and challenges other Properties in the area do not have to address.

(c) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Any reasonable commercial redevelopment of the Properties, not just a car wash, would entail a violation of the 25% canopy rule, given the configuration of the site and the size of the tree. Therefore, without a variance on this point, the Properties are incapable of being redeveloped. This constitutes an unreasonable restriction on the use of the Properties.

(d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance.

Pavilion will take all necessary steps to ensure the tree is preserved and protected. Best practices including, but not limited to, impervious pavement will be employed to ensure the tree’s root system is healthy. Moreover, following the recommendations of our certified arborist, we will take all other necessary steps to ensure the tree’s health. Therefore, for this reason and the others cited this development becomes beneficial to the adjacent properties and the public good, and is entirely consistent with the zoning district.

(e) The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map.

This criterion is satisfied because the proposed car wash use is allowed as a matter of right under the Properties' underlying zoning district and by special exception under the FRC-O as outlined above. The variance requested in this case relates to an engineering and design specification – not use.

(f) The need for the variance is not the result of the applicant's own actions.⁵

Pavilion is not responsible for the site configuration challenges necessitating the need for this variance.

(g) Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this chapter.⁶

For the reasons outlined above in the special exception discussion, the proposed use is completely consistent with the Properties' future land use designation under the Comprehensive Plan as well as the Comprehensive Plan's policies, is reasonable and in the public interest.

Please include this letter and enclosures in the official record concerning these matters and share with the BZA prior to next week's meeting. Thank you again for your time and consideration. We look forward to continuing to work with you, the rest of the Town, and the community. If you have any questions, please let me know.

Sincerely yours,



Ross Appel, Esq.

cc: Bo Wilson, Esq. (via e-mail)
Clients (via e-mail)

Enclosures – as stated

⁵ This element of the Town's variance test is not included in the state law's definition of the variance test and is therefore preempted. S.C. Code Ann. §6-29-800(A)(2). Additionally, it is a logical impossibility for the "need" for a variance not to be necessitated, at least to some degree, by the applicant's own actions.

⁶ This element of the Town's variance test is not included in the state law's definition of the variance test and is therefore preempted. S.C. Code Ann. §6-29-800(A)(2).



Welcome

James Island Neighbors

New Development Information Session

April 3, 2018



Agenda

- Brief Background of Autobell® 3 Minutes
- James Island's Environment 15 Minutes
- Our On-site Plan 10 Minutes
- Maintaining the Landscape 10 Minutes
- Hear from our James Island Neighbors



49 Years Ago to Today



Autobell® Car Wash #1 opened in May of 1969 in Charlotte, NC



Protection of the James Island Environment





Current Site Conditions

CURRENT SITE CONDITIONS

- Concrete building currently located in the OCRM buffer building currently less than 5' from property at the creek
- Cars currently parking in the OCRM buffer
- Storm water/rain water from the site currently flows directly into the creek
- Eyesore for adjacent property owners / no screening
- Gravel and pavement directly under Grand Oak

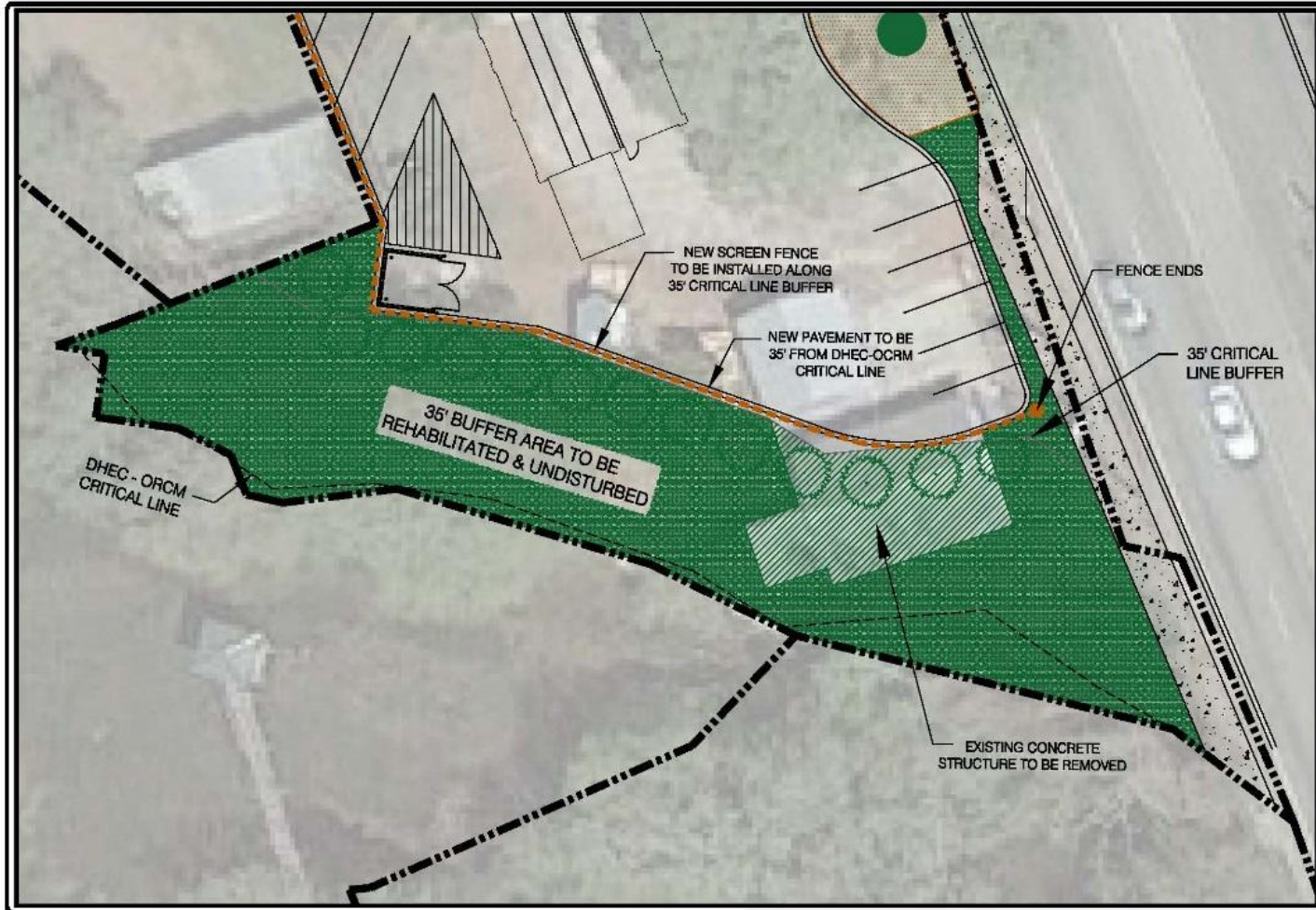




Proposed Site Improvements

PROPOSED SITE IMPROVEMENTS

- REMOVAL of building from OCRM buffer
- Landscaping and REHABILITATING the OCRM buffer / NO parking or any other structure in the buffer
- All storm water/ rain water CLEANED before leaving site / 80-90% of car wash water recycled
- SCREENING fence added for adjacent property owners





Water Management

RECYCLING WATER

Autobell® Car Wash facilities are designed to capture the car wash processed water, filter it and reuse 80-90%. The 10-20% that is not reused will go into the sanitary system where it is cleaned by the James Island Public Service District. No water from Autobell® Car Wash will be released into the storm water system or the creek.



