



BOARD OF ZONING APPEALS

CASE SUMMARY FOR SPECIAL EXCEPTION

421 Bush River Road

December 7, 2023 at 4:00 P.M.
City Council Chambers, 1737 Main Street, 3rd Floor
Columbia, South Carolina

Case Number:	2023-0030-SE
Subject Property:	421 Bush River Road (TMS# 07304-03-05 (p/o))
Zoning District:	RAC (Regional Activity Corridor District)
Applicant:	Chick-Fil-A, Inc.
Property Owner:	Nassimi Realty, LLC

Requested Action:	Special exception to permit a drive through facility as an accessory use to an eating establishment
Applicable Sections of Zoning Ordinance:	<p>§17-4.3(d)(4) Accessory drive through facility uses for eating establishments are permitted in the RAC district by special exception.</p> <p>§17-2.5(e)(4) Standard criteria for special exceptions</p>
Case History:	N/A

Staff Comments:	<p>The applicant is requesting a special exception to permit an accessory drive-through facility for a proposed restaurant.</p> <p>The subject property contains a +/- 282,660 sqft mall with a large amount of excess parking on a +/- 41 acre lot. The applicant is proposing to utilize a +/-2.5 acre portion of the lot to establish a Chick-fil-A restaurant to replace the existing Chick-Fil-A that is +/- .27 miles east at 229 Bush River Road.</p> <p>The above approval is based upon the following findings as required within §17-2.5(e)(4) of the Zoning Ordinance:</p> <p>The proposed accessory drive through use, when operated in conformance with the application and submitted documents presented to the Board prior to the public hearing:</p> <ol style="list-style-type: none">1. Complies with all applicable zoning district-specific standards in Article 3: Zoning Districts;2. Complies with all applicable use-specific standard in Article 4: Use Regulations;3. Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;4. Makes adequate provisions for parking and for loading and unloading;5. Will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;6. Will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;
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7. Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
 8. Does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;
 9. Is consistent with the character and intent of the underlying zoning district as indicated in the zoning district purpose statement, and with any applicable overlay zoning district or adopted plan goals and requirements;
 10. Is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;
 11. Is compatible with the general character of the RAC district in which it is proposed;
 12. Will not adversely affect the public interest.
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Any documents submitted by persons expressing support or concern about this application are attached hereto and made part of the record of the public hearing.

Zoning

Special Exception 2023-0030-SE
421 Bush River Road, TMS# 07304-03-05 (portion)

Legend

- RAC: Regional Activity Center/Corridor
- CAC: Community Activity Center/Corridor
- RSF-2: Residential Single Family - Medium Lot District
- RSF-1: Residential Single Family - Large Lot District
- EC: Employment Campus District
- INS-GEN: Institutional - General District
- Parcels
- City Limits

