



STAFF REPORT

TO: Board of Zoning Appeals

FROM: Justin Westbrook, Community Development Director

SUBJECT: Special Exception (SE-24-01) – Jason Myers

DATE: April 2, 2024

Background: The applicant, Jason Myers, has applied for a **Special Exception** (SE-24-01) for a parcel, owned by Berkeley County Agricultural Exposition (TMS # 143-00-00-004). The applicant is seeking the parcel be allowed to establish a “mini-warehouse and vehicle storage” use for the subject parcel within the **C-2 – General Commercial** zoning district, as prescribed in the Zoning Ordinance (Section 6-9).

The applicant presented the request to the Board of Zoning Appeals at the March 5, 2024 meeting. There conversation centered around the request use and compatibility with the surrounding residential neighborhood. Board Members pointed out adjacent commercial uses, such as Marvin’s and the bowling alley as being compatible, as well as the adjacent residential single family dwellings that were not compatible. The Board also discussed additional landscaping to the northern and southern boundaries, as well as a detailed landscape plan showing the buffering between the proposed use and the neighborhood to the east.

Existing Zoning: The subject parcel is currently in the **C-2 – General Commercial** zoning district. Per the Town’s Zoning Ordinance, the Office & Institutional zoning district is intended to:

“...accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office, and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.”

	Adjacent Zoning	Adjacent Land Use
North	C-2	Professional Service (LBE Engineering)
South	C-1	VACANT
East	R-1	Single-family Detached Dwelling
West	C-2	VACANT
		Retail (Marvin’s)

Existing Site Conditions: The subject parcel comprises approximately 4.59 acres, which is currently vacant and

undeveloped. Per the National Wetlands Inventory map there appears to be significant wetlands on the subject parcel. The parcel is currently accessible by Rembert C. Dennis Boulevard, with approximately 436-feet of frontage, and is largely wooded. The parcels directly to the south and to the west are vacant and undeveloped, while the parcel to the southwest utilizes Marvin's, a large retail use. The parcel to the north utilizes an office building, most recently an engineering firm.

Proposed Request: The applicant has requested a **Special Exception** be issued for the property for a "mini-warehouse and vehicle storage use". At this time, there does not appear to be any additional standards offered by the applicant to mitigate potential impacts.

A 50-foot Type D bufferyard is shown on the Site Plan, however per the Zoning Ordinance that is conducive to the regulations for this proposed use type adjacent to single-family detached residential.

All other additional elements as required by the Zoning Ordinance must be met by the developer.

Transportation: Staff will work with the applicant on potential improvements for ingress/egress of the project on Rembert C. Dennis Boulevard, in accordance with SCDOT & Berkeley County requirements for driveway connectivity. At this time, the number of trips this proposed use would not automatically trigger a TIA

Environmental: Per the National Wetlands Inventory, the parcel is burdened with wetlands that appear to cover most of the parcel. Staff will require the applicant to provide a determination from the US Army Corps of Engineers if any wetlands exist on the property prior to approval of any required Site Plan.

Procedural Issues: As part of any Special Exception, the Board of Zoning Appeals shall hold a Public Hearing and may impose additional terms and conditions. Prior to granting the Special Exception, the Board of Zoning Appeals must determine the following standards were clearly demonstrated.

1. The proposed use is consistent with the purpose and intent of the Town's Comprehensive Plan as well as the character and intent of the underlying zoning district;
2. The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
3. 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;
4. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;
5. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;
6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered;
7. The proposed use complies with all applicable regulations and development standards of the Town.

Consistency with Plans: Adopted in 2017 as part of the Town's Comprehensive Plan, the Future Land Use Map identifies the subject parcels as "Commercial". The current zoning designation is in line with the designated

future land use; however, the requested zoning designation is also congruent with the “Commercial” designation of the Future Land Use Map.