WaterSavers®
Using Less. Returning Clean.



Storm Water / Rain Water

TREATING RUNOFF

There is no storm water detention under the current property conditions. Autobell® proposes to capture all storm water / rain water and channel it per code, cleaning it before it enters the city system.

This will be a drastic improvement over the existing conditions of the site and also other neighboring commercial properties.





Water Quality Solution

TREATING RUNOFF

Autobell® Car Wash plans to install a water quality structure that will remove sediment from the storm water before it enters the public system.

HYDRODYNAMIC SEPARATION



- 1 Floatable debris, oils, and grease enter the storm drain
- 2 Contaminated water enters the Aqua-Swirl® via the main conveyance storm pipe
- 3 The Aqua-Swirl® is constructed of durable, lightweight, high performance materials
- 4 Vortex separation is used to remove the gross sediment, floating debris and free oil
- 5 Independent validation for TSS removal before discharging into sensitive receiving waters

AQUA-SWIRL®



Environmentally Friendly

The use of Autobell® Car Wash is much less of an impact from an environmental and water use standpoint than washing your car in your driveway.

An Autobell® car wash uses approximately 7% of the water an individual would use washing their car at home.

A car wash at home uses an average of 110 gallons of water per car. That's 55 flushes!



A car wash at Autobell® uses 6 gallons. That's 3 flushes.



WaterSavers®
Using Less. Returning Clean.



Aqua Bio 100

BIO PRO COMPLETE

Our AquaBio technology produces water so clean you can drink the water after it has washed a car and gone through the bio system.

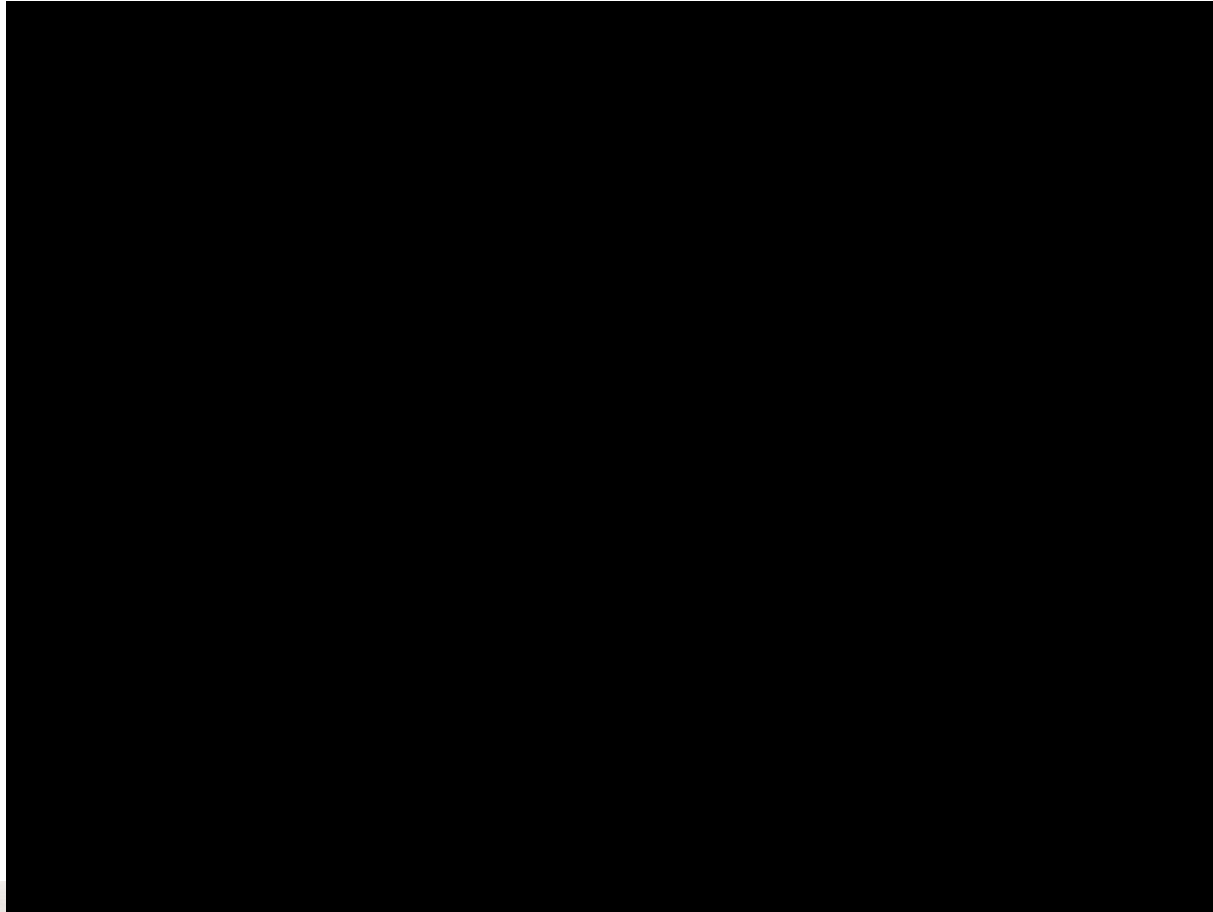
First, solids are separated in settling tanks. Gravity does the work. Next, wash water enters an aeration chamber where it is infused thus emulsifying the soaps. This prevents any odors. The water is then pumped into the equipment room through hydro cyclones. The cyclonic action separates any remaining substances down to 5 micron and sends it back to the settling tanks. The cleaned water is sent from the bio tank to the clarifying tank where inactive microbes are transferred back to the sanitary system. The water is now clean and ready for re-use in the wash.





Aqua Bio 100

Our Environment





Grand Oak Tree Restoration

IMPROVE AND PROTECT

Certified Arborist Donald Skinner, Jr. with Natural Directions, LLC has given recommendations to apply a layer of mulch around the undisturbed area of the tree with no grading in this area.