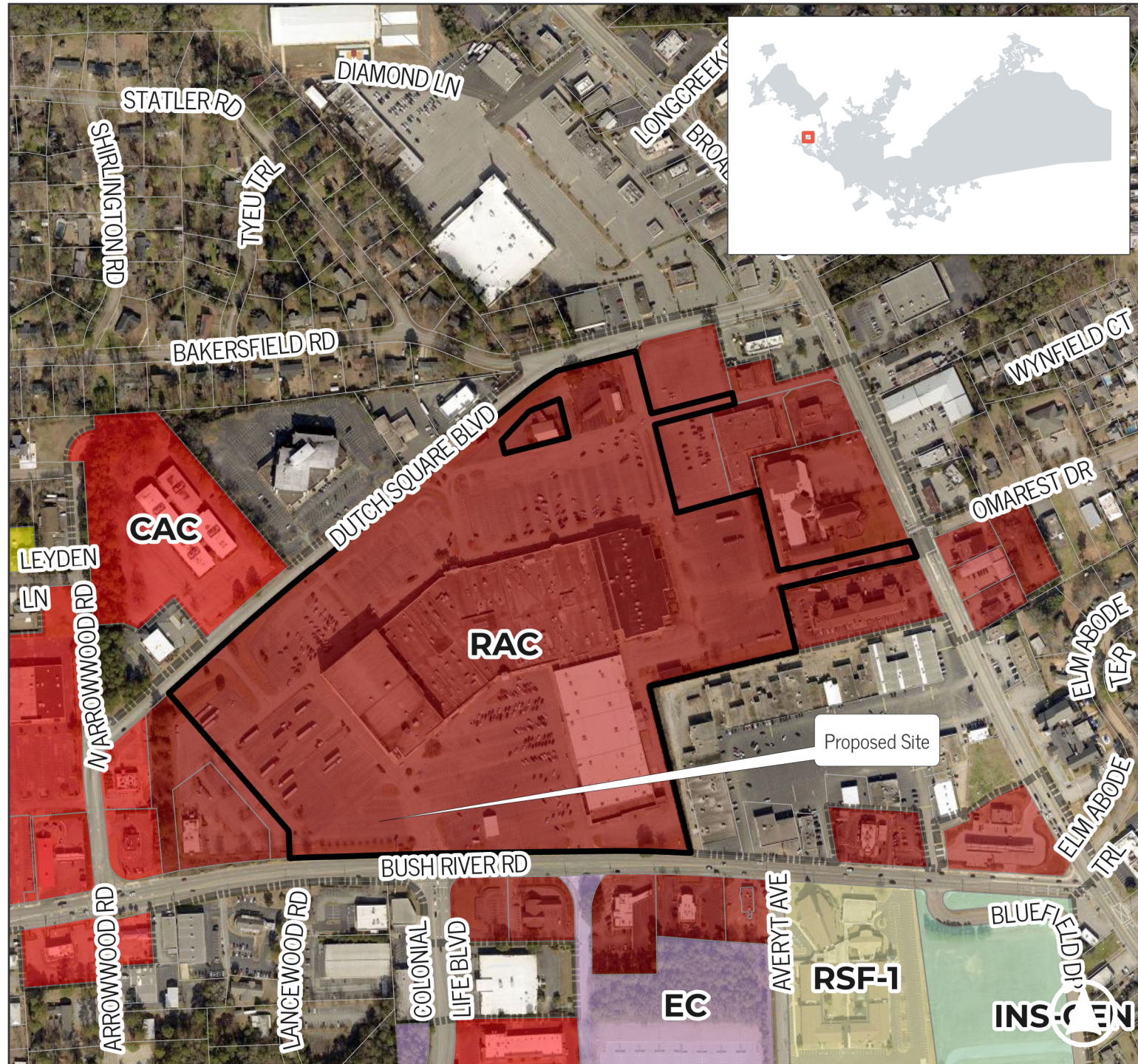
0 200 400 Feet

**Planning & Development
Services Department**

Created by: swhudson Date: 11/9/2023



This map is the product of compilation, or was produced by others. It is for information only, and the City of Columbia makes no representations as to its accuracy or use without field verification is at the sole risk of the user. Data source: City of Columbia







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Special Exception

Application and Checklist

A use designated as a special exception in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

Checklist for All Applications

A complete special exception application shall include the following information. Please initial to signify that the requested information has been provided or is not necessary.

	Applicant Initials	Staff Initials
A completed and signed Application, Checklist, and Letter of Agency (if applicable)	MSW	
Supplemental documents/plans to demonstrate location, design, methods of operation, etc...	MSW	
Payment of the required fee	MSW	

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applications are accepted:

Monday - Friday from 8:30 AM to 4:00 PM

An application properly filed with Zoning by 4:00 PM on the published application deadline (please refer to official BoZA Calendar) will be reviewed by the Board of Zoning Appeals at a public hearing to be held on the first Thursday of the month.

