

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF JUNE 21, 2022

The Board of Zoning Appeals held its regularly scheduled meeting on Tuesday, June 21, 2022 via Zoom virtual platform and in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, SC.

Commissioners present: Amy Fabri, Corie Hipp, David Savage, Vice Chair, Roy Smith, and Brook Lyon, Chairwoman, who presided. Also, Kristen Crane, Planning Director, Flannery Wood, Planner II, Bonum S. Wilson, BZA Attorney, Niki Grimball, Town Administrator, and Frances Simmons, Town Clerk and Secretary to the BZA. A quorum was present to conduct business.

Call to Order: Chairwoman Lyon called the BZA meeting to order at 7:00 p.m. She asked the Board and others who wished, to join in the prayer. The Pledge of Allegiance was not recited with the meeting being held on Zoom.

Compliance with the Freedom of Information Act: This meeting was held in compliance with the SC Freedom of Information Act. The public was duly informed and notification was given that the meeting would be live-streamed on the Town’s You-Tube Channel.

Introduction: Chairwoman Lyon introduced herself, members of the BZA, Attorney, Staff, and Town Councilwoman Cynthia Mignano.

Review Summary from the April 19 and May 17, 2022 BZA Meeting: Chairwoman Lyon moved for approval of both meeting minutes, seconded by Commissioner Smith. There was no discussion.

Vote:

Commissioner Fabri	Aye
Commissioner Hipp	Aye
Vice Chair Savage	Aye
Commissioner Smith	Aye
Chairwoman Lyon	Aye
Passed unanimously	

Chairwoman Lyon stated that case rulings and minutes from this and any BZA meetings are available for public review and inspection during normal business hours at the Town Hall.

Brief the Public on the Procedures of the BZA: Chairwoman Lyon explained how the Board of Zoning Appeals Hearing would be conducted.

Administer the Oath to those Presenting Testimony: Chairwoman Lyon announced that each person who wished to address the Board must be sworn. Those who wished to speak at the Town Hall and those on Zoom were asked to stand as a group and was sworn in by Mr. Wilson, the BZA Attorney. Persons addressing the Board on Zoom were asked to use the “chat” function, state their name and whether they were speaking in support or opposition and would be called upon at the appropriate time. Those calling in to speak will be recognized by their phone number and will be asked to speak at the appropriate time.

Chairwoman Lyon provided an overview of how tonight's case would be conducted with the time allotted for speaking. Those speaking in support at the Town hall should stand one by one and state their name and address for the record. Those speaking in support on Zoom will be asked to wait until their name is called upon to speak and those speaking in opposition would follow the same procedure.

Review of the Following Application:

Case #BZAS-5-22-025

TMS# 425-06-00-101

Special Exception request for a fast-food restaurant on a vacant lot in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road: Planning Director, Kristen Crane, presented the staff's review that the applicant, Kentucky Fried Chicken (KFC) Corporation, is requesting a Special Exception for a fast-food restaurant on a vacant lot in the Community Commercial (CC) Zoning District in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District. The lot lines for 890 and 896 Folly Road have been recently reconfigured, and the properties are the previous locations of Pizza Hut, Subway, Papa John's, and Corky's Outdoor Power Equipment, which have since been demolished. 890 Folly Road is 0.65 acres in size. Adjacent property to the south, north and west are in the Town of James Island and are zoned Community Commercial. The adjacent parcel to the east is in the City of Charleston's jurisdiction and is zoned General Office. Additional uses within 300' include convenience stores and service stations, vehicle service, general restaurant, social club or lodge, florist, drug store, personal improvement services and parcels in the Town of James Island zoned RSL (low-density suburban residential) and DR-1F (diverse residential) in the City of Charleston.

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

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

Mrs. Crane reviewed the Findings of Facts according to §153.045 E, Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), may be approved only if the Board of Zoning Appeals find that it meets all six (6) criteria (below). Mrs. Crane reviewed each criteria and provided the staff's response for each.

E. (a): Is consistent with the recommendations contained in the Town of James Island Comprehensive Plan and the character of the underlying zoning district "Purpose and Intent; **Response: The Town of James Island Comprehensive Plan, Economic Development Element states a strategy as "encouraging a variety of diverse commercial uses that will benefit the Town as a whole". The applicant states in the letter of intent that they will "contribute to the economic development by adding to the town's work force... offering employment positions for up to 12+**

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

- E. (b): Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; **Response: nearby properties have a wide range of existing uses including convenience store, service stations, vehicle service, restaurant general, social club or lodge, florist, drug store, personal improvement services, banks, & garden supplies centers. The use may be compatible with most of the existing uses in the vicinity and should not adversely affect the general welfare or character of the immediate community. Additionally, the letter states that "in consideration of the Rethink Folly Road project, the development fits in with the plan by remaining pedestrian friendly. We have done this by creating a large patio for outdoor seating and will have an exterior image that is welcoming to our guests. We have reoriented our building so that the door is now accessible from the front to pedestrians instead of from the side. We have also increased our building transparency, so that only doors and windows, not blank walls, face the streets."**
- E. (c): Adequate provision is made for such items as: setbacks, buffering, (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors; **Response: A comprehensive landscaping plan is required during the Site Plan Review process to address supplemental buffering, fencing requirements, parking, lighting, and setbacks. The applicants have presented a site plan showing required landscape buffering and in their letter of intent state that "traffic congestion has been addressed by completing a traffic study. The traffic study found that there was no significant change or delay in traffic." Although noise, vibration, dust, glare, and odor have not been addressed in the application, all applicants are required to meet Town ordinances concerning such.**