Staff Analysis: Since the Board of Zoning Appeals meeting in March, Staff has met with the applicant and discussed potential mitigation for impacts discussed in the previous Staff Report and during the March meeting. The applicant was able to offer additional protections, such as a 7-foot-tall masonry wall along the eastern property boundary and additional landscaping along the northern and southern boundaries. The applicant has also agreed to abide by any recommendations from a Traffic Impact Analysis, to help mitigate traffic congestion that may be caused by the requested use. While Staff still feels that this proposed use is not compatible with the existing adjacent residential properties, we acknowledge significant protections have been offered by the applicant, as well as protections offered by the Board of Zoning Appeals that the applicant is agreeable with.

1. The proposed use is consistent with the purpose and intent of the Town’s Comprehensive Plan as well as the character and intent of the underlying zoning district;
*Staff feels the proposed use **is compatible** with the purpose and intent of the Town’s Comprehensive Plan, as well as the character and intent of the underlying zoning district.*
2. The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
*Staff feels that the proposed use **is not compatible** with the existing uses in the vicinity, such as the single-family detached residential adjacent to the subject parcel. The applicant has countered this impact with the addition of a 7-foot-tall masonry wall adjacent to all residential parcels. Rembert C. Dennis appears to be a commercial corridor, with big box, a gas station and strip centers to the south and similar uses to the north of the subject parcel. However, Staff believes at this time that the proposed use would be less in-fill of an existing heavy commercial corridor that it would be out of place and character for the existing commercial and vacant properties. This is supported by the fact that of the fifteen (15) parcels have frontage along Rembert C. Dennis Boulevard, between Main Street and Stoney Landing Road, only four (4) of them are developed. Of those fifteen (15) parcels, only seven (7) are zoned **C-2**, while four (4) are zoned **C-1** and four (4) are zoned **R-2**; neither of which could seek a “mini-warehouse and vehicle storage” use without a **Zoning Map Amendment**.*
3. 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;
*Staff has reviewed the updated attached Site Plan and it does appear to meet the Zoning Ordinance as prescribed. With the additional landscaping and masonry wall, Staff **feels that adequate provisions** have been shown by simply following the Zoning Ordinance. Staff believes that a specific use requiring higher scrutiny in this particular zoning district should go above the Zoning Ordinance to mitigate impact, particularly adjacent to single-family detached residential, which the applicant appears to have attempted.*
4. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;
*Staff believes that the submitted Site Plan will **generally preserve and incorporate important natural features**. It appears thought has been paid to preserving existing trees and adding a buffer to a blue-line*

stream. The submitted Site Plan also appears to utilize tree-saving techniques where applicable as an aspect of the overall development plan.

5. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;

*The applicant has shown additional landscaping to the rear (east) of the parcel, but also significant landscaping planned for the road frontage (west) of the parcel. This will help maintain an appealing streetscape along Rembert C. Dennis. Staff believes this proposal **does not appear to** destroy, create a loss, or cause damage. No historical features of significant importance appear on the property to Staff's knowledge.*

6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered; Staff believes, with all recommendations of a Traffic Impact Analysis (TIA) to be installed by the developer, that vehicular traffic and pedestrian movement on adjacent roads most likely will **not be hindered**. The type of vehicles expected to be entering and exiting the subject parcel, along with the limited capacity and width of Rembert C. Dennis, may make traffic unsafe and more congested, however the TIA will address those concerns and the developer will act accordingly. The proposed use complies with all applicable regulations and development standards of the Town.

*During a preliminary review of the provided Site Plan, it appears all applicable regulations and development standards **have been complied with**. During the official review and approval, Staff will ensure **the proposed use complies** with all applicable regulations and development standards.*

Staff Recommendation: Staff recommends the Board of Zoning Appeal consider the impacts of the proposed use on adjacent to residential parcels. Staff believes the applicant has made a good-faith effort to address all required considerations of a **Special Exception** for the subject parcel..

*Attachments: Location Maps (Aerial, Zoning, Future Land Use Map)
 SIGNED - Application (Jason Myers, Business Owner)(20240122)
 Site Plan (20240311)
 Landscape Plan (20240311)
 Renderings (20240313)*