

# Sumter City-County Board of Zoning Appeals

August 8, 2012

## BOA-12-35, 1980 Stamey Livestock Rd. City)

The applicant is requesting Special Exception approval for a Manned Recycling Center as required per Article 3, Section 3.m.4.e Manned Convenience Center and Refuse Systems (SIC 4953), Article 3, Exhibit 5 and Article 5, Section 5.b.3.h. Special Design Review Criteria. The property is located at 1980 Stamey Livestock Rd. and is represented by Tax Map #187-00-01-001(Pt.)



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

August 8, 2012

## BOA-12-35, 1980 Stamey Livestock Rd. (City)

### I. THE REQUEST

**Applicant:** Sumter County/Eddie Newman

**Status of the Applicant:** Leasing Property

**Request:** Special Exception approval for a Manned Recycling Center (SIC 4953).

**Location:** 1980 Stamey Livestock Rd.

**Present Use/Zoning:** Undeveloped (AC)

**Tax Map Reference:** 187-00-01-001(pt.)

### II. BACKGROUND

The applicant is requesting special exception approval to construct a Manned Recycling Center (SIC 4953) at 1980 Stamey Livestock Rd. in the City of Sumter, shown in the photograph below. Sumter County is relocating their existing Recycling Center currently located about 2 miles north

on Stamey Livestock Rd. of this proposed location due to their lease expiring.

Sumter County is leasing a 3 acre portion of the property known as the Booth Property in order to relocate the current facility. The Booth Property is the same property acquired by the City of Sumter in 2008 through the Penny Sales Tax Referendum.

Currently the site is occupied by an uninhabitable house and dilapidated accessory building which will be demolished and



removed from the property if this request is approved.

According to the Official Zoning Map for the City of Sumter, at time of this report the property is zoned Residential-15. A rezoning application, RZ-12-06, went to Planning Commission on July 25, 2012 with a favorable recommendation to City Council to rezone the 3 acre portion from Residential-15 to Agricultural Conservation (AC). Rezoning hearings before City Council are scheduled for First Reading/Public Hearing on August 7th and Second/Final Reading approval on August 21<sup>st</sup>. The rezoning and Special Exception requests are being reviewed concurrently with the understanding that the Special Exception approval by Board of Zoning Appeals must be contingent upon final rezoning by City Council.

Under the AC district, Manned Convenience Centers (SIC 4953), also known as Manned Recycling Centers, are considered a Special Exception which requires the review and approval of the Sumter Board of Appeals. In particular, special exceptions for Manned Recycling Centers are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.m.4.e and in accordance with Article 5, Section 5.b.3.h of the Sumter City – Zoning & Development Standards Ordinance.

***Section 5.b.3.h: Resource Recovery Facilities, Solid Waste Storage and Transfer Facilities, Waste Tire and Treatment Sites, Composting Facilities, and Incinerators (SIC Code 4953):***

*1. The referenced uses shall not be located closer than one thousand (1,000 ft) feet to any residential district, church, school, historical place, or public park, nor within four hundred (400 ft) feet of an existing residential use not in a residential district. It is further provided however, that any manned convenience center (i.e., re-cycling center) shall not be located within one hundred (100 ft) feet of any residential use, church, school, historical place or public park, and not within fifty (50 ft) feet of any property line;*

*2. Manned convenience center shall have gravel or paved surfaces in all driving, parking and loading areas, and must be located on and have direct access from an arterial or collector road;*

*3. Manned convenience centers must be entirely enclosed within an eight foot high security fence.*

*4. All uses within this category shall be screened in such a fashion as not to be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms or landscaping approved by the Board of Appeals upon the recommendation of the Zoning Administrator.*