We only intend to remove the damaged low hanging limb and some of the deadwood from the tree, as recommended by the Arborist.

“Maintaining the existing site conditions and improving them with mulch and pruning will provide the best environment possible for this tree to survive without a negative impact from construction. “

We plan to only IMPROVE the existing conditions of the Grand Oak.

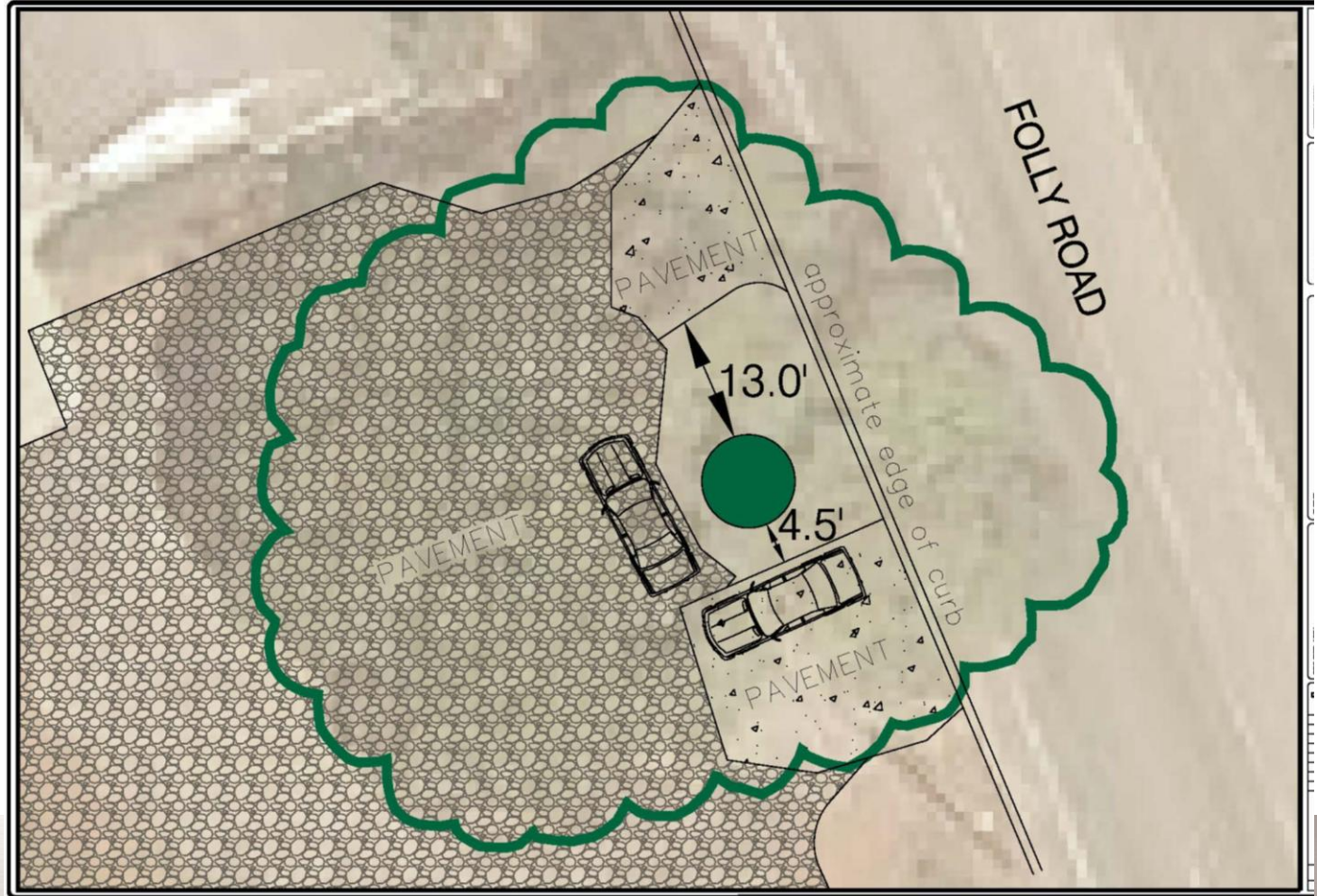




Current Grand Oak Conditions

CURRENT GRAND OAK CONDITIONS

- Concrete pavement and gravel within 4.5' of the Grand Oak trunk
- Cars currently parking within 4.5' of the Grand Oak trunk
- Cars damaging low hanging limbs
- Currently no sidewalk

