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AUDIO TRANSCRIPTION OF THE
TOWN OF JAMES ISLAND BOARD OF ZONING APPEALS MEETING
APRIL 17, 2018

(Due to the quality of the recorded media, portions were unable to be transcribed and include inaudible portions. The transcript may also include misinterpreted words and/or unidentified speakers. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.)

TRANSCRIBED BY: MELISSA J. LANE, CSR/CCR/RPR



1 (Background noise in audio.)

2 CHAIRWOMAN LYON: Ready?

3 (Background noise in audio.)

4 CHAIRWOMAN LYON: Good evening, everyone.

5 Welcome. Hello everyone. I'd like to call the order

6 the April 17th, 2018, public hearing of the Town of

7 James Island Board of Zoning Appeals, also known as

8 the BZA.

9 UNIDENTIFIED MALE: Frances.

10 (Background noise in audio.)

11 CHAIRWOMAN LYON: Are they not working?

12 Can you all hear? Okay.

13 UNIDENTIFIED MALE: Okay.

14 CHAIRWOMAN LYON: For those who would like

15 to join us, please stand with BZA members for a prayer

16 and pledge of allegiance.

17 Father, we thank you for the opportunity to

18 gather here tonight. We pray that this meeting is

19 successful and productive. Please guide us during our

20 discussions and give us wisdom concerning the issues

21 we may face. We pray for the ability to work together

22 in harmony for the welfare of the citizens, land and

23 natural resources of the Town of James Island. In

24 your most blessed name, we pray, Amen.

25 (All said amen.)

1 (Pledge of allegiance was held.)

2 CHAIRWOMAN LYON: This meeting has been
3 noticed in compliance with the South Carolina -- with
4 the Freedom Information Act. Fifteen days prior to
5 this hearing, a public hearing notice was printed in
6 the Post and Courier. A sign was posted on the
7 designated properties and a notice was mailed to the
8 applicant or representative property owners and to
9 property owners within 300 feet of the applications
10 and to parties of interest.

11 Persons, organizations and the news media
12 that have requested declaration of our meeting have
13 also been notified. The Freedom of Information Act
14 does not require notification of anyone other than the
15 applicant and parties of interest.

16 The board members who will hear your case
17 tonight are myself. My name is Brook Lyon. I'm the
18 chairperson. Jason Gregorie, vice chairperson, Sim
19 Parrish and Roy Smith. Staff members present are our
20 attorney, Bo Wilson. Is Brandon Reeser here tonight
21 as well?

22 UNIDENTIFIED MALE: He is.

23 CHAIRWOMAN LYON: Okay. Great. Brandon
24 Reeser.

25 Hi, Mr. Reeser. He is also our attorney.

1 Frances Simmons, secretary to the BZA and town clerk.
2 Kristen Crane, planning director. Ashley Kellahan,
3 town administrator sitting in the front row next to
4 Kristen. Leonard Blank, town council and mayor
5 pro-tem. Standing near Leonard is Joshua Stokes, town
6 councilman. Garrett Milliken on the front row, also
7 town councilman. Troy Mullinax in the back on the
8 wall, also town councilman. Joe Qualey is in the back
9 on the third row. He's our Charleston County
10 councilman, and Bill Lyon, who serves on the planning
11 commission, is in the second row on the end.

12 Have I forgotten or missed seeing anyone?
13 I don't want to forget anyone. All right.

14 CAROL JACKSON: Carol Jackson, city council
15 member, too.

16 UNIDENTIFIED MALE: City council member.

17 CHAIRWOMAN LYON: Carol Jackson? And where
18 is Carol?

19 CAROL JACKSON: I'm back here.

20 CHAIRWOMAN LYON: Welcome. Thank you for
21 coming.

22 At the March 20th, 2018, BZA meeting cases
23 BZAS-1-18-014, BZAV-1-18-012 and BZAV-1-18-013 at 765
24 Folly Road were withdrawn.

25 Board members, the meeting summary for the

1 March 20th meeting was included in your packets.

2 Are there any changes? If not, may I have
3 a motion to approve and a second?

4 UNIDENTIFIED MALE: So moved.

5 UNIDENTIFIED MALE: Second.

6 CHAIRWOMAN LYON: Any discussion? All in
7 favor aye.

8 (All said aye.)

9 CHAIRWOMAN LYON: Aye. Opposed? The
10 motion carries unanimously.

11 Our case rulings from this and any BZA
12 meeting are available for public review and inspection
13 during normal business hours at town hall.

14 At this time I would like to explain to the
15 public the workings of the BZA. The Board of Zoning
16 Appeals is a quasi-judicial body established to
17 interpret and grant relief from the zoning and land
18 development regulations ordinance. The Board of
19 Zoning Appeals has jurisdiction over three types of
20 cases: Appeals, variances and special exceptions.

21 Special exceptions are an exception issued
22 by the BZA authorizing a particular use in a specified
23 location within a zoning district, upon demonstrating
24 that such use complies with all the conditions and
25 standards developed by the Town of James Island Zoning

1 and Land Development Regulations Ordinance.

2 Variances may be granted when strict
3 application of the zoning ordinance would cause an
4 unnecessary hardship. This board's action must be
5 based on specific standards as contained in the South
6 Carolina Local Government Planning Enabling Act of
7 1994 and the Town of James Island Zoning and Land
8 Development Regulations Ordinance.

9 A simple majority vote of the quorum
10 present is required to grant a variance and special
11 exception. It must be understood that the rules of
12 your neighborhood or subdivision are binding and we
13 can take no action that will negate their jurisdiction
14 over your property. Our purpose tonight is for
15 interested parties to be heard in order to assist the
16 board in gathering evidence pertinent to each case.
17 If the members of the BZA feel the need for further
18 information to clarify a case, the board has the
19 authority to subpoena witnesses.

20 In addition to your testimony, our board
21 has been presented written information submitted to
22 the staff by the applicant or their agent for each
23 case. This information is now considered to be
24 evidence and is entered into the permanent record of
25 this body. It is assumed that it is complete, true

1 and accurate. Also, we have been presented data
2 assembled by the staff for the purpose of clarifying
3 the location and the effect on surrounding property.

4 Our board is empowered to approve, approve
5 with conditions or deny your request. We are also
6 authorized to defer a case should there be a need to
7 obtain additional information. The board has received
8 additional information from the applicant and public
9 since BZA packets were completed. This information
10 and letters and e-mails were forwarded to BZA members
11 electronically and a hard copy has been presented as
12 well. This information will be entered into the
13 permanent records of these cases. If an applicant's
14 request is disapproved and they wish to appeal the
15 decision of this board concerning their case, appeals
16 must be addressed to the circuit court.

17 South Carolina Code 6-29-820 states that
18 the appeal must be filed by the applicant within
19 30 days after the decision of the board is mailed to
20 them. Failure to file an appeal within the time limit
21 deprives the court the jurisdiction to hear the
22 matter.

23 Because this is a quasi-judicial body,
24 everything said in this meeting must be complete, true
25 and accurate. All of the information provided to the

1 BZA is considered evidence, and this board may certify
2 contempt of circuit court if false statements are
3 made, either in writing or orally.

4 At this time I would like to ask the board
5 if you think we need to enter into executive session
6 to discuss the appropriately legal standards with
7 respect to these applications or defer after the
8 presentation or not. Not enter.

9 Does anyone have any questions that you
10 need to ask of our attorney, Bo?

11 Okay. Then we will not enter into
12 executive session at this time.

13 I would like -- if someone could please
14 hand me the sheets of the sign-in people, I would
15 appreciate that.

16 Do we have that up here yet, Ms. Simmons?
17 It will help. Thank you.

18 (Background noise in audio.)

19 CHAIRWOMAN LYON: Yeah. We will need that
20 soon. Thank you.

21 At this time our Attorney Wilson will
22 administer the oath to those presenting testimony.
23 Because of this, each person who wishes to address the
24 board will be sworn in. In order to expedite the
25 procedure if those wishing to speak, will please stand

1 as a group. Anyone who wishes to speak tonight or
2 thinks you might, please stand and be sworn.

3 BO WILSON: Will you raise your right hand?
4 Do you solemnly swear or affirm to tell the truth, the
5 whole truth and nothing but the truth, so help you
6 God?

7 (All said I do.)

8 BO WILSON: You are sworn.

9 CHAIRWOMAN LYON: Thank you so much.

10 In a moment, I will call each case by file
11 number. Staff will present facts pertinent to the
12 case, limited to five minutes. I shall then call the
13 applicant to address the case, limited to five
14 minutes. If the applicant shall please stand, state
15 their name and current address for the record before
16 presenting testimony. I will then ask for all of
17 those speaking in support or against the case that
18 they will follow the same procedure, identify
19 themselves, name, address, limited to two minutes
20 each. The applicant then will have a chance to reply
21 to any opposition, limited to two minutes, and then
22 the BZA will make a motion to close the case to the
23 public. Finally, the BZA will make a motion
24 concerning the application stating specific findings
25 of fact and conclusions of law.

1 As I just mentioned, the applicant,
2 according to our typical rules, are limited to five
3 minutes to present their case and two minutes to
4 rebut, and then those speaking for or against the case
5 is limited to two minutes each. These rules stand
6 unless it's changed by a majority vote of the board.
7 The applicant has made a formal request to waive the
8 time limit. Due to the amount of material, fairness
9 of the application, clear interest in the details by
10 the public and technical complexity, it may be prudent
11 to waive the time limit for presentation and rebuttal
12 by the applicant. In fairness to the public, it may
13 also be prudent to waive the comment time limit as
14 well.

15 So with that said, is there a motion from
16 the board to waive the applicant and public time
17 limits?

18 JASON GREGORIE: So moved.

19 CHAIRWOMAN LYON: Second?

20 SIM PARRISH: Second.

21 CHAIRWOMAN LYON: All in favor to waive the
22 applicant and public time limits, say aye.

23 (All said aye.)

24 CHAIRWOMAN LYON: Aye. Opposed?

25 JIM FRALIX: No.

1 CHAIRWOMAN LYON: For the record,
2 Mr. Fralix votes no. Mr. Parrish, Mr. Gregorie,
3 Ms. Lyon and Mr. Smith vote aye.

4 So for these -- for these cases, we will
5 not adhere to the time limits. Everyone will have a
6 chance to speak and be heard. We ask that you please
7 try to keep it reasonable, not be redundant. We've
8 got four pages up here as well as a very thorough and
9 involved presentation, and we'll look forward to
10 hearing you all.

11 Tonight we will hear two cases, special
12 exception request and one variance request. These
13 requests must meet all criteria of the ordinance, and
14 we will now hear case BZAS-3-18-015.

15 At this time I call Ms. Kristen Crane to
16 present.

17 KRISTEN CRANE: The applicant,
18 Mr. Christopher Orman (phonetic) of the Pavilion
19 Company is requesting a special exception for the
20 placement of a full-service car wash in the Community
21 Commercial District and the Folly Road Corridor
22 Overlay Zoning District at 765 and 761 Folly Road.

23 We have a radius map here that shows the
24 property hash as red community special. Yellow is
25 residential Town of James Island. White is general

1 business, City of Charleston.

2 UNIDENTIFIED FEMALE: Could you possibly
3 speak up? Can you be mic'd?

4 KRISTEN CRANE: Can you all hear me?

5 UNIDENTIFIED MALE: Yes.

6 UNIDENTIFIED MALE: Yes.

7 KRISTEN CRANE: Adjacent property to the
8 north and to the south are zoned general business in
9 the City of Charleston jurisdiction. To the west is
10 marsh residential and general business zoned parcels,
11 and they're in the City of Charleston's jurisdiction.
12 The adjacent general business zoned property to the
13 west is residential in nature while the adjacent
14 general business zoned parcel to the south is vacant.
15 The overlay's land use recommendation for the subject
16 property of this commercial, which matches the current
17 zoning district.

18 Do we have an aerial? Of the property --
19 this is 765, which is Huffs. Here's Pelicans, and
20 this is 761 TitleMax. Carlisle is right here. Folly
21 Road. Other uses within 300 feet of the subject
22 property includes restaurants, bar/lounge, medical
23 office, retail sales, retail of personal services,
24 animal services, offices, repair and maintenance
25 services and residential uses. The Town of James

1 Island Land Development Regulations, Folly Road
2 Corridor Overlay Zoning District, commercial four
3 states that uses requiring a special exception are
4 liquor, beer or wine sales, bar or lounge, consumer
5 vehicle repair, fast food restaurants, gasoline
6 service stations with or without convenient stores,
7 indoor recreation entertainment and vehicle service.

8 Here is a copy of the first site plan that
9 was submitted. They have since resubmitted. The
10 difference would be the right in, right out here with
11 the T-bone and pervious pavement underneath the canopy
12 of the tree.

13 In the letter of intent, the applicant
14 explains, Pavilion feels confident that we can
15 redevelop the site with a great use that would add to
16 the Town of James Island protecting the marsh,
17 cleaning up the site and preserving the live oak on
18 site.

19 So I'll go through some pictures. So
20 subject property, Huffs and Pelicans SnoBalls, and we
21 have this picture is Folly Road at your back looking
22 towards the marsh area. Here's the live oak tree.
23 TitleMax property. This is 761 Folly. And here's the
24 back of TitleMax with Folly Road right here. This is
25 adjacent property. Across the street is Blue Water

1 convenient store. And to the west is residential and ¹⁴
2 marsh. Adjacent property at TitleMax. Again, this is
3 over here, property off of Carlisle right here. This
4 is looking south of Folly Road, looking north.

5 According to Section 153.0445-E, special exceptions
6 approval criteria of the Town of James Island Zoning
7 and Land Development Regulations Ordinance special
8 exceptions may be approved only if the board finds
9 that the proposed use.

10 A, is consistent with the recommendations
11 contained in the Town of James Island comprehensive
12 plan and the character of the underlying zoning and
13 purpose of intent.

14 Response: The Town of James Island
15 Comprehensive Plan future categories states, a
16 community commercial future use land category is
17 intended to allow retail and service uses that serve
18 the residential population of the island and that do
19 not negatively impact the surrounding communities.
20 However, a land use strategy listed in the
21 comprehensive plan is to encourage commercial
22 structures that are in character with the suburban
23 nature of the area while a land use element need is
24 listed as encouraging, sensitive and sustainable
25 development practices. Additionally, the purpose and

1 intent of the Folly Road Corridor Overlay Zoning
2 District is to create a corridor that is well planned
3 and attractive through the implementation of
4 consistent land use and design standards with adjacent
5 jurisdictions and utilizing traffic safety measures
6 and access management for vehicles and pedestrians to
7 ensure safe and efficient traffic movement.
8 Therefore, this application may not be consistent with
9 the Town of James Island comprehensive plan as
10 implemented through the CC District.

11 B is compatible with existing uses in the
12 vicinity and will not adversely affect the general
13 welfare or character of the immediate community.

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

20 C, adequate provision is made for such
21 items as setbacks, buffering, including fences and/or
22 landscaping to protect adjacent properties from the
23 possible adverse influence of the proposed use such as
24 noise, vibration, dust, glare, odor, traffic
25 congestion and similar factors.

1 Response: A comprehensive landscaping plan¹⁶
2 is required for buffer areas. Additionally, the
3 applicants' representatives states, moreover, Pavilion
4 intends to add privacy fencing along the south
5 property line. However, the proposed site plan
6 doesn't show protection from the possible adverse
7 influence of the proposed use such as noise and
8 vibration and similar factors for the residential
9 properties and marshland to the northwest and west,
10 where applicable will be developed in a way that will
11 preserve and incorporate any important natural
12 features.

13 The applicant is working with an arborist
14 to ensure that there are no adverse effects to the
15 61-inch diameter of live oak tree from the development
16 of the site, which the letter of intent addresses.
17 The proposed plan will be of benefit to the health and
18 longevity of the tree, and the site plan also shows
19 that the wooded areas to the south is to remain woods.
20 However, the applicant has applied for a grand tree
21 canopy pavement encroachment.

22 E, complies with all applicable rules,
23 regulations, laws and standards of this order
24 including but not limited to any use conditions,
25 zoning district standards or site plan review or

1 requirements of this ordinance.

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

4 And F, vehicular traffic and pedestrian
5 movement on adjacent road shall not be hindered or
6 endangered.

7 Response: The applicant proposed to
8 install a 10-foot path of the length of the property
9 narrowing around the grand tree. Pedestrian movement
10 shall not be hindered or endangered. Vehicular
11 traffic may be hindered due to the layout of the
12 proposed site and the close proximity from the
13 stacking area to Folly Road and from the impediment of
14 the off-street parking spaces from the stacking area.

15 When granting a special exception, the
16 board may attach to it such conditions regarding the
17 location, character or other features of the proposed
18 building or structure, as the board may concern
19 revisable to protect established property values and
20 the surrounding area or to promote the public, health,
21 safety or general welfare.

22 The board may approve, approve with
23 conditions or deny this case based on the findings of
24 fact unless additional information is deemed necessary
25 to make an informed decision.

1 In the event the board decides to approve
2 this application, the board should consider the
3 following conditions: Number one, prior to obtaining
4 a zoning permit for the proposed site improvement, the
5 applicant or owner shall install a tree barricade
6 around the grand and protected trees on the property
7 as described in Section 153.334 of the ordinance.

8 Number two, a separated 12-foot multiuse
9 path along the frontage of the parcels shall be
10 installed. Right-of-way buffers can be reduced to
11 accommodate the path if the space is limited, and the
12 zoning administrator shall be authorized to reduce the
13 width of the required multiuse path, if conditions
14 exist that would render the required width unfeasible.

15 Number three, a plan to expand stacking
16 spaces in the event of traffic, parking and stacking
17 congestions shall be submitted and approved by the
18 town prior to obtaining a zoning permit for the
19 proposed site improvements.

20 Number four, an eight-foot wooden privacy
21 fence shall be installed along the entire rear
22 perimeter and anywhere fence is labeled on submitted
23 site plan.

24 And number five, architectural plan shall
25 be subject to the discretion of the town as to whether

1 natural guidelines and development standards have been
2 followed.

3 CHAIRWOMAN LYON: Thank you so much,
4 Ms. Crane.

5 KRISTEN CRANE: Uh-huh.

6 CHAIRWOMAN LYON: Are there any questions
7 from staff? From BZA members?

8 UNIDENTIFIED MALE: I think I do have a
9 few. If I may go?

10 CHAIRWOMAN LYON: Absolutely.

11 UNIDENTIFIED MALE: Thanks. Kristen --

12 KRISTEN CRANE: Yes.

13 UNIDENTIFIED MALE: -- so as far as the
14 61-inch DBH tree --

15 KRISTEN CRANE: Uh-huh.

16 UNIDENTIFIED MALE: -- I've been on BZA for
17 a few years, and I don't recall a tree -- us dealing
18 with a tree of this magnitude in diameter. Do you
19 recall us dealing with a tree of this size?

20 KRISTEN CRANE: I do not, uh-uh.

21 UNIDENTIFIED FEMALE: We can't hear
22 anything.

23 (Background noise in audio.)

24 UNIDENTIFIED MALE: So my question to
25 Ms. Crane, I asked her --

1 UNIDENTIFIED FEMALE: Thank you.

2 UNIDENTIFIED MALE: -- if we have dealt
3 with a tree of this magnitude in diameter before at
4 the BZA level. She replied, no, we have not. There's
5 some other basic side information I have questions
6 about --

7 KRISTEN CRANE: Okay.

8 UNIDENTIFIED MALE: -- that I didn't see on
9 here that I think is important and relevant for new
10 development especially in a coastal community. Is
11 this site in a flood zone?

12 KRISTEN CRANE: This site is in a flood
13 zone, yes.

14 UNIDENTIFIED MALE: And what flood zone is
15 it in?

16 KRISTEN CRANE: It is in AE-12.

17 UNIDENTIFIED MALE: And is AE-12 considered
18 a special flood hazard area?

19 KRISTEN CRANE: Yes.

20 UNIDENTIFIED MALE: And does the Town of
21 James Island have a floodplain ordinance or a flood
22 damage prevention ordinance?

23 KRISTEN CRANE: We do, uh-huh. We have the
24 same regulations that Charleston County does. We
25 adopted theirs by reference.

1 UNIDENTIFIED MALE: And is this site, is
2 the ground of this property located below base flood
3 elevation?

4 KRISTEN CRANE: Yes.

5 UNIDENTIFIED MALE: Okay. So just to
6 confirm, this property is in a special flood hazard
7 area, and it's located below base flood level.

8 KRISTEN CRANE: It is located in below base
9 flood level.

10 UNIDENTIFIED MALE: Thank you.

11 CHAIRWOMAN LYON: Any other questions for
12 Ms. Crane?

13 UNIDENTIFIED MALE: Not at this time.

14 CHAIRWOMAN LYON: Not at this time. Thank
15 you so much.

16 KRISTEN CRANE: You're welcome.

17 CHAIRWOMAN LYON: At this time I'll call
18 the applicant, if you would come up and present your
19 case, please. I think there's several of you.

20 ROSS APPEL: Good evening, Chairman Lyon,
21 and members of the board of zoning appeals. My name
22 is Ross Appel. I'm the attorney for Pavilion
23 Development Company as well as Autobell, and I
24 appreciate the opportunity to address you this
25 evening, and I first want to -- before I get started,

1 I want to thank you for the accommodation on time.

2 Could everybody hear me in the back?

3 UNIDENTIFIED MALE: No.

4 ROSS APPEL: All right. Is this thing on?

5 UNIDENTIFIED FEMALE: Yeah. Speak in the
6 mic.

7 CHAIRWOMAN LYON: Oh, no.

8 ROSS APPEL: Great.

9 UNIDENTIFIED MALE: Oh, boy.

10 (Background noise in audio.)

11 ROSS APPEL: Okay. Great. All right.

12 This is an important issue, obviously. That's why so
13 many people are here in the audience today. That's
14 why we've assembled a team of professionals to address
15 all of the technical matters pertinent to this
16 project, and we look forward to having the opportunity
17 to present those issues to you today.