- E. (d): Where applicable, will be developed in a way that will preserve and incorporate any important natural features; **Response: The parcel is currently vacant and has been previously prepped for future construction, therefore there are no important natural features on site that will be impacted. Landscaping and vegetation will be incorporated per requirements in the Town’s zoning regulations.**
- E. (e): Complies with all applicable rules, regulations, laws, and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; **Response: The applicant is in the process to ensure compliance with the applicable regulations.**
- E: (f) Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered. **Response: Vehicular traffic should not be hindered or endangered, due to the recent intersection improvements at the site, as well as the improved parking layout and drive aisle design with the development of the neighboring parcel (Chase Bank). Additionally, the development of the neighboring parcel included a 12’ multi-use path throughout the length of the subject parcel, with no new curb cuts shown on the proposed site plan, therefore pedestrian movement should not be hindered or endangered. The applicant’s letter of intent states that they have “complied with all applicable rules and regulations, such as the requirement for a 10-car stack, parking on the side of the building, and avoidance of disturbing pedestrian traffic.” The applicant has also supplied a Traffic Impact Analysis (TIA) updated with the proposed use that shows “no significant change or delay in traffic” according to the LOI and the previous TIA. Recommended improvements from the TIA have already been constructed and approved by SCDOT.**

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAS-05-22-025 based upon the Findings of Facts listed above, unless additional information is needed to make an informed decision.

Questions from the Board

Commissioner Hipp asked a question about Starbucks. She knows that it is not within the 300’ but a lot of the emails in opposition referred to it. She asked if Starbucks is in the City of Charleston and Mrs. Crane confirmed that it is. Mrs. Crane said she knows that Starbucks is currently redesigning their parking lot and stacking layout design and the traffic engineer may be able to speak more about that. Commissioner Hipp said her reason for asking is Starbucks has police officers occasionally there to direct traffic and she knows what a nightmare that has been. Commissioner Hipp asked if Starbucks is considered a fast-food restaurant and Mrs. Crane said the City’s definition of fast-food differs from the Town’s. The Town requires 10 stacking spaces for a fast-food restaurant, and if there were more than 10 spaces it would not spill out on any right-of-way. It would still be in the shared parking area between Chase Bank and the proposed use. She said should Starbucks exceed their stacking amount; they would be on the right-of-way because there is no other way to get into their parking lot; because there is one way in and one way out.

Chairwoman Lyon asked how many fast-food restaurants are in the Town besides Chick-Fil-A and Mrs. Crane said four: Bojangles, Dunkin Donuts, Sonic, and Zaxby's.

Chairwoman Lyon asked if KFC has a firm deal with Chase Bank for access and parking. She knows there are cut-thrus from Camp and the bank would probably be closed on some hours that KFC would be open; especially on weekends and after 5:00 p.m. Mrs. Crane said the parking lot is shared. She explained that the Town has an easement on the site for public parking and Chase Bank has a few designated parking spots there. Mrs. Crane said that Chase was developed in two phases. Phase I was the bank and Phase II were the parcels with the known factor that the curb-cut and parking would be shared.

Vice Chair Savage spoke that a traffic study was a part of this application that looks to be dated June 14, 2022 and believes he received a copy on June 15, 2022. He said for the record, and to be correct, this traffic study is different from the study done in October a few years ago. Vice Chair Savage asked if it would be fair to say that the residents of the Town, who might be in opposition, only had four business days to consider the traffic study and see whether or not they wanted to hire someone who could test its validity. Mrs. Crane said that the original traffic study was done when Chase Bank was being built and from her understanding, there have been no further recommendations for DOT from that original traffic study that would change anything that they have already done on the site from the original traffic studies to what this use is. She said the original traffic study is available. She sees things like this and does not know what a resident would get out of looking at all of that data. Ms. Crane commented that she was unsure how to answer that question. Vice Chair Savage said he is not sure that he quite agrees because in the Traffic Study on Page 6, Table 5, it talks about an additional delay for this project on top of whatever delay existed in the previous study. He said they are not identical and would like to ask how long have the residents had this new study to take a look at it and see if they wish to retain their own traffic engineer to say "yes," I agree with the findings in here. As he understands, the residents have only had the study for four business days and Mrs. Crane confirmed.

Commissioner Smith asked if the Traffic Study included other properties up and down Folly Road, including the other ones that are not in the Town of James Island, but are in the City of Charleston. How far did the Traffic Study go? Mrs. Crane said Traffic Study questions would be best answered by the engineers that wrote the Study.

Commissioner Fabri asked Mrs. Crane to walk the Board through the Site Plan for the restaurant where the ingress and egress are and where the stacking is. Mrs. Crane explained by demonstrating on the Site Plan the location of Camp and Folly Roads. She showed how you could enter off of Camp Road to get into the stacking lane. She showed the location of the order box, the pickup window and how you would circle back around and turn right only back onto Folly Road or go back onto Camp Road. She pointed to where the patio seating would be. She showed the parking spaces that are reserved for KFC, the dumpster, bus shelter, and the multi-use path. Commissioner Fabri asked about the shared parking lot that there is no curb cut there or an egress. She asked how someone leaving the bank would get out. Mrs. Crane pointed to a patch that is existing and the bank customers would get out as they do now, either way, or they could park in the shade.

Commissioner Fabri asked, "so then the bank traffic and the fast food traffic would comingle on the egress onto Camp Road" and Mrs. Crane said "yes, that is encouraged in the overlay, to share parking and have less curb cuts."