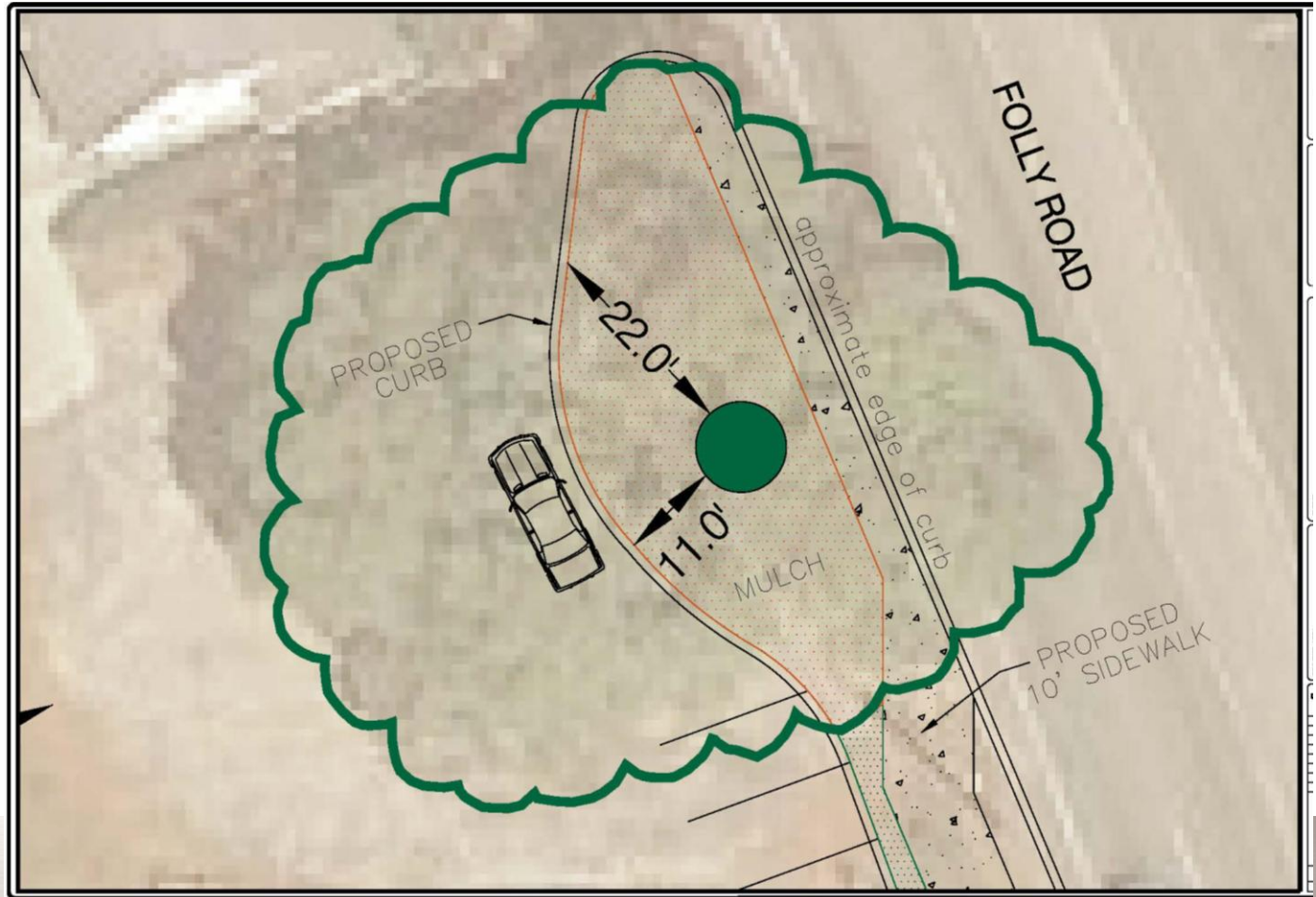




Grand Oak Improved Conditions

PROPOSED GRAND OAK IMPROVEMENTS

- Concrete pavement will be replaced with mulch around the Grand Oak
- Cars will not be parked within 11' of the Grand Oak trunk
- Gravel and pavement will be removed under Grand Oak
- Sidewalk will be added in front of Folly Road