18 However, before we get started with the
19 full blown-up presentation, I want to go over some
20 very important issues with the board this evening.
21 The scope of this board's review from a legal standard
22 is of utmost importance tonight. To be perfectly
23 clear and to be respectfully blunt, the scope of
24 review for this board is not plenary. What I mean by
25 that is, this board does not get to just do whatever

1 it wants. I'm going to read a couple of quotes before
2 we get started. Quote, our ordinances --

3 CHAIRWOMAN LYON: Excuse me. Let's please
4 not have crosstalk and let the applicant present their
5 case. If everyone would please be quiet, and you'll
6 get your turn to speak. Thank you.

7 ROSS APPEL: Thank you.

8 Quote, our ordinances -- referring to the
9 Town of James Island's ordinances -- generally leave
10 little room for discretion. Here's another quote, the
11 town, and more specifically the town's BZA must apply
12 our ordinances in a fair and reasonable way. Any
13 unreasonable or arbitrary action by the BZA will only
14 result in an appeals circuit court with the result of
15 the car wash or worse will appear along with the town
16 having to pay substantial legal fees. We must do
17 things right. We must follow the proper procedures.
18 Neither of these quotes are my words. These are the
19 mayor's quotes of the Town of James Island that he
20 posted on his blog, I think it was last week, and I'm
21 hear to tell you, Mayor Woolsey is 100 percent right;
22 okay? The scope of review is extremely important in
23 this situation and that's what I'm going to focus my
24 comments on today.

25 The bottom line is, tonight's special

1 exception application is not a referendum on whether
2 we like the idea of a car wash in general or whether
3 we like the idea of a car wash in this location. This
4 is not a popularity contest. We believe that we meet
5 all the special exception criteria that Ms. Crane just
6 ran through. However, we don't believe any of them
7 apply in this situation. In fact, we don't even
8 believe legally we should be here tonight on a special
9 exception. The basis for this is laid out in a legal
10 memo that I sent to the town attorney last week.

11 Here's why. As Ms. Crane pointed out, both
12 of the properties at issue in this case are zoned
13 community commercial. That is the most intensive
14 commercial zoning district the town has. The
15 legislature of this town, when they adopted their
16 ordinances, identified these two pieces of property.
17 And they said, you know what we're going to do? We're
18 going to slate for these two pieces of property the
19 most intensive types of commercial development
20 possible under the town's ordinances and that's also
21 reflected in the town's comprehensive plan, which
22 says, going forward, the property shall be slated for
23 commercial development. In other words, it is the
24 policy of the Town of James Island expressed by the
25 planning commission who developed the comprehensive

1 plan and the town council who adopted the
2 comprehensive plan and the implementing zoning
3 regulations to slate this -- these two properties for
4 the most intensive commercial development available
5 under the town zoning ordinances.

6 Those are the rights that our clients have
7 today. The town didn't have to do that. The town
8 could have slated these properties for conservation or
9 for some other limited use. The town did not do that.
10 That's going to be very important as we move forward.

11 So I just got finished saying, these uses
12 are allowed by right. Under the commercial -- the
13 community commercial zoning designation, a defined
14 term, vehicle service, comma, limited is allowed by
15 right. When you look at the table of uses, vehicle
16 services limited is provided by right in the community
17 commercial district. And when you read the way that
18 it's presented in the table of uses, after the phrase,
19 vehicle services limited, town council enumerated
20 certain specific examples of uses including car
21 washes. They call out specifically car washes is an
22 allowed use by right under the table of uses for the
23 community commercial zoning district, and it's very
24 important for two reasons: Obviously, because the use
25 is allowed by right, number one. But, number two, it

1 signals that the legislative intent is that car washes
2 are a type of vehicle service limited, limited,
3 limited.

4 So why is a special exception required in
5 this case, according to staff? Well, staff takes the
6 position that since we're in the Folly Road Corridor
7 Overlay Commercial area, we're subject to a special
8 exception requirement. But if you look at the actual
9 language that's used in the code under Section
10 153.093, Subsection H2, it -- it presents a laundry
11 list of certain uses that require the special
12 exception device. Car washes are not included in that
13 list. Vehicle services limited is not included in
14 that list. Vehicle services, however, is included in
15 that list, and staff is taking the position that a
16 vehicle service use includes a car wash. It is our
17 position that a vehicle service use does not include a
18 car wash. It is our position that a vehicle service
19 use is a more intense use than a vehicle services
20 limited car wash. I'm sorry, vehicle services limited
21 use, which includes a car wash. Vehicle services
22 limited is a term of art that is defined under the
23 town zoning ordinance in their definition section.
24 The town has a rule of statutory construction that
25 technical terms are to receive their legal definition

1 as expressed in the ordinance.

2 To sum it all up, since vehicle services
3 limited are not a special exception trigger under the
4 overlay and car washes are not an enumerated use that
5 requires a special exception under the overlay. We
6 don't even have to be here for a special exception,
7 and this is a legal objection that I want to note on
8 the record for you this evening.

9 So your job is easy tonight. We don't have
10 to even be subject to a special exception. However,
11 if you happen to disagree with me, which wouldn't be
12 the first time somebody's disagreed with me, although
13 this case is pretty strong, we believe that the scope
14 of your review is limited based on the language of the
15 overlay. In other words, the scope of review before
16 the board tonight is not whether a car wash is
17 permitted, but rather, how is a car wash permitted?
18 And the reason for that is, the purpose of the Folly
19 Road Overlay District itself. The ordinance is very
20 clear. The purpose is not to regulate uses, per se,
21 but rather to coordinate and harmonize development
22 along an important commercial corridor that expands
23 multiple local government jurisdictions and that makes
24 sense. We don't want to have a whole hodgepodge of
25 different types of design and different approaches and

1 pedestrian features, buffering and landscaping and
2 streetscape improvements. That all makes sense, and
3 that's why the town adopted the overlay regulations.

4 In other words, the scope of review should
5 you find that a -- that a special exception is
6 required under the overlay district is limited to
7 certain features. Specifically, let's look to the
8 language of the overlay itself, Section 153.093,
9 subsection H. Quote, future development in this area
10 should place high priority on pedestrian connectivity
11 between businesses and neighborhoods with attractive
12 planning streetscapes and building architecture. I --
13 I've read the Folly Road Corridor Overlay maybe more
14 times than anybody should. Those are the only
15 objective criteria in the overlay itself.

16 There's three issues that town council
17 identified as being substantive issues of concern.
18 Number one, pedestrian connectivity. Number two,
19 planted streetscapes, and number three, architecture.
20 We've got a plan for addressing all three of those
21 issues.

22 First, pedestrian connectivity. The
23 default zoning regulations as applied to this piece of
24 property require four-foot sidewalks. We've proposed
25 10, because we want to make sure that this -- these

1 properties post-development enhances a multimodel
2 pedestrian functionality of Folly Road. Right now,
3 currently, pedestrian issues onsite is disaster. I've
4 been out there before walking in this outfit. It's
5 not -- it's not good. We've proposed 10 feet. Staff
6 has proposed conditions of 12 feet. Guess what?
7 We're happy with 12 feet. We have no problem with
8 that condition.

9 Planned streetscapes. This is way early in
10 the process. We haven't gotten to the site plan
11 review phase. We're happy to make the streetscapes as
12 beautiful as possible. We want this property to be as
13 beautiful as possible. Autobell's projects around the
14 southeast look great. That's what they pride
15 themselves on. They look much better, frankly, than
16 some of the traditional Legacy car washes that we're
17 all familiar with on the island.

18 As far as architecture goes, yes, there is
19 a standard Autobell design, so to speak. That
20 standard Autobell design will never be on James
21 Island. We've heard from the community. We've met
22 with the community. They don't want the standard off
23 the, you know, shelf Autobell design. We're not going
24 to proceed with the standard Autobell design.

25 In the following presentation, you're going

1 to hear more details from people that are competent to ³⁰
2 speak about architecture, but the bottom line is,
3 we're going to work with the Town of James Island on a
4 design that is appropriate that fits and harmonizes
5 with the surrounding developments, natural features,
6 et cetera.

7 So those are the three issues under the
8 overlay district, pedestrian connectivity, planned
9 streetscapes and architecture. We have a plan to
10 address all three. In other words, even assuming the
11 special exception test applies in this situation,
12 which we don't think is the case, those are the three
13 issues for the board to consider tonight. It's not
14 the laundry list of criteria whether we're consistent
15 with the comp plan and all those various items you
16 heard during the presentation. We don't need to get
17 into that because that's not what the town council has
18 already expressed for the property.

19 Here's another important provision in the
20 town's overlay district, Section 1503.093-H1, quote,
21 the uses allowed in the -- in the overlay, quote,
22 shall include those allowed in the community
23 commercial zoning district as indicated on the overlay
24 map and is described in table 153.110, use table.
25 That's town council putting an exclamation point on

1 the fact that the overlay district is not designed to
2 regulate uses. It's not a second bite at the zoning
3 apple. If you're allowed to proceed with a use under
4 your base zoning, that doesn't change by virtue of you
5 being in the overlay. All that changes is we're going
6 to take a closer look at the design to make sure
7 you're addressing pedestrian connectivity, attractive,
8 you know, streetscaping and architecture.

9 To sum it all up, the overlay does not
10 regulate uses. It regulates how uses are developed.
11 As a third alternative, let's say Kristen's right, and
12 you're -- we're subject to the full traditional
13 special exception test. I'm going to run through
14 those criteria because I think we have to, under the
15 circumstances -- although, again, we don't believe we
16 have to. The first criteria, quote, is consistent
17 with the recommendations contained in the town's
18 comprehensive plan and the character of the underlying
19 zoning district purpose and intent. Town staff's
20 report seems to think that we don't meet this. It's
21 our suggestion -- rather, it's our contention that we
22 easily meet this, and there's no question that we meet
23 this. The property is zoned community commercial.
24 It's the most intense commercial zoning district the
25 Town of James Island has. A comprehensive plan

1 specifically targets these two parcels and says, you
2 know what we want to see here? Commercial
3 development. That's not me. That's the town council.
4 That's the mayor. That's the planning commission.
5 That is what they have -- the dye has already been
6 cast for these two properties. So the -- so to
7 address the special exception test, is this consistent
8 with the zoning and the comprehensive plan, I mean,
9 it's just not even a question.

10 Is -- the next criteria, quote, is
11 compatible with existing uses within the vicinity and
12 will not adversely affect the general welfare or
13 character of the immediate community. These two
14 properties are located on the most highly traveled
15 commercial business district in the town. This is not
16 off of Riverland or around the corner from town hall.
17 There's nowhere on the island more appropriate for
18 this use. The property is surrounded by commercial
19 uses. Uses zoned general business. Uses zoned
20 community commercial. There's a gas station across
21 the street. There's multiple shopping centers a few
22 steps away. It will not adversely affect the general
23 welfare or character of the immediate community, but
24 my colleagues will speak more to the specific
25 operational issues involved in -- in the development

1 and how the -- the negative byproducts of the car wash
2 process are all contained onsite, clean, recycled,
3 kept onsite, and frankly, will represent an enhanced
4 environmental situation on the property.

5 The third criteria, quote, adequate
6 provision is made for such items as setbacks,
7 buffering, including fencing or landscaping to protect
8 adjacent properties from the possible adverse
9 influence of the proposed use such as noise,
10 vibration, dust, glare, odor, traffic congestion and
11 similar factors. The zoning ordinance requires
12 interior setbacks of 10. We're going with 14. The
13 zoning ordinance requires sidewalks of four feet.
14 We've proposed 10. The town has asked for 12. We're
15 happy to do 12. The town has asked to do eight-foot
16 privacy fencing. You've got eight-foot privacy
17 fencing. Done deal.

18 Further, there's no incursion in the OCRM
19 buffer or setbacks. In fact, the original design for
20 this project did involve a variance from the OCRM
21 setback. Our folks acquired an additional piece of
22 property to move the entire development northward so
23 we would have even less impact on the -- on the marsh,
24 and we don't even need relief under the zoning
25 ordinance for that.

1 So the bottom line is, we've incorporated
2 all forms of mitigation to keep the negative issues
3 surrounding the use from spilling over into
4 neighboring properties. So we think we meet that
5 criteria. We've got three more criteria.

6 I'm sorry, I'm just trying to hit
7 everything.

8 Number four, quote, where applicable will
9 be developed in a way that will preserve and
10 incorporate any important natural features. There is
11 a significant, beautiful grand tree on the property.
12 This -- this significance, beautiful grand tree on the
13 property is going to be preserved and protected and
14 enhanced as a product of this development. We have
15 got experts here today that will testify as to that
16 effect.

17 Furthermore, the marshes and everything
18 else involving the creek and the natural features on
19 the site, which by the way, makes this site a very
20 unique piece of property and different in a variety of
21 respects from its neighbors. All of those issues will
22 be addressed, and my colleagues will speak to the ways
23 that we manage water onsite, treat water onsite and
24 prevent water from draining into the creek, which by
25 the way, it rained a couple of days ago. All the rain

1 that hit these properties drained right into the creek
2 yesterday.

3 After this development, that situation will
4 change because it will be brought up to modern code;
5 okay? The status quo of the property right now isn't
6 great. It may look, you know, traditional and things
7 of that nature, but it's -- there's a lot of
8 environmental problems as it stands today that'll be
9 fixed by virtue of this development. So we believe we
10 meet the fourth requirement.

11 Number five complies with all applicable
12 rules, regulations, laws and standards of this
13 chapter, including but not limited to, any use
14 conditions zoning district standards or site plan
15 review of this chapter.

16 This is very important here. Believe it or
17 not, special exception and a variance is not the only
18 hurdle we have to cross in order to develop this piece
19 of property. There are all kinds of other
20 regulations, both local, state and maybe even federal
21 that we have to comply with, and we will comply with.
22 We have to comply with them. If we don't comply with
23 them, we're not going to be -- we're not going to be
24 green lighted here.

25 And this relates back to what I started

1 with, scope of review. The BZA is not the EPA. The
2 BZA is not OCRM. The BZA is not the floodplains
3 administrator. There are flood regulations that apply
4 to this property. We will meet them. We will design
5 to code to meet the flood regulations. If we don't,
6 we're not going to get permitted. We understand that.
7 But the BZA's job is not to take Kristen's job or
8 whoever -- whoever else you all have in the town to
9 administer the zoning ordinance. The scope of the
10 BZA's authority is limited to three things, special
11 exceptions, variances and appeals from Kristen. It's
12 not to enforce the floodplain regulations or anything
13 else. We will meet all the requirements that are
14 applicable because we have to, of course.

15 Number six, vehicular traffic and
16 pedestrian movement on the adjacent roads will not be
17 hindered or endangered. We've already talked about
18 pedestrian connectivity, and the development is going
19 to -- is going to represent a massive improvement of
20 the status quo.

21 As for traffic, we have a traffic engineer
22 with us tonight that'll speak to some of those issues.
23 The site plan has been redesigned for the right in,
24 right out to further --

25 UNIDENTIFIED MALE: It's restricted left

1 out.

2 ROSS APPEL: Restricted left out. I'm
3 sorry. Please listen to them when they talk about
4 these technical details. They know them better than
5 me.

6 But the bottom line is, we have taken
7 traffic into very serious consideration. I told
8 everybody here today, leave the office early. You
9 never know what you're going to get on Folly Road. We
10 understand it's a serious issue. Believe it or not, a
11 car wash is not a traffic generating use compared to
12 things like office, residential, things of that
13 nature. And I'll let our experts talk more about
14 that.

15 But the bottom line is, once you've heard
16 all the testimony today, you've reviewed all of the
17 expert opinions and reports and letters and analyses
18 that we've presented, I think you'll reach the
19 conclusion that vehicular traffic and pedestrian
20 connectivity are -- are not problems in this
21 situation.

22 One -- one thing I want to mention about
23 conditions, staff has -- has proposed a sweet of
24 conditions for you all to consider. We're fine with
25 all of them. Great. We want to do a good development

1 for this property. We're -- we've received feedback
2 since day one. We've received feedback at the
3 community meeting. We received feedback from staff.
4 We have incorporated all of that into the current
5 design that we've proceeded with tonight, which has
6 made the plan better than it was on day one. And we
7 will continue to do that by virtue of accepting these
8 conditions with an open mind and frankly a willingness
9 to -- to proceed.

10 So to sum up, legally, it's extremely
11 important that the board -- and I sat on the BZA, and
12 I tell my colleagues this all the time. It is
13 extremely important to focus on the scope of review
14 because that's what get boards in trouble. That's
15 what gets John Dewberry reversing us on appeal for the
16 City of Charleston when we stray out of our lane, and
17 it's very important to stay in the lane with BZA.

18 So, number one, just to sum up, we
19 shouldn't be here. We don't require a special
20 exception. If you think a special exception is
21 required under the overlay. It's restricted to
22 pedestrian issues, planned streetscapes and
23 architecture, which, frankly, all three of those
24 issues are addressed.

25 And as a third remote backup, if we have to

1 fall under the default special exception criteria
2 test, we meet all those criteria as well for the
3 reasons I just articulated.

4 So those are our thoughts. Those are our
5 positions. I appreciate you providing me with the
6 opportunity to speak. I don't know how I thought I
7 was going to get through that in five minutes.

8 And now without further ado, I'd like to
9 turn it over to Carl Howard with Autobell, who is
10 going to walk through a more-detailed presentation of
11 the actual car wash use and the company and the
12 business.

13 CARL HOWARD: Thank you, Ross.

14 Thank you everyone for coming out tonight.

15 It is clear to me and it's been clear to me
16 throughout the entire process that you all care about
17 your community and I'm --

18 UNIDENTIFIED MALE: Come closer, please.

19 CARL HOWARD: I applaud you for that.

20 UNIDENTIFIED MALE: Thank you.

21 CARL HOWARD: We care about the communities
22 that we operate in. We operate in 50 communities in
23 five states. We have 80 conveyORIZED full service car
24 washes. We have 3,500 employees. Most of them are
25 young people, high school/college kids that we teach

1 how to work. We teach them how to serve. We teach
2 them how to show up on time and be in uniform. We
3 teach them things that they don't learn in school. We
4 give them scholarships so that they can go to college
5 and university. We care about them and we care about
6 the communities that we operate in, and it's very
7 important to me that we do the right kind of
8 development. Many of you are new to this. You
9 haven't seen the presentation that I made on April the
10 3rd. We asked as many people in the community to come
11 and hear what we were about as a company and what
12 we're trying to do at this very special site on James
13 Island.

14 We're trying to get it to pull up now.
15 Because I want to go through that, because I think
16 it's important. We're not here -- although, we do
17 monitor the social media and we do monitor some of the
18 things that have been put out there. Some true. Some
19 not true. Some blatantly false.

20 And so I want to have the opportunity
21 tonight, and I appreciate you guys allowing us to
22 speak because I think it's important that we put in
23 the record some of these facts as we get the
24 PowerPoint to go up.

25 Some of you may have visited a site that we

1 have on Dorchester Road right near the airport. That ⁴¹
2 site we bought from another operator. It doesn't have
3 the latest equipment. It is not our building. It is
4 a building that was built by someone else. It is a
5 great location, as far as where it's situated, but
6 other than that, it's not the way I would have
7 designed that site. So, you know, I just want to be
8 clear, if you have been to that site, what we plan do
9 here is going to be different. It's going to have
10 different equipment. It's going to have
11 sound-situated equipment, going to have the latest
12 technology and recycling, which that site doesn't
13 have.

14 We've got experts here tonight that will
15 speak about our storm water control. They will speak
16 about the equipment that we use to recycle our wash
17 water. Our systems are designed in short to capture
18 all of the water that we use in the car wash process,
19 so all of it drains to specific filtering systems that
20 filter that water, and believe it or not, I've
21 actually drank that water. It is that clean.

22 So without further ado, I'm going to jump
23 into this.

24 Do you got a clicker handy? Thank you.

25 I'm going to go as fast as I can. I know

1 you don't have a lot of time.

2 That is our very, very first car wash in
3 1969. I am a third-generation family businessperson.

4 Okay. Can I -- can I spin around in
5 circles and address everybody?

6 All right. So I'm a third-generation
7 family business guy. My family started with one car
8 wash. Literally, they built it. My grandfather was a
9 contractor. He was an electrician. They built it
10 with their own hands, and they built one car wash at a
11 time for many years. I grew up in the business. I
12 started in this business when I was 12 years old.

13 So what we want to do is improve this site.
14 In short, I'm going to talk -- can you hear me, if I
15 talk like this?

16 All right. Because I want to go and I want
17 to point. I've always been called a loud mouth
18 anyway. So I think I can do this.

19 So this is a 35-foot critical buffer line.
20 In current condition, there is a building that exists
21 inside this 35-foot critical buffer line. In fact,
22 the building, as it sits today, is 6.63 feet from the
23 D Hec (phonetic) OCRM critical line, which I think is
24 like pretty close to the water. I don't know -- I
25 don't know what all that means, but it's pretty dang

1 close to the water. When we develop this site, it's
2 going to look like this. So all of this space will be
3 green, and it will be landscaped. It will have
4 natural grasses, and it will be improved, and the help
5 of the marsh AirGo will be improved. All of the storm
6 water on this property will be captured before it gets
7 to the fence. There will be curb and guttering.
8 There will be storm drains. All of that water will be
9 captured, and we'll talk about a filtration system
10 that we have for that water as well.

11 MICHAEL MCDONALD: Carl, can we go back to
12 the other slide? I'm going to introduce myself. I'm
13 Mike McDonald. I'm with Pavilion Development. I'm a
14 professional civil engineer by trade and, you know,
15 Carl was making a -- a great point here.

16 CARL HOWARD: Talk really loud.

17 MICHAEL MCDONALD: Yeah. Carl was making a
18 great point here, and Ross also alluded to the fact
19 that the conditions -- there is no restriction of
20 storm water going to the creek. You know, there is
21 oil on the gravel parking lot out there. There are
22 two gravel driveways under the tree, and currently
23 that's the drain -- that's that payment or that gravel
24 and it goes -- it drains. She flows directly into the
25 creek.

1 And, you know, there's currently an
2 existing structure there, 6.3 feet away from the OCRM
3 line. And that's actually an error. It's OCRM.

4 So there's a current structure that's
5 there. We're going to remove that. We're going to
6 rehabilitate this whole area and there's going to be a
7 buffer. We're going to abide by the landscape
8 requirements. We're going to get a wetland scientist,
9 and we're going to go out there and rehabilitate to
10 his direction.