Commissioner Fabri asked about the drive thru lane and is it strictly a single drive thru lane, for example, there is no room for a car to go around, like how it is with Chick-Fil-A if someone comes in off of Folly Road. You would actually circle around if you want to get into the line and that can't happen here. Mrs.

Crane showed where the Chick-Fil-A parking is and why they would have extra drive aisles for parking on that side. She thinks Zaxby's is that way right now. Commissioner Fabri asked where the egress section onto Camp Road is where it splits into three lanes or two lanes. Mrs. Crane said yes, there are three lanes, a left lane, a straight lane, and a right lane. Commissioner Fabri asked, "so those people will be pulling out into three lanes of traffic, either the dedicated right turn, straight or the dedicated left turn lane?" Mrs. Crane answered yes, just as they do now. Ms. Crane pointed to where the bus shelter is where a bench is there right now.

Commissioner Hipp asked what are the hours of the Chase Bank on Saturdays which are 9 a.m. to 1 p.m.

Applicant Presentation:

Stephanie Grant

9117 Pine Breeze Drive, Riverview Florida: Ms. Grant thanked the Board for allowing KFC to appear before them. She also thanked Kristen Crane for graciously dealing with the many questions they had and never saying no to a meeting. Mrs. Crane's input has been invaluable and her patience greatly appreciated.

Stephanie Grant, KFC, introduced Thomas Purcell and Dillon Turner, both with Kimley Horn, Engineers on the KFC project. She stated that Thomas Purcell has been involved in every aspect of the process and Dylan Turner performed the Traffic Study. Both are at the Town Hall to answer questions the Board might have. Ms. Grant gave the background that KFC has been around for 70 years serving communities all over the globe and expressed excitement about having one here. She said what differentiates KFC from the rest of their competitors in the area is their ability to offer food to individuals and larger families. They are famously known for their buckets of chicken and offers wholesome sides, something that a mom or dad can pick up quickly and create a meal for their family. They also serve individual chicken sandwiches that everyone can enjoy. She said although KFC is technically a quick service drive-thru restaurant, they want the community to think of them as a sit down restaurant that is pedestrian friendly. They have created (as on the rendering) a large glass window that fronts Folly Road, so it is very transparent and have designed a big patio to encourage outdoor seating. Indoor seating will be available as well. They will have a bike rack. She stated, as Mrs. Crane mentioned that they are going to build the bus shelter out front and inside the building a mural will be created and dedicated to James Island. She hopes the Board will see that they are working in every way to make this project as unique as the Town is and would not be popping down a prototype KFC. They are working with Mrs. Crane and others to make sure the restaurant is unique. Ms. Grant also mentioned that KFC participates in the Harvest Food Donation Program which is a hunger relief organization. This program has provided for those in need since 1999 and KFC has donated more than 87 million meals to 3700 non-profit organizations. She further mentioned that KFC will be employing upwards of 12 full and part-time employees. The KFC Foundation creates scholarships and other assistance programs to their employees to help them build lasting careers. \$23 million in scholarships have been given to over 8,000 employees. KFC's goal is to positively impact the community in any way that they can. Ms. Grant said she is available to answer questions from the Board.

Thomas Purcell, Kimley Horn: stated that the building is roughly 2400 square feet and the drive-thru wraps around the rear of the building with 10 stacking spaces, which is what the Town's Code requires. KFC is proposing a bus shelter on Folly Road at the location where there is currently a bench that he thinks would benefit a lot of people in the community who ride the bus. There will be outdoor seating, a bike rack, and a sidewalk that connects from there to the sidewalk along Folly Road; 12ft. wide so there will be good connectivity between the building and Folly Road which aligns with the Rethink Folly Road Plan. He said 10 stacking spaces will be provided in the drive-thru. He knows there were some questions about how many cars can be stacked in the parking area before backing up onto Folly or Camp Road. He said roughly there are 22 cars in the drive aisles, in addition to 10 in the drive-thru before any backup to Folly or Camp Road. The Traffic Study was performed but was not required by the Town. The Town requires traffic citing for

sites over 5 acres or over 100 peak hour trips. KFC is under 5 acres and the 100 peak hour trips. The purpose of providing the Traffic Study was to ease any concerns about traffic. Mr. Purcell said they will work with Charleston County to provide stormwater detention to treat stormwater quantity and quality.

Dillion Turner, Traffic Engineer, Kimley Horn:

Business: 115 Fairchild Street, Charleston, SC 29414

Home: #7 Arcadian Park, Charleston, SC 29407

Mr. Turner stated that they initially did the Traffic Study for the Chase Bank as a high-turnover sit down restaurant in October 2020. He said high turnover restaurants can be thought of as the Chipotle and Moe's types of restaurants. He said Thomas Purcell came to him earlier this month because they are looking at the site as a KFC and should they consider updates, so he ran a trip gen. He said on Page 4 of the memo he sent, there is a difference in the trip gen on the original study vs. the proposed so with fast food vs. high term sit down, the total number of trends is anticipated to be 19 more in the a.m. peak hour and 19 more in the p.m. peak hour. He noted that KFC does not serve breakfast; however with the coordination of the SCDOT anytime they do fast food they study a.m. and p.m. peak hours because other fast food chains did not serve breakfast. Wendy's and Taco Bell are examples of those and the DOT wants to see that analysis. Mr. Turner said he knows there have been some questions about the Traffic Study and is happy to answer them as they come up.