**Disclaimer: If the applicant fails to provide sufficient materials needed to conduct a complete zoning plan review, the applicant acknowledges that the proposed development may be subject to additional variances/special exceptions.*

***An approval by the Board of Zoning Appeals in no way overrides other City development regulations (i.e. land development, building code, fire, stormwater)**

For staff use only

Date received (M/D/Y): ____/____/____

By: _____



Special Exception

Application and Checklist

1. Applicant Information

Name	Chick-fil-A, Inc.		
Company (if applicable)	Chick-fil-A, Inc.		
Address (street, city, state, zip)	5200 Buffington Road, Atlanta, GA 30349-2998		
Phone	678-758-4513	Email	todd.williams@cfacorp.com

2. Property Information

Address	Dutch Square Mall (portion along Bush River Road)		
Tax Map Reference Number(s)	portion of R07304-03-05		
Current use	Proposed use		
Dutch Sq Mall (parking lot)	Chick-fil-A Restaurant		
Current zoning	Number of lots or units	Total square feet	
RAC	one (1)	2.50 acres	

3. Property Ownership

Does the applicant own the property? ☐ Yes ☒ No

If the applicant does not own the property, complete the **Letter of Agency** for each property owner that authorizes the applicant to submit this application on the property owner's behalf.

4. Property Status

Pursuant to S.C. Code § 6-29-1145, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this permit? ☐ Yes ☒ No

5. Value of Project

Valuation	\$ 3,500,000
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6. Proposed Use

Please identify the principal use proposed to be established (see Table 17-4.2(B)(4): Principal Use Table for Base Zoning Districts)

Chick-fil-A Restaurant with drive thru service
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Special Exception

Application and Checklist

7. Project Description

Provide a brief description of the project.

Construct a full service Chick-fil-A Restaurant with indoor seating and drive thru lane operations. The site will include redevelopment of the southwest portion of the existing parking lot of Dutch Square Mall that is located along the frontage of Bush River Road at the NW corner of the intersection of the Mall driveway connection to Bush River Road across from Colonial Lite Blvd W.

8. Criteria for Special Exception

A special exception may only be approved if the Board of Zoning Appeals determines that all of the standards in Sec. 17-2.5(e)(4) are met. **On the following page**, describe how the proposed use complies with each of these standards below. (Continue on separate sheet of paper if necessary)

1. The proposed special exception complies with all applicable zoning district-specific standards in Article 3: Zoning Districts;
2. The proposed special exception complies with all applicable use-specific standard in Article 4: Use Regulations;
3. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
4. Adequate provisions are made for parking and for loading and unloading;
5. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;
6. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;
7. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
8. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, *which concentration may be detrimental* to the development or redevelopment of the area in which the special exception use is proposed to be developed;
9. The proposed special exception is consistent with the character and intent of the underlying zoning district as indicated in the zoning district purpose statement, and with any applicable overlay zoning district or adopted plan goals and requirements;
10. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;
11. The proposed special exception is compatible with the general character of the district in which it is proposed; and
12. The proposed special exception will not adversely affect the public interest.