11 Currently, there's nothing to this. All
12 that water is flowing directly into the creek
13 including the creek.

14 So if we can flip to the next slide, the
15 proposed conditions. As Carl mentioned, what we're
16 going to be doing is, here is the 35-foot buffer we're
17 rehabilitating. That's currently not there. All that
18 water, that's currently just draining directly in the
19 creek, and it's picking up oil and all kinds of things
20 off of gravel and going straight in the creek. We're
21 going to put a curb right there. We're going to have
22 underground catch basins, storm drainage that's going
23 to -- they'll be the tension that actually detains it
24 also, and we're going to direct it to the water
25 quality structure.

1 And what that water quality structure does
2 it actually cleanses the storm water. So instead of
3 everything draining directly into the creek, we're
4 picking up an underground storm piping that's going to
5 be detained. That's going to be sent to a water
6 quality structure, which filters all the sediment.
7 Once it goes through that water quality structure,
8 then it goes to the public system, which is on the
9 road, and then it's drained into the creek. That
10 is -- I don't know of any other developments in the
11 area that have something like that. That's going to
12 be much improved over -- definitely the existing
13 conditions but also really any other properties that's
14 out there that I know of.

15 You know, for example, the gas station
16 across the street, they have underground storm
17 drainage, but the storm water goes directly into that,
18 and all the pavement, all the oil that's spilled on
19 that, it drains directly in the storm drainage. Then
20 there's a pipe that goes directly in the creek. So
21 that is a terrible situation. The existing condition
22 is frankly a terrible situation. What we're doing is
23 much, much better. That addresses the storm waters.
24 That's any water that falls onto the pavement from
25 rain.

1 Also what we're doing, the water that's
2 used for the car wash is reclaimed. There are big
3 reclamation systems underground. All that water is
4 going to go into those tanks, and 80 percent of it --
5 80 to 90 percent of it is recycled.

6 CARL HOWARD: We can get down to five
7 gallons a car of fresh water to wash a car with that
8 system.

9 MICHAEL MCDONALD: Now, you say, you know,
10 there's five percent or 10 percent or whatever that's
11 reused, that water does not go into that storm
12 drainage system. It goes into the sanitary sewer
13 system so then it goes to the waste water treatment
14 plants. So, I mean, there's almost not a drop of
15 water that goes on our site that's not cleansed that
16 goes into that creek. That is a huge improvement over
17 the existing conditions and --

18 CARL HOWARD: He's an engineer. I'm not.
19 So I needed his help. So for -- for one minute, what
20 I want to talk about is a driveway car wash. So when
21 you wash your car in your driveway, whatever you use
22 to wash your car with goes onto the hard surface
23 unless you wash it on the grass or somewhere in your
24 yard. That's actually the safest way to home wash
25 your car, but if you wash your car on a paved surface,

1 whether it flows in the storm drain or not, it'll dry ⁴⁷
2 on that surface. If it does not and the next time it
3 rains, the rainwater will pick up those soaps and it
4 will go to the storm drainage eventually which then,
5 in fact, it will go into the creek, not only are we a
6 solution to help this site be better and more
7 environmentally friendly, we're a solution for all of
8 James Island for anyone that thinks about washing
9 their car on a surface, on a hard surface. It's much
10 safer to take it to a car wash that captures that
11 waste water and dispose of it properly.

12 Talk about treating runoff. That's an
13 example of the system that we plan to use to treat the
14 storm water. This is just a marketing piece about --
15 and yeah, we use very little water.

16 Flipping through.

17 All right. Let's talk about the grand oak
18 tree. This is a picture. It's a little bit hard to
19 see because there's lighting in here, but underneath
20 one of the branches of that tree there have been
21 trucks that travel under that tree and have scraped
22 the bark off of one of the branches. We plan to
23 improve the condition of the tree. One, by taking
24 care of that branch that at some point will die, and
25 our arborist will -- in fact will talk about the tree

1 and how we're exactly going to treat it, but that's
2 one of the things that we'll be able to do. But, yes,
3 we are asking to pave under it a little bit beyond --
4 and we'll talk about that later, the -- the variance
5 that we're going to try and do, but what we're going
6 to do under that tree is have pervious pavement.

7 So that's the current condition of the tree
8 now. As you can see, there's a driveway that's four
9 and a half feet from the trunk of that tree from the
10 60-inch line. There is another driveway 13 feet on
11 the other side, and then we don't have the dimension
12 on there, but it's only a few feet that a car could
13 actually park right beside the tree on the gravel.

14 In our proposed development, we plan to
15 protect the base of the tree so that no vehicle is
16 going to get any closer than 11 feet to the base of
17 that tree, and, again, all of the paving that would be
18 done under the drip line of that tree would be
19 pervious, so it can actually get the rainwater that
20 falls under the drip line.

21 This is a picture of the current tree on
22 the left, and then the tree as we would prune it and
23 improve it on the right. So as you can see, there is
24 one branch that's damaged that we propose to take out.
25 Just barely see it here. And then in this picture it

1 would have been right there; okay?

2 So here's our site plan, as we talked
3 about. That 35-foot buffer will be landscaped and
4 improved. The tree condition will be improved.
5 Again, I got to go and point, so I'll talk really loud
6 about the flow a little bit.

7 This was before we came out with the
8 limited right out. So that driveway is going to
9 change a little bit and have a right out only, full
10 access in. Ours will stack this end of the car wash.
11 We are a full service, so we back in the cars, but we
12 are actually backing them on the conveyor as they
13 move. As part of the process to gain efficiencies in
14 our business, we're all about time and motion and
15 procedurally driven. So we can process the car at the
16 entrance in with one person in two minutes with two
17 people backing in the car in actually 45 seconds,
18 which is about the pace that our conveyor runs. As it
19 goes through that process, it takes about two minutes
20 to go through the entire car wash process. During
21 that process, the exterior of the car is clean and
22 dried. When it comes out, we'll have two-man teams
23 because of the size of this site -- it's not a big
24 site for us, so we'll have two-man teams or two-person
25 teams, as the case may be, and we will be able to wipe

1 the car down inside and out in about two, two and a
2 half minutes depending on if they get an extra service
3 or not. Standard service, a car can be wiped down by
4 two of our employees in two minutes, so we can easily
5 turn over a full service car in 15 minutes or less.

6 And the reason I say this to be true, we
7 secret shop every one of our car washes three times a
8 month and part of -- part of a manager's bonus is
9 contingent on them scoring well and meeting that time
10 standard, so they're very keen on training their
11 people to meet that time standard.

12 Some examples of our architecture that
13 we've done. We went quickly through the standard
14 building. We don't propose to do that, and granted, I
15 think we said before this is not an architectural
16 decision night, but we do want to show you a couple of
17 examples. This is an example of a site in Norfolk,
18 Virginia, with a little more commuted and a smaller
19 tower. This is an example of a rezoned site that we
20 did in an area of Charlotte, near South Park. It's a
21 very fluent area, and we had to get it rezoned so we
22 did some different things, different architecture.

23 This is examples of different architecture
24 that we're happy to do, and we want to work with the
25 town, and we want to work with the neighbors to -- to

1 create something that is appealing and that everybody
2 would like.

3 There's another example. I call it kind of
4 a low country look. It's got kind of a front porch
5 appeal to it and a hit roof, standing seam. So in
6 brief, it might have sounded a long time, but that's
7 basically what we covered in our meeting on April the
8 3rd. I appreciate your attention to it, and I'm
9 available for questions. Thank you very much.

10 CHAIRWOMAN LYON: Thank you so much.

11 Is there anyone else who's going to speak?
12 This is where you all will wrap up your presentation.

13 UNIDENTIFIED MALE: I think we want to call
14 Donny Skinner, our arborist, and we actually -- we
15 engaged two arborists. I'm sorry, we engaged two
16 arborists. Donny Skinner being one, and the board has
17 both letters that were written. They both found that
18 the tree will be in better shape, a healthier shape,
19 after our development than it's currently in, and
20 Donny can speak to that. You guys do have the letters
21 and just -- I'll let Donny speak a little further.

22 CHAIRWOMAN LYON: Thank you.

23 DONNY SKINNER: I'm Donny Skinner. I'm a
24 certified arborist and a registered forester with the
25 State of South Carolina. I am a resident of James

1 Island, but what I want to start off with, if I can, I ⁵²
2 got two things over here, but I don't have the slides.

3 UNIDENTIFIED MALE: Donny, I can pull it up
4 here.

5 DONNY SKINNER: Okay. Can everybody hear
6 me?

7 UNIDENTIFIED MALE: No.

8 DONNY SKINNER: What we've got -- we've
9 got -- right now?

10 UNIDENTIFIED MALE: Yeah.

11 DONNY SKINNER: What we've got right now --
12 and I've been on the site numerous days taking a look
13 at the tree. This is our existing conditions. All
14 the way around the tree from years of seafood shopping
15 and SnoBall shopping, the soil and gravel is
16 compacted. Very little air is getting to the root
17 system. Not good for the tree.

18 We've got the one limb that they addressed
19 earlier that has been beat up by trucks. What we
20 propose to do in our new treatment -- this is the limb
21 that's been beat up for years and years. It's gouged
22 out. It's about five percent of the canopy. So what
23 we would be doing is reducing about five percent of
24 the canopy. ANSI standard, 835 standards for tree
25 care for pruning, we cannot prune any more than

1 25 percent of foliage in one year. We'll be pruning
2 maybe five percent.

3 In addition to that, we're going to be
4 removing and paving the pavement and the gravel. So
5 all this four and a half feet, all this is going to be
6 drawn back. Because this is a new -- this is going to
7 be the new area around your tree. In that area, once
8 the gravel and pavement is removed, we're going to
9 aerate. Aeration is taking an auger, drilling down
10 every three feet, a three-foot grid that helps get
11 oxygen back in the soil.

12 In addition to the aeration, we're going to
13 apply treatment of fertilizer. That fertilizer gives
14 us immediate nutrient availability to the tree. In
15 our fertilizer, we also include a mycorrhizal.
16 Mycorrhizal is a fungus that helps to absorb
17 nutrients. So that's a benefit.

18 Once we get that done, we're going to apply
19 a three-inch layer of mulch, wood mulch, over the
20 entire root system. Wood mulch will, in time, break
21 down, provide nutrients. It also helps in the heat of
22 our summers protecting the root system. It holds
23 moisture. Keeps the root system from drying out.
24 That is the treatments we're going to do on the
25 ground. There's also the pruning in addition to the

1 one branch. We're going to de-vine it. There's
2 several big large vines that are growing up into the
3 canopy. We're going to go in and take those vines
4 out. Vines in time, if left long enough, will cause
5 shading. The tree can't get sunlight and can't
6 photosynthesize. Can't produce food. It starves.
7 We're going to remove those vines as well.

8 Everything we're doing is an improvement to
9 the site, and I think long-term will be a great
10 benefit to the tree, as well as improving the
11 aesthetics of the whole property. So that, in a
12 nutshell, kind of get through it pretty quick. Does
13 the board have any questions regarding the tree for
14 me?

15 CHAIRWOMAN LYON: Thank you. We'll ask our
16 questions at the end of the presentation.

17 Is there anyone else that the applicant
18 would like to add to your presentation list?

19 ROSS APPEL: Yes. We'd like to call our
20 traffic engineer up also.

21 CHAIRWOMAN LYON: Okay.

22 ROSS APPEL: There's actually a more
23 current slide. Carl made reference to it earlier. We
24 heard some concerns, and we restricted or left out --
25 I'm not sure if we have that -- it's actually -- for

1 those that want to see it, it's actually showing on
2 that board over there, but there's -- it limits a left
3 turn out of the site.

4 CHAIRWOMAN LYON: Thank you.

5 JENNIFER BIHL: Hi. I'm -- hi. I'm
6 Jennifer Bihl with Bihl Engineering. I'm a traffic
7 engineer in Charleston.

8 UNIDENTIFIED FEMALE: We can't hear, I'm
9 sorry.

10 UNIDENTIFIED MALE: Much louder, please.

11 JENNIFER BIHL: Is that better?

12 UNIDENTIFIED MALE: Okay.

13 JENNIFER BIHL: We'll get right on the mic
14 today.

15 I'm Jennifer Bihl with Bihl Engineering.
16 We're a traffic engineering firm in Charleston, South
17 Carolina. We did the trip generation study of what
18 type of trips would be expected for this type of
19 development based on industry standards. The
20 Institute of Transportation Engineers provides trip
21 generation characteristics of a myriad of uses that
22 you guys probably have seen before from other
23 presentations, but, you know, an automated car wash is
24 one of the uses, and so you look at the peak hour,
25 which is your afternoon of the commute time. So

1 that's one hour between 4:00 and 6:00 and then we
2 also -- because of the type of use of being an
3 automated car wash, we also looked at Saturday. And
4 so this is a peak hour on as well to be able to see
5 what the type of trips that we would expect for this
6 type of use, and so the afternoon peak hours -- this
7 is one hour between 4:00 and 6:00 p.m. on your average
8 weekday, so that's a Tuesday, Wednesday, Thursday.
9 This is expected to have 18 entering trips and 17
10 exiting trips, and so -- which is -- you would expect,
11 this looks over the hours. Anybody coming in would be
12 coming out versus a land use that people would stay
13 for, you know, an extended period of time. And you
14 guys have this in a memo -- a memorandum in your
15 package.

16 For the Saturday peak hour, we would expect
17 a little bit more higher use, and this is just one
18 hour on a Saturday. It doesn't give a time of day.
19 We would expect about 37 trips in and about 37 trips
20 out, and so that's what they consider, and this is
21 based on -- it's international organization. It's
22 based on empirical data that's been collected across
23 the country and, you know, comparatively, we have
24 opportunities for fast food, which would obviously be
25 a much higher generator than the car wash would be or

1 if you look at retail, you would expect, you know,
2 more afternoon peak hour trips.

3 So comparatively we're looking at, you
4 know, for this about 37 trips in the -- sorry, on
5 Saturday going into the site and then 37 going out.
6 That was the highest peak hour that we see.

7 So that was really fast. So if you guys
8 have any questions we're -- I'm available.

9 CHAIRWOMAN LYON: Thank you so much. Thank
10 you all.

11 Is there anyone else you would like to add?

12 GEORGE SHIELD: I would. I don't think
13 you'll have -- how's this? I think I can do better
14 without this.

15 ROSS APPEL: Hey, George. Sorry. Do we
16 want to have Tom speak about the reclaim water before
17 you kind of summarize things?

18 GEORGE SHIELD: Yeah, that would be fine.
19 I'd be happy to.

20 TOM GIBNEY: You can put that up. I talk
21 loud.

22 UNIDENTIFIED MALE: All right. Thank you.

23 TOM GIBNEY: Thank you for allowing us to
24 speak. My name is Tom Gibney. I'm the president and
25 owner of a company called Aqua Bio Technologies. We

1 are what we call a water restoration system in the car
2 wash industry, the vehicle wash industry.

3 Autobell uses our system in every new car
4 wash that they build because they're sole
5 environmentally friendly. They want the state of the
6 art in waste water treatment so that they can reuse
7 the water they see from that standpoint, but they also
8 want to be environmentally friendly at the same time.
9 What our system does that's different than anybody
10 else's system in the use in the car wash industry is
11 we actually remove the chemicals from the used water.
12 Everybody else, they call them reclaim systems or
13 reclaimed systems. You sell out solids. It'll
14 reclaim system in settling tanks. Water comes out of
15 the car wash, goes into settling tanks. That's where
16 the oils are separated out. That's where the dirt is
17 separated out, and then we -- it goes into our first
18 chamber we call an aeration chamber, and in that
19 aeration chamber, we aerate the water. What we're
20 trying to do is increase the dissolved oxygen level in
21 the water. By doing that, the bacteria that are
22 propagated in that environment are called aerobic
23 bacteria. Aerobic bacteria are 90 percent more
24 aggressive in consuming waste out of the water in the
25 bacteria. An example, a septic system in the olden

1 days, not so much today, but in the olden days the
2 bacteria that grew in the water was anaerobic
3 bacteria. Anaerobic bacteria don't like oxygen in the
4 water.

5 So by aerating the water, we do two things:
6 One, we propagate aerobic bacteria, and the second
7 thing is that we have bacteria that is more aggressive
8 in consuming the waste out of the water.

9 So we're the only ones that do that in this
10 industry. And that's done in our bio chamber here
11 where we actually have plastic media inside of there
12 just like we do in sewer treatment plants do in your
13 environment here. We treat the water exactly the same
14 way. We separate out solids. They aerate the water.
15 We aerate the water, and then they have a bio chamber
16 where they have active bacteria that consumes the
17 human waste out of the water. In our case, we're
18 consuming the chemical waste out of the water; okay?

19 Now, the other fact that's very important
20 when you're looking at waste water treatment is that
21 the chemicals have got to be readily biodegradable.
22 We can have readily biodegradable chemistry. You can
23 have slow biodegrade chemistry, and you can have
24 chemistry that won't biodegrade. What we use in the
25 Autobell sites -- I do a complete analysis of the

1 chemicals they use, and we make sure that they use
2 chemicals that are readily biodegradable, meaning
3 they're -- if any of that chemical ever got out of the
4 property, it would readily biodegrade in a creek or
5 stream or anything like that, but we contain all of
6 the water in three settling tanks in the four bio
7 system tanks. The only way the water can leave those
8 tanks is if it goes to the sewer treatment plan. It
9 can't go to springs or anything else. It goes
10 directly to the sewer treatment plant. So the
11 chemistry they're using is readily biodegradable.

12 We're doing a full water restoration
13 system. So 90 to 95 percent of that water is reused
14 over and over again. And we're doing it with clean
15 restored water. So that's the -- the water treatment
16 system that we're doing in the Autobell sites.

17 CHAIRWOMAN LYON: Thank you so much,
18 Mr. Gibney.

19 TOM GIBNEY: Thank you.

20 CHAIRWOMAN LYON: One other person?

21 GEORGE SHIELD: I'm George Shield with
22 Pavilion Development.

23 CHAIRWOMAN LYON: Can you speak in the
24 microphone? Really address the board.

25 GEORGE SHIELD: I thought if I stood there,

1 they would be able to hear me.

2 CHAIRWOMAN LYON: We need to pick it up for
3 the tape.

4 FRANCES SIMMONS: For the tape. Thank you.

5 GEORGE SHIELD: First off, I would like to
6 say thank you to the board members and -- and staff
7 for all of your consideration of this project, which
8 is a petition by our company, Pavilion Development.
9 We've worked lots of hours with staff on this and
10 really appreciate them being very forthcoming with
11 suggestions, with technical matters. Everything that
12 we would need to consider in order to make this
13 particular development something that meets the
14 standards for approval. So thank you very much for
15 that.

16 I'd also like to say thank you to the
17 community. I see many faces here that -- that showed
18 up at the impromptu or I should say voluntary meeting
19 that we had over at the hotel recently to share the
20 concerns that they had over the development, and while
21 those may not be necessarily germane to the decisions
22 that you're making tonight, they matter to us because
23 these are our customers.

24 As it says in the comprehensive plan,
25 commercial corridor zoning is to promote the

1 development of uses that people on the island need and
2 will use without having to go off the island to get
3 them. That's what the comprehensive plan has said
4 since the very first draft. I read them all. And
5 that is exactly why we're here and -- and it is -- and
6 it is these people and their neighbors, your
7 neighbors, that -- that we -- that's part of our
8 business is to work with all of them. We're --
9 nobody's going to drive their car from Charleston over
10 here to get a car wash. The car wash is your car
11 wash. That tree is your tree. This site is in your
12 community. And we have really appreciated all of the
13 feedback that we have gotten. Much of it is based on
14 a lack of understanding of the technical matters that
15 relate to the car wash, the technical matters that
16 relate to the storm water, the technical matters that
17 relate to the tree, and we have tried to address all
18 of those concerns that we've heard from the
19 neighborhood by bringing in people that are not lay
20 people but that are experts in authorities on those
21 things that matter to the community. Again, that may
22 not be part of what you all are here and the findings
23 that are incumbent on you to find, but it does matter
24 to us.

25 One thing I would also like to point out is

1 Pavilion Development is a multigenerational family
2 development company. We have been stakeholders in the
3 Charleston area for many, many years. My family --
4 I'm actually operating a tree farm that our family has
5 owned for 60 years. We are developing real estate in
6 places where my family has lived since the 1600s. We
7 want to do the right thing. That's why we're here.
8 That's why we -- we bring in the experts because we
9 really endeavor to do the right thing because we are
10 long-term stakeholders in every community where we
11 build a store or a piece of real estate, and we will
12 continue to be.

13 I'd just like to sort of summarize this by
14 going back to the very basics. Throughout this
15 process, if you look at the technical matters and the
16 facts, this property is zoned for this use. Your
17 neighbors, your taxpayers that we're buying this
18 property from invested in this property and ran
19 businesses there because it was a commercial piece of
20 property that someday when they were ready to retire
21 could be part of their retirement. Those are your
22 neighbors. That's who we're buying this property
23 from. This use is permitted under the zoning. It is
24 in keeping with the comprehensive plan, which calls
25 for uses like this at that property, and we have

1 worked tirelessly with staff. We've agreed to every
2 condition staff has asked for. The 12-foot
3 sidewalk -- when did that come up?

4 ROSS APPEL: Yesterday.

5 GEORGE SHIELD: Yesterday.

6 Guess what? You get a 12-foot sidewalk.
7 We will go through the architectural review process.
8 Similar to what we did when we built the Tire Kingdom
9 and Starbucks over in Mount Pleasant where we built a
10 coastal vernacular style architectural. If you've
11 ever been on the inbound lane of 17 and mount
12 pleasant, maybe pulled in there to get a Starbucks
13 coffee, that's what we do. We build projects for the
14 stakeholders in the community that reflect the
15 character of the community. And we just would invite
16 you all to consider all of these compelling arguments,
17 the zoning, the town plan, the standards that we have
18 met from staff, the architectural standards that we
19 will continue to work with staff through, and I think
20 you will find that this is reasonable and in the
21 public interest and should be approved. Thank you.