Commissioner Hipp said that by looking at the map she quickly dotted the estimate of what the size of a car would be that Mr. Turner stated is a 22 additional car stacking potential. She noted that she might be reading the Site Plan incorrectly, but it looks as if only 5-6 cars would be in the Camp Road ingress before becoming an issue. She noted that it was dotted very quickly and she has little understanding of the fast food drive-thru process. Commissioner Hipp said it looked as if 9-10 cars could fit in the area, from the 10th car to Folly Road and cars from Folly Road would come in past the Chase Bank. She asked if that is correct? Mr. Purcell clarified that 22 cars would be the total number and could fit roughly 12 cars between the drive-thru and Folly Road, and roughly 10 cars between the drive-thru on Camp Road, but they do not anticipate that ever being needed but wanted to help ease any concerns about it. He said the site is a little different than Starbucks'. There is more room on the site for overflow if it were to ever stack past 10 cars. Commissioner Hipp said theoretically, and it is, but she knows that the Board just went through this with Chick-Fil-A and she knows it is two different things. Chick-fil-A went into this process and only needed X amount of stacking. Now they need an insane number of stacking vehicles, because of such high demand. She is envisioning the type of customers they are going to get are people grabbing buckets of chicken on the way to the beach in addition to families and she is trying to picture how many cars could fit in the area. Commissioner Hipp asked for clarification that the Folly Road stack is 12 and the Camp Road stack would be 8. Mr. Turner said it is roughly 12 to Folly and 10 to Camp Road.

Commissioner Smith asked Mr. Purcell if businesses other than fast food restaurants were considered in the Traffic Study and he replied it did. In the count they used information from Camp Road Middle School from 2020 and grew that by a background rate of 3% per year. To build here in 2022 was the analysis time for that so the intersections they studied were Folly and Camp Roads and the two side access points so any of that traffic volume, i.e., beach traffic, residents, other restaurants, etc. would be captured for this analysis. The study area that they did was coordinated in 2020 with the SCDOT. Josh Johnson was the District Traffic Engineer, Kristen Crane was involved as well, but believes that she referred a lot of that to SCDOT. Commissioner Smith asked what kind of information could they have had since COVID was in 2020. He asked if the information was during COVID or was historical data. Mr. Purcell said the information they had was prior to the COVID outbreak so what they used was a projected Traffic Study that looked at the build out on Camp Road for 2020 because they did not want to have the counts there at Camp and Folly before the Camp Road Middle School moved over to the other side of Camp Road. They used those traffic volumes from the study done by Bihl Engineering and projected those up by 3% per year to 2022.

Commissioner Smith thanked Mr. Purcell for the information and asked if the traffic from Hyams was included because it is a very popular place on James Island and sometimes traffic backs up going into Hyams. He asked if there were numbers for that. Mr. Purcell said they did not do driveway counts for Hyams itself but any of the traffic volume at Hyams that would go through the Folly and Camp intersection would have been captured in their analysis but not particular of what goes in and out of their business. Commissioner Smith posed a question to Ms. Grant, that KFC does not serve breakfast and is there any guarantee that they will never serve breakfast. Mrs. Grant replied that they cannot make that guarantee but there is no plan to serve breakfast.

Vice Chair Savage asked Ms. Grant about the plan to make KFC family friendly. He said she is from Florida and we are in Charleston. He asked if the patio is going to be covered so people are sitting in the shade? Ms. Grant said originally they were going to have individual tables with umbrella shades over them but they liked the look of a covered patio so yes, it will be covered.

Vice Chair Savage asked what is different about this proposal and recalled that there used to be a KFC on Folly Road that did not make it. Ms. Grant said yes, there was a KFC on Folly Road and it wasn't that the sales weren't there, it was a franchisee that went bankrupt in 2011 and had to close several locations in the area. He asked Ms. Grant if she had an opportunity to review some of the letters received in opposition and she replied that she had. He said if she looked at them, she probably saw what he saw that either there was a complaint that traffic would be impacted or that it wasn't good for the diversity of the community. Vice Chair Savage said he wanted to talk to her a little about the first criteria that the Board must find that the applicant or the application is consistent with the comprehensive plan and the character of the underlying zoning district. That is our criteria and KFC's response, (this is her response and he needs more clarification) says "The Town of James Island's Comprehensive Plan states a strategy of and he quoted "encouraging a variety of diverse commercial uses that will benefit the Town as a whole," and that is Ms. Grant that brought that up. It appears that this issue of diversity she mentioned as being in support of the application is what most of the letters in opposition focus on. He asked if Ms. Grant could help him by explaining how this KFC is going to promote diversity in this area for the general benefit of all. He said until today, there are four fast food restaurants in the Town: Zaxby's, Bojangles, Chick-Fil-A, Dunkin Donuts, Sonic, and now an application for KFC. If he understands correctly there is going to be, of the six fast food restaurants, four dealing primarily with the sale of chicken products so we have not only the fast food issue, but also in this particular case, the same type of fast food. He asked if she could explain further the diversity because her answer talks about the economics of hiring people, and to be honest, that's going to apply to any business that goes in here. He said that doesn't impress him much and thinks that's an old song. Kristen Crane interjected stating "that the Economic Development Element Strategy is the staff's response and it did not come from Ms. Grant." Mrs. Crane said she thinks she could have explained it better. The Town has five fast food restaurants and in that area where the five were counted there are 106 other businesses. Vice Chair Savage said he was aware of the other businesses and thanked Mrs. Crane.