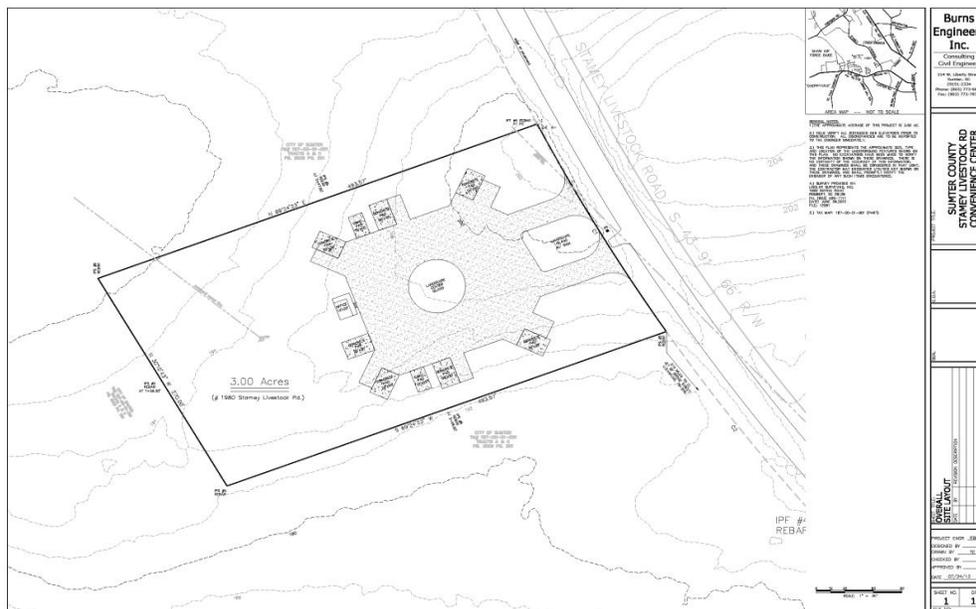
*5. No material shall be placed in open storage or areas in such a manner that it is capable of being transported by wind, water, or other causes.*

The following can be determined based on 5.b.3.h:

- As shown in the buffer map to the right, staff concludes the proposed location meets the Ordinance separation requirement of 100 ft. from any existing residential use, church, school, historical place or public park. Additionally, this location is not within 50 ft. of any property line. This site is a leased 3 acre tract from a larger 859 acre parent parcel, therefore; it is much farther than 50 feet from the overall parcel property lines.



According to the submitted site plan shown below, the site will have gravel surfaces in all driving, parking and loading areas, and will have direct access from an arterial or collector road.



Screening and landscaping will be very similar to the Ranier St. site in the County as shown in the photographs below. There will be Crepe Myrtles along the front property lines as seen in the photo below, however; at the Stamey Livestock site,

additional trees are to be planted between the fence line and to the roadway, screening the required 8 ft. security fence.



*Entrance Landscaping at the Ranier Street Site*



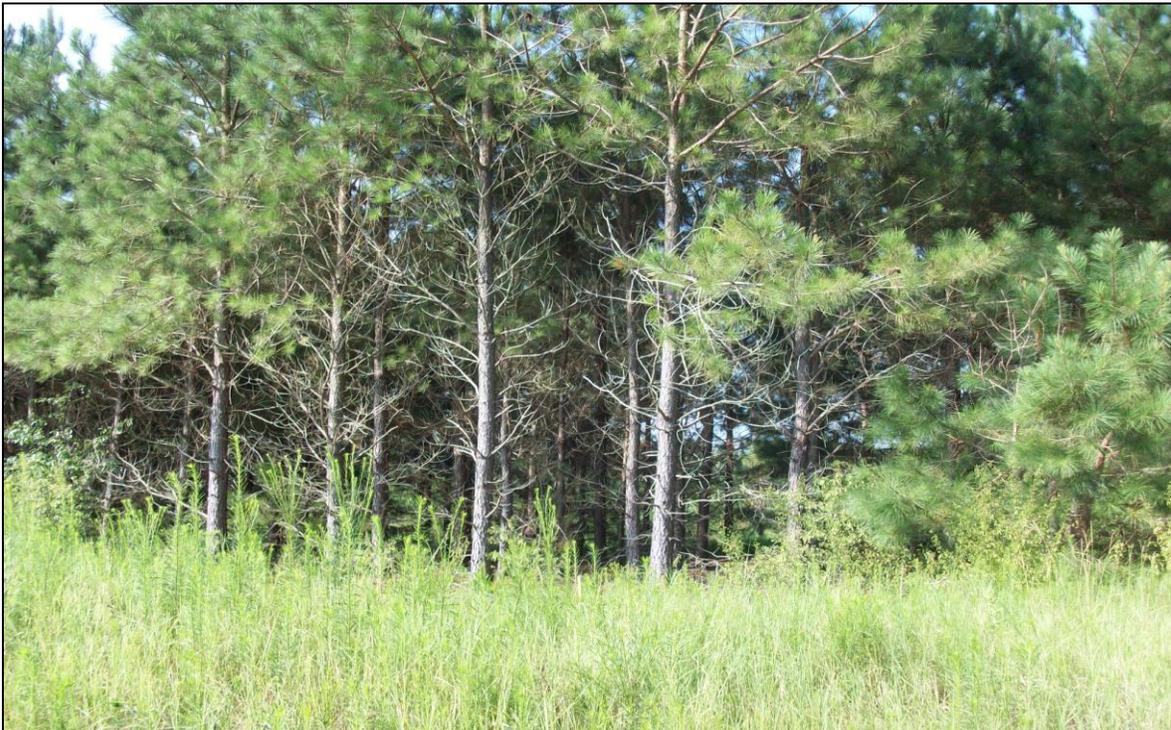
*Center Inside Island Landscaping on Ranier Site*

