



### STAFF REPORT

**TO:** Board of Zoning Appeals

**FROM:** Justin Westbrook, Community Development Director

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

**DATE:** March 5, 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).

**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:** Staff feels that provide application and concept plan demonstrate compliance with several of the required standards. However, Staff also feel that this proposed use is not compatible with the existing adjacent residential properties, or the existing commercial currently established along Rembert C Dennis Boulevard.

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, or the relative sporadic commercial properties in the vicinity, such as Marvin's and the bowling alley. 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 preliminarily reviewed the attached Site Plan and it does appear to meet the Zoning Ordinance as prescribed. However, as this use does require a **Special Exception**, Staff **does not feel 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.*
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;  
*While developing any green-field site may destroy or create a loss of natural or scenic areas, 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 believe that vehicular traffic and pedestrian movement on adjacent roads **may 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. No additional enhancements have been shown by the applicant, and without a required Traffic Impact Analysis (TIA),*

*Staff is unable to require such improvements. In our initial assessment, such enhancements could be limited ingress-egress or north-bound deceleration lanes. Staff feel additional enhancements may limit the impact of this proposed use on the transportation network, however it just appears to be a simple driveway at this time.*

7. 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 denial of the requested **Special Exception** for the subject parcel. Staff has reached this recommendation due to certain required standards of granting a **Special Exception** lacking adequate protections for the Town and its residents; specifically Standard #2 addressing compatibility with existing uses in the vicinity, Standard #3 addressing adequate mitigation and buffering to adjacent properties, and potentially Standard #6 addressing traffic impacts of the proposed use.

Absent additional testimony from the applicant and based on the analysis of Staff for this parcel and the immediate vicinity, Staff feels a recommendation of denial to be appropriate at this time.

*Attachments:                    Location Maps (Aerial, Zoning, Future Land Use Map)  
    SIGNED - Application (Jason Myers, Business Owner)(20240122)  
    Concept Plan (20240130)  
    Site Plan (20240130)  
    Turning Diagrams (20240130)*