Ms. Grant said to piggyback off of that, she thought they had read a quote from the Mayor who reiterated that fast food is still making up about 5% of all businesses in James Island. She said yes, there are chicken competitors in that area and thinks where they come in is the value for the family meal and that's where they are really different. The other place where they come in is working closely with Kristen and the Town to make it more of a sit down and pedestrian friendly restaurant. She said they do have a drive-thru there for convenience. Ms. Grant addressed the stacking and the concern of the Board. The Board has seen that Chick-Fil-A and Starbucks has caused a lot of traffic. KFC does not see those types of stacking; they don't do the sales that Chick-Fil-A and Starbucks do. She wishes that they did, but stacking is not going to be an issue. They want people to ride their bikes, walk around the Town, and come into KFC and have it to be more of a sit down restaurant. She thinks that is different than what we're seeing with Chick-Fil-A and Starbucks, which are quick drive thrus where you get coffee and food and go. They don't necessarily want

to be that and are going to work really hard to ensure that there is that community friendly aspect to their building. She said again on the point of differentiating them from their competitors is yes, they sell chicken sandwiches and French fries, which the competitors do as well. First and foremost, she thinks theirs is a little better so that is a little different. She thinks they have superior products, but other than that, it is that bucket of chicken and the sides that you're bringing home to feed a family of five at an affordable price. If you go to Chick-Fil-A you're buying individual meals whose costs adds up quickly. She thinks KFC's value speaks for itself in price, quantity quality.

Vice Chairman Savage had a question on the Site Plan. He said that Commissioner Hipp brought up some good points that has him thinking. He said people are going to enter the restaurant, either from Camp Road and they're going to try to proceed straight and make a slight right into the drive thru. Is that how the people on Camp Road are going to get to it, and is that correct? Mr. Turner said that is correct. Further, he said those people that are coming and turning in from Folly are going to be coming straight down that entrance way wanting to veer a little bit to the left to get into the driveway and it's going to create a little "Y." Vice Chairman Savage asked what is the plan when there are competing cars trying from both locations to merge into the same drive thru? The second part of that question is, if those cars that are entering from Folly, if they back up with the cars that are coming in from Camp Road would it obstruct the customers to the bank? Mr. Turner answered that if Camp Road backed up it would not affect the bank. Theoretically, he said if the Folly Road entrance were to back up, it would have to back up quite a ways and in this case it could affect the parking directly in front of the bank. He added that they have four stacking spaces from the drive thru window to the order box, which is the Town's requirement and then six more stacking spaces from the order box to the back. There are 10 total spaces to stack so it would take a lot of cars to backup out of the drive thru. Vice Chairman Savage asked about a situation that could occur when car is on Camp and a person coming in who thinks they are next, and the person that comes off of Folly thinks that they are next and they come into the bottleneck. What is the plan for that? Mr. Turner said whoever has the right-of-way would go first. The first car and the sidecar would wait for that car to turn in. Vice Chair Savage said, so there is an assumption in society of civility on the road. He asked with the Site Plan that they have, is there enough room or if they could come back and say we want a variance for a double drive thru? Vice Chairman Savage asked does the Site Plan have enough room, could they eventually ask for a double drive thru, or are they limited to a single drive thru line? Mr. Turner said they had looked at that and there are some tweaks that could be made to provide it, but they decided not to go that route and it is not allowed by the Town's Code that only allows single lane drive thrus.

Ms. Grant said they had many variations of a Site Plan and the first did include a double drive thru but that took away the patio seating out front and the ability to create a larger building with indoor dining so they went the route of the single drive thru to accommodate the patio and the building to make it a pedestrian friendly environment, instead of heavily focusing on the drive thru. Vice Chair Savage said he wanted to follow-up on that point that one of the justifications she is telling him that satisfies Condition A would be the fact that KFC is more of a family sit in restaurant, and Ms. Grant answered yes.

Vice Chairman Savage asked if that is the reason to justify coming here for a Special Exception. In the future if you ask for a variance for a double lane you would negate that reason for getting the Special Exception now, and Ms. Grant said yes. He said if KFC were to ask four years from now for that double lane, the BZA would be well within its rights to say "well, wait a minute you know we asked you about it then and you said no we don't want it." In fact we're having this right, so it would be a fair question at that time and Ms. Grant said absolutely.

Vice Chairman Savage questioned the Traffic Engineer, Thomas Purcell, regarding Page 6, Table 5, that it talks about traffic impacts that states the observed peak hour, "the highest change in delay was 5.3 seconds at the intersection at Camp and Folly during the am peak hour and understand that this increase delay of

5.3 seconds is on top of whatever earlier delay may have existed for the contemplated Chipotle. Mr. Turner said yes, for the high term sit down, i.e. with a fast food restaurant, it would be 5.3 seconds per vehicle. It would be a 1-2-3-4-5 and that's the difference, then two for am peak hour that was the highest, and they are not doing breakfast yet so that is why it is in the study. Vice Chairman Savage asked if the 5.3 second increase is on top of that other increase for the Chipotle that was never built and Mr. Turner answered yes. Vice Chairman Savage asked what was the high turnover to Chipotle. Mr. Turner made reference to Table 5 and the intersection delay was F-154.2 seconds per vehicle with high turnover sit down and with the proposed KFC is F-159.5 seconds. He said without the high turnover sit down (KFC or the bank), a row called 2022 background (new build) the intersection 150.4 before consideration of the entire site so overall it is 9.1 seconds difference which would not require mitigation from SCDOT because they are not significantly increasing delay of the intersection and not changing the level surface grade at the intersection. Vice Chairman Savage said the question was the 5.3 plus how many seconds because he got to 9 something. What was the delay for the Chipotle because together with the 5.3 of this project with the Chipotle time Mr. Turner said it was approximately 9 seconds? Mr. Turner was unable to hear Mr. Savage so he asked if he understands the time delay with this new application on top of the Chipotle would be somewhere in the nine seconds? Mr. Turner explained that the 5.3 second difference is the comparison to what they studied and approved in 2020 versus what it is with the proposed case and what was done in 2020 was the Chase Bank and a high turnover sit down.