The following photographs show the current conditions on-site of the 3 acres proposed for development. It is currently a heavily wooded lot with small long-needle pine trees on site. There

are several larger hard-wood trees in the vicinity of the existing house. The healthy trees will be preserved with those in poor structural condition/diseased, being removed in conjunction with the building demolition.



*Existing small pines on the periphery of the site to be retained as part of the site buffering.*



*Street Front Trees will be preserved.*



*Two Oak trees where House will be removed and Office will be Placed*

**Article 1, Section 1.h.4.c Special Exceptions:**

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
  - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements;*
  - b. *That the special exception will be in substantial harmony with the area in which it is located;*
  - c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

The following can be determined based on 1.h.4.c.:

- a. Overall, the site plan submitted meets all development standards for access, driveways, parking, setbacks, etc. A landscaping and storm water plan is being done by Burns Engineering at this time. The landscaping as shown by the pictures from another site will be very similar and encroachment drive permits are being applied through SCDOT.
- b. Staff finds that the proposed Special Exception request is in substantial harmony with the surrounding area based on the following conclusions:

The proposed special exception is not within 100 ft. of any residential use, church, school, historical place or public park, and not within fifty (50 ft) feet of any property line;

- c. Staff finds that the proposed Special Exception request will not discourage or negate the use of surrounding property for use(s) permitted by right based on the following conclusions:

This site is 3 acres surrounded by vacant land with existing dense buffering from the public street and on all sides. There are no existing uses to encroach upon therefore there will not be any negative effect on surrounding properties. The Property also has steep sloped wetlands adjacent to it so there will not be any development adjacent to this site. This use meets the intent of the Long Range Plan in that it meets the Safety Shaw Initiative.

### **III. STAFF RECOMMENDATION**

Staff recommends approval of BOA-12-35 contingent upon the following items:

- Rezoning approval by City Council
- Approved Stormwater and Landscaping Plan

### **IV. DRAFT MOTIONS for BOA-12-35**

- A. I move that the Sumter Board of Appeals approve BOA-12-35, subject to the findings of fact and conclusions contained in draft order, dated August 8, 2012 attached as Exhibit 1.
- B. I move that the Sumter Board of Appeals enter an alternative motion for BOA-12-35.

### **V. ZONING BOARD OF APPEALS – August 8, 2012**

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 8, 2012, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated August 8, 2012, attached as Exhibit 1.

# Exhibit 1

## Order on Special Exception and Application

### Sumter Board of Appeals

**BOA-12-35, 1980 Stamey Livestock Rd., Sumter, SC**  
**August 8, 2012**

Date Filed: August 8, 2012

Permit Case No. BOA-12-35

The Board of Zoning Appeals held a public hearing on Wednesday, August 8, 2012 to consider the request of Sumter County, the Applicant for a special exception which may be permitted by the Board pursuant to Sections 1.h.4.c, 3.m.4.e, and 5.b.3.h of the Sumter City Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: a Manned Recycling Center (SIC Code 4953).