Special Exception

Application and Checklist

- 1 & 2. The requested special exception to construct a new Chick-fil-A Site within Dutch Sq Mall will comply with all applicable Zoning District standards specified in Article 3 (Zoning Districts), and with specific use standards specified within Article 4 (Use Regulations).
3. The proposed Chick-fil-A site is intended to replace the existing Chick-fil-A site that is located on Bush River Road. The new site will have much more parking and drive thru capacity than the existing site which will address traffic concerns. The entry point for the drive thru is also located as far as possible from the existing Mall Entrance Driveway connection to Bush River Road across from Colonial Life Blvd. The new site should not have an adverse impact on vehicular traffic, and should improve conditions on Bush River Road with the elimination of the other existing site. Access to the site will be provided by multiple connections which will help to dissipate traffic concentration giving customers more than one option to enter or leave the site.
4. The existing mall parking lot has a large amount of excess parking and the proposed Chick-fil-A site will have a significant amount of parking for walk-in customers, mobile ordering, and CFA delivery vehicles.
5. The proposed improvements are located within a portion of the existing Mall parking lot that are somewhat remove from other adjoining uses and adequate separation is provided with consideration for cross access to adjoining portions of the parking lot and other uses.
6. Construction of the proposed Chick-fil-A project will not have a negative impact on the aesthetic character of the area which is currently an open asphalt parking lot with limited planting islands. The proposed Chick-fil-A building will be architecturally pleasing from all directions and the parking lot will be planted with a significant increase in trees compared to existing conditions and in accordance with current ordinance requirements for planting. The existing street buffer area will also be retained at its current width.
7. The proposed project should not have an adverse impact on the public safety or create any nuisance conditions that are detrimental to the public interest.
8. The proposed use does not create a concentration of the same type of use. The existing Chick-fil-A site is intended to be vacated and closed. The size of the mall property and the proposed location of the new site will provide adequate separation between other uses and will not contribute to higher concentration of development.
9. The proposed use is consistent with the character and intent of any known underlying zoning districts.
10. The proposed use is appropriate for the location and should improve the character of the surrounding area.
11. The proposed use is compatible with the general character of the district and will actually serve to improve that character with construction of a new building and significant site improvements for landscaping when compared to adjacent sites in the surrounding area.
12. The proposed use should not adversely affect the public intersect and should be a welcomed improvement to the area.

9. Signature

Signature of Applicant

Print Name

Todd Williams-Chick-fil-A, Inc.

Date

10/31/2023



Letter of Agency

Application Supplement

TO: Planning and Development Services, City of Columbia

I, the undersigned property owner, do hereby attest that I am the person that holds, or I am authorized on behalf of the party that holds, fee simple interest in the following parcel(s):

Common Street Address

421 Bush River Road, Columbia, SC

Tax Map Reference Numbers

portion of R07304-03-05

Further, I hereby authorize the persons and/or entities listed as AUTHORIZED AGENT(S) below to act on my behalf for the purpose of submitting documents, amending documents, meeting with staff, attending public meetings and hearings, and as otherwise may be necessary and proper to fulfill the required steps to request the following:

1. Variance, Special Exception, and/or Administrative Appeal (Board of Zoning Appeals)

~~2. Zoning Map Amendment (Planning Commission and City Council, if applicable)~~

3. Site Plan Review (Planning Commission or D/DRC)

4. Design Review (D/DRC)

5. Minor Subdivision (Staff)

~~6. Major Subdivision (Planning Commission)~~

7. Encroachment (Staff and City Council, if applicable)

~~8. Street Naming/Renaming (Planning Commission)~~

*****Please strike-through and initial any of the above-listed steps that do not fall under the scope of this Letter of Agency***

[signatures on following page]




