

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF MARCH 18, 2014 MEETING

Members Present: Chair, Mr. Sim Parrish, Mr. Jim Fralix, Mr. Jason Gregorie, and Mrs. Brook Lyon. Absent: Mr. Roy Smith (gave notice). A quorum was present to conduct business.

Also Present: Bonum Wilson, BZA Attorney, Kristen Crane, Town Planner, Councilman Leonard Blank, Ashley Kellahan, Town Administrator and Frances Simmons, BZA Secretary and Town Clerk.

Call to Order: Chairman Parrish called the Board of Zoning Appeals meeting to order at 7:00 p.m.

Prayer and Pledge: Chairman Parrish led the prayer, followed by the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Staff has met the requirements of state law for notification of this case to be heard by the Board of Zoning Appeals at this meeting. The notification procedures were completed by staff fifteen (15) days prior to this meeting, a public notice was printed in the Post and Courier, signs were posted at the designated property, and notice was mailed to property owners within 500 feet of the application, and to parties of interest. Persons, organizations, and the news media that have requested declaration of our meeting have also been notified. The Freedom of Information Act does not require notification of anyone other than the applicant and parties of interest.

Introductions: Chairman Parrish introduced the members of the Board of Zoning Appeals, BZA Attorney, Town Council, Town staff, and the Planning Commission.

Review Summary and Rulings from the February 18, 2014 BZA Meeting: Mr. Fralix moved to approve the minutes of the February 18, 2014 meeting, Mr. Gregorie seconded and the minutes were unanimously approved.

BZAS 1-14-001

425-02-00-167

819 Folly Road

Special Exception request for the placement of a Fast Food Restaurant in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District

Approved with a Condition

Brief the Public on the Procedures of the Board of Zoning Appeals: Chairman Parrish gave an explanation of how the Board of Zoning Appeals Hearing would be conducted.

Administer the Oath to those Presenting Testimony: Attorney Wilson swore in persons who wished to provide testimony in tonight's case.

Review of the Following Application:

BZAS-2-14-002

425-08-00-023

792 Folly Road, F1

Special Exception request for the sale of alcoholic beverages in a restaurant in the Community Commercial (CC) District.

Town Planner, Kristen Crane, presented the staff review stating that the applicant, Andrew Pannell of White Duck Taco is requesting a Special Exception for the sale of alcoholic beverages in a restaurant located at 792, F1 Folly Road (TMS #425-08-00-023). Adjacent properties to the south, north and west are also in the Community Commercial Zoning District. Adjacent properties to the east are in the Low Density Suburban Residential (RSL) District. The Town of James Island's Overlay land use recommendation for the subject property is Commercial, which matches the current Zoning District. Other uses within 500' of the subject property include five general restaurants, one bar or lounge, one pet store/grooming salon, two financial service companies, one repair service, thirteen (13) retail or personal service, residential, vacant lots and a utility substation. Several of these parcels are located within the City of Charleston's jurisdiction.

The Town of James Island Zoning and Land Development Regulations Ordinance, Chapter 6, Use Regulations, Table 6.1-1, indicates the sale of alcoholic beverages in the Community Commercial District is a use subject to conditions. Article 6.4 Use Conditions, §6.4.15, of the ordinance states, *"All proposed bars, lounges and restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district."*

The applicant's letter of intent states that *"White Duck Taco is a family restaurant and not a bar. While we do have limited alcohol selections (3) three beers (2) wines and (2) mixed cocktails, these sales constitute roughly 5% of our gross sales annually. Our hours of operation reflect this attitude, as we will be open Monday-Saturday 11 a.m. until 9:30 p.m., and we are closed on Sunday."* The staff conducted a site visit of the subject property on March 10, 2014. Ms. Crane reviewed the Findings of Fact and stated that the application must meet the six (6) criteria in the Town of James Island Zoning and Land Development Regulations. She also stated that the Board of Zoning Appeals may approve, approve with conditions, or deny Case #BZAS-2-14-002, a Special Exception request for the sale of alcoholic beverages in a restaurant in the Community Commercial (CC District) based on the findings of facts, unless additional information is deemed necessary to make an informed decision. In addition to the findings of fact, Ms. Crane stated a condition that the applicant shall meet all requirements of the State of South Carolina for alcoholic beverage sales and provide proof of the State's approval to the Zoning/Planning staff.

Questions of the Board: Mr. Fralix pointed out that the zip code in the applicant's letter of intent was incorrect; that it should be 29412.