Vice Chairman Savage stated according to this Traffic Study, there will be an impact on traffic, is that correct? And Mr. Turner said there will be a delay in traffic.

Mr. Savage said he asked the Town because he has no expertise in the lingo that is being used here but it looks like in the applicant's letter of intent, paragraph c "vehicular traffic shall not be drastically hindered or endangered" and he asked if the term drastically has an engineering definition. Mr. Turner said no, he would need to see drastic if the definition for him to make that interpretation would have to be either level service grade or a delay and without it being a defined term, it becomes a more subjective in an objective term.

Mr. Savage asked the traffic study at the end says based upon these calculations there is no significant traffic impact.. He asked if significant also is a non-defined engineering term and Mr. Turner said that is correct. Mr. Turner said that in the hundreds of traffic studies that he has completed, 5.3 seconds would not be labeled as something they would need to mitigate. Projects they completed and staying with DOT code they haven't had to mitigate from what they did so that is why they say no significant delay. He stated that Mr. Savage is correct, it is a subjective term because it is not defined by a delay.

Commissioner Smith asked when it was said five point something seconds, how much is that per year if someone is going each way each day, five days a week for 52 weeks a year? Mr. Turner said he did not know. Commissioner Smith said 9.1 seconds is about 80 hours. He thought five seconds is a little bit more than 40 hours or a week of their time but he could be wrong with the record and how he is looking at this. He said he would defer back to Mr. Savage if he would like to pursue this. If his calculation is correct, which it may or may not be because he is not a mathematician but he thinks that two weeks of his time is significant in his opinion.

Vice Chairman Savage said he did the best that he could to read the report and it looks like some of the findings are the results of a computer software calculations. He asked Mr. Turner if he agreed with him that an average citizen who may oppose this application might need to secure the services of their own traffic engineer to interpret it to see whether or not the assumptions made were accurate. Mr. Turner said yes, and for the purposes of this, it is pretty common in the industry for Traffic Engineers because the Town does not have the staff to do it. If another consultant does a study they are happy to give that a peer review. Vice

Chairman Savage said he is not challenging any of Mr. Turner's assumptions, he is admitting to his lack of understanding based upon not having a particular expertise but wanted that at least from his testimony that he is not saying there is not going to be any adverse impact on traffic, it is his opinion that it's not significant and Mr. Turner said that is correct; it is his engineering judgment that it is not a significant increase.

Commissioner Fabri referred to the level of service report in the traffic study on page 6 where it talks about where they build nothing to the 2022 build one. Build two basically is what we are looking at on Camp and Folly Road going from a level of service of F to a level of service of F-154. 2. She asked if that is correct. Mr. Turner said F is 150.4 to F-159.5. He said that includes Chase Bank as well however it is not exclusive of Chase Bank. The Chase Bank numbers are in that 9 seconds and the 5.3 that was discussed earlier.

Commissioner Fabri asked if LOS-F is the level of service, that F-A is the best and F, the worse, going from an F to an F-minus. Mr. Turner said in this intersection you have long delays and split phase on Camp Road so those two side streets do not operate together which exacerbates the delay and tight geometry in that intersection. She asked as to Mr. Savage's point if he agreed that with building the restaurant, that it will make an already poorly functioning intersection worse. Mr. Turner responded that's what the numbers would say there, so the delay does increase whenever you add a car to an intersection the delay increases. Commissioner Fabri referenced the fact that she is also not a traffic engineer, and for her education, she asked Mr. Turner to go to Page 34, the queuing and blocking reports. She asked when doing the intersection capacity analysis for the 2020 build and they are looking at everything, what struck her was the que length of 50 feet it has a 193576 and then down at the intersection summary basically what that indicates is that says volume exceeds capacity que is theoretically infinite. Mr. Turner said that is the que calculations whenever you have "S" that there is basically a limitation to the formula and he doesn't know if that would be in the queuing and blocking that is probably in the synchro report.

He said basically there is a step line function of delay queuing that goes to a step linear to exponential so at a certain point, the formula is no longer valid and is when they go to Q&A blocking, which is a simulation that looks like signal timing at the outputs and gives out a simulated model vs. a calculated model. Commissioner Fabri said underneath the 95th percentile volume exceeds capacity que maybe longer, and the que shown as maximum after two cycles means that it is a poor level of service. At some point the formula cannot be applied anymore. Mr. Turner said yes, basically what that means is the calculations for the queuing at that point is not as trusted. Commissioner Fabri stated that in layman's terms that is really bad and he said in layman's terms the queuing is bad at Folly and Camp especially on Folly where you have a lot of volume going south in the am/pm peak hours.

Commissioner Fabri asked a question in the report that Folly and Camp user approves pedestrian interval is less than max green. Mr. Turner said they use the inputs from the signal planning they received for this. So, it's an error against the assumption within the HCM, but they're using the data from the intersection plan, so basically it is overridden because they are using the field condition. Commissioner Fabri said that sounds like it is bad. Mr. Turner said he wouldn't say that it is bad, it is pretty standard practice because they are using the field data vs. what the formula wants you to do within the HCM and that's why they allow that function. Is for you to say, hey actually we want to model field not ideal type conditions. Commissioner Fabri asked if the formula would be used or in real time. Mr. Turner said they will use the formula for somethings, i.e., on a side street access they would uses it because they don't have arrows for it. But they do want to use field conditions because they want to replicate what is in the field vs. what the formula is telling you to say. You will still calculate it. It's just saying we expect you to use this and do you want to use the field data. Commissioner Fabri thanked Mr. Turner for his information and the traffic study lesson.