Letter of Agency

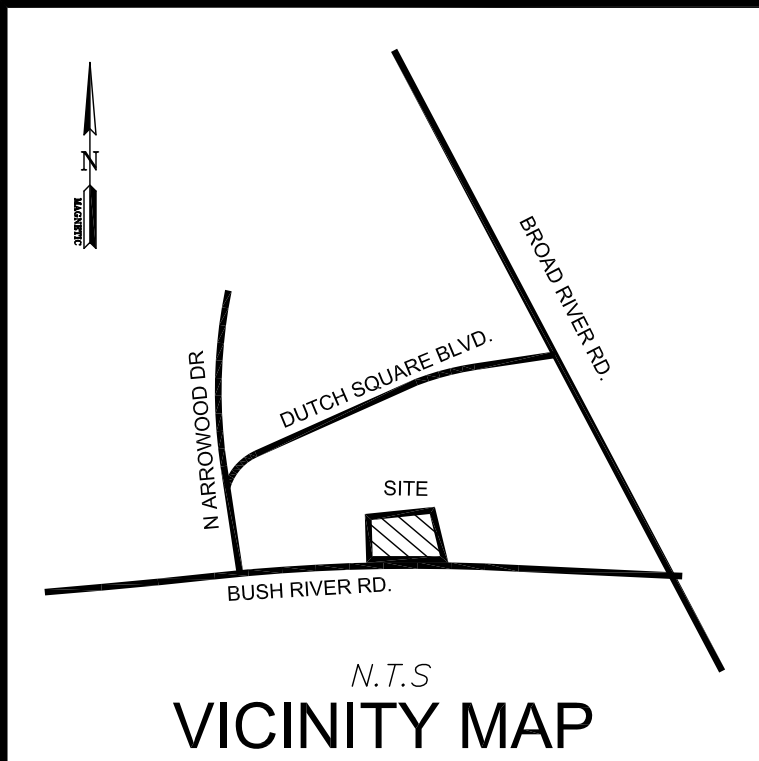
Application Supplement

Property Owner

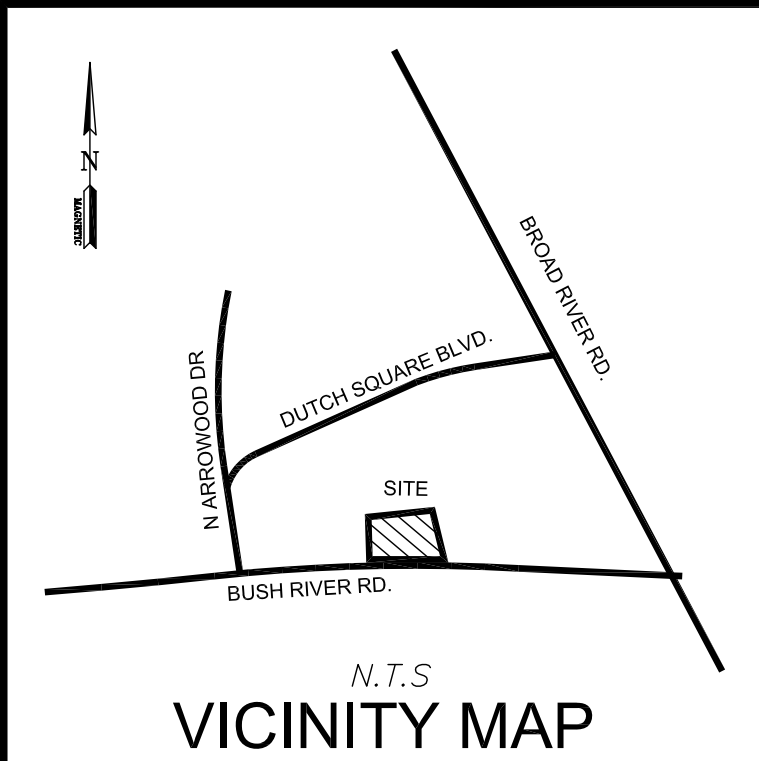
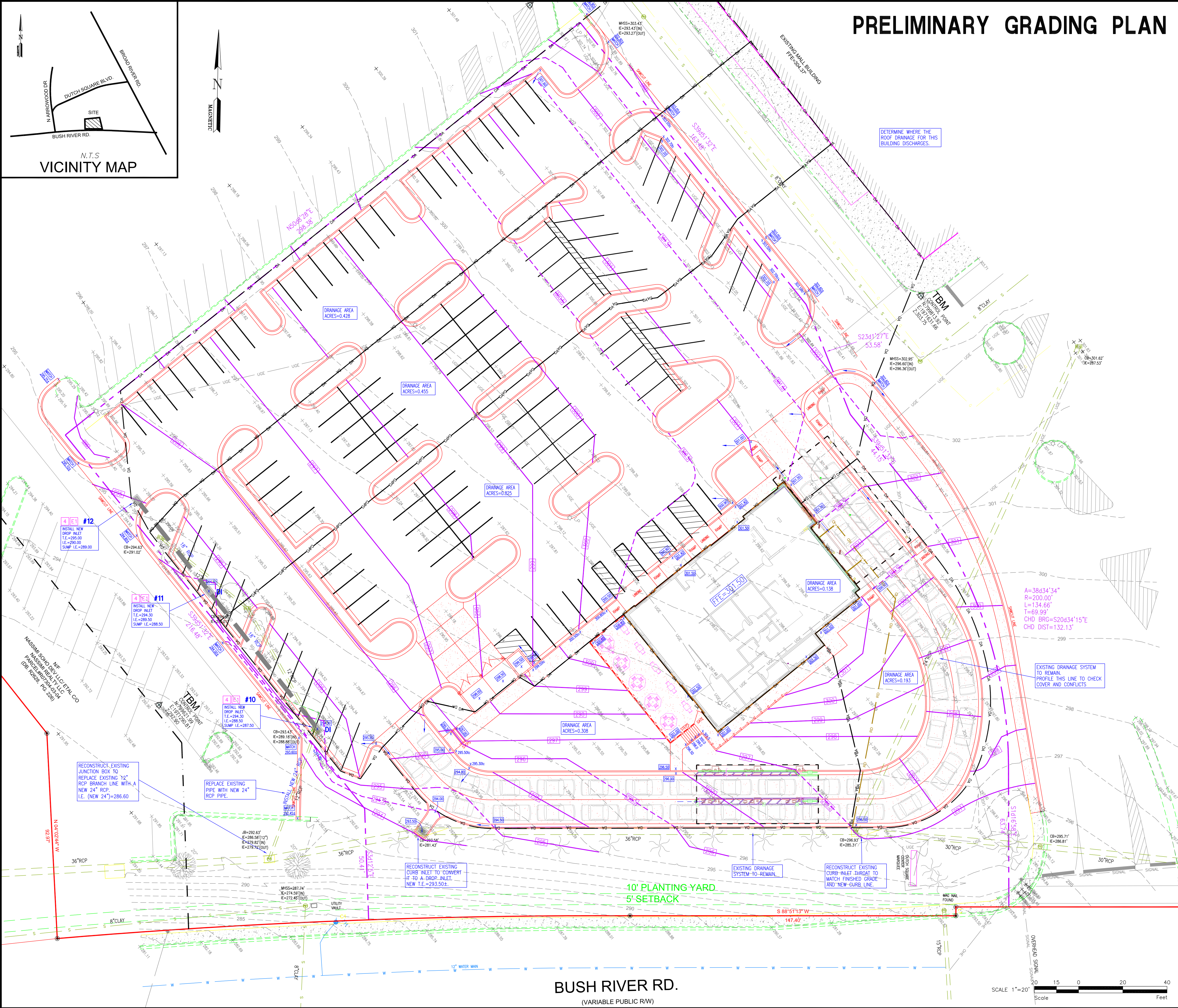
Signature 		Date 10/31/23
Print Name of Property Owner DUTCH SQUARE TR LLC		
Address (street, city, name, zip) C/O Nassimi Realty, LLC 550 7TH AVE., 15TH FLOOR NEW YORK, NY 10018		
Email of Property Owner mike@nassimirealty.com		Phone 212-643-8080
Signature of Witness 		Date 10/31/23
Print Name of Witness Gina Maltese		