22 CHAIRWOMAN LYON: Thank you, Mr. Shield.

23 Well, thank you all.

24 Anybody -- any more experts? Anything else
25 that you would care to add?

1 At this time I would like to ask, are there
2 any questions for the applicant or any of their
3 experts from any members of the board? I'm sure we
4 all have a lot of good questions.

5 Jim, would you like to jump in first?

6 JIM FRALIX: I'd like to comment on the
7 last gentleman. He said he's the only one that talks
8 about the public, and I thought it was a very good
9 addition to the overall -- you know, consolidation,
10 and the first guy was just telling us that we should
11 not even exist.

12 UNIDENTIFIED FEMALE: Here, here.

13 UNIDENTIFIED MALE: Yeah.

14 CHAIRWOMAN LYON: Come on, guys. You'll
15 all get to talk.

16 JIM FRALIX: I don't mean to be funny, but
17 the last man talked about the public. We have to
18 concern ourselves with the public. I mean, we're the
19 BZA, but we still have a concern about what the public
20 thinks about these projects. And you've given a very
21 good presentation in my judgment. Doesn't mean I'm
22 going to vote for it, but -- so I just wanted to add
23 that.

24 CHAIRWOMAN LYON: Sim, did you have any
25 questions? Mr. Parrish?

1 SIM PARRISH: Yes. I have several
2 questions. If you could go back to the plan where you
3 show the tree, the plot, one more. Your proposed
4 plan. Your proposed plan.

5 UNIDENTIFIED MALE: The existing conditions
6 or the proposed?

7 SIM PARRISH: The proposed. That's good.
8 Right there. Go back to that one.

9 UNIDENTIFIED MALE: Gotcha.

10 SIM PARRISH: Okay. Question one is, there
11 is a utility pole within the 13-foot radius of that
12 tree. There are several branches -- I noticed this
13 yesterday when I walked the property. There are
14 several tree limbs that are -- if they were to break
15 off, they would take out the utilities on that -- that
16 pole. What is -- what is your plan -- the arborist --
17 in doing -- in dealing with those tree limbs that are
18 on the service lines? They're not SC&G. So we don't
19 have to worry about them coming in and butchering the
20 trees. These are the communications and cable lines.

21 UNIDENTIFIED MALE: Anything that's not --

22 CHAIRWOMAN LYON: If you could please speak
23 in the mic so we can get it on tape. Thank you.

24 DONNY SKINNER: Anything that is not in the
25 high power lines, we can prune. We've been -- and

1 even -- whatever we need to do to clear the
2 communication lines, we can do it. It would still
3 keep us below 25 percent pruning at an annual growing
4 year. So, I mean, you know, that is well within what
5 we can and we'll do for the health of the tree if we
6 need to.

7 SIM PARRISH: Okay. My next question --
8 this is in reference to the traffic going in and out
9 of the unit.

10 CHAIRWOMAN LYON: Ms. Bihl, can you come --

11 SIM PARRISH: Okay. That's good right
12 there.

13 CHAIRWOMAN LYON: Oh.

14 SIM PARRISH: At the northern end of your
15 property, you have a -- it's -- on the plan, it says
16 it's a painted line that extends into the parking lot
17 of the finance company there. What are you -- what's
18 going to stop individuals from coming in and exiting
19 out that, that property there -- that's private
20 property. And how are you going to stop people from
21 coming in and out of there? I know you put in your
22 exiting only going to the right only but that up there
23 allows people to enter and exit into the traffic.

24 CARL HOWARD: So in -- so in talking to our
25 neighbor with the powers at be in that company, they

1 would actually prefer a stronger traffic control
2 measure. So in discussions with them, we would put
3 some kind of curbing in that the town would be
4 amenable to, and I would prefer a roll type curb as
5 opposed to a hard curb because our customers sometimes
6 don't pay attention even though we'll put -- we'll put
7 plastic so it's clear that there's a barrier there,
8 but we'll put some kind of physical barrier between
9 the two properties.

10 SIM PARRISH: Okay.

11 ROSS APPEL: And I'm sorry, just to
12 elaborate on that, all that will be addressed also in
13 the site planning and the engineering design and the
14 review of the town and, you know, we'll work with the
15 DOT and the town's recommendations to come up with
16 something that works with everybody.

17 SIM PARRISH: And the last question I have
18 is, you note -- you stated that the maximum number
19 of -- maximum time a car could be in this place is
20 15 minutes from start to finish. That's with the
21 premium package. What is the minimum amount of time
22 that an individual car could be in your service?

23 CARL HOWARD: So we have a basic service
24 that we call a ride through where the customer stays
25 in the car and they do not get out of the car and we

1 do not wipe it down and that car will, from the time
2 it enters our driveway until the time it leaves our
3 driveway, could be anywhere from -- depending on the
4 line, three minutes to six minutes.

5 SIM PARRISH: Based on your current
6 location in north Charleston, do you have an idea of
7 how many cars during your peak time that you service,
8 say, in an hour?

9 CARL HOWARD: It's about the same as the
10 traffic engineer. There's more traffic -- it's a
11 four-lane divided highway there, so there's a bit more
12 traffic on Dorchester Road at that point, I believe,
13 than there's on Folly Road, but that store is maxed
14 out right now at about 40 in one hour on a busy
15 Saturday going downhill.

16 SIM PARRISH: That's all I have. Thank
17 you.

18 CHAIRWOMAN LYON: Thank you, Mr. Parrish.
19 Mr. Gregorie, do you have any questions
20 you'd like to ask at this time?

21 JASON GREGORIE: I guess I do. I had -- I
22 wanted to understand the operations again in vehicles
23 per hour. So -- and when you said, I guess, 40 per
24 hour, I mean, is that your maximum? Is that your
25 average? I'm trying to get a handle of how many cars

1 we will see cued up at this site at any one time.

2 CARL HOWARD: So without getting too
3 technical on car wash development, we have our -- that
4 South Park site that I had up there with the little
5 fancy architecture is on a corner lot in Charlotte,
6 two main thoroughfares. One called Tibola (phonetic);
7 the other, Park Road. It's an area that is high
8 intensity retail, high intensity office and high in
9 residential. It's one of our top five volume car
10 washes in the country, and we only have 12 stack going
11 into that site. We don't anticipate this site to
12 be -- it might be half of what that site is. Maybe a
13 little bit more.

14 JASON GREGORIE: Well, what would be your
15 operation plan if you have a car stack and vehicles
16 can't turn into your site from Folly Road? Do you
17 have a plan where you'll gate off your site? I mean,
18 is -- what would you do from an operation standpoint
19 to prevent vehicles from stacking on the Folly Road?

20 CARL HOWARD: We would have to assign
21 someone to send them down the road. Again, I will
22 tell you that based on my experience in my own
23 company, this site has very adequate stacking. We
24 work with staff. We feel like we can move the
25 driveway slightly south and add two more spaces. That

1 would be 10 spaces, and, again, our top five car wash
2 in Charlotte has 12, and they never back out into the
3 street. So we feel like that will be more than
4 adequate if we have two more stack.

5 JASON GREGORIE: Okay. Thank you.

6 SIM PARRISH: I had one more question. I
7 apologize.

8 CHAIRWOMAN LYON: Go ahead, Mr. Parrish.

9 SIM PARRISH: The only other question I had
10 about that -- I forgot. I'm sorry about that. What
11 are your hours of operation?

12 UNIDENTIFIED MALE: Our standard of hours
13 in the summer are 7:00 a.m. to 8:00 p.m.

14 CHAIRWOMAN LYON: Mr. Smith.

15 ROY SMITH: I've looked at your site plan
16 and you have 18 spaces, but you've just been talking
17 about adding two more. How many spaces do you need?
18 How many parking --

19 CARL HOWARD: Are you talking about stack
20 or are you talking about car parking spaces? Are you
21 talking about exit in room for cars?

22 ROY SMITH: Car parking spaces on the
23 site.

24 CARL HOWARD: We'll meet the town ordinance
25 as far as parking spaces parking requirements. What

1 Jason and I were discussing were the stack into the
2 car wash, I believe.

3 ROY SMITH: My question is, how many car
4 spaces -- car parking spaces do you need?

5 MICHAEL MCDONALD: I think if we go to the
6 site plan there, I think when you say the 18 spaces,
7 that was on the original plan, and I think there may
8 have been an error where the new plan, where we are
9 acquiring the TitleMax property. We didn't make the
10 change to change it to 18 spaces to Autobell property
11 or the Huff property. Once we made that change, I
12 think we went to -- and I don't have the number in
13 front of me. I think there's 28 spaces, but they're
14 depicted on that plan right there, but that's to serve
15 the TitleMax property and also the Autobell, the Huff
16 property.

17 ROY SMITH: So if I'm understanding, you
18 have a line that's painted that says, do not cross,
19 and everything on your side of that line is for this
20 Autobell.

21 MICHAEL MCDONALD: Yes, sir.

22 ROY SMITH: And everything that's across
23 that painted line is for TitleMax.

24 MICHAEL MCDONALD: Yes, sir.

25 ROY SMITH: So I see that for TitleMax --

1 I'm not counting those spaces.

2 MICHAEL MCDONALD: Right.

3 ROY SMITH: How many do you have that you
4 can utilize for your property and how many do you
5 need?

6 MICHAEL MCDONALD: I don't have that exact
7 count. Let me walk over here and show you.

8 ROY SMITH: Well, why would you -- just
9 tell me how you would derive on how many you need.

10 MICHAEL MCDONALD: There are actually more
11 parking spots that we're showing than what we need,
12 and the reason that we're showing those parking spots
13 is so that we meet the town code. There is a minimum
14 amount of parking spots that the town code is going to
15 require, so we have to show that many spots.

16 ROY SMITH: And what is that -- what is
17 that number based on?

18 MICHAEL MCDONALD: It's in the town
19 ordinance. If Kristen could probably help with that,
20 but it's -- if you go through their guidelines and
21 their code, it's based on use.

22 CHAIRWOMAN LYON: This would be two from
23 (inaudible) on shift.

24 ROY SMITH: Two per employee on shift.

25 CHAIRWOMAN LYON: Uh-huh.

1 MICHAEL MCDONALD: And what we've done is
2 meet what the town is requiring in terms of parking
3 spots. Now, technically, we don't need that many, but
4 because they're requiring it, we have shown that on
5 the plan.

6 ROY SMITH: How many employees will you
7 have at any given time?

8 CARL HOWARD: Our average shift would
9 probably have about five employees at this site.
10 Based on our pro forma, it could go slightly up or
11 slightly down. Certainly, weather has an impact on
12 the number of employees at any given day. On a busy
13 day where we're approaching that 40-car mark, we would
14 need about 12 employees total.

15 ROY SMITH: If you need two spaces per
16 employee and they have 12 employees, then they would
17 need 24 spaces; is that correct? Did I get that math
18 correct?

19 CARL HOWARD: I think -- I think she just
20 quoted a statistic incorrectly. I don't think one
21 employee is going to drive two cars. I think what she
22 means is that there's two -- there's a -- one space
23 for every two employees; is that correct?

24 JENNIFER BIHL: You would need two parking
25 spots per employee for two.

1 ROY SMITH: So, Ms. Crane, the rule is two
2 parking spaces per employee?

3 KRISTEN CRANE: Right.

4 ROY SMITH: I just heard that we'll have up
5 to 12 employees --

6 JENNIFER BIHL: I would --

7 ROY SMITH: -- at one time, so that is 24
8 because two times 12 is 24 --

9 JENNIFER BIHL: Right.

10 ROY SMITH: -- right? Okay. Just let me
11 look. I see 18 on the plan that I've been given.

12 ROSS APPEL: Yeah, I'm sorry. What I was
13 going to say is, we are sharing with the TitleMax
14 property, and I believe that their requirement is
15 three spots, so it's -- and, you know, I'm not sure of
16 the calculation, but if we need to provide more
17 parking spots, we can. From the operations, we don't
18 need them, but we will during the site planning
19 process -- we won't increase the size of the paved
20 area. We'll do it on there, but we will meet the
21 code, and we'll do that through the site plan process.

22 ROY SMITH: So what I'm understanding
23 this -- that plan isn't maybe not what you're going to
24 end up doing?

25 JENNIFER BIHL: They're acquiring the

1 TitleMax, so we'll do a shared parking agreement is --

2 I think what --

3 ROSS APPEL: That's right.

4 ROY SMITH: And TitleMax, how many parking
5 spaces do they need to have?

6 JENNIFER BIHL: They will need to have one
7 per 300 square feet of floor area, which doesn't count
8 for storage, you know, restrooms.

9 ROY SMITH: So that's five parking spaces.

10 JENNIFER BIHL: That's five -- yeah,
11 probably four, but.

12 ROY SMITH: It's just floor area. It
13 doesn't count for restrooms and stuff like that.

14 JENNIFER BIHL: So they would be four, you
15 know, 28 all together.

16 ROY SMITH: We exceed the code; is that --
17 is that correct?

18 ROSS APPEL: So let me see if I can cut to
19 the chase here a little bit.

20 ROY SMITH: Stop. Let me count. Okay.

21 ROSS APPEL: We are not here for a parking
22 variance. The site plan that you see right there
23 meets the code. That's not my opinion. That's
24 Kristen's opinion. That's why we're here. That's why
25 staff has not required us to get a parking variance.

1 The parking issue is not the issue. We've met the
2 code, period. I'll -- let's just put an exclamation
3 on that fact.

4 ROY SMITH: Well, I need to understand it.
5 Because this, you know, you have a line that says,
6 don't cross, and it just gets my attention, and we've
7 been asking about it, and then I understand that there
8 might not be a line, that actually it might be a curb
9 and you might get two more spaces because you want to
10 move the entry south. So I'm just not comfortable
11 that what we're looking at is what we're actually
12 approving.

13 ROSS APPEL: We've worked with Kristen for
14 months. That's before you today, the revised plan.
15 That's in your packet. It's before the board. It
16 meets all of the parking requirements.

17 ROY SMITH: Okay.

18 ROSS APPEL: It's not my opinion. It's
19 Kristen's. We're not here for a parking variance. We
20 meet all the code requirements, and there's no
21 question to that fact.

22 CARL HOWARD: There was a proffer -- there
23 was a proffer that we've agreed to that we would work
24 with staff regarding their opinion of stack and --

25 CHAIRWOMAN LYON: Excuse me. Can everyone

1 please be quiet in the background? You'll all get
2 your turn to talk. I promise. Thank you.

3 CARL HOWARD: Kristen asked us to work with
4 her and make everybody feel good about our number of
5 stack going into the car wash. We draw the best
6 concept of what we think -- of what we feel very
7 confident will work, but if there's more staff input
8 or BZA input or -- or neighbor input, we're happy to
9 work with them to alter the plan to make everybody
10 happy, and so that's what that plan is about.

11 ROY SMITH: Thank you.

12 CHAIRWOMAN LYON: Thank you, Mr. Smith.

13 And I appreciate the questions on parking
14 because I think what I'm hearing from the board is,
15 you know, a concern if it becomes busy and there's a
16 lack of spaces and then it backs out into Folly Road,
17 and that's a concern that I have as well.

18 My question for you all is regarding what
19 sort of noise, vibration, light, pollution, anything
20 like that can we expect from this type of operation,
21 if it's not like the one up on Dorchester Road. I
22 haven't been to any of the ones in Charlotte. I'm
23 just curious on that because most car washes that, you
24 know, I've been through, you know, have noise and
25 light and can be disturbing. The other car washes in

1 the area, it's my understanding are all self served.
2 I don't wash my car very often. When I do, it's at
3 home with the hose, but I do occasionally, you know,
4 get lazy and treat myself to a car wash. I was just
5 curious, if someone can address that, please.

6 CARL HOWARD: So this is our dryer. I'll
7 hand it to you --

8 CHAIRWOMAN LYON: Thank you.

9 CARL HOWARD: -- for ease. There's some
10 decibel ratings of different -- different examples of
11 different things that make noise, shall we say, and so
12 this equipment is the quietest in the industry. What
13 I have said before, and I feel very confident that
14 we'll be able to achieve here, the residents that
15 surround this site will hear traffic noise above
16 anything that comes off of the car wash.

17 CHAIRWOMAN LYON: I'm sorry.

18 CARL HOWARD: The traffic noise will be
19 louder than what you hear from the car wash. When a
20 car goes by their front door, that's louder than what
21 our equipment will be.

22 CHAIRWOMAN LYON: Okay.

23 CARL HOWARD: That's the best way I can
24 give you an example.

25 CHAIRWOMAN LYON: And it doesn't like

1 vibrate or -- okay.

2 CARL HOWARD: Vibration causes wear, and
3 we're very keen on maintenance and things like that.
4 So, no, it doesn't vibrate.

5 CHAIRWOMAN LYON: Thank you.

6 Are there any other questions from any
7 other board members? Is there anyone else present who
8 wishes to speak in support of this request? We'll
9 start with the gentleman here, and if you'll please
10 come up, state your name and address and -- and please
11 speak into the mic, so Ms. Simmons can hear and so can
12 the tape.

13 CHASE HOWARD: My physical address? Like
14 where I live? Like where I'm from?

15 CHAIRWOMAN LYON: Yes, sir.

16 CHASE HOWARD: I'm Chase Howard. I'm from
17 Charlotte, South Carolina, and I'm speaking in favor
18 of the Autobell car wash. I'm a recent Clemson
19 University grad, and I worked at Autobell as a
20 teenager from the time I was 16 all the way up until I
21 was 21 years old, and I can tell you the firsthand --
22 like, firsthand, the positive impacts that Autobell
23 had on the surrounding community whether it be from
24 local creek cleanups to scholarship programs.
25 Autobell really made a difference in my hometown

1 growing up. My friends and I learned the values of
2 service, respect and hard work while making great
3 money. I truly believe that Autobell would be a great
4 addition to the James Island community. Finally, I
5 ask the BZA consider this case solely on facts and not
6 on baseless emotions.

7 CHAIRWOMAN LYON: Thank you so much, Mr.
8 Howard.

9 Is there anyone else wishing to speak for
10 the applicant? Yes, sir.

11 CHRIS ORMAN: Hi. Good evening. My name
12 is Chris Orman. I'm with Pavilion. I live here in
13 town at 1220 Cedar Street on James Island and just
14 summing up everything that these folks have said, you
15 know, I do live here in town. I want something that
16 this community that I live in and would be a part of.
17 You know, something that I would be proud of to say to
18 your all's other friends, family, folks here in town
19 that, you know, I did this project, I helped out on it
20 and that, you know, we stand behind what we do and,
21 you know, we have other examples throughout, you know,
22 the low country in this town and, you know, fully in
23 support of the project and something that, you know,
24 living here I'm proud to be a part of and hopefully it
25 continues.

1 CHAIRWOMAN LYON: Thank you, Mr. Orman.

2 Anyone else on this side of the room for?

3 Yes, sir, if you can please come up.

4 BILL HUFF: Hi. My name is Bill Huff. I'm
5 the seller.

6 CHAIRWOMAN LYON: State your address for
7 me, sir.

8 BILL HUFF: Stone Post Road. I live here.
9 I thought everybody knew me. I thought everybody knew
10 everything about me. We opened up Huff Seafood in
11 1995. We purchased the property in 1999. We built
12 the new location on there. Our family, our four sons
13 worked together in this business for 23 years, and now
14 we're ready to retire. This is the second near sale
15 we've encountered so far. We had some kickback on Lag
16 (phonetic) Factory when they wanted to buy it.
17 Basically, some of the neighbors expressed great
18 displeasure. They don't want a Lag Factory on the
19 island, and I feel like we're getting pushback that's
20 not warranted here.

21 We built a relationship with many families
22 over the years. We have supported each other, the
23 families and ourselves through good times and bad
24 through 1911 and then -- 2011. The -- 9/11. There we
25 go. And the 2008 recession. You know, we've had some

1 struggles making it this far. We have paid the
2 property off. This is our retirement. We are
3 residents. We're not the enemy.

4 Personally, these folks have gained my
5 trust, these buyers. Autobell, if you ask for it,
6 they come up with it. They listen, you know, to our
7 concerns about the tree. You know, I don't want
8 anybody to hurt that tree. I wanted to get an
9 arborist some years back, but I couldn't afford one.
10 There's some other things I would like to have done on
11 the property I could not afford it. These people have
12 the wherewithal to do that, and I look forward seeing
13 their finished product. I just hope that you guys
14 will use reasonable forethought in making your
15 decisions, and thank you for your time.

16 CHAIRWOMAN LYON: Thank you, Mr. Huff.

17 BILL HUFF: Okay.

18 CHAIRWOMAN LYON: Anyone else in -- wishing
19 to speak in favor of the applicant on this side of the
20 room? Anyone wishing to speak in favor of the
21 applicant on this side of the room?

22 So I'm assuming everyone else is wishing to
23 speak in opposition to the request, so I'll just go
24 down the list.

25 If you'd still come up and state your name

1 and address. Carol Jackson? Is she here?

2 CAROL JACKSON: Good evening. Yes. My
3 name is Carol Jackson. I am very proud to have been
4 recently elected as the city council representative in
5 District 12 here on the island, but tonight I'm
6 representing my family. My husband and I live at 1461
7 Patterson Avenue, so we're at the end of the street
8 that contains the Blue Water and directly across from
9 Huffs.

10 I want to pay my respect to the Huffs. I
11 know this has been a really hard season of their lives
12 trying to find a good buyer for their property, and I
13 personally, you know, understand their plate, but I do
14 think that you have been given the chance tonight to
15 do your -- take your responsibilities. I think
16 Autobell's lawyer made it clear what he thinks is your
17 responsibility, but I would say that you should go
18 behind door number three as he offered to you and
19 entertain this project request under the full set of
20 special criteria that you have in front of you that is
21 attached to the ordinance. It's incorporated in the
22 ordinance for the town.