Commissioner Smith asked to address Mr. Turner about the traffic study. He asked five seconds per day and each way is 10 seconds per day and asked if his assumption is that is around 40 hours a week or a work

week for him and could he confirm. He asked if they had studied how much is that per year. Mr. Turner replied that on traffic studies they do not look at it for the year, but for the impact within the hour itself. They pick the analysis and that is what they look at. They look at the count at the intersection and find the highest volume within that peak hour and add the site traffic on top of that. They look at the impact within the hour.

Commissioner Smith asked if they have ever been asked to look at what it means for someone who lives out towards Folly Beach, and the Town of James Island and what that means for them per year and Mr. Turner he has not been asked to look for that in a traffic study and Commissioner Smith asked everyone to do the math on their own.

Commissioner Hipp asked Ms. Grant the average ticket time and if she is able to estimate that. If she were to go through the drive thru and order her three kids and husband a bucket of chicken and all the sides could she give an average ticket time for a lunchtime experience and an average ticket time for dinner. Ms. Grant did not have that information and deferred to Michelle Adams (on Zoom) who is her boss and head of Corporate Development if she knew the service times for lunch and dinner. Ms. Adams did not have the information on the top of her head but stated she would get the information quickly from operations. While the information was being researched, Commissioner Hipp asked Mr. Turner to talk about the site plan once again. She also asked Ms. Crane if she has a vision of Chase Bank coming towards Folly if she was going to turn right on Folly Road. She looked on Google maps and it's the Subway so she wants to talk about it as if she was going to the bank. She asked if she would come in and turn right, is it where the checkered pattern is on the Site Plan? If she were to access the bank, would she come in that way and would hit David's potential Y to turn left into the bank parking lot and is that correct? And Mr. Turner said that is correct. Commissioner Hipp asked if she is leaving the bank and potentially going to come in contact with the over stack potentially. The only way in and out of the bank is the same way as in and out of KFC. Mr. Purcell responded and stated that she could go right or left out of the parking lot or go back to the Camp Road entrance so depending on if cars were to stack past the 10 car mark in the driveway she could encounter that, it just depends. Commissioner Hipp reiterated that the only way in and out of the bank is the same way as in and out of the KFC and then you would potentially commingle with over stack assuming. Commissioner Hipp made reference to the ticket time. She stated that she know what that intersection is like to Folly Beach and what it's like coming home from Folly Beach and it is a very unsafe intersection. She said it would be good to understand how long cars are going to be in line. Mr. Purcell added in response to Commissioner Smith's question about "seconds" that it is 120 minutes a year if you encounter a 10 second delay, which is obviously a smaller number.

Chairwoman Lyon said if Ms. Adams comes back with the information at another time in the meeting the Board would like to hear it. She is unsure if she is checking on that tonight or if it is something that has to be waited for. Chairwoman Lyon asked if this KFC is going to be a corporate restaurant and Ms. Grant answered yes, not a franchise. Chairwoman Lyon said she knows there has been a lot of discussion about turning and traffic and backups so this may be a DOT issue but she is looking at this rendering (holds up rendering) where it comes out on Folly, the ingress and egress there has been of some concern about people turning left heading to the beach; not turning left at the Camp light and coming back through the bank but turning left right there. She asked if there was a median there that you can force a right turn in and a right turn out. Is this some they have considered or is that something you can do. She noted that this question is directed to Mr. Turner however Ms. Grant responded that there is already an existing median there on Folly but you can only do a right in/right out on Folly Road. Chairwoman Lyon noted that the rendering didn't show that and she assumed that is what it was going to look like if it were approved and that information was good to know. Ms. Grant shared information that was previously asked by Commissioner Hipp that Ms. Adams texted her that 145 seconds is the average ticket time which is a little over two-minutes for both lunch and dinner.

Commissioner Smith commented being sorry that he forgot to divide by 60 so instead of 45 minutes it is less but he still thinks the impact is considerable if we do the math and people who live there are going to be impacted by that five seconds late every day each way or a 9.1 second impact each day each way. He said his math may be wrong and he apologized and is sure that it is (he said initially that he was not a mathematician and did not think it through completely and only thought of it as they were discussing it. He recalled living in Atlanta and for a long time he had 43 stop lights from his house to work and each one annoyed him and five seconds each day each way would annoy him quite a bit.

Chairwoman Lyon thanked the applicants for being thorough and she thinks they answered all of the Board's questions. She appreciates Ms. Adams getting back to the Board quickly on the ticket times that was 2.4 minutes for the record.

In Support @ Town Hall: None.

In Support on Zoom: None.

In Opposition @ Town Hall: None.