Authorized Agent

Signature 		Date 10/31/2023
Print Name Todd Williams-Chick-fil-A, Inc.		
Address (street, city, name, zip) Chick-fil-A, Inc. 5200 Buffington Road Atlanta, GA 30349-2998		
Email of Authorized Agent todd.williams@cfacorp.com		Phone 678-758-4513



PRELIMINARY GRADING PLAN



DEVELOPMENT INFORMATION:

NAME OF DEVELOPMENT: CHICK-FIL-A RESTAURANT
OWNER/APPLICANT: CHICK-FIL-A, INC.
5200 BUFFINGTON ROAD
ATLANTA, GA 30349-2998
PHONE No. (404) 765-8000 (CEL) 678-758-4513
P.O.C. - TODD WILLIAMS
e-mail - todd.williams@cfacorp.com

ENGINEER: G. ROBERT GEORGE AND ASSOCIATES, INC.
P.O. BOX 32158
CHARLESTON, SC 29417
PHONE No. 566-4261
P.O.C. - MICHAEL S. WHITE, P.E.
e-mail - mgrassoc@comcast.net

PROPERTY ADDRESS: TO BE DETERMINED
421 BUSH RIVER ROAD
COLUMBIA, SC

TAX MAP #: PARCEL #07304-03-05
NASSIMI REALTY LLC ETAL & EMMEN HOLDINGS LLC
ETAL & EMMEN HOLDINGS LLC ETAL & DN DUTCH
HOLDING LLC ETAL & NASSIMI SCHW DEVELOPMENT
LLC ETAL & MARCUS 2500 REALTY LLC ETAL &
MADNA HOLDINGS LLC ETAL
(DB: R2628, PG. 226)

TOTAL PARCEL SIZE: 2.50 ACRES (TO BE SUBDIVIDED FROM #07304-03-05)

ZONING INFORMATION: RAC (REGIONAL ACTIVITY CENTER)
EXISTING LAND USE: PARKING LOT
PROPOSED LAND USE: CHICK-FIL-A RESTAURANT (COMMERCIAL)
HEIGHT DISTRICT: 100 FT
EXISTING OVERLAY: TO BE DETERMINED

ADJACENT ZONING & LAND USE: ZONING LAND USE
FRONT - (S) N/A BUSH RIVER ROAD
RIGHTSIDE - (E) RAC MALL ACCESS DRIVE
LEFTSIDE - (W) RAC PARKING LOT
REAR - (S) RAC PARKING LOT

REQUIRED MINIMUM SETBACKS:

	BLDG	LANDSCAPE YARDS
FRONT - (S)	10 FT	10 FT
RIGHTSIDE - (E)	5'	0 FT
LEFTSIDE - (W)	5'	0 FT
REAR - (N)	15'	0 FT

BUILDING DIMENSIONS :
SEE SITE LAYOUT PLAN
SQUARE FOOTAGE AREA: 5427± SQ FT GROSS AREA.
NUMBER OF SEATS (BLDG): 62
NUMBER OF SEATS (PATIO): 52 (TO BE DETERMINED)
ACTUAL BUILDING HEIGHT: 20'-4"
BUILDING OCCUPANCY TYPE: A2
TYPE OF CONSTRUCTION: 5 Vb (SPRINKLER REQUIRED)
NUMBER OF STORIES: SINGLE STORY (ONE) (1)

PARKING SUMMARY: RESTAURANT WITH DRIVE-THRU & OUTDOOR SEATING
REQUIREMENT: 8 SPACES PER 1000 SQ FT SEATING AREA
2500 SQ FT @ 8/1000 = 20 SPACES REQUIRED

PROVIDED: REGULAR SPACES 122
HC SPACES 4
126

STACKING SPACES: REQUIRED - MIN. 4 STACKING SPACE PER LANE MEASURED
FROM ORDER BOX AND 4 MIN. FROM ORDER BOX TO PICKUP WINDOW
PROVIDED: 38

ALL DIMENSIONS ARE MEASURED FROM FACE-OF-CURB, FACE-OF-STRUCTURE,
EDGE-OF-PAVEMENT, OR CENTERLINE, AS APPLICABLE, UNLESS INDICATED OTHERWISE.

EXISTING AREA TABULATION

IMPERVIOUS AREA	(0) ZERO
BUILDINGS	104,349 SF
ASPHALT PAVEMENT & CONC.	0
SUBTOTAL	104,349 SF (84.84%)
PERVIOUS AREA	18,653 SF (15.16%)
LANDSCAPE	
TOTAL AREA	123,002 SF (2,824 AC)

NEW DEVELOPMENT AREA TABULATION

IMPERVIOUS AREA	6,031 SF
BUILDINGS	52,386 SF
ASPHALT PAVEMENT	26,698 SF
CONCRETE	85,115 SF (69.20%)
SUBTOTAL	
PERVIOUS AREA	37,887 SF
LANDSCAPE/PLANTING	
SUBTOTAL	37,887 SF (30.80%)
TOTAL AREA	123,002 SF (2,824 AC)

REGULAR DUTY PAVEMENT SECTION: (ALL PARKING STALLS/BAYS)
1.5" AC SURFACE, 2.5" AC BASE, 6" ABC.