Applicant Andrew Pannell
550 Harbor Cover Lane #1700-i
Charleston, SC 29412

Mr. Pannell stated that White Duck Taco is a family restaurant that happens to serve alcohol. He has been in the alcohol business for 14 years in some capacity and is ready to get out of it; and this gives him a great opportunity to do so. He is looking forward to being a part of the business community on James Island and hopes to be able to do so.

Questions from the Board:

Mrs. Lyon asked the applicant if he had plans for outdoor seating or music. The applicant responded that there will not be music; they do no entertaining. There may be a limited number of picnic tables. Mrs. Lyon commented that the business backs up to residential lots; she stated that if approvals are given they remain with the property. She also asked if the hours of operation are standard; as the Asheville location is; and will the restaurant mirror the one in Asheville. Mr. Pannell stated that all of the information presented to the Board is directly from the Asheville location; which is the only existing White Duck Taco at this time. He will become the first franchisee.

Mr. Fralix asked if the restaurant will be a drive-thru. Mr. Pannell said it will not be a drive-thru but it will be a fast paced, fast service restaurant with food served within 3-4 minutes. Mr. Fralix asked if the 75 parking spaces are allotted to the property. Mr. Pannell said no, it is general parking for the area.

Mrs. Lyon asked and Mr. Pannell explained the repairs that will be made to the broken fence (side of the property near Mike's Bikes). Mrs. Lyon asked if any buffering will be done at the rear of the property. Mr. Pannell said he does not plan to build any structures at the back of the property.

In Support
Joe Walters
928 West Oceanview
James Island, SC 29412

Mr. Walters stated that he and his brother are the owners of the property; the residential lots behind the property were deeded to his brother Dave and they have no plans to sell or develop them. He spoke in support of the application.

In Opposition
None

Chairman Parrish asked for a motion to close the public hearing; Mr. Fralix made the motion and it carried. Chairman Parrish then asked for a motion to approve, disapprove, or approve with conditions Case #BZAS-2-14-002.

Mrs. Lyon moved to approve Case #BZAS-2-14-002 with conditions; Mr. Fralix seconded the motion.

Mrs. Lyon offered the following conditions:

- 1) the Special Exception is for a Restaurant
- 2) that it adhere to the requirements of the State of SC alcohol laws
- 3) the hours of operation is 11:00 a.m. – 9:30 p.m. Monday through Saturday
- 4) no outside music

VOTE ON CONDITION:

Mr. Fralix	aye
Mr. Gregorie	nay
Mrs. Lyon	aye
Chairman Parrish	aye

The motion passed 3-1.

VOTE ON MAIN MOTION

Mr. Fralix	aye
Mr. Gregorie	aye
Mrs. Lyon	aye
Chairman Parrish	aye

The motion passed unanimously.

Chairman Parrish announced that Case BZAS 2-14-002 was approved with conditions for a Special Exception for the sale of alcoholic beverages in a restaurant in the Community Commercial (CC) District. The final decision of the Board will be mailed to the applicant within ten (10) days and the applicant should contact the Zoning staff if they have questions.

Additional Business

The next meeting of the Board of Zoning Appeals will be heard on April 15, 2014 at 7:00 p.m.; one case is scheduled to be heard.

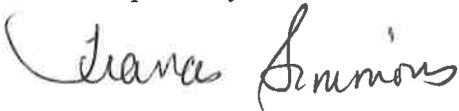
Mrs. Lyon spoke briefly about the time the Board meets. She is fine with the meeting time of 7:00 p.m. but mentioned if the Board hears more than one case, the meeting could become lengthy. The members discussed meeting at 6:00, or 6:30 p.m. It was noted that there is often heavy traffic at 6:00; that 6:30 p.m. could possibly work. No decisions were made to change the time and the Board will continue to meet at 7:00 p.m.

Chairman Parrish spoke about picking up the packets for the meetings. He is unable to get his packet from the Town Hall between 9-5 p.m. during the week. The Board discussed options

such as mailing the packets, having them hand-delivered, or sent by email. Town Planner, Kristen Crane shared the difficulty of emailing large and oversized documents that are often a part of the packets. She offered to mail the packets as soon as they are prepared. Mr. Fralix asked the Secretary to look into an outside drop box with a combination lock so that the members (also Planning Commission) could get their packets after Town Hall hours. Mrs. Lyon offered to deliver the packets to the members' home. The best resolution will be offered to ensure that the Board members receive their packets in a timely manner.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:34 p.m. upon a motion by Mr. Fralix and a second by Mrs. Lyon.

Respectfully submitted:

A handwritten signature in cursive script that reads "Frances Simmons". The signature is written in black ink and is positioned above the printed name and title.

Frances Simmons
Secretary to the BZA