Grand Oak Tree Restoration

Proposed Restoration



Current Tree





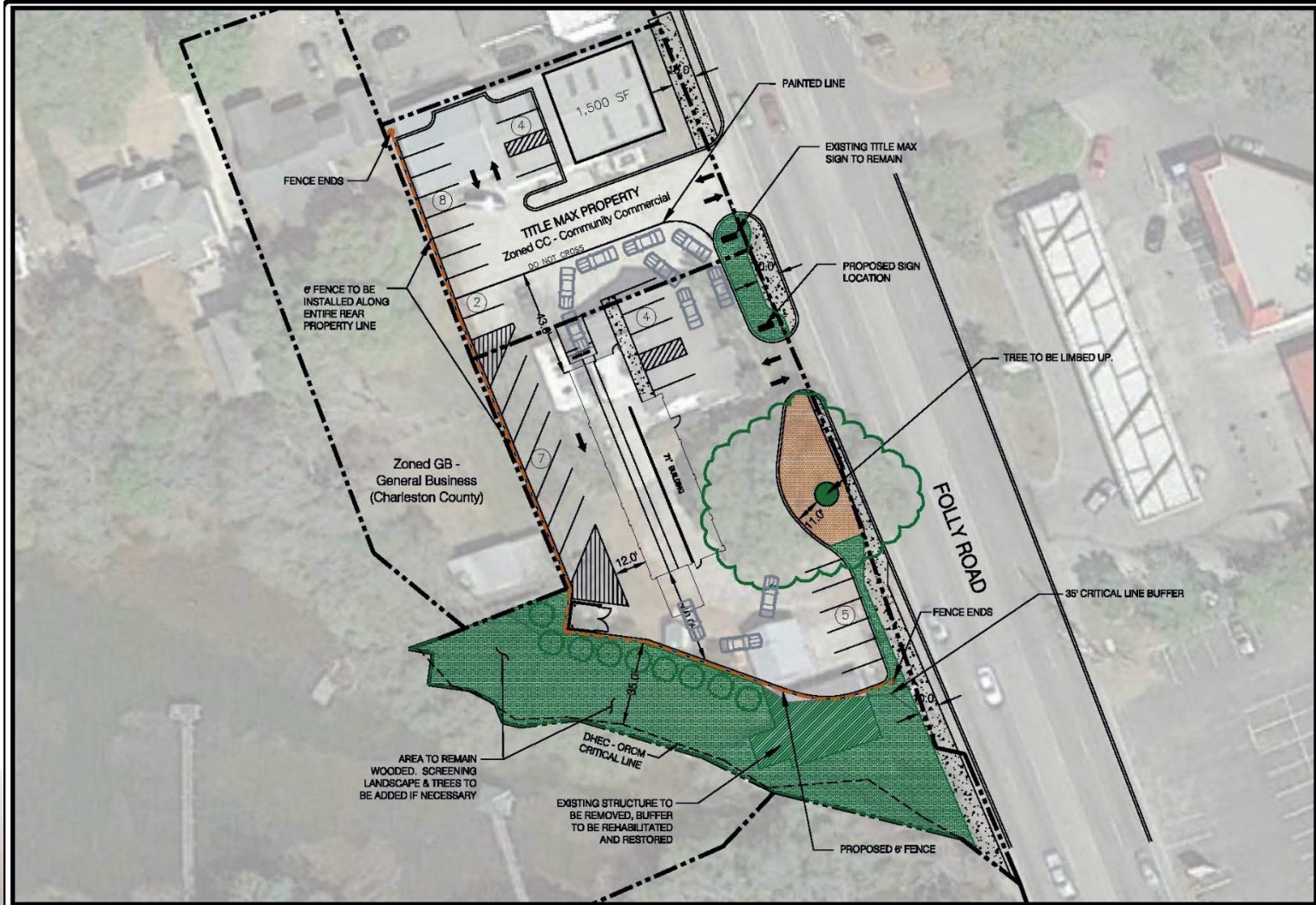
The Plan

for the James Island
Autobell® Location



AUTOBELL
car wash

Site Plan with Car Stacking





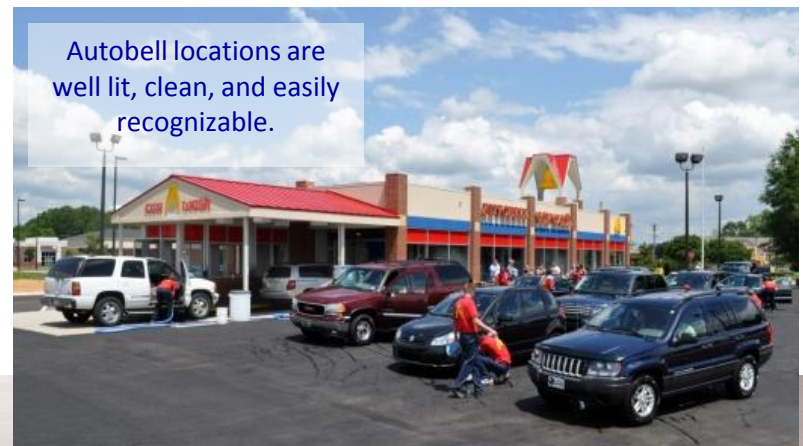
The Landscape

of the James Island
Autobell® Building



Building Quality and Sophistication

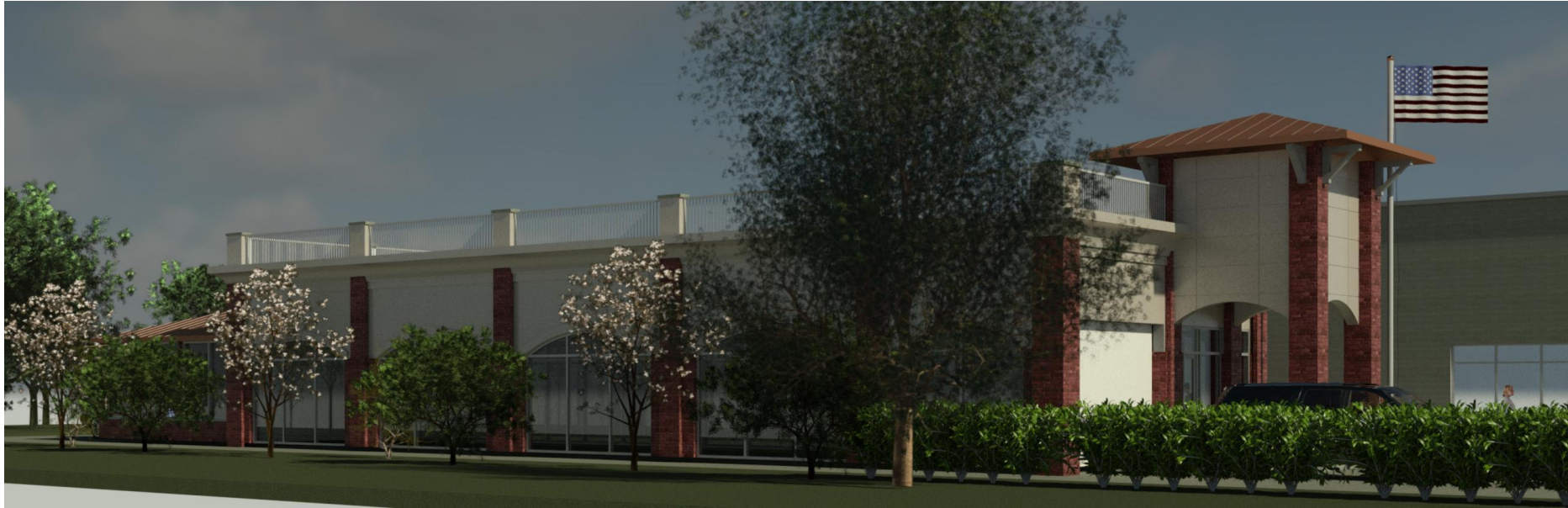
Primary Architecture





Building Quality and Sophistication

Architecture Options



Above is an example of an Autobell® being constructed in Northern, Virginia.
This building was custom designed by the county.



Building Quality and Sophistication

Architecture Options



Above is an example of an Autobell in Charlotte, NC. This building was custom designed with input from residents in the area of the store location.



Building Quality and Sophistication

Architecture Options



Above is an example of an Autobell® in Gastonia, NC.



THANK YOU!

James Island Neighbors

We would like to hear from you!





Our Process

We take care of you and your car

Full Service

Do you remember the days of Full Service? When customers were the #1 priority?

Autobell employees provide the next level of service as we guide customers through their wash experience. We advise customers on the options available to them that fit their needs. Then we work with precision to hand-dry their vehicle including the wheels. That's right. The wheels are included in all our service options.

You can let our staff take care of you and your car so you are refreshed and ready to take on the road ahead.





Why another car wash?