23 And I also made a note about -- the
24 attorney said that this is not about the location. I
25 think it's the total opposite. When you look at a

1 special criteria request, you're looking at the exact
2 location that the project is being proposed for. So
3 you have every obligation to look at the location.
4 And I -- I'm very glad that more than one person has
5 gone through the criteria, but I do think that under
6 many of those you would find an answer and it is
7 contained in the zoning, the community commercial and
8 as it's briefly represented in the comprehensive plan
9 that was passed in 2015, which was after the Folly
10 Road Overlay that was passed by the town and also
11 after the Rethink Folly Road master plan was put into
12 place. So this paragraph says, the community
13 commercial future land use category is intended to
14 allow retail and service uses that serve the
15 residential population of the island and they do not
16 negatively impact the surrounding community. So I
17 would say to you that this project as finally
18 represented will negatively impact the surrounding
19 community.

20 I do want to plant one comment about the
21 storm water. I think if we weren't entertaining a car
22 wash, we wouldn't have to worry about the unique way
23 that they recycle their water. I have no dispute with
24 that, but I know that in the times since the Huffs
25 built their property in the '90s, every municipality

1 and jurisdiction storm water standards have greatly
2 improved and are about to be improved yet again. So
3 any new development that will go here when the Huffs
4 do sell their property would have to take care of the
5 water runoff that's currently going in the creek as a
6 current use. So thank you very much for your time.

7 CHAIRWOMAN LYON: Thank you, Ms. Jackson.
8 Is it Michael or Michelle McDonald?

9 MICHAEL MCDONALD: That's me.

10 CHAIRWOMAN LYON: Okay.

11 MICHAEL MCDONALD: But I'm just going to
12 use my time for questions since I've already taken
13 some.

14 CHAIRWOMAN LYON: Don -- Don Skinner.

15 DONNY SKINNER: I've already spoken.

16 CHAIRWOMAN LYON: I'm sorry.

17 DONNY SKINNER: Yes, ma'am.

18 CHAIRWOMAN LYON: It's a long night. So
19 all you guys signed up.

20 I've got Andy? Is that one of you all? No
21 last name, but from -- I got a Charlotte number.

22 UNIDENTIFIED FEMALE: Yes.

23 CHAIRWOMAN LYON: Okay. Katherine Rhodes.

24 KATHERINE RHODES: Good evening, board.

25 I'll be very brief. I just want to say -- first of

1 all, I go by Katie, Katie Rhodes. I live on Dexter
2 Lane on James Island. Born and raised on James
3 Island, raised my son here. This community meaning
4 everything to me and, you know, just want to use some
5 of their terminology. You know, I know the business
6 is of utmost important to them, but our livelihood is
7 of utmost importance to us and this community and what
8 is in the best interest of our community. You know,
9 we're very concerned about the environmental impact,
10 more concerned than I can even specify tonight, but I
11 just hope that the board considers everything,
12 including the community that has come out tonight,
13 clearly. You know, we have a voice in all of this,
14 too, whether the attorney believes it or not; all
15 right? Thank you.

16 CHAIRWOMAN LYON: Thank you, Ms. Rhodes.
17 Angela Smith.

18 ANGELA SMITH: Hi. Angela Smith. I live
19 in East Wood.

20 CHAIRWOMAN LYON: Can you state your
21 address, please.

22 ANGELA SMITH: Sorry. 748 Sterling Drive.

23 CHAIRWOMAN LYON: It's for the record.
24 Thank you.

25 ANGELA SMITH: I gotcha. I've lived here

1 my whole life, multi-generation Charlestonian, James
2 Islander. I watched many local businesses because
3 they get closed out by other bigger corporations. I'm
4 the result of Piggy Wiggly being closed down. My
5 whole family is in that Easter basket. I'm concerned
6 with what happens to our other locally-owned car
7 washes. I may live on James Island, but I drive in
8 and out because it's locally owned and operated. I
9 understand building Starbucks. I understand building
10 other things that make money. I understand wanting to
11 sell, but there's a lot of other impact. What are the
12 other impacts of the local businesses that will be --
13 I mean, there's so many people. Look at restaurants
14 in our area. Nobody can find anyone to work there.
15 There's jobs to be had. We don't need more
16 businesses. We definitely don't need more traffic.
17 So I have a couple of questions if you
18 don't mind. Not yet.

19 CHAIRWOMAN LYON: It's not appropriate to
20 ask questions. You're --

21 ANGELA SMITH: Okay.

22 CHAIRWOMAN LYON: If you can please just
23 speak your concerns.

24 ANGELA SMITH: Okay.

25 CHAIRWOMAN LYON: Thank you.

1 ANGELA SMITH: I understand. I realize
2 there's a Charleston location. My concern is, why not
3 build that location up to their standards that their
4 Charlotte location is and what they would want the
5 James Island location to be like, instead of investing
6 in a new property. Just a concern. I think that's
7 it. I was mostly concerned about local businesses and
8 traffic. We have a lot of traffic. We don't need any
9 more traffic. Thank you.

10 CHAIRWOMAN LYON: Thank you, Ms. Smith.
11 Joe Qualey.

12 JOE QUALEY: Good evening. Good to see
13 everybody. My name is Joe Qualey. I know all of you
14 all. I appreciate what you've been doing.

15 CHAIRWOMAN LYON: Can you state where you
16 live for the record.

17 JOE QUALEY: 740 (inaudible).

18 CHAIRWOMAN LYON: Thank you, Mr. Qualey.

19 JOE QUALEY: I appreciate you all what
20 you've been doing, and this is exactly what we
21 envisioned when the town was formed, and this is
22 basically the kind of development which gave us the
23 impetus to form the town. We've worked hard. I've
24 worked hard with many people in the room and many
25 other James Islanders to try to preserve the island

1 to -- to try to -- to -- to minimize the impact of the
2 existing developments to try to reduce corporates, not
3 increase corporates. Those folks are very nice.

4 They're very successful, and they're very slick.

5 UNIDENTIFIED MALE: Thanks for the
6 compliment.

7 JOE QUALEY: They'll be gone. They live in
8 North Carolina except for the lawyer, who --

9 UNIDENTIFIED MALE: He lives on James
10 Island.

11 UNIDENTIFIED MALE: He lives here.

12 JOE QUALEY: (Inaudible); right?

13 UNIDENTIFIED FEMALE: Uh-huh.

14 JOE QUALEY: There's a couple of things
15 that kind of resinate about me, which was, oh, we're
16 going to be doing you all a favor. Just trust us.
17 We're going to make this better than before. We'll
18 make it so that you all will be proud. Unfortunately,
19 with all due respect, I've worked 18 years, and it
20 really hasn't kind of come to fruition. None of the
21 developers who do stuff on James Island and also James
22 Island -- are here anymore. Long-term stakeholders
23 that means -- that means we go back to North Carolina
24 when you keep this as a moneymaking endeavor, which is
25 fine; okay? But just not here.

1 A couple of things. I represent 28,000
2 people approximately between James Island and Folly
3 Beach. Of those 28,000 people, I have yet one to come
4 up to me and said, Joe, I want that car wash.
5 Everybody knows what we're trying to do in Rethink
6 Folly Road, the overlay, and this is the poster child
7 for what we're not trying to accomplish.

8 I used to like to go to Huffs. I went to
9 Huffs because I liked the people. The people were
10 awesome. I'd go there and get their shrimp and other
11 seafood, but even on a Saturday, it was heavy going in
12 and out. I would sometimes -- maybe I need to go to
13 Slausers (phonetic) or I would go up to the grocery
14 store because you could do it, but I always liked to
15 go to Huffs. Unless you're from here and you travel
16 frequently and you're steeped in what Folly Road
17 really is, you have no idea how dangerous it is and
18 how difficult it is on a daily basis to do anything.

19 UNIDENTIFIED FEMALE: Uh-huh.

20 JOE QUALEY: Getting in and out of Huffs
21 without traffic is difficult. Getting in and out of
22 Huffs when there is traffic is difficult. Having a
23 path or sidewalk there is -- is really difficult.
24 Nobody's going to be able to cross all the cars that
25 are coming in and out of. It's not going to work.

1 It's not going to work for you all because when people
2 are going by, you're going to have cars stacking up on
3 Folly Road or stacking up inside your business. This
4 is not going to work.

5 Traffic. Ms. Bihl, listen carefully like I
6 did, and I'm going to ask. I'm not sure she can
7 answer this. But what are the traffic counts on a
8 Saturday on Folly Road? You know what the traffic
9 count on Saturday versus Friday, a weekend, versus a
10 weekday?

11 CHAIRWOMAN LYON: Excuse me. Mr. Qualey,
12 sorry. We can't ask questions back and forth.

13 JOE QUALEY: Sorry. I got it.

14 CHAIRWOMAN LYON: They can rebut later in
15 rebuttal.

16 JOE QUALEY: Ms. Bihl, listen. I've heard
17 from a whole bunch of -- again, with all due respect,
18 everyone comes in with traffic consultants. Ms. Bihl
19 talks about -- I've done my study based upon industry
20 standards. I've heard this before because I've been
21 in another presentation where she was there and we
22 pressured her. What do you mean industry standards?
23 Did you do any studies on this road? Well, we didn't
24 need to. We just -- we just go by, you know -- and I
25 assert that making decisions based on industry

1 standards that will affect us every day is a long way
2 to go. You know, what we have here unfortunately is
3 trying to -- trying to shoehorn in a business that by
4 some nature relies on cars into a piece of property
5 that is not well suited for this. It is in an
6 inappropriate location. It is inappropriate for Folly
7 Road. It is inappropriate for our objectives
8 envisioned of Folly Road.

9 You know, Jim was talking about how -- how
10 one got up and was talking about caring about the
11 community. Well, if you cared about the community,
12 our community, that they would take the plans, take
13 their briefcases, get in their cars and go someplace
14 else, because that's what our community wants.

15 CHAIRWOMAN LYON: Thank you, Mr. Qualey.
16 Amber Allen.

17 AMBER ALLEN: Good evening. I live at 1441
18 Downwood Place. My name is Amber Allen. Good
19 evening. And thank you for allowing me to speak. I'm
20 a mom of two young children. I -- like I said, I live
21 here on James Island. My daughter goes to James
22 Island Elementary. I think we all can agree that
23 James Island is a special place. It's unique, and
24 it's fragile and it needs to be protected. And you
25 have a very important and difficult decision to make

1 tonight, so I appreciate your time. I believe that
2 just because they can put their business here doesn't
3 mean that they should be here.

4 And I love a good car wash like the next
5 person, but I go off the island to get my car washed.
6 And I'm here today to just urge you to please deny
7 their requests on -- for two reasons. One, I'm
8 concerned about the possible negative impact of the
9 environment. This is our home. And we want to keep
10 it clean. And we know from Charleston water keeper
11 that our waters are incredibly polluted already, and I
12 know that accidents can and do happen even if we have
13 the best intentions. I would love for James Island's
14 environment to be able to bounce back so my children
15 can enjoy it for years to come if they choose to stay
16 here. And secondly, I'm concerned about the potential
17 traffic increase as many of us -- many people today
18 have already commented on. I mean, Folly Road is an
19 incredibly dangerous road as -- which has been
20 documented in the Post and Courier in the past couple
21 of months. I know personally I've had way too many
22 close calls especially around this area that the car
23 wash wants to come into.

24 So, please, I ask you to be conscientious
25 about your decision in your planning to approve or

1 deny this business for the families that drive on this
2 road every day. More business in our community does
3 not equal a good quality of life. So thank you so
4 much.

5 CHAIRWOMAN LYON: Thank you, Ms. Allen.
6 Mary Edna Frazier.

7 UNIDENTIFIED MALE: Jeff? Are you leaving?

8 MARY EDNA FRAZIER: Thank you for your
9 time, and thank you, first of all, for keeping 400
10 animals kenneled off of our creek. My name is Mary
11 Edna Frazier. I live across -- directly across from
12 Huffs Seafood on the creek, 1723 Oak Point Road.

13 CHAIRWOMAN LYON: Thank you.

14 MARY EDNA FRAZIER: And what I'd like to
15 talk about is mainly safety and that's coming in and
16 off the road on Folly. Already it is a disaster for
17 everyone who lives in our vicinity, and I think adding
18 this number of cars is going to be terribly
19 detrimental. As a pedestrian, I think also that
20 having more cars coming in and out is going to be
21 terrible. I'm a biker, and I think it's going to be
22 just difficult for everyone who lives in this
23 community. Also, I think there will be noise
24 pollution. Noise travels on a creek, and there have
25 been some issues with noise that this particular

1 company has had lawsuits concerning noise where it
2 sounds like a trumpet.

3 I also would like to talk about the fact
4 that our creek is the dirtiest in South Carolina
5 already. And that's when the Charleston water keeper
6 started looking at creeks on our creek because people
7 get sick if they swim in our creek. You get a sore
8 throat. You get ear aches. By bringing more
9 pollution to our creek, we will get that runoff.

10 It's in a flood zone. We flood. Our creek
11 floods. We see the water go way, way over the marsh
12 all the time. It's going to go in their parking lot.
13 A little drain is not going to contain it. It's not
14 going to take care of it. The fact that they want to
15 dig so far into the earth to put their special
16 containers to make it drinkable, that's going to
17 destroy the grand tree. We don't have many beautiful
18 spaces left, and I would just like to tell you that I
19 hope you have the power that you're given to take care
20 of your constituents.

21 CHAIRWOMAN LYON: Thank you, Ms. Frazier.
22 John Sperry.

23 JOHN SPERRY: I live with her. Very
24 happily. I'm John Sperry, 1723 Oak Point Road. And
25 I've been living on James Island for 40 years, so I've

1 watched the traffic grow just as you all have. And
2 I'm a pediatrician, and my main concern is safety.
3 Every weekend, when I'm home, on my property, on the
4 creek, I hear emergency vehicles responding to
5 accidents on Folly Road. This is not an exaggeration.
6 Every weekend. I'm at work on the weeks, so it may
7 happen on the week, too, but on Saturdays and Sundays,
8 I don't think I can remember one day when I didn't
9 hear that happen. And increasing traffic -- so at
10 40-some vehicles you're talking about a vehicle
11 pulling in and out every -- less than every two
12 minutes. That's going to be a significant increase,
13 and although they think this is only going to serve
14 James Island, we all know that's not true. The car --
15 the little -- Speedy's is the busiest franchise --
16 business in their franchise all around South Carolina.
17 And the reason is people come across the connector
18 from the peninsula to go to convenient things on James
19 Island. They go to the (inaudible), they go to
20 Bi-Los, they go to the Speedy, and they'll go here,
21 too, so it's not serving James Island. It's serving
22 the whole metropolitan area, and I don't think in the
23 busiest part between the connector and Camp Road that
24 the busiest part of Folly Road, we can handle more
25 traffic. We're already full.

1 Thank you all for your time, and I didn't
2 realize that you all got talked down to so much.
3 Thank you all.

4 CHAIRWOMAN LYON: Thank you, Dr. Sperry.
5 Susan Milikan.

6 SUSAN MILIKAN: Good evening. My name is
7 Susan Milikan. I live at 762 Fort Sumter Drive. I
8 live in the Town of James Island. I wish we had known
9 that we would have unlimited time this evening. I was
10 able to come up to the town on Friday and meet with
11 the planning director and review the BZA file. I was
12 told at that time that we would have two minutes to
13 speak. I was told at the community meeting on
14 April 3rd by the developers that they would have five
15 minutes to make their presentation and two or
16 three minutes to rebut or whatever your BZA rules were
17 that you read. So for all of us here to walk in this
18 evening for something so unexpected, we're quite
19 shocked.

20 UNIDENTIFIED FEMALE: Uh-huh.

21 SUSAN MILIKAN: It is 9:15. I would like
22 the record to reflect it's 9:15. People have been up
23 here since 6:40. They have children. They have jobs.
24 I have been going to public meetings in the city and
25 county of Charleston for 15 years or more. I have

1 never seen unlimited time given, ever. So I will take ⁹⁹
2 my time. Thank you.

3 I've been able to help organize a petition
4 that we were asked by many, many residents to put
5 together to oppose the Autobell car wash and to ask
6 the BZA to deny your special -- the special exception
7 variance coming before you. We had to do a little bit
8 of legal work and go into the town's ordinance to find
9 out what the criteria were for your special exception
10 and for your variance. So we drafted a very specific
11 petition that spoke to those criteria. We have been
12 overwhelmed. That petition went public on April 4,
13 and in 13 days it has over 1,900 signatures. I was
14 able to give each one of you a copy of that. And I
15 would like to give this to the attorney for Autobell
16 right now, if I may.

17 Mr. Appel, the attorney, you know, was
18 extremely specific -- in law school, we used to call
19 it the letter of the law. Resting (phonetic) law, we
20 called it the letter of the law, but the letter of the
21 law is that our governments are very serious about the
22 applications that people make, and one of the reasons
23 I came up on Friday was to review the application
24 file, an application for a special exception. There's
25 a packet that's provided by the town, and I note our

1 staff is really, really great about letting people do
2 what they need to do, but a lot of interest has been
3 in this particular issue, and it was supposed to come
4 before your -- it was supposed to come up last month
5 and many of us were watching closely that agenda. It
6 was posted that there would be a BZA meeting on
7 March 20th. On Friday, there was still no agenda for
8 that meeting, so we were concerned because we had
9 heard the car wash was coming. On Monday, the 19th,
10 the cases were withdrawn. So now we're here this
11 evening, on the 17th, so there's a really specific
12 time frame and days where they have to get everything
13 in. So their application packet was due to the town
14 to be here tonight for all of us to be here legally
15 tonight, on March 20th. And Kristen was super helpful
16 to me and we -- and, you know, she just gave me the --
17 anyone can come up and review these things, but they
18 had to attach their letters of intent to their
19 application for the special exception that was due on
20 March 20th to be timely for us to be here this
21 evening. Both of their letters of intents are dated
22 March 29th. So I would like to have the record
23 reflect that their letters of intent came into the
24 town later than they made application to be here
25 timely this evening.

1 Thank you. I have more.

2 Okay. I got it.

3 Mr. Appel's contention and what he talked a
4 whole about was the fact there's an underlying zoning
5 of commercial, community commercial. We're all aware
6 of that. What's happened in the low country is that
7 due to our population explosion and our rising sea
8 levels and our storms and our traffic and our
9 evacuation concerns, municipalities have started to
10 somewhat limit what can be built, and the Folly Road
11 Overlay is a limitation on underlying zoning. It is
12 legal. It has to go through all of the processes. It
13 has to be vetted. It has to go before planning
14 commissions.

15 As many of you all know, we've worked so
16 long and hard for three or four years to convince the
17 city of Charleston to pass the Folly Road Overlay.
18 The town's had Folly Road Overlay for four years.
19 It's incorporated in the town use land code and into
20 the town ordinances. Folly Beach has it. The county
21 has it. It's all agreed to. The Folly Road Overlay
22 is on this land, and it's an overlay on top of the
23 community commercial just like the cluster overlay is
24 an overlay on top of single residential that's making
25 a neighborhood on James Island more dense by the city

1 of Charleston. So these overlays act to adjust the
2 zoning.

3 Your first criteria -- when you look at a
4 special exception -- and, again, I would make the
5 point that their application was not fully complete by
6 the time frame needed. You are to ask, is it
7 consistent with the recommendations contained in the
8 town comprehensive plan and the character of the
9 underlying zoning district purpose and intent?

10 Okay. Mr. Appel did not even mention the
11 purpose and intent of either the town's comp plan or
12 the Folly Road Overlay because he doesn't want to tell
13 you all what it is. He wants to talk about all
14 different kinds of other things, because this hurts
15 his case so badly. For the town's comprehensive plan,
16 the purpose and intent is the preservation of natural
17 and cultural resources; okay? He didn't want to tell
18 you all that, and that's sad. For the Folly Road
19 Corridor Overlay -- and it says purpose and intent.
20 The purpose and intent is to create a corridor that is
21 welcome and attractive through the implementation of
22 consistently use in design standards with adjacent
23 jurisdictions and utilizing traffic safety measures
24 and access management for vehicles and pedestrians to
25 insure safe and efficient traffic movement. That is

1 the purpose and intent of the zoning district per a --
2 per your criteria you look at; okay? It is many of
3 ours contention that this proposal does not meet the
4 first criteria.

5 This plan -- and I went to the Autobell car
6 wash on Dorchester Road this morning, and I had my car
7 washed. It will hinder and endanger traffic
8 commuters, walkers and bicyclists. The reason why it
9 will is because there's a number of exits and enters
10 per hour, and I came home and I thought about it and I
11 estimated 20 per hour. It took me about seven minutes
12 to get through, seven or 10 minutes, so I estimated
13 about 20 -- so you've got 20 coming in, 20 going out
14 per hour and probably much more in the summer. So all
15 these ins and outs are going to endanger people trying
16 to walk. People trying to drive on Folly Road. It's
17 going to hinder and endanger traffic. It will bring
18 traffic to a standstill on Folly Road because the cars
19 will have trouble entering and leaving safely. It
20 will affect the general welfare of the immediate
21 community with all of these stopped idling cars. The
22 car wash on Dorchester Road, it looks like they can
23 stack six waiting to go through. If people don't
24 understand, this is like a drive-thru. It's like
25 going to McDonald's or Chick-fil-A, just a drive-thru.

1 They offer some kind of deal where you get and you pay
2 up front and you get a bunch of free drive-thrus. So
3 it is a drive-thru. It's no different than
4 Chick-fil-A or McDonalds, really, except for the soap
5 and chemicals and everything else, but the other thing
6 is, the operation is extremely industrial. I was
7 shocked by that. It's in this long hanger, and he's
8 saying it's going to be different. It's still a long
9 hanger that an SUV can fit through. It's loud. Soapy
10 water is spewing everywhere. There will be an adverse
11 influence from the noise, the vibration, the chemical
12 spraying, the traffic congestion.

13 This special exception, if approved, will
14 not allow this parcel to be developed in a way that
15 preserves and incorporates important natural features.
16 That is one of your all's criteria that you're looking
17 at tonight for the special exception. That's your BZA
18 charge job to do. This does not preserve and
19 incorporate natural features. The creek isn't
20 incorporated into the plan. They're not
21 incorporating -- the creek isn't incorporated.
22 They're not incorporating the tree because they're
23 paving right up to it within 11 feet so they can stack
24 cars and do their jobs near it. To incorporate the
25 tree would be to protect its canopy and protect it's

1 setback. The creek inlet will be negatively impacted
2 by pollutants in the air. The tree will simply be in
3 their way, which really concerns me. It's not
4 incorporated into the plan like it might be in a
5 restaurant or a cafe where folks would be seated under
6 it. We go so far to say that if you approve the
7 special exception, you make certain the tree's death
8 and removal.