HEAVY DUTY PAVEMENT SECTION: (ALL DRIVE AISLES)
1.5" AC SURFACE, 2.5" AC BASE, 8" ABC.

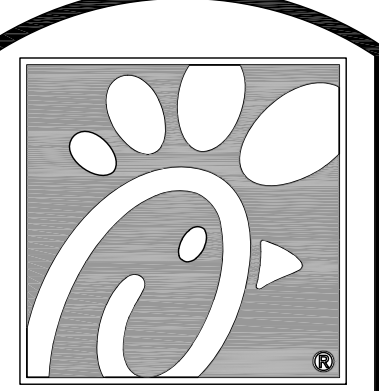


BEFORE YOU DIG
S.C. ONE CALL NUMBER:
1-888-721-7877

NOTICE: EXISTING UTILITY LOCATIONS

PRIOR TO EXCAVATION AND INSTALLATION OF ANY UNDERGROUND UTILITY, STORM DRAINAGE
FACILITIES, GRADING & PAVING, AND OTHER RELATED CONSTRUCTION ACTIVITY, THE
CONTRACTOR SHALL CONTACT THE LOCAL UTILITY LOCATING COMPANY. THE CONTRACTOR
SHALL ALSO BE REQUIRED TO COORDINATE DIRECTLY (AS NECESSARY) WITH EACH
APPLICABLE UTILITY AGENCY FOR APPROPRIATE FIELD LOCATION MARKING. THE CONTRACTOR
SHALL BE RESPONSIBLE TO ASSURE THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED &
MARKED TO PERFORM THE WORK IN A SAFE MANNER WITHOUT DAMAGE TO EXISTING UTILITIES.

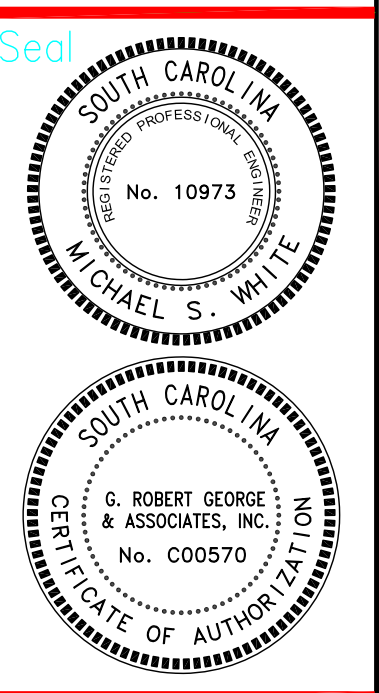
THE CONTRACTOR SHALL VERIFY THE LOCATION, DIAMETER, PIPE MATERIAL, AND ELEVATION
OF EXISTING UTILITIES AND STRUCTURES, AS APPLICABLE, PRIOR TO CONSTRUCTION.



5200 Buffington Rd.
Atlanta Georgia,
30349-2998
PH 404-765-8000
FAX 404-684-8550

REVISION SCHEDULE

NO.	DATE	DESCRIPTION



G. ROBERT GEORGE AND ASSOCIATES, INC.
CONSULTING ENGINEERS, PLANNERS
P.O. BOX 32158
CHARLESTON, SOUTH CAROLINA 29417-2158
email: mgrassoc@comcast.net
(843) 566-4261

STORE
SERIES P14 SE XP
RELO BUSH RIVER RD FSU

421 BUSH RIVER ROAD
COLUMBIA, SC 29210

SHEET TITLE
PRELIMINARY GRADING PLAN

DWG EDITION 03.1

Preliminary
80% Submittal
For Construction

Job No. : 2139
Store : 05714
Date : 11-2-2023
Drawn By : MSW
Checked By : MSW
Sheet

C-3.0

GRG# 2139-SITE1-REVISED DWG