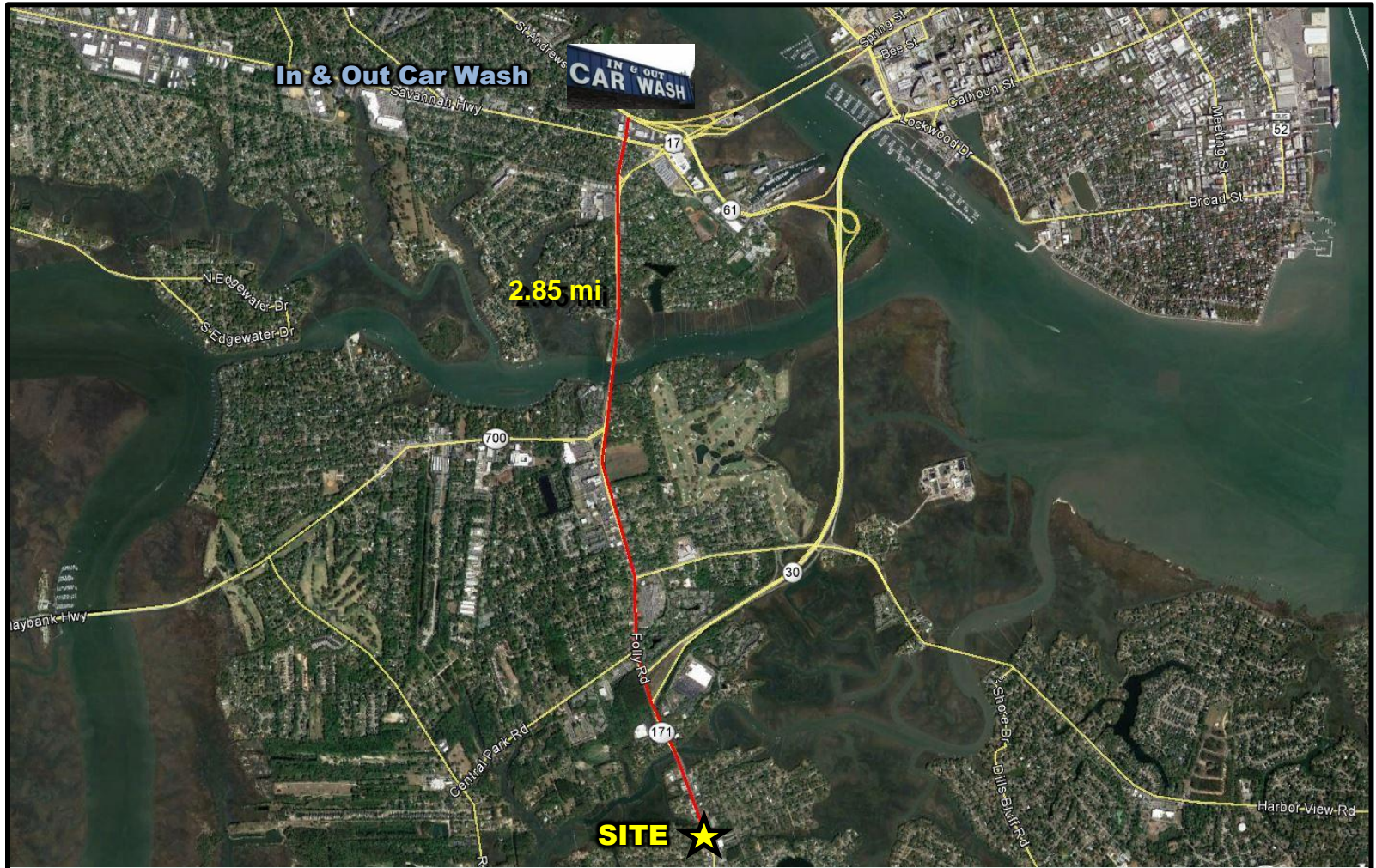
WE OFFER A DIFFERENT TYPE OF SERVICE

- We offer exterior AND interior cleanings
- We offer an exceptional clean, AND in only minutes
- We have certified managers and proven procedures to save you time
- Our employees care about taking care of you so you can relax and enjoy the experience of having your car cleaned
- Most customers will not go more than 7 minutes out of their way.





Full Service Carwash Competition





Water Quality Solution

TREATING RUNOFF

Autobell plans to install a water quality structure that will remove sediment from the storm water before it enters the public system.

Pipe Connections

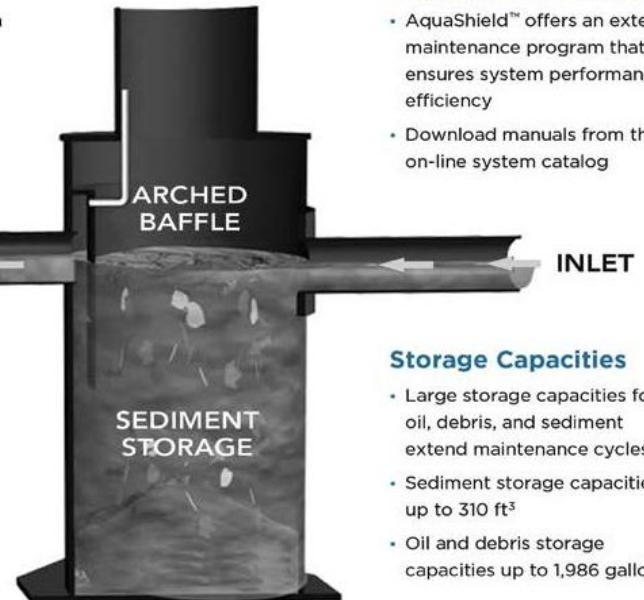
- Systems are designed with custom inlet/outlet diameters at various configuration angles
- Inlet/outlet stubouts are provided for easy coupling

Vortex Separation

- Utilizes hydrodynamic and gravitational forces with quiescent setting to remove gross pollutants
- Extensive full-scale laboratory and field testing by independent third parties

Bypass

- Systems are designed to treat water quality flow rates and bypass peak storm events
- Internal and external bypass configurations are available



Inspection & Maintenance

- AquaShield™ offers an extensive maintenance program that ensures system performance efficiency
- Download manuals from the on-line system catalog

Storage Capacities

- Large storage capacities for oil, debris, and sediment extend maintenance cycles
- Sediment storage capacities up to 310 ft³
- Oil and debris storage capacities up to 1,986 gallons

Installation Benefits

- Quick and simple installation, resulting in measurable project cost savings
- H₂O loading capabilities
- Small footprint design reduces excavation costs
- Lightweight and durable construction
- Lifting supports & cables provided

Aqua-Swirl® System

- Provides customized solutions for project specific requirements
- Systems designed for specific water quality treatment flows
- Modular sizes from 2.5 - 13 ft diameters with attached risers to finish grade
- On-line project and system design tool at <http://pda.aquashieldinc.com>

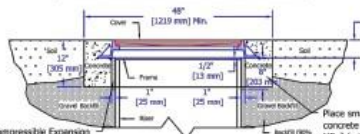




Water Quality Solution

Aqua-Swirl Polymer Coated Steel (PCS) Stormwater Treatment System

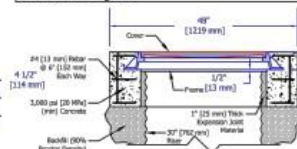
Unless other traffic barriers are present, bollards shall be placed around access riser(s) in non-traffic areas to prevent inadvertent loading by maintenance vehicles.



Manhole Frame & Cover Detail For Non-Traffic Areas Only
NTS

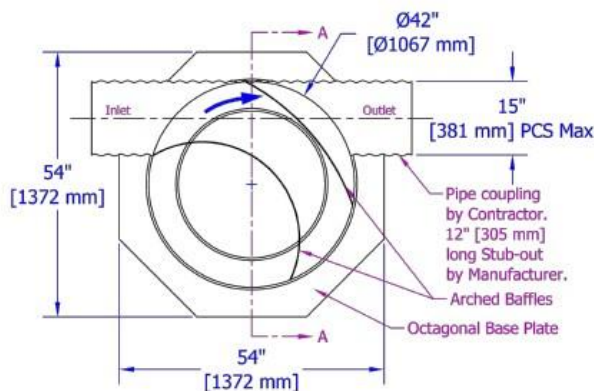
Whip Compressible Expansion Joint Material to a minimum 1-inch [25 mm] thickness around top of riser to allow transfer of inadvertent loading from manhole cover to concrete slab.

If traffic loading (H-20) is required or anticipated, a 4-foot [1.22 m] diameter, 14-inch [356 mm] thick reinforced concrete pad must be placed over the Stormwater Treatment System Riser to support and level the manhole frame, as shown. The top of riser pipe must be wrapped with compressible expansion joint material to a minimum 1-inch [25 mm] thickness to allow transfer of wheel loads from manhole cover to concrete slab. Manhole cover shall bear on concrete slab and not on riser pipe. The concrete slab shall have a minimum strength of 3,000 psi [20 MPa] and be reinforced with #4 [13 mm] reinforcing steel as shown. Minimum cover over reinforcing steel shall be 1-inch [25 mm]. Top of manhole cover and concrete slab shall be level with finish grade.