9 Traffic and pedestrian movements will be
10 hindered and endangered and that is part of what
11 you're looking at in your criteria. Their business
12 model is a drive-thru expedient car wash. It's a
13 quick in and out kind of a model.

14 Another thing that is -- is really
15 difficult about this one is many of us heard a lot of
16 what they had to say in the community meeting, and I
17 want to thank them for hosting the community meeting.
18 They were -- they gave us lots of time. They let
19 people ask questions the whole time. There were some
20 difficult people there that they dealt with really
21 nicely and were patient with. It wasn't me. It was
22 someone else, but they told us in the community
23 meeting that they could not have the car wash here
24 unless they had the variance for the tree and unless
25 they could build closer to the tree. They told us

1 that. They told us at the community meeting they
2 could not build the car wash here if they had to do
3 more than a five-foot sidewalk, that it would not
4 work. It was this gentleman, George, who said that.

5 GEORGE SHIELD: No. No. I did not say
6 that. Thank you.

7 CHAIRWOMAN LYON: No. You guys -- let's
8 not have crosstalk. You can address it in your
9 rebuttal.

10 GEORGE SHIELD: Thank you.

11 SUSAN MILIKAN: Okay. So obviously they
12 met with staff more. Now they're going to try to do
13 the 12-foot multiuse path. They were very clear that
14 they needed the variance for the tree and the limb off
15 of the tree to be able to operate the car wash there.
16 The tree is 61 inches DBH. So the way you measure
17 that is across the front of the tree with a yardstick,
18 so that's five feet across. The tree is five feet
19 across. If everybody could look -- at whichever slide
20 it is, they want to come up 11 feet from the tree. So
21 the tree is five feet across. It's huge. They want
22 to come within 11 feet.

23 I would ask BZA, if you're even thinking
24 and -- and by your charge and by your criteria, the
25 answer to so many of these is no. That means you have

1 to deny this. If for whatever reason you don't deny
2 it, there has to be a 20 feet -- there has to be
3 20 feet for that grand tree to live. It has to be
4 more protected for pavement to go that close to it. I
5 worry more about pervious pavement because of all of
6 the pollutants out there.

7 When I was out there today, soapy water
8 spews everywhere and the people that are parked, they
9 have a big part of all these sprayers, and so they're
10 out there spraying, spraying, spraying, vacuuming.
11 When I was there, three dirty cars were parked that
12 looked like they were -- someone had dropped off
13 waited to be cleaned. Two cars were being sprayed and
14 vacuumed, and then they had the drive-thru going, and
15 I went through in the drive-thru. Because it's a
16 drive-thru, I want you guys to think about our other
17 driver-thrus on James Island. Chick-fil-A is situated
18 where there's two ins and outs on two different
19 streets. McDonald's has two ins and outs on two
20 different streets. Bo Jangles has two ins and outs on
21 two different streets. It's like all these things are
22 situated where there's a way to get in and out that's
23 off the main road, and this is a drive-thru. This is
24 why the Folly Road Overlay drafters asked for special
25 exceptions for fast food restaurants, for vehicle

1 services, for gas stations because of the ins and
2 outs. They're open at 7:00 a.m. to 8:00 p.m.,
3 13 hours a day except Sundays.

4 Now they're not talking about the officer
5 tonight. That's interesting. They're not talking
6 about the officer tonight, because at the community
7 meeting, they were going to have an off-duty deputy
8 there to let people in and out. Then a lot of people
9 in the audience started saying, we're worried about an
10 off-duty deputy. He'll get hurt. He'll get hit.
11 People are worried about rear ending. So they've got
12 to have a cue for six cars to go through there. They
13 told us at the community meeting no cars would be
14 idling onsite. Today, what I saw is -- you know, I
15 was so confused about what was going on. They had to
16 help me. They were very nice to help me through it.
17 Three cars would have been idling behind me if I would
18 have been at lunch. So cars do idle onsite.

19 We know our deep, deep concern about that
20 creek inlet and that beautiful oak doesn't matter. It
21 doesn't matter. It's not really part of the criteria.
22 I talked about what was, but it matters to us, and the
23 reason why 1,900 people outside is because, Mr. Huff,
24 your land, we love it.

25 PAULA HUFF: So do we.

1 SUSAN MILIKAN: It's charming. It means
2 the world to us. This town should help you find
3 something to put there, and if we can spend money to
4 buy, we should all -- all of us in this room should do
5 everything we can to help this family realize their
6 retirement. Thank you.

7 CHAIRWOMAN LYON: Thank you, Ms. Milikan.
8 (Applause.)

9 CHAIRWOMAN LYON: Derek Wade. Is Derek
10 still here?

11 DEREK WADE: Yes, ma'am.

12 CHAIRWOMAN LYON: Thank you.

13 DEREK WADE: Thank you very much. My name
14 is Derek Wade. I live at 7440 up on the hill road,
15 which is across the creek from this proposed side.
16 I'm a landscape designer and contractor. I have
17 27 years of experience in the low country here, and
18 I've seen commercial projects that come up out of the
19 ground and they don't always quite look like the
20 pretty pictures around here. So I have a couple of
21 concerns.

22 And with respect to the special exception,
23 I've heard the words talked -- spoken tonight
24 that talk about having concern about projects that
25 might adversely impact the general welfare and quality

1 of the community and that development should be well
2 planned and attractive. So I think this all falls
3 within your BZA jurisdiction, and I thank you very
4 much for your consideration.

5 CHAIRWOMAN LYON: Thank you -- oh, I'm
6 sorry. I thought you were --

7 DEREK WADE: No, ma'am.

8 CHAIRWOMAN LYON: Keep going.

9 DEREK WADE: I have a little bit more.

10 CHAIRWOMAN LYON: Everyone else is.

11 DEREK WADE: It's been a long time for all
12 of us.

13 CHAIRWOMAN LYON: It is. Keep going.

14 DEREK WADE: I have concerns about traffic.
15 Everybody talked about that. I have concerns about
16 water quality. Particularly, when we have our
17 tropical events here and -- with all due respect, I'm
18 not sure how we keep that from flooding, but I'm sure
19 you have an answer for that, and I'm particularly
20 concerned about noise and light pollution when the
21 old -- well, I won't get into any details.

22 But my primary concern is -- is about the
23 oak. We show on here, if I may -- we show on here a
24 buffer of 11 feet on the outside of that oak and maybe
25 22 feet going the other way. This oak is not in good

1 shape. This site is not particularly good for it. We ¹¹¹
2 all understand. That oak is tough and he's hanging
3 in, and I would dare to say that the roots of that
4 tree go well beyond the drip line. In fact, I would
5 maintain that the roots of that plant probably extend
6 well beyond the property and on the other side of
7 the -- where the fence is going to go.

8 UNIDENTIFIED FEMALE: Here, here.

9 DEREK WADE: If you take the drip line --
10 I'm not sure what the ordinance is, so you'll have to
11 bear with me, but I'm assuming that the drip line is
12 about 25 feet, and if you take it to 11 feet, you're
13 about 50 percent of what the root zone is in that
14 particular site, but I would maintain that the roots
15 extend well beyond that. So when they dig the tanks,
16 to put all of this stuff in the ground, they'll cut
17 through the roots that are supporting on the tree on
18 that far side. We should consider ourselves to be
19 stewards of this beautiful plant and not view this
20 plant as an inconvenient impediment. These rules are
21 in place to protect our environment and our quality of
22 life. This special exemption and particularly the
23 variance of the -- on the tree protection would work
24 against these very worthy objections.

25 And I hope that you would deny the variance

1 and the special exception. Thank you very much.

2 CHAIRWOMAN LYON: Thank you, Mr. Wade.

3 Nicole Bigola (phonetic)? Figola

4 (phonetic)? Has Nicole left?

5 Bill Lyon.

6 BILL LYON: My name is Bill Lyon. I live
7 at 6649 Fort Sumter. My concern is traffic. Folly
8 Road is one of the most traveled roads in the county.
9 Probably one of the most dangerous roads in the
10 county, and the area around the connector, and the
11 entrance to Bi-Los is the heaviest traffic traveled
12 part of the road, so that's my big concern. I -- I
13 just think it's going to make things worse.

14 During the summer, the traffic from Folly
15 Beach gets very intense. I think we're going to just
16 intensify the problems that we already have. I really
17 feel for the Huffs. I understand that you need to
18 have a place -- need to sell the place for your
19 retirement, but I just hope there's another way we can
20 do it. So thank you.

21 CHAIRWOMAN LYON: Thank you, Mr. Lyon.

22 T.L. Herbert.

23 TERRY HERBERT: I'm Terry Lynn Herbert. I
24 live on Brantley Drive right next to the car wash.
25 And one of my major concerns is the traffic. If

1 they're only going to allow to turn right, that's
2 going to affect everybody coming out of O'Reilly's
3 Auto Parts, which only has one egress on Brantley, and
4 also the people that live on the street. Right now
5 it -- even in non peak hours, I have a hard time
6 getting out onto Folly Road even to turn right to go
7 down to Bi-Lo. It's very difficult even at 8:00
8 o'clock at night. It's just awful.

9 So that's one of my main concerns, but I'm
10 going to talk about some stuff that hasn't been
11 addressed. The property is zoned AE-12. It slopes.
12 It has a 10, 15-degree slope toward the marsh. So
13 even with curbs that are supposed to collect the storm
14 water or the rainwater that's washing off, you know --
15 and we have delusions. It just flows, and it's going
16 to jump those curbs and go right into the marsh, just
17 the way it does already. So unless they're going to
18 level the property, which will kill the tree, we're
19 going to have a problem with the way the land slopes
20 right there right into the marsh and the creek.

21 The other thing that I'm going to address
22 is the chemicals used. I was real surprised. I was
23 given all of the material data -- material safety data
24 sheets -- MSDS for short -- for all the chemicals
25 used. They just don't use soap. And I have to --

1 this is funny. They call it shampoo, the car shampoo.
2 But they use waxes, they use sealants, they use
3 polish, they use drying agents. And I am going to
4 leave you with all of this information on the
5 chemicals. Every single one of these MSDSs says, do
6 not allow to enter sewers, surface water or
7 groundwater. Right there in black and white. And
8 these are government mandates.

9 All of them are eye irritants and skin
10 irritants. So if your employees are standing around
11 in the car wash, we're dealing with these sprays
12 afterwards for the drying. They're going to be
13 exposed to it. The MSDSs say, for the shampoo
14 especially, because they contain phosphates and the PH
15 is very, very low, less than four for two of the
16 chemicals, that they require protective gloves when
17 handling and goggles for the very low PH ones, so.
18 There is one that has very high alkaline PH, which is
19 over 12, and it's very corrosive. So they have to
20 wear goggles and gloves in dealing with these
21 chemicals, and these are minimum wage people. How are
22 they going to be trained and monitored to make sure
23 that they're not harming themselves?

24 So I have all of my other concerns listed
25 here, but those were the two, the traffic -- the

1 chemicals, the problem with the slope of the -- the
2 land going right into the marsh and -- and I do have a
3 real concern about the tree because digging these
4 tanks and putting them underneath sea level is going
5 to go below the 12-foot. It's going to go down.
6 That's below sea level.

7 What happens when we do get hurricanes and
8 floods? What happens to all those chemicals that are
9 being stored in those tanks? Are they going to
10 overflow? We don't know, but there's always
11 accidents. You know, the oil companies always say
12 that, oh, we never spill any oil. Well, you know
13 better than that.

14 So, currently, you don't see cars parking
15 under the trees mainly because the trees leave all
16 their residue. So they're going to have one of their
17 major driveways going under the tree trying to get out
18 onto Folly Road. They're just going to have to turn
19 around and go back through the car wash, so -- but
20 it's also going to compact the surface even more than
21 it is now and compacting those surface roots, the top
22 12 inches of a tree, the top 12 inches of the soil
23 where the feeder roots are for the tree is very
24 important to the survival and health of the tree. So
25 I don't think driving and compacting on it is good for

116
1 it. My last thing was, if you do allow it, we need a
2 traffic light at Grandview Drive, so we can get out of
3 the street. So I am going to leave you all of this.

4 CHAIRWOMAN LYON: If you could give it to
5 Ms. Simmons. She'll give it to everyone.

6 TERRY HOLBERT: And please share.

7 CHAIRWOMAN LYON: And make it part of the
8 record as well as the applicant.

9 TERRY HOLBERT: A collection of
10 professional scientific peer review articles as well
11 as the MSDSs and articles about -- from arborists all
12 over the country about what happens when you either
13 pave under or compact under big trees. So, please,
14 everybody, on the board, please consider that. Thank
15 you.

16 CHAIRWOMAN LYON: Thank you, Ms. Herbert.
17 Stewart Wineburg. Is Stewart still here?

18 STEWART WINEBURG: Yeah, I'm still here.

19 Good evening. Stewart Wineburg, Howard
20 Mary Drive on James Island. I was going to reiterate
21 everything that Carol Jackson said, Joe Qualey said
22 and Susan Milikan, but because of the late hour, I'm
23 just going to leave you with one thought. I'm so
24 inspired and excited about Rethink Folly Road. Can
25 that be your dream, too, as you make your decisions

1 regarding this? Thank you.

2 CHAIRWOMAN LYON: Thank you, Mr. Wineburg.

3 I believe Mary Beth Berry has -- is not
4 here.

5 Dawn Gibbs. Is Dawn Gibbs here?

6 Carla Muller?

7 CARLA MULLER: Good evening. My name is
8 Carla Muller. I reside on 12 Commercial Row here on
9 James Island. Regarding these two special exceptions
10 that you all are looking at tonight, the first
11 exception truly does not meet the intent or the
12 purpose of either the James Island comprehensive plan
13 or the Folly Road Overlay. Too many people have put
14 in hours, days, months, years trying to get those
15 standards set, and we need to hold -- we need to be
16 accountable to that. We need to think about, how is
17 this going to affect the traffic? It's horrible. We
18 know that. Adding 40 cars in and out in an hour isn't
19 going to make it better. We're going to increase car
20 pollution. We're also going to really increase the
21 sound, not just from the car wash itself, but two
22 minutes of vacuuming 40 cars an hour, those poor
23 neighbors. Do you want to hear a ShopVac every two
24 minutes vacuuming a car out? That just sounds
25 horrible to me.

1 My other issue is on the second special
2 exception with the grand oak tree. It's my
3 understanding on average below the feeder roots of
4 this grand oak, that on average the roots start at
5 18 inches down. I don't think -- well, the tree crown
6 itself -- we need to keep in mind that the roots
7 spread horizontally four to seven times the width of
8 that tree crown. So just looking at the diagram
9 behind me, it appears to me that those roots are going
10 to go right where those canisters or containers will
11 be dug out. And so essentially we will be cutting
12 roots out of that tree and slowly killing that grand
13 oak tree that we all love.

14 So I ask you -- and I'm one of the 1,900
15 people that oppose this. Please take this very
16 seriously and oppose both of those special exceptions.
17 Thank you.

18 CHAIRWOMAN LYON: Thank you, Ms. Muller.
19 Jenny Fowler.

20 JENNY FOWLER: Hi. Jenny Fowler, 1041
21 Harbortowne Road. First, I'd like to say that my wife
22 was born and raised here in Charleston and her family
23 goes back to the 1600s, and we appreciate you
24 listening to all the locals. Both Trish and I did go
25 to the meeting on April 3rd and listened to what

1 Autobell said and explained their business plan, and
2 although they certainly have a very interestingly way
3 of recycling water, there were still a few red flags
4 that I'd like to point out. We learned at that
5 meeting that just 13 days ago they had no --
6 absolutely no idea that they were building on a flood
7 zone.

8 Their plan of putting this water treatment
9 facility in the basement of a low country area is
10 quite interesting also. They also felt that the Folly
11 Road traffic was at peak and that was about, you know,
12 14 days ago in the winter still, so it totally was not
13 at peak.

14 This property is not only too small for
15 such a business, but the location under the grand oak
16 and next to the creek is a recipe for disaster, nature
17 wise and traffic wise. I propose that this business
18 plan was not well thought out as they think, for a
19 placement on a lot in our low country and it will
20 cause harm to our environment, which the laws and
21 ordinances have been put in place to protect and also
22 cause additional safety hazards for our roads. Thank
23 you.

24 CHAIRWOMAN LYON: Thank you, Ms. Fowler.
25 Trish Fowler.

1 TRISH FOWLER: Hi. Trish Fowler, 1041
2 Harbortowne Road. I'll actually keep mine short like
3 I planned. I just wanted to state that we didn't, as
4 a community, create the environmental and community
5 development protections we have today, which are,
6 quite frankly, a day late and a dollar short to start
7 with just to exempt and accept them for profitable
8 endeavors.

9 Yes, the current development isn't perfect
10 as it proceeded perfections in place today, but that
11 doesn't mean that the next development shouldn't at
12 least meet, if not exceed, what protections we've
13 managed to squeeze into the current law. We didn't
14 just create these protections to accept them. Please
15 just say no.

16 And with all due respect to the Huff family
17 and to your business and your part in this community,
18 I know that you're advocating for this deal as a
19 gateway to your retirement. And I respect that. I
20 hope you get there. But no one is offering you a fair
21 market value for the property. It's prime commercial
22 property even with the environmental protections in
23 place today. They -- you can sell to someone more
24 reasonable on the creek under a grand oak development
25 plan. The very community that's sustained the Huffs

1 through your deckhands of business here is the
2 community that is today asking for protections. So I
3 don't feel that we're victimizing anyone in that.

4 I just wanted to also point out from what
5 was said earlier that if they move the driveway south
6 to create more parking spaces or additional stacking
7 area that would be moving it under the tree. Nobody
8 kind of mentioned that. So I wanted to say, I also
9 hope you will deny the variance and the special
10 exception and consider the town motto written right
11 above your heads. I'm not going to risk pronouncing
12 it wrong, but it translates to, do not tread on us.
13 Thank you.

14 CHAIRWOMAN LYON: Thank you, Ms. Fowler.
15 (Applause.)

16 CHAIRWOMAN LYON: Carolyn Mekus. Sorry. I
17 couldn't read.

18 CAROLYN MEKUS: Hi. My name is Carolyn
19 Mekus. I live at 1578 Highland Avenue, and I'm
20 probably one of the younger folks here tonight, so I'm
21 really happy to represent a part of our younger
22 community and proud to live on James Island. I think
23 this is wonderful, and thank you all for your service.

24 And to keep it very short, I would want to
25 echo what Mr. Qualey and Ms. Jackson have said.

1 Really, really concerned about this. I moved to James
2 Island because it's James Island, and because of the
3 way it is here. It doesn't look like Mount Pleasant.
4 It doesn't look like north Charleston. I'm from DC.
5 It doesn't look like DC. This kind of does, but I'm
6 so happy, happy, happy to be here, and I simply can't
7 imagine that our community would be improved by
8 something that will bring us more traffic. Something
9 that will go against the ordinances that I've looked
10 through, and, again, get me also very excited about
11 the Rethink Folly Road plan. I imagine in quoting the
12 Folly Road plan, A, James Island Main Street, to me, a
13 full service car wash doesn't really fit the image of
14 a main street. I can't imagine another dual entrance
15 drive-thru business right there on Folly Road where it
16 really is the busiest, busiest area of Folly Road.

17 I live on Highland and turning in and out
18 of there is difficult enough, but my visits to Huff
19 Seafood are also incredibly difficult to turn in and
20 out of. I've nearly gotten rear ended so many times,
21 but I go because of the cod. So in and out of there
22 is super tough. It's so scary to turn in and out and
23 then be -- I'm sure everyone has experienced that
24 facing someone in the middle lanes and you think
25 you're going to die. I just see this project doing

1 nothing but exacerbating these problems.

2 And so I really hope you would consider the
3 community's concerns there and abide by the current
4 regulations that are placed in the -- in the
5 ordinances and not approve the exception of the
6 variances that have been requested. Thank you so
7 much.

8 CHAIRWOMAN LYON: Thank you. Lindy Palmer.
9 I don't think Lindy's here.

10 Anna Walston.

11 ANNA WALSTON: Anna Walston, 954 Nabors
12 Drive, Charleston, South Carolina. Thank you guys for
13 allowing us to speak and to speak for however long we
14 would like tonight, that I really appreciate.

15 You know, we are here contrary to what the
16 attorney said because there is a reason to bring up
17 the special ordinance after all of the information, at
18 this point what you're being asked to rule on hasn't
19 even been given to the people. Like, we don't know
20 what it actually is going to look like. If we're
21 going to talk about the turn ins and the turn outs and
22 the way that they are, I live off of Harbor View,
23 how -- how quickly did we ruin the idea of not going
24 right and left? Or instead of being able to go left
25 from north shore onto Harbor View. How quickly did we

1 completely destroy that? Like, I see the city trucks
2 turning left to drive down Harbor View out of no
3 left-hand turn, so I don't understand how painting a
4 line and having a tiny curb without a light or
5 anything that's going to actually keep people from
6 making that illegal left-hand turn from their
7 business.

8 And with that being said, then is all of
9 our insurance going to go up again because it wasn't
10 properly -- or is the property owner for not enforcing
11 their property going to be the one responsible? So we
12 start factoring in all those things. Without actually
13 having the plan all the way decided, we can't get
14 parking space issues like actually concrete answered
15 at this meeting. They had two hours, almost, that
16 they spoke and didn't actually answer any big, big
17 questions.

18 As far as the arbor stuff, I would like to
19 know this. To keep it within the 25 percent, does
20 that also include when we drill down and damage the
21 root system or is it just above? Are these things
22 that have been considered? Are these things that have
23 been addressed? Are these things that have been
24 looked over by the attorney on how that means, not
25 just their arborist.