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.3.h of the Sumter City Zoning & Development Standards Ordinance which are applicable to the proposed special exception of the Zoning Ordinance  **have** -  **have not** been met based on the following findings of fact:

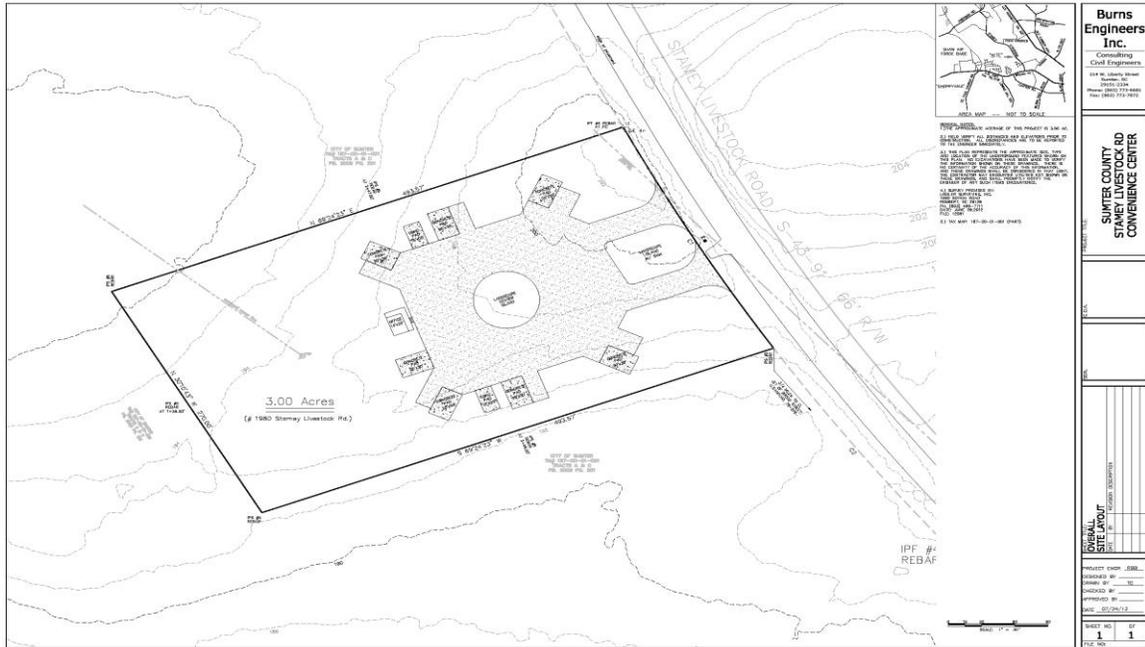
As shown in the buffer map below, the proposed location meets the Ordinance separation requirement of 100 ft. from any existing residential use, church, school, historical place or public park. Additionally, this location can be developed to meet the 50 ft. setback requirement.



2. The Board concludes that the special exception  **does** -  **does not** comply with all applicable development standards contained elsewhere in the Sumter County Zoning

Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:

Based on the submitted site plan shown below, the site will have gravel surfaces in all driving, parking and loading areas; direct access is from an arterial road; and screening and landscaping will meet buffering standards.



- The Board concludes that the proposed special exception  **will** -  **will not** be in substantial harmony with the area in which it is located based on the following findings of fact:

The proposed special exception is not within 100 ft. of any residential use, church, school, historical place or public park, and not within fifty (50 ft) feet of any property line. It has been shown that the proposed location meets all the specific separation criteria outlined in the Ordinance as well as the additional development standards stipulated for the proposed manned recycling center.

- The Board concludes the special exception  **will** -  **will not** discourage or negate the use of surrounding property for uses(s) permitted by right based on the following findings of fact:

This site is 3 acres surrounded by vacant land with existing dense buffering from the public street and on all sides. There are no existing uses to encroach upon therefore there will not be any negative effect on surrounding properties. Property also has wetlands adjacent to it so there will not be any development next to this site. This use meets the intent of the Long Range Plan in that it meets the Safety Shaw Initiative.

THE BOARD, THEREFORE, ORDERS that the special exception is  DENIED –  
 GRANTED with the following conditions:

- 1) Successful rezoning of the 3 acres to Agricultural Conservation (AC).
- 2) Submission of a landscape/buffer plan that meets all Ordinance requirements.

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**

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