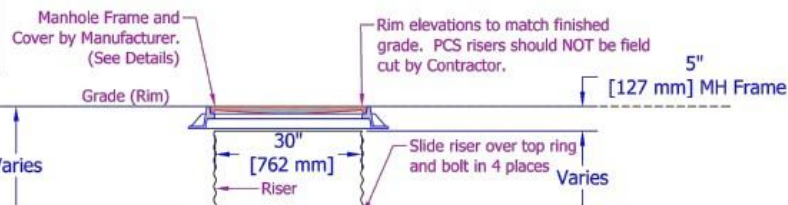


Manhole Frame & Cover Detail For Traffic Loading Areas
NTS

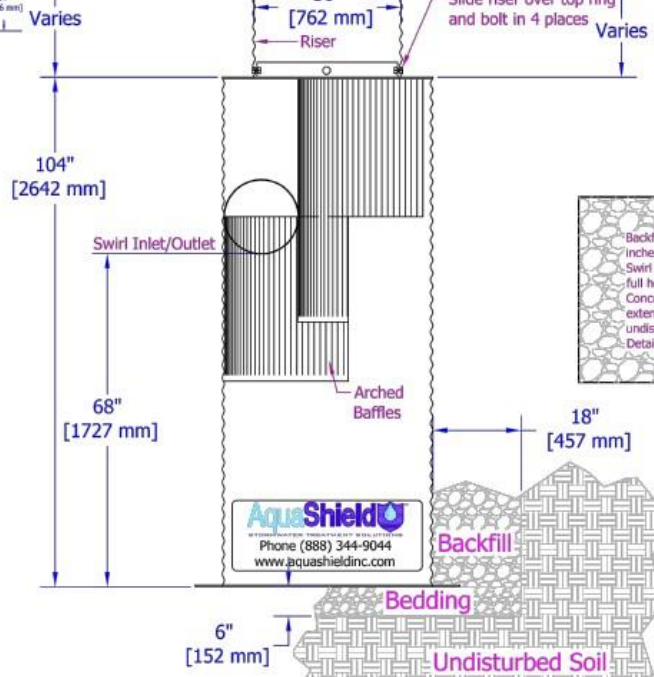
Place small amount of concrete [3,000 psi [20 MPa] (min)] to support and level manhole frame. DO NOT allow manhole frame to rest upon riser.



Plan View



* Please see accompanied Aqua-Swirl specification notes.
* See Site Plan for actual system orientation.



Backfill shall extend at least 18 inches [457 mm] outward from Swirl Concentrator and for the full height of the Swirl Concentrator (including riser) extending laterally to undisturbed soils. (See MH Detail Below)

Section A-A



Document: AS-3 PCS STD
Drawn By: JCW
Scale: 1:20
Date: 01/20/11



Aqua-Swirl Concentrator Model AS-3 CFD PCS Standard Detail

U.S. Patent No. 6524473 and other Patent Pending



49 Years Ago to Today

Charlie Howard loved cars. So in 1969, he opened up his first Autobell® Car Wash on South Boulevard in Charlotte.

Charlie had this vision. Why not provide a high-quality car wash experience with the focus on the customer? As long as you could do that at a good value, they would keep coming back.

Charlie's vision has not only survived, but thrived. All these years, Autobell® Car Wash has kept the focus on people and their cars. The key is finding motivated employees and giving them the tools they need to surpass the expectations of busy and hard-working people.

Autobell has expanded on Charlie's belief in what he called a community conscience. That's why the entire company is committed to environmental protection and conservation.

It's a vision now 80 stores strong. Some would rest on those laurels. Not Autobell®. We're out to be your choice, America's choice, when it comes to a clean and shiny car.



Autobell Car Wash #1 opened in May of 1969 in Charlotte, NC.



Business Philosophy

The Autobell family believes that putting others first is a cornerstone of business practices. This commitment is alive in every part of our culture. It creates the tone for how we serve our customers, provide for our employees, interact with business partners and take care of our environment.

These commitments over the last 49 years and three generations, in addition to a spectacular shine, are the reason customers choose Autobell.





Business Philosophy

Our Customers

VARIETY

Customers find our vast array of services and pricing, from a quick ride-thru to a Manager's Special, meets and exceeds their car wash needs. Our employees friendliness and attention to detail keep them coming back.

WARRANTY

We Warranty your car clean! Customers are invited to review their car and request any additional cleaning needed. This is one of the ways we ensure the car is clean to Autobell's standards and the customer's standard.

CONVENIENCE

We can get a customer's full service wash complete, including, interior and exterior cleaning in 15 minutes or less. Our processes allow us to save our customers their most valuable asset, their time.

SAFETY

The safety of customers, our employees, and our customer's vehicles are of the utmost importance to us. We use technologically advanced equipment that has been tested and is safe.

CLEAN LOCATIONS

#AutobellClean is more than a hashtag, it is a way of life for our team. Our locations are a big part of our marketing and having clean well maintained locations shows our customers what they can expect when they pull in and get a car wash.



Business Philosophy

Our Communities

CAREER and JOB OPPORTUNITIES

When a new Autobell Car Wash location opens it means at least 3 new Management positions and 25 or more new crew member positions are created.

LOCAL BUSINESSES WIN

Local area business will be put to work providing services like banking, landscaping, plumbing, waste management, and local construction companies.

CORPORATE CITIZEN

Autobell Car Wash has raised over \$8 million dollars via our Fundraising program. Additionally, we do quarterly promotions that benefit the customers and the general public in each of our communities. The Red Cross, the American Heart Association, and St. Jude are our three main annual partnerships.



Employment with Benefits

We teach them values





Business Philosophy

Our Environment

RECYCLING WATER

We treat 100% and recycle up to 100% of our wash water. Our AquaBio technology produces water so clean you can drink the water after it has washed a car and gone through our system.

Autobell[®] is a member of the International Car Wash Association's (ICA) Water Savers[®] program which recognizes members who properly treat and recycle their water.



WaterSavers[®]
Using Less. Returning Clean.



Eric Wulf, Executive Director for ICA and Monty Rast, Director of Operations for Autobell, enjoy a refreshing glass of recycled wash water.

With every Autobell cleaned car we save 140 gallons of wash water from entering our storm drains and polluting nearby lakes, streams, and rivers.



Creek Challenge

3rd – 5th Grade Students

EDUCATING THE NEXT GENERATION

On February 24, 2018, the Autobell® Car Wash Creek Challenge® took place with teams from a dozen Charlotte-Mecklenburg elementary schools putting to the test their weeks of STEM-based curriculum focused on water science and quality, as well as the vitality of our local creek system.

Teams of 3rd, 4th, and 5th graders undertook the specially developed curriculum that includes classroom and on-site creek education. Participating students displayed and demonstrated model water filters and three-dimensional watersheds they built; and were tested on knowledge of subjects such as the water cycle, aquatic plants and animals, and related vocabulary words.