1 When we do a traffic study, can we have it
2 be for our actual Folly Road and not based on national
3 standard? So as it stands tonight, I, as a concerned
4 citizen, hope that you guys see that this is not
5 meeting the requirements to grant the special
6 ordinance and that they can come back and revisit
7 again when they actually come through and show how it
8 can get done to deserve a special ordinance. It just
9 doesn't make sense at this point, and with the way
10 that it has been presented with their plans, they've
11 gone through -- are they allowed to raise their
12 property elevation? I heard that question asked
13 about, how there's a 10 to 15-foot slope currently on
14 the property that goes straight into the marsh. So
15 are they going to do like the city allows where you
16 can raise the property elevation up and then build
17 your property at a higher elevation than what you
18 purchased your property? We can use the Pulsy
19 (phonetic) home development on Nabors Drive as an
20 example of a property elevation going up higher post
21 zoning approval without final plans being turned into
22 the zoning of Charleston city.

23 So we have a unique opportunity as being
24 town residents to come to our town BZA and ask you
25 guys to actually look at it and see if it does match

1 up to every single occurrence for a special location.

2 I love the Huffs. I am so sorry that you
3 guys want to retire right now. And it has to be
4 difficult. You guys have been a staple here. You
5 guys have been around longer than the connector, like
6 not a lot of us have, but I just hope at this point
7 with the way things stand, a lot of questions weren't
8 actually answered. There was a lot of just roundabout
9 talking.

10 So my vote is no, or my opinion is no. I
11 don't have a vote, but my opinion is no based on the
12 facts that are currently on the facts being presented
13 by Autobell. Thank you. Oh. And I wasn't here on
14 April the 3rd because I was celebrating my wedding
15 anniversary, but I heard it was good, and I do
16 appreciate that.

17 CHAIRWOMAN LYON: Thank you, Ms. Walston.
18 Margaret Fabri.

19 MARGARET FABRI: Good evening. I'm not
20 going to talk long. My name is Margaret Fabri. I
21 live at 770 Clearview Drive. I've lived on James
22 Island for 34 years. I am an attorney, and I think I
23 was most disturbed about what Mr. Appel, who I know,
24 and is a very good attorney, said because I heard a
25 verbose threat there. I think that we have all --

1 most of us in the community have worked long and hard
2 to get to the Folly Road Overlay District. This is
3 the first challenge that you have faced and to agree
4 that this should go forward when all of your special
5 exceptions, certainly the traffic, would tell you this
6 is not meeting your special exceptions for the
7 variance, so I would ask you obviously to deny it.

8 And I'm sorry that it's come to this. I
9 think a better place and a better situation on James
10 Island would make sense. This doesn't. And I think
11 Mr. Appel, by his own admission, said 40 cars in and
12 out in an hour, we could not sustain on Folly Road.
13 Thank you.

14 CHAIRWOMAN LYON: Thank you, Ms. Fabri.
15 Carolyn Bradner.

16 CAROLYN BRADNER: Carolyn Bradner, 328 East
17 Bay. I'll be quick. I'm here representing the
18 Coastal Conservation League. Please accept these
19 comments from the Coastal Conservation League. We do
20 not support the construction of a large car wash in
21 this location. It's located by the creek, highly
22 polluted. Definitely a concern. It is designated EE,
23 hundred-year floodplain. We, of course, know that is
24 not a rare occurrence anymore.

25 Negative impacts of the grand tree are a

1 concern. The sub draining storage tanks definitely
2 are a threat to the root system, and with all the talk
3 about the tree, I do think that that needs to be
4 addressed. I think it needs to be addressed and then,
5 of course, the traffic impacts. A traffic study
6 definitely should be done. This idea for a car wash
7 is not in keeping with Rethink Folly Road, Folly Road
8 Overlay Zoning District, and we hope that you deny the
9 application for a special exception variance.

10 CHAIRWOMAN LYON: Thank you, Ms. Bradner.

11 Matt Daley? Has Matt left?

12 Taylor Blanks.

13 Carol Delcher?

14 CAROL DELCHER: Don't worry, guys. I don't
15 mean to go through all of you.

16 UNIDENTIFIED FEMALE: Go ahead.

17 CAROL DELCHER: I need to go home and take
18 my hot medicine.

19 I'm going to cover the things that wasn't
20 covered in the first place. This is a (inaudible)
21 company. We know that; okay? There's nothing --

22 CHAIRWOMAN LYON: Excuse me. Excuse me.
23 Could you please state your -- oh, be careful.

24 CAROL DELCHER: Sorry.

25 CHAIRWOMAN LYON: Please state your name

1 and address.

2 CAROL DELCHER: My name is Carol Delcher.
3 I live at 1732 Brantley Drive --

4 CHAIRWOMAN LYON: Thank you.

5 CAROL DELCHER: -- James Island. I live
6 next to Ms. Herbert.

7 Okay. This is the companies that they
8 represent and their investors. There's nothing here
9 that is suitable for the location.

10 You know I love you; okay? I'd do anything
11 for you all. I'll start a fund. I'll put the first
12 thousand in, but we've got to do something. A car
13 wash is not it, but nothing here is insight with
14 anything that's there.

15 This is a -- the company review from one
16 location taken off of the Internet, there's one of 80
17 in here that was positive, and that's just one
18 location. This is your Alpharetta, Georgia, location.

19 CHAIRWOMAN LYON: We should probably give
20 this to Ms. Simmons, and she can make copies for
21 everyone.

22 CAROL DELCHER: Okay. I have an
23 audiologist piece of paper concerning the decibel
24 noises and such, and I'll just read this. It says,
25 for fences, heights of 10 to 15 feet are usually

1 required to achieve a significant noise reduction. It 130
2 also says, if a town is most interested in the impact
3 a wash has on a residential neighborhood, then an
4 ambient noise study is recommended. This right here
5 is also noise off the Internet and has to do with
6 noise decibels and all that good stuff, and it's a
7 good read, but basically it says, you don't want a car
8 wash in your neighborhood. This is Acoustic
9 Associates, also off the Internet, which tells you
10 noise emission out of Chicago, Fuller Car Wash, but
11 it's interesting to note and you may say that you've
12 got a new -- new system and -- and you're quieter than
13 the traffic. I'm sorry, you're not.

14 Okay. Also we have here -- she covered
15 some of the chemicals, Rain Guard, high sprays, non
16 water chemicals and such, but this is a company
17 profile about Autobell. It says here -- and I've just
18 made a couple quick notes, but it's a good read. They
19 have four million cars, 80 businesses. Four million
20 divided by 80 average, that's more cars on Folly Road,
21 50,000 vehicles a year. Who's going to pay for the
22 infrastructure to get the roads repaired? Charleston
23 County right now has a 10-year budget that deals with
24 a million dollars, and we've already spent 10 million
25 going toward Charleston County, toward Folly Road and

1 six million by the Windemere section.

2 Okay. Who is going to pay for the
3 additional road work? We are. All of us. All of us.
4 They're not.

5 Ms. Herbert also covered some of the
6 detergents and such dealing with their recycled water.
7 This is a tank on top of the ground. This is what
8 they got at their other facilities, so they're
9 planning on killing an oak tree by burying tanks.
10 Anybody that has machinery, engines, a pump, knows it
11 leaks. Knows it needs repaired. That means you have
12 to have vertical access to it. And USC, when I worked
13 for them, they built right next to Charleston County
14 Memorial Hospital. They built an in-ground facility
15 with all the wiring systems and such. That was a
16 humongous escapade. I can't see you profiting in
17 this. Honestly, I can't see your profit. Why are you
18 going to go into so much? Why are you going to set it
19 up and leave us?

20 All right. Sorry about that. I get
21 carried like the rest of us.

22 Okay. Recycled water. Not on my car, if
23 it leaks. And what about the oil in the pavement?
24 The detergents? The oils? What if -- storm damage
25 cause and effect should not be anywhere near, I think,

1 3,000 feet of a residential or waterway.

2 Now let's talk about the people that work
3 for this company. Mr. Richard Davies. He's a Clemson
4 guy, but he lives in North Carolina. He started this
5 business in 1997, so he's got his credentials. He's
6 made his bucks and such.

7 Mr. Orman, you've only been with the
8 company since April 2014. Go hire your expert.

9 Okay. Ms. Abbey Trammel (phonetic). She's
10 on the payroll, too. She's the one that provided the
11 plans. Okay. She's May of 2014.

12 UNIDENTIFIED MALE: This is not appropriate
13 point of order, madam chairman.

14 CHAIRWOMAN LYON: Excuse me. This -- this
15 is really not appropriate to discuss the applicant.

16 CAROL DELCHER: I think it is appropriate,
17 because we're dealing with a company that sets up a
18 business in our neighborhood and wants us to accept
19 them as a trustworthy business.

20 CHAIRWOMAN LYON: Ms. Delcher, we're
21 just --

22 CAROL DELCHER: All right. I'll move on.

23 CHAIRWOMAN LYON: -- on the issue and it's
24 really late, and we have a lot of people that want to
25 speak, too.

1 CAROL DELCHER: I realize that and
2 everybody else got their do.

3 Okay. This right here is a water -- wash
4 water testing method. It's dealing with locations of
5 sampling for car washes, and it says here that due to
6 the large number of vehicles washed and the volume of
7 wash water generated event organizers were required to
8 install a car wash kit to divert the flow away from
9 the storm water system. So it's their system that's
10 being emptied into our sewer system going to be an
11 impact on us later on?

12 This also here is just a little information
13 about our deceleration lanes and such. They want to
14 use our deceleration lane, which is our turning lanes
15 off -- in the middle of Folly Road. You can't even
16 get off our street in 10 to 15 minutes. I mean, it's
17 horrible, you know, and that is on non peak times or
18 peak times. Peak times is even worse. There's -- the
19 drivers are mad. They don't have no respect like they
20 used to have. Let somebody go in front or whatever.
21 It's not happening these days. These people say, get
22 out of my way. There's road rage. And the comings
23 and goings, the egress and the ingress out of this one
24 place is going to be a madhouse for us all. This is a
25 community-wide problem.

1 Anybody that works or lives on James Island
2 goes to the beach. Anybody is going to deal with this
3 and, you know, anybody going to the beach, they're
4 going to come back and wash their cars or whatever.
5 No doubt. It's going to make plenty of money at our
6 headache.

7 Okay. I provided this packet to you,
8 Ms. Simmons, already in dealing with my letter. I
9 wrote a letter on the February 18th. I attended the
10 March 20th meeting, and I see that on March the 12th.
11 You know, I got notification online, you know, that
12 they had submitted the withdrawal, and, okay, that's
13 fine, they withdrew, and then I questioned -- while I
14 couldn't question because I only had two minutes to
15 talk, so I really couldn't get into it and everything,
16 and I wasn't going to waste my time listening to a
17 spiel on April the 3rd of what we just did. So all of
18 us attended that meeting whether we liked it or not.

19 All right. The thing is, I, we, meaning me
20 and my husband, who have signed this paperwork
21 respectfully ask under Section 6-29-915-A to be a
22 person who is not the owner of the property but may
23 petition to intervene as a party, and this motion must
24 be granted if the person has a substantial interest in
25 the decision of the board of architectural review on

1 E -- capital E -- and land use or other change agreed
2 to in mediation to the parcels. I resubmit and submit
3 in accordance with South Carolina code of law Section
4 48-39-150-D, additional information and material in
5 further protest that I, we, be agreed by a decision --

6 UNIDENTIFIED MALE: We're going to have
7 to --

8 CAROL DELCHER: -- to grant application --

9 UNIDENTIFIED MALE: We're going to have to
10 cut it short.

11 CHAIRWOMAN LYON: We're sorry, we'll have
12 to cut it short.

13 CAROL DELCHER: -- really doesn't apply.

14 CHAIRWOMAN LYON: Excuse me. This does not
15 apply. You're supposed to just speak according to the
16 case. This offers no new evidence.

17 CAROL DELCHER: Yes, ma'am, it does.

18 CHAIRWOMAN LYON: It's 10:15 at night.

19 CAROL DELCHER: Yes, ma'am, it does.

20 CHAIRWOMAN LYON: We really need -- we've
21 got two and a half more pages of people who would like
22 to speak.

23 CAROL DELCHER: Ms. Simmons has my -- Ms.
24 Simmons has my -- this is my five pages. I'm going to
25 provide --

1 CHAIRWOMAN LYON: If you could leave copies
2 of that.

3 CAROL DELCHER: I'm giving the whole thing
4 to your attorney.

5 CHAIRWOMAN LYON: That would be great.
6 Thank you.

7 CAROL DELCHER: The whole thing to your
8 attorney. I expect -- I have copies of everything.
9 So there you go.

10 And, Ms. Simmons, you can have a --

11 CHAIRWOMAN LYON: Theresa Ray.

12 CAROL DELCHER: He needs (inaudible); okay?
13 We'll work it out for you.

14 CHAIRWOMAN LYON: Thank you, Ms. Delcher.
15 Theresa Ray.

16 CAROL DELCHER: Not a place for a car wash.

17 CHAIRWOMAN LYON: Samantha Siegel.

18 SAMANTHA SIEGEL: Hello. My name is
19 Samantha Siegel. I live at 5 Blue Andre (phonetic)
20 Avenue in Avondale, West Ashley. I am the founder of
21 a grass-roots organization called, Save the Angel Oak,
22 which was formed in 2007, as a result of a proposal to
23 develop land surrounding the iconic angel oak by
24 filling wetlands and encroaching upon grand trees on
25 the property. And coincidentally, George Field was a

1 partner in that field development so many years ago.

2 So I'm here today to ask you to deny the
3 special exception request and variance for the car
4 wash. And as with the case of the angel oak, we were
5 successful after a long drawn out battle and years'
6 long lawsuit, but this is what citizens will go to, to
7 protect what they love. When we were studying the
8 angel oak case, there were -- we had lots of expert
9 arborists, hydrologists, water reports, and we heard a
10 similar story about the arborist saying the tree would
11 be okay. He was a world-renown arborist who consulted
12 at the White House and turned out that he was wrong,
13 and so that was proven with the court. Same with the
14 hydrologist who said all the storm water would stay on
15 site and they had all these great new models, and they
16 turned out to be wrong as well, as were proved in
17 court.

18 So I will try and keep it short. Just
19 cutting off a major limb off of a grand oak tree does
20 not preserve it and makes the tree more susceptible to
21 disease. Encroaching on the tree canopy with pervious
22 services will endanger the health and lifespan of the
23 tree. And also the natural feature of the creek is
24 not incorporated into this plan, and I find it hard to
25 believe that the storm water will stay onsite.

1 So I would ask you to deny the variance and
2 special exception request. Thank you so much.

3 CHAIRWOMAN LYON: Thank you, Ms. Siegel.
4 Emily Varrett (phonetic).

5 EMILY VARRETT: Emily Varrett, 307 Yates
6 Avenue, a lifelong resident of James Island, and I
7 appreciate you all letting us speak this late. I
8 don't think I'm fully awake right now.

9 Anyway, what my main concern has been this
10 whole time, of course, is the traffic, and one of the
11 things I've been listening to everyone talk and -- by
12 the way, I say ditto to everything that was said ahead
13 of me, but Dr. Sperry's got a very good point. I
14 don't know if the traffic engineer has taken into
15 consideration about the number of people who truly do
16 come from downtown, the college students, everyone who
17 comes over and uses Harris Teeter.

18 What we heard in the community meeting --
19 which I do appreciate you all having the community
20 meeting -- thank you -- we heard that there was going
21 to be an off-duty police officer to help direct
22 traffic out of there because it's a nightmare. Now
23 we're hearing right turn only, which, as we know,
24 nobody on north shore will forget it. These college
25 kids will try to take a north, a left turn out of

1 there anyway. The traffic is going to back up on
2 there going in, and they'll take a right. Have we
3 considered the impact down the road? What's everyone
4 going to do? Go down to Chick-fil-A, cut through
5 their parking lot to come out of the lake and go back
6 around? I know I plan my travel on Folly Road based
7 on being able to get in and out of places. And I look
8 at ways before I leave my house off of Maybank to see
9 if I can get to Bi-Lo safely on Folly Road. I think
10 there's too many unknowns right now in the traffic and
11 the impact to all of us driving to nearby businesses
12 to nearby neighbors to even grant this exception, and
13 the only thing I like about the Folly Road Overlay is
14 just because the barn door is open doesn't mean it
15 can't be closed. Thank you.

16 CHAIRWOMAN LYON: Thank you.

17 Jenny Welch.

18 JENNY WELCH: Hi. My name is Jenny Welch.
19 I live off of East and West Road. I've lived here all
20 of my life. I really worry about you granting the
21 special exception because I feel like it's become a
22 domino effect and that applicants will start asking
23 for more and more special exceptions down Folly Road,
24 meaning that we'll just get more and more fast food
25 restaurants, more gas stations, more car washes, and

1 this is not what we want on James Island, and that
2 just negates the whole point of the Folly Road
3 Overlay. So I ask that you really consider a special
4 exception because I'm just really worried that it will
5 just magnify all over our island.

6 CHAIRWOMAN LYON: Thank you, Ms. Welch.
7 Jessica Norris.

8 JESSICA NORRIS: Hi. I'm Jessica Norris at
9 1227 Oak Press (phonetic) Drive, and I really
10 appreciate the hard work of your committee. And thank
11 you for your time. I know that you're charged with
12 creating a low risk and positive environment for
13 investment and that you can't afford to and it doesn't
14 serve our best interest to have you act in a
15 capricious and arbitrary manner, but with that said, I
16 don't think that turning down this special exemption
17 would be either of those things. We have heard and
18 all know that this flies in the face of both the
19 letter and intent of the Folly Road Overlay.

20 I have -- my training is in ecology. I
21 have a Ph.D. in ecology from Duke, and I also am here
22 representing the 1,100 members of the Charleston
23 Natural History Society or Charleston Audubon, which
24 was formed in 1905. I am -- in my professional life,
25 I'm also an ecologist with bio habitats, which is a

1 design and planning firm that specializes in low
2 impact and site design, so that regularly puts me on
3 the other side of this meeting in doing permitting and
4 outreach, and I can pretty much attest that this is my
5 worst nightmare, if I were having to do this
6 presentation. But as you might guess, part of not
7 ending up in the situation is proposing a smart
8 development that's appropriate for the site, and I can
9 assure you that my objections to this car wash are not
10 because of a technical misunderstanding.

11 Although, thank you, Mr. Shield, for
12 suggests that that was the reason we were opposing it.
13 And I'd also like to point out that I'm not an
14 immediate neighbor with a personal stake in the
15 development as a close-by thing to my house.

16 Nevertheless, I don't think it takes great
17 expertise or insight to find fault with this design on
18 this site, and thanks to the wonderful eloquence of my
19 predecessors, most of my predecessors. I'll cut short
20 several of the things that I was prepared to say. You
21 can also find them -- I think the Charleston Audubon
22 Trust and Natural History Society submitted a letter.
23 It should be in your packets, but I did want to just
24 point out two things that are narrowly focused on the
25 factors that probably speak most about the criteria in

1 preserving and incorporating the most natural
2 features. The first of these that I haven't heard
3 mentioned today is habitat connectivity. So in an
4 urban environment or a suburban environment, creeks
5 and waterways serve sort of as a superhighway for
6 connectivity for wildlife, including birds and
7 amphibians and insects, and these sorts of suburban
8 wildlife are actually important assets to our -- our
9 communities. Intensive quasi-industrial development
10 will have a negative effect on these -- on the
11 wildlife that are using this creek, and that's why
12 it's so important to keep really in -- hugely
13 intensive development away from the quarters of the
14 creek.

15 I just lost a thread.

16 The second thing I wanted to just mention
17 is that our concerns about hydrologic and floodplain
18 connectivity on James Island are pressing, and real
19 flooding is probably one of the most pressing planning
20 issues on our island, and we need to be improving our
21 water management and reducing our flood risk rather
22 than intensifying it. Charleston, as you probably
23 know, is expected to have 180 days of sunny day or
24 that is title flooding by 2045, and having worked with
25 a wide range of out-of-town developers and architects,

1 I can almost guarantee that our designs are not
2 actually appropriate for the storm surges and sea
3 level rise combination that we're expecting to hear.

4 With that said, I know adhering to your
5 current codes, but I would point out that Mount
6 Pleasant, for instance, is in the midst of adjusting
7 their OCRM buffer line back to 50 percent or back to
8 50 feet. There is problems with it, but nevertheless,
9 they are realizing that that is the future of where
10 we're headed because we can't afford to continue
11 development this close to our OCRM buffer lines.

12 I think that's about all I wanted to
13 mention. Those are the things that I had that were a
14 little bit different from what I heard other people
15 say. I do think that approving this car wash just
16 puts you on the wrong side of history on this island,
17 doing developments right next to flooding areas and
18 floodplains next to title creeks is not going to be
19 sustainable on James Island, and I do sincerely hope
20 that the Huffs find a great buyer for their beautiful
21 property. Unfortunately, I don't think this car wash
22 is right for this site and I encourage you to reject
23 this special exception. Thank you.

24 CHAIRWOMAN LYON: Thank you, Ms. Norris.
25 Marie Cannon?

1 Melanie Jones?

2 Becky Timpner (phonetic)?

3 Mike Fony (phonetic)?

4 UNIDENTIFIED MALE: Is there anybody that
5 hadn't spoken yet?

6 PAULA HUFF: I would like to speak. I did
7 not go up and sign up, if I may.

8 UNIDENTIFIED MALE: Sure. Yeah.

9 CHAIRWOMAN LYON: Let's -- huh?

10 PAULA HUFF: It won't be long.

11 CHAIRWOMAN LYON: Were you sworn in? Are
12 you Mrs. Huff?

13 PAULA HUFF: Yes.

14 CHAIRWOMAN LYON: Your name is on here.
15 We're still doing the against, but if the rest of the
16 board is okay with these --

17 UNIDENTIFIED MALE: Yeah. There's nobody
18 else over here.

19 CHAIRWOMAN LYON: -- we can do that. If
20 nobody else wants to speak against it, we'll wrap that
21 up.

22 Ms. Huff, would you please come up. That
23 would be great.

24 PAULA HUFF: Okay. I'm Paula Huff. I'm at
25 1211 Stone Post Road, and we own Huff Seafood.

1 A couple of questions that I heard
2 everybody concerned about is pollution of Ellis Creek,
3 and unless you're -- lived there -- there -- we have
4 like a five-foot pipe where all the drainage from
5 Folly Road goes right down that creek. It is tearing
6 up the property across from us. Got a big oak tree
7 over there that's going to be falling over because
8 that drain water from every time it rains and the car
9 wash across the street and -- and that gas station,
10 when they pressure wash their gas, it goes down into
11 the storm water, right in your creek that is polluted.
12 That's why it's polluted.