In Opposition on Zoom: Wendy B. Tripp, realtor, and property owner, 888 Folly Road, said she is next door to the property being that is being discussed and Hyams Garden Center rents this property from her. Her problem is adding one more entrance/exit to Folly Road. She has been listening to this meeting for 1 ½ hours how we still have a problem on Folly Road with all the other entrances and exits. She said the Town worked several years back to make the intersection of Camp and Folly Road a little more driver-friendly. Now where that intersection is, there is a mess crossing Camp and Folly, even at the intersection with that light with people coming from Bishop Gadsden, the County Park, and people coming out of Walgreens filtering in. Sometimes you can sit 12 cars at that light to go over with the access. It's just too much traffic in that corner section. She loves KFC but think we could find a location a little farther down the road with less traffic. That's just a terrible intersection between Hyams all the way down to Starbucks which we all know, and Chick-Fil-A. She thinks all of the information with the traffic in the DOT study that shows how much more, even a few seconds to slow people down, and thinks it's very nice that we're checking that all out because she just doesn't think that is a good spot for a fast food restaurant. George feels the same way. He is having trouble with the widening of Folly Road taking which took off of their property. George's entrance and exit to the Gift Shop will be right there where the chicken customers will be taking the right turn so that's going to cause a lot of havoc getting in and out. She appreciates the Board's time and hopes that we do not make another problem with having more traffic dumping right there at that intersection. That is their biggest concern. She thanked for Board for allowing her to speak.

Chairwoman Lyon announced that the Board received 13 letters or emails in opposition to the application before the required noon cutoff and she believes everyone has gotten a copy of them.

Rebuttal

Thomas Purcell spoke about the concern people had with adding driveways. He said before the Chase Bank was developed there were three curb cuts on Camp Road which were all full access driveways. Two of those have been closed and now there is only one curb cut on Camp Road with full access. There was also a full access driveway on Folly Road and that has been converted to a right in/right out so you can no longer take a left on Folly Road. He added that the two driveways that is proposed for this project are existing.

Stephanie Grant spoke that she truly does understand the issues of traffic. She lives in Tampa, Florida and know very well how traffic impacts their day. She hopes that they can help mitigate the concerns with the traffic study but also wanted to point out that because this is a vacant commercial lot, whether KFC goes there or another business, there will be eventually some traffic added there. She thinks it helps to have a

restaurant that wants to focus on the pedestrian aspect of things, instead of stacking and doing a double drive thru and all of that. Ms. Grant thanked the Board.

Chairwoman Lyon closed the hearing to the public at 8:36 p.m. and asked for a motion and second in order for discussion. Chairwoman Lyon moved for approval, seconded by Vice Chair Savage.

Executive Session: Vice Chair Savage said he wanted to see if there might be a consensus to make a quick effort to get an executive session as he has some questions on the receipt of evidence that he thinks the Board could use some assistance on from legal counsel. He said if there is anybody else who might be inclined to indulge him to go into an executive session for a short period, he would be glad to make the motion but if no one wants to do that, he will not make the motion. Commissioner Smith seconded the motion. Chairwoman Lyon said anytime one of the members feels the need for an executive session, it should be allowed. She thanked Commissioner Smith for the second and asked Ms. Simmons for a roll call vote to enter the executive session at 8:37 p.m.

Motion to enter Executive Session:

Commissioner Fabri	aye
Commissioner Hipp	aye
Vice Chair Savage	aye
Commissioner Smith	aye
Chairwoman Lyon	aye
Passed unanimously	

Return to Open Session:

The BZA returned to regular session at 9:17 p.m. Chairwoman Lyon announced that no votes were taken during the Executive Session.

Chairwoman Lyon stated there is a motion on the floor with a second for the approval of Case #BZAS-5-22-025: Special Exception request for a fast-food restaurant on a vacant lot in the Community Commercial Zoning District and in the Commercial Core of the Folly Road Corridor Overlay Zoning District at 890 Folly Road.

Vice Chairman Savage said if the Board wishes to continue to discuss, he is ok with that. He is not going to make his motion unless there is support for it. He said because we are dealing with a Traffic Study that was very technical and we had some clarification today, he is going to be honest that four days was not a lot of time for him to consider that. Likewise, he thinks there might be some members of the community who might like to take a look at that. He thanked the applicant's Traffic Engineer, Dillion Turner, who said himself that sometimes these things need another set of eyes on it to know what kind of questions to ask. If he thought there would be support from the Board he would move to table or continue this for 30 days to give any interested persons who were in opposition a chance to hire, whoever they want to, but more importantly, to allow him to study this based upon the testimony today because there may be some follow-up questions. He said if everyone is in agreement, he will make that motion, but if everyone wishes to move forward he will not make the motion. Commissioner Smith moved to second the motion and Chairwoman Lyon clarified that a motion had not been made, rather Vice Chairman Savage is asking for input from the Board regarding what direction to take to which Vice Chairman Savage confirmed.

Chairwoman Lyon stated her reasons for supporting Vice Chairman Savage is there has been enough concern stated by the public about traffic and that the report is highly technical. Everyone on the Board was supportive of the recommendation. Vice Chairman Savage moved to table the Special Exception for 30 days to allow those in opposition to review the Traffic Study or to obtain one on their own. Commissioner Smith seconded. Chairwoman Lyon stated that the next BZA meeting is July 19. The motion was amended

by Vice Chair Savage and seconded by Mr. Smith to table the Special Exception to the July 19 BZA meeting.

Motion to Table

Commissioner Fabri	aye
Commissioner Hipp	aye
Vice Chairman Savage	aye
Commissioner Smith	aye
Chairwoman Lyon	aye
Passed unanimously	

Chairwoman Lyon thanked the applicant for their hard work and presenting the information. She thanked the public and everyone who sent letters and emails, the community who came out to say how they feel and the staff for their hard work.

Adjournment: There being no further business to come before the body, the meeting adjourned at 9:23 p.m.

Respectfully submitted:
Frances Simmons
Town Clerk and Secretary to the BZA