Invitation to James Island Neighbors

Join us on

TUESDAY
APRIL | 6:30^{PM}
03 | 9:00^{PM}

SpringHill Suites
98 Ripley Point Drive.

We work hard to be a partner in each of our communities. That includes incorporating your feedback and ideas in our plans. Please join us for our new development information session.

**We Value
Your Feedback**

100% GREEN

April 3rd 2018 | 6:30pm - 9:00pm | SpringHill Suites

This invitation was sent to neighbors within 300' of the proposed site location at 756 Folly Road.

Staff Review:

The applicant, Mr. Christopher Orman of Pavilion Development Company is requesting a Variance for the pavement encroachment of more than 25% of the canopy of a grand tree for a full-service carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District on property located at 765 Folly Road (TMS #425-03-00-037). Adjacent properties to the north and east are also in the Community Commercial Zoning District and are in the Town of James Island's jurisdiction. Adjacent property to the south and north are zoned General Business (GB) and are in the City of Charleston's jurisdiction. To the west is marsh, residential, and GB zoned parcels, and are in the City of Charleston's jurisdiction. The adjacent GB zoned property to the west is residential in nature while the adjacent GB zoned parcel to the south is vacant. The Overlay's land use recommendation for the subject property is Commercial, which matches the current Zoning District.

Town of James Island Zoning and Land Development Regulations, §153.334 (D) (4) states that "paved areas shall be separated from trees by a minimum distance of the drip-line or 1.5 times the DBH or as modified by the Zoning Administrator as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25% of the protected area beneath a tree."

The subject property is 0.686 acres in size and currently has two concrete block buildings and one wood building. There is a 61" DBH Live Oak tree on the front of the property and a natural buffer of trees and shrubs along the DHEC-OCRM Critical Line, which borders the southwest property line. The Live Oak on the front of the property is the subject tree proposed for pavement in the canopy. Staff conducted a site visit of the subject property on February 5, 2018. Please review the attached documents for further information regarding this request.

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F. (a): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There may be extraordinary and exceptional conditions pertaining to this piece of property due to the DHEC-OCRM Critical Line and resulting setback, and the 61" DBH Live Oak tree in the front center of the property. The applicant's**

representative states that “after the application of setbacks from Folly Road, setbacks from wetlands and the location of the grand tree, the resulting development envelope can only be utilized by a very small number of commercial property users.”

F (b): *These conditions do not generally apply to other property in the vicinity;*
Response: **Besides the adjacent lot to the south, commercially zoned lots in the vicinity do not have a DHEC-OCRM Critical Line setback and/or a grand tree of this size.**

F (c): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*
Response: **The application of this Ordinance, specifically sections §153.334, Required Tree Protection and §153.079 Waterfront Development Standards, does not prohibit utilization of the property in its current state. However, these standards may restrict any future development or improvement of the property.**

F (d): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*
Response: **The authorization of this variance may be of substantial detriment to the adjacent property and to the public good, due to the size of the tree and its close proximity to the public right-of-way, should any harm come to the tree due to pavement encroachment.**

F (e): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;*
Response: **The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries.**

F (f): *The need for the variance is not the result of the applicant’s own actions; and*
Response: **The need for the variance may be the result of the applicant’s own actions based on the desired development of the property. However, as previously stated, the size of the grand tree and the existing DHEC-OCRM Critical Line are**

existing site conditions that could render the property difficult to further develop.

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: This variance may conflict with the *Comprehensive Plan*, specifically the Natural Resources Element Goal to “Protect, preserve and enhance the natural environment” with a Natural Resource Strategy to “continue to encourage sustainable development practices to protect the environment from negative impacts of development”.

In granting a Variance, 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 # BZAV-3-18-014 (Variance request for the pavement encroachment of more than 25% of the canopy of a grand tree for a carwash at 765 Folly Road), based on the “Findings of Fact” listed above, unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions:

1. The applicant/owner shall install tree barricades around the grand and protected trees on the property, as described in §153.334 of the *Ordinance*, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand trees on the subject parcel have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.
3. If the tree that is encroached upon more than 25% dies within 5 years of the construction of the proposed project, the applicant shall mitigate the DBH of the tree that dies by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E) (2) of the *Ordinance*, that includes inch per inch replacement. The allotted mitigation shall be in place prior to its removal.
4. The applicant shall install pervious pavers or pervious pavement on any proposed paved areas beneath the canopy of the 61” DBH grand live oak.

January 29, 2018

Chris Orman
Pavilion Development Co.
5605 Carnegie Blvd.
Suite 110
Charlotte, NC 28209

Dear Mr. Orman,

It was a pleasure meeting with you last week. As requested, the following is my evaluation of the Live Oak we spoke about at 765 Folly Road. This property is located in the Town of James Island.

The Live Oak is located in the right-of-way along Folly Road. My site visit revealed a healthy Live Oak with a full canopy. The tree has a small amount of dead wood with one broken branch growing toward Folly Road. There are also some large vines present throughout the canopy. My primary concern with this tree is the 16" branch growing over the parking area. This tree has suffered significant damage from vehicles hitting it over the years. There is limited area on the property to drive larger delivery trucks, and the limb is too low for most trucks to clear it.

While on site, I also reviewed the tree in regards to the root system. The tree has a driveway on either side that connects to a parking area on the property side of the tree. The distance from the tree to the driving area differs depending on where you are on the property. The Live Oak has adapted well to the vehicular traffic and site conditions over the years.

My recommendations are to prune the damaged 16" low growing branch, vines, and dead or damaged wood greater than 2" throughout the canopy. I also recommend crown raising the outer limbs of the canopy while on site. The pruning will result in removing less than 15% of the existing foliage of the tree. This is well below our ANZI A300 Standards for Pruning recommendations of no more than 25% of foliage removal in an annual growing season. In addition, I recommend maintaining the existing driveway and parking area distance from the tree. This distance should be 10-20 feet depending on current site conditions. A pervious surface is recommended around the tree. I also recommend applying a 3" layer of mulch around the undisturbed area of the tree with no grading in this area. Maintaining the existing site conditions and improving them with mulch and pruning will provide the best environment possible for this tree to survive without a negative impact from construction.

Trees inherently pose hazards and I cannot guarantee the structural integrity of any tree. Although I am confident in the accuracy of this report, this is not a guarantee of survivability. This is only recommendations to promote a good environment for the tree. No work should be performed on site without permission from the Town of James Island. Please give me a call with any questions at (843) 296-1581.

Sincerely,

Donald E. Skinner, Jr.

Donald E. Skinner, Jr.
Certified Arborist SO-5166A