13 The other thing I heard about were concerns
14 about was flooding. We have been there since 1995.
15 And through all of the storms, even Irma -- Irma at
16 our house, we had breakers in our front yard on Stone
17 Post. There was no flooding. It never made it up to
18 the driveway at our business.

19 Every once in a while, if you've got a lot
20 of rain and super-high tide, it will go up to the edge
21 of that blue building, the smaller blue building, but
22 as far as getting in our driveway, never happened.
23 And I understand even when Hugo came through, they
24 didn't have water in the parking lot then either. And
25 that's all I have to say.

1 CHAIRWOMAN LYON: Thank you, Ms. Huff.

2 Anyone else wishing to speak for or
3 against?

4 I'd like to thank everyone who stayed and
5 stuck it out, and I'll give the applicant a chance to
6 rebut. I know it's been a long night and I know some
7 of you all stated you had never seen this done in a
8 meeting before, but we felt like it was really
9 important to give everybody a chance to speak. I know
10 some meetings I've heard about, like, I think one
11 tonight, the public was only going to get to speak for
12 like 15 minutes. I know counsel does that, and you
13 have to get there early and be one of a handful of
14 people to speak, and that's not really fair to the
15 public, and for the applicant, who has such an
16 involved, complicated and important to them
17 presentation, it's not fair to limit it to five
18 minutes, but it is up to the BZA. We voted to do it.
19 And thank you all for staying until 10:25, and now
20 we'll continue on with the applicant's rebuttal to any
21 of the opposition.

22 ROSS APPEL: Thank you, BZA members, and
23 thank you to the public that are still here that have
24 offered their comments tonight.

25 I just want to address a few sort of points

1 of order, so to speak, or maybe going through some of
2 the specific objections that have been raised in
3 addressing them.

4 One of the most important things at these
5 BZA meetings to keep in mind, in addition to scope of
6 authority and scope of legal authority is the issue of
7 competent testimony and that phrase competent
8 testimony is a legal term of art. It is a phrase that
9 appears in multiple case law decisions by the South
10 Carolina Supreme Court, South Carolina Court of
11 Appeals, the Windham Enterprises, LLC, versus North
12 Augusta case, South Carolina Court of Appeals 2012,
13 and in the Bannum, Incorporated, versus City of
14 Columbia case from the Supreme Court, 1999. It's a
15 lot of complicated stuff.

16 But here's the point: If you're not an
17 expert, you're not allowed to testify about matters
18 involving technical expertise, and I just have to note
19 this for the record that everything you heard today
20 from the opposition involving traffic, flooding, car
21 washes and environmental pollutants, chemicals, noise,
22 other people's properties values -- I'm sure I'm
23 missing things -- but anything involving technical
24 expertise that they don't have a technical degree in
25 or a professional degree in is literally supposed to

1 be stricken from the record, and it is unlawful as a
2 matter of law for this board to even consider it in
3 making their decisions and that's important. This is
4 not court. You are all not judges, but you all serve
5 a quasi-judicial capacity.

6 And I want to say another thing. These
7 people are not your constituents. You're not an
8 elected official. You're not an elected official.
9 They're not an elected official. I serve on the City
10 of Charleston Board of Zoning Appeals. I'm not an
11 elected official. You all are quasi-judicial
12 officers. You all are here only to interpret the
13 ordinances as written.

14 If you think the Folly Corridor Overlay's
15 District prevents a car wash, you're wrong. If you
16 think that all the town's planning activities and
17 zoning activities over the years and plans and this
18 and that prevent what we're proposing today, I'm
19 sorry, but that's just simply not accurate, and it's
20 not a correct statement of the law.

21 While there is a lot of passion and a lot
22 of legitimate concern from the opposition, I grew up
23 in Charleston. I'm fifth-generation Charleston. I
24 live north of here in south Windemere, so I'm familiar
25 with Folly Road and, you know, how important and

1 special this place is. I've represented the Costal
2 Conversation League in the past on things. I have an
3 environmental law background. I get it.

4 What Samantha did with the angel oak was
5 amazing, but as she acknowledged in that case, what
6 made that case go was not a lot of people just sort of
7 talking off the cuff about trees and tree health and
8 things of that nature. The only people here with
9 competent testimony about trees is Autobell. The only
10 people in this room with competent testimony about
11 traffic is Autobell. The only people in this room
12 with engineering expertise is Autobell. The only
13 people that can speak from the standpoint of somebody
14 who's been in the car wash business for decades is
15 Autobell. The only people here to talk about
16 chemicals and bio reclamation and water is Autobell.
17 That matters. That is not just persuasion points.
18 That is legal material significant for this decision
19 today.

20 The other thing I want to talk about is the
21 scope of the board's decision on this matter. Believe
22 it or not, we're not even halfway through tonight. We
23 are only here on the special exception right now.
24 There's a lot of talk about the variance and what's
25 required for the tree canopy exception. That's a

1 whole other presentation we haven't even done. We're
2 talking right now about the special exception. You
3 all heard my talk in the beginning -- oh, I forgot.
4 There's no -- well, Ms. Fabri is a lawyer, but I don't
5 think she really addressed head on my points, and we
6 can kind of have a legal discussion about that one
7 day, but the fact of the matter is, is like I said in
8 the beginning, we don't believe a special exception is
9 even required. The Folly Road Overlay does not
10 require car washes to have a special exception. It
11 only requires vehicle service uses to have a special
12 exception. We're not a vehicle service use. We're a
13 vehicle service limited use. Vehicle service limited
14 use. The overlay does not contain the word limited
15 and that is going to be a fatal, fatal flaw if this
16 special exception is denied.

17 Let's see. I want to run -- there's been a
18 lot that's been put on the table. I forgot to mention
19 Joe Qualey. He's also a lawyer that I have highly
20 respect for and that I've worked in the past, but he
21 didn't really address any legal concerns. You know,
22 he made a comment that I wrote down, that this
23 proposed use is a poster child for what we don't want.
24 Well, that's not what the community commercial zoning
25 district says, and it's not what the Folly Road

1 Overlay says, as I pointed out.

2 Joe talked about traffic. Joe's not
3 competent to talk about traffic. Don't tell him I
4 said he was incompetent, but I don't mean it like the
5 way you say it on the street. This is a legal --

6 CAROL DELCHER: Are you going to reprimand
7 him the same you did me? Please.

8 CHAIRWOMAN LYON: Excuse me.

9 ROSS APPEL: And -- and I have to address
10 something else that the phrase that our folks need to
11 pack up and go somewhere else. It's really
12 inappropriate, and frankly, I don't think it's
13 appropriate for local politicians to be addressing
14 this board. This is a quasi-judicial forum. The
15 people that passed the laws should not be involved in
16 the application of the laws. There's -- there's a
17 separation of power issues. I appreciate the fact
18 that they're here and they've got constituents, but
19 the way they serve the constituents by passing the law
20 at their level and focusing on what their
21 respectful --

22 UNIDENTIFIED MALE: Let's speak to the
23 issue.

24 ROSS APPEL: You know, I don't want to
25 single out people, but we heard over and over people

1 talking about traffic and the environment and noise.

2 Almost none of it is relevant and all of it's legally
3 excluded.

4 Oh. I want to address this timeliness
5 issue with the application and the filing. We had our
6 application filed on March 20th, 2018. What we did do
7 and what the town allows is for the application to be
8 supplemented with additional supporting information.
9 That is what we've done. That's what the opposition
10 has done, and Kristen has confirmed with me in e-mails
11 that everything submitted prior to tonight's hearing
12 is included in the record. We're not going to try to
13 exclude anything of theirs, and we respectfully don't
14 wish to have anything excluded from our side of the
15 equation.

16 However, I will say that to the extent some
17 of those in the opposition have attempted to introduce
18 technical documents into -- into the record from the
19 Internet or things of that nature. That's not
20 considered expert testimony. In order for experts to
21 get things in the record, they have to be here like
22 our folks were here tonight.

23 CHAIRWOMAN LYON: It wasn't called expert
24 testimony. Anything that's brought, we put it in the
25 record for you all and us.

1 ROSS APPEL: Sure. And --

2 CHAIRWOMAN LYON: Thank you.

3 ROSS APPEL: -- I think it's appropriate
4 for it to be in the record, but it's not appropriate
5 to be considered.

6 This whole talk of -- and I'm just going to
7 try to speak now to the legal issues. There was some
8 talk at one point about the car wash not serving the
9 purpose and intent of the community commercial zoning
10 district. The table of uses explicitly allows car
11 washes in the community commercial district. That
12 issue is just black and white. This is an allowed
13 use, and it's consistent with the underlying zoning,
14 and it's consistent with the comprehensive plan. It
15 didn't pass the comprehensive plan. It was the town
16 planning commissions and the town council that did
17 that, and they've said this -- this property is
18 supposed to be commercial both in the zoning and in
19 the comprehensive plan. This is not an industrial
20 use.

21 There was mention at one point about
22 Autobell being sued over noise complaints. I spoke
23 with Carl briefly. That's completely baseless and not
24 an accurate fact.

25 All right, guys. I appreciate it. Thank

1 you for your time. As fellow BZA members, I -- I
2 respect what you all are doing here. You've got a lot
3 on your hands. And if there's anything else I can
4 help with or any of our team can help with, we'd be
5 happy to answer those questions, and we, again,
6 appreciate your time. Thank you.

7 CHAIRWOMAN LYON: Thank you.

8 Any other comments from the owner or the --
9 Mr. Howard?

10 CARL HOWARD: I thank everybody. It's
11 late. I don't want to push it any further. I
12 appreciate your time and consideration.

13 CHAIRWOMAN LYON: Thank you, Mr. Howard.

14 CARL HOWARD: Thank you.

15 CHAIRWOMAN LYON: At this time I'll close
16 the hearing to the public.

17 Is there a motion from the board and a
18 second in order to have a discussion?

19 ROY SMITH: So moved.

20 CHAIRWOMAN LYON: What's your motion? We
21 need a motion from one of the board members to
22 approve, deny or approve with conditions. Is there a
23 motion to approve?

24 ROY SMITH: I -- I move to deny this
25 motion, this -- this special exception.

1 CHAIRWOMAN LYON: Is there a second?

2 JIM FRALIX: Second.

3 CHAIRWOMAN LYON: Discussion?

4 ROY SMITH: Well, I can only start by
5 saying that I have heard a lot tonight from a lot of
6 people, and I think that I can also observe their
7 demeanor as well as their -- their being an expert or
8 not being an expert. Although, I think that I heard
9 that the only experts were from Autobell, but I did
10 hear some of the other people who spoke give quite
11 some credentials. Everything from knowing a good bit
12 about trees to knowing a good bit about the
13 environment, and those people did not feel that this
14 business place, where it is, would be good for several
15 reasons, and they found that to be at variance with
16 the comprehensive plan as well as the Folly Overlay
17 District.

18 I also heard that, that a business like
19 this is not sustainable, and I've always had trouble
20 with the definition of sustainable, but I found that
21 it's actually defined at the back in our comprehensive
22 plan, so I think that very well may be true. We do
23 have a lot of flooding, and we have a lot of -- a lot
24 of things that go on over time that -- I don't know
25 that, that has been -- or I would say that, that has

1 not been addressed to my satisfaction. I know that
2 materials and machinery break down. It doesn't always
3 run as smoothly and quietly as purported. I wish that
4 my car did, but it doesn't. Things do change over
5 time.

6 I read somewhere earlier in one of these
7 documents, I think, something about catching water in
8 drainage structures or drains, and I know that
9 sometimes those clog up. At least they do in my
10 neighborhood. I know that people can come and clean
11 them out, but it doesn't always happen in a timely
12 matter, and it doesn't often right before we have a
13 flood event for whatever reason.

14 So for those reasons, I would like to say
15 that I'm not in support of this business at this -- at
16 this location.

17 CHAIRWOMAN LYON: Thank you, Mr. Smith.

18 I have a problem. I feel like it does not
19 meet criteria A where it states -- and does not
20 negatively impact the surrounding community.

21 Obviously, it negatively impacts the surrounding
22 community by the, you know, response that we've seen.

23 In addition, I'm also concerned it doesn't
24 appear to meet the criteria of number F where
25 vehicular traffic and pedestrian movement on adjacent

1 road shall not be hindered or endangered. And I
2 think, you know, when I did my site visit yesterday,
3 it is very precarious walking along there, and if
4 there was another business there with that much
5 traffic in and out, that would adversely affect
6 pedestrian traffic, and then the vehicular traffic, it
7 is -- I mean, we're not even halfway to peak season.
8 Summertime is just crazy, as those who live here know
9 with the traffic backing up, and I just feel like it
10 doesn't meet that criteria either, and I would be
11 inclined to vote against -- against it as well. Those
12 are my thoughts.

13 Mr. Gregorie, do you have any comments or
14 thoughts?

15 JASON GREGORIE: Sure.

16 So I've been evaluating this based on the
17 criteria set forth in the ordinance. I read
18 Mr. Appel's thorough examinations or his thorough
19 analysis and legal test last night and again today. I
20 think it was a very thorough analysis. I think many
21 of the things he's put forth on the record may not be
22 or are not applicable for us but may be applicable for
23 a higher level of jurisprudence, and so I've, at least
24 in my mind, tried to sort through some of the
25 information that's been presented and stick to what I

1 believe is applicable here for us as set forth right
2 now.

3 My concern -- I have a few concerns, and
4 I'll address why I don't think it meets the ordinance
5 in this location. I think the 61-inch deviates the
6 grand tree is a very significant feature of our
7 community. It's the largest one we've taken up so far
8 at BZA. As Ms. Crane mentioned earlier, we have not,
9 at BZA, taken up a tree of this magnitude.

10 I have concerns that buried tanks -- an
11 entire intensive development of this site that
12 includes buried tanks and also pavement all around
13 this tree could damage the tree, and I think that
14 that's an important feature. So I think that that
15 affects D of the ordinance.

16 I also have a major concern with F, which
17 is the vehicle traffic section of the ordinance.
18 Vehicle traffic and pedestrian movement on adjacent
19 road shall not be hindered or endangered. I have
20 concerns of the stacking. Their diagram, which is the
21 second one submitted to us, which is dated April 13th,
22 2018, shows eight vehicles, what I would call,
23 stacked. During the presentation, they said they
24 likely could have 10 vehicles stacked.

25 I have experienced the inability to

1 traverse Folly Road myself. For example, at a
2 neighboring parcel, I could not take -- even turn onto
3 Rivers Point Row because of a stack of vehicles at
4 Starbucks recently. I mean, we had a thoroughfare.
5 Rivers Point Row was intraversable because of a
6 vehicle stack on a Saturday morning. And I have
7 concerns about creating additional vehicle stacks and
8 vehicles stopped on Folly Road.

9 So for that reason, I am going to say that
10 I don't believe what has been presented meets F of the
11 ordinance.

12 CHAIRWOMAN LYON: Thank you, Mr. Gregorie.
13 Mr. -- Mr. Parrish, do you got any
14 comments?

15 SIM PARRISH: I just want to say that I
16 agree with what Jason has said and Roy has said and
17 their concerns with the traffic stacking and the
18 possibility of damaging the tree beyond what they say
19 they won't do.

20 CHAIRWOMAN LYON: Thank you.
21 Mr. Fralix, any comments?

22 JIM FRALIX: I'm concerned about those
23 things, too, but I'm also concerned that we have a
24 situation here where 1,900 people, 1,900 citizens
25 signed something that said they did not agree with

160
1 this. That, to me, is very significant. I wouldn't
2 tell them that in this forum, but that's not to be
3 taken lightly.

4 CHAIRWOMAN LYON: Any other comments?
5 Discussion?

6 Thank you, Mr. Fralix.

7 SIM PARRISH: I have -- I have one
8 question, and this is --

9 CHAIRWOMAN LYON: Mr. Parrish.

10 SIM PARRISH: This goes back to the
11 information that was provided by Mr. Appel that -- is
12 there a reason why we did not get a complete copy of
13 the comprehensive plan in the information that they
14 provided? And the reason I'm asking is, in the table
15 that they had in here under the section that it said
16 the zoning district table that's in here down in
17 the -- on page two of the table, it says vehicle
18 services limited, including all automotive oil change
19 or lubrication shops or car washes. And it references
20 in the right-hand column a condition, which was not
21 included in the packet, and I was wondering --

22 CHAIRWOMAN LYON: It's my understand --
23 well, we had a copy e-mailed out to us today, and I
24 know we all received one with training. So, you know,
25 we've all got it to reference.

1 Does that answer your question?

2 Okay. But it was -- it was also included
3 in an electronic e-mail as requested by the applicant.
4 The applicant has not provided hard copies for that.
5 In fact, I believe that just came up in the last day
6 or two; is that correct? So -- but, yes. And it's
7 obviously been addressed and discussed at length
8 tonight by the applicant as well as --

9 SIM PARRISH: Okay.

10 CHAIRWOMAN LYON: -- our -- our training.

11 ROSS APPEL: Can I say one sentence?

12 CHAIRWOMAN LYON: No. We are -- we are in
13 discussion, and that is not appropriate.

14 ROSS APPEL: That's another thing we'll
15 object to.

16 CHAIRWOMAN LYON: Any other questions? Or
17 comments?

18 JIM FRALIX: I move we adjourn.

19 CHAIRWOMAN LYON: We haven't voted on the
20 motion. And we have another case to do. We can't do
21 that yet, Mr. Fralix.

22 JIM FRALIX: All right. Well --

23 CHAIRWOMAN LYON: We have a motion on the
24 floor to -- to deny the --

25 JIM FRALIX: Yeah.

1 CHAIRWOMAN LYON: Let me read it -- I'm
2 sorry -- to deny the special request for the placement
3 of a full service car wash in the Community CC
4 District. It's been -- the motion was made by
5 Mr. Smith, and it was seconded by Mr. Fralix.

6 Would you please do a rollcall vote,
7 Ms. Simmons.

8 FRANCES SIMMONS: Mr. Fralix?

9 JIM FRALIX: I vote for the motion.

10 CHAIRWOMAN LYON: We are voting to deny.
11 Let me just make that clear. Thank you.

12 FRANCES SIMMONS: Mr. Parrish?

13 SIM PARRISH: I am for the motion.

14 FRANCES SIMMONS: Mr. Gregorie?

15 JASON GREGORIE: Aye.

16 FRANCES SIMMONS: Mr. Smith?

17 ROY SMITH: I am for the motion, which is
18 to deny the car wash.

19 FRANCES SIMMONS: Chairwoman Lyon.

20 CHAIRWOMAN LYON: I'm for the motion to
21 deny the car wash.

22 Thank you, Ms. Simmons.

23 The ayes have it. It passed unanimously to
24 deny the car wash. I will state the legal reason.

25 The -- it did not meet the criteria A, D and E. I'm

1 sorry, F. Let me restate that. I'm sorry you all.
2 I'm really tired. It did not meet the criteria A, D
3 and F for the record.

4 JIM FRALIX: This might be the longest
5 meeting on record.

6 CHAIRWOMAN LYON: It is, and it's not over
7 yet.

8 JIM FRALIX: Yeah, I know.

9 CHAIRWOMAN LYON: The final decision will
10 be mailed to you within 10 working days, and you may
11 contact planning and zoning staff with any questions
12 about the denial approval or conditions, and as you
13 know, you have 30 days to appeal as -- we will now
14 hear case number BZAV-3-18-014. If you want to
15 proceed with that.

16 ROSS APPEL: Yeah. So we -- we would
17 request that that application just be put on -- on
18 hold until we can resolve this other matter.

19 CHAIRWOMAN LYON: Okay. That will count as
20 a withdrawal, which would mean at least a year's wait
21 before you can bring it back since you got a waiver
22 last month for it.

23 ROSS APPEL: Yeah. So maybe Bo and I can
24 talk about this.

25 CHAIRWOMAN LYON: But we can -- yeah, you

1 all can discuss that.

2 ROSS APPEL: You all are freewheeling and
3 free-styling with sort of a lot of this stuff, but Bo
4 and I will work that out in due time.

5 Okay. So -- but for the purposes tonight,
6 we don't need to go forward with the variance. Thank
7 you.

8 CHAIRWOMAN LYON: So that case has been
9 withdrawn. And --

10 ROSS APPEL: For the record, it has not
11 been withdrawn, ma'am.

12 CHAIRWOMAN LYON: Can I confer with our
13 attorney?

14 ROSS APPEL: I mean --

15 UNIDENTIFIED MALE: It is not going forward
16 on the applicant's request.

17 ROSS APPEL: It's being deferred. We're
18 getting our one deferral by town ordinance.

19 UNIDENTIFIED MALE: You can grant a
20 referral.

21 UNIDENTIFIED MALE: Whatever it is called,
22 that's what is occurring, that's all I'm saying.
23 That's all I know.

24 ROSS APPEL: Yeah. I -- I don't know. You
25 know what -- are you the only (inaudible).

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UNIDENTIFIED MALE: Huh?

UNIDENTIFIED MALE: Please decide.

ROSS APPEL: So, legally, we're taking the position it's being deferred, a voluntarily deferral.

CHAIRWOMAN LYON: Okay.

ROSS APPEL: And it's our position that that does not constitute a withdrawal.

CHAIRWOMAN LYON: That is fine. The applicant is deferring the case.

ROSS APPEL: Okay.

CHAIRWOMAN LYON: Our next meeting is May the 15th. We do have a potential case. If there's no further business, this meeting stands adjourned.

(Inaudible conversation.)

(Audio ended.)

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CERTIFICATE OF TRANSCRIPTIONIST

I, Melissa Lane, Certified Court Reporter (MO), Certified Shorthand Reporter (IL), Registered Professional Reporter and Notary Public for the State of Missouri, do hereby certify that the foregoing tape transcription was produced to the best of my ability and may include inaudible sections and/or misinterpreted words or speakers.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this April 29, 2018.

Melissa J. Lane

Melissa Lane, CCR, CSR, RPR