

# Sumter City-County Board of Zoning Appeals

June 11, 2014

***BOA-14-05, 1018 Manning Rd./1025 Pocalla Rd.  
(County)***

The applicant is requesting Special Exception approval for a Liquor Store as required per Article 3, Section 3.i.4.e. *Liquor Stores (SIC Code 592)*, Article 3, Exhibit 5 and Article 5, Section 5.b.3.m. Special Design Review Criteria.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

June 11, 2014

## BOA-14-05, 1018 Manning Rd./1025 Pocalla Rd. (County)

### **I. THE REQUEST**

**Applicant:** West Oil Company

**Status of the Applicant:** Property Owner

**Request:** Special Exception approval for a Liquor Store under SIC Code 592

**Location:** 1018 Manning Rd./1025 Pocalla Rd.

**Present Use/Zoning:** Vacant Structures/General Commercial (GC)

**Tax Map Reference:** 251-08-02-001 & 251-08-02-059

### **II. BACKGROUND**

The applicant, West Oil Company, is requesting a special exception approval to operate a liquor store. The proposal is to construct a +/-12,000 sq. ft. structure at 1018 Manning Rd./1025 Pocalla Rd. (Tax Map # 251-08-02-001 & 251-08-02-059) which will house a wholesale liquor store in one tenant space and a beer and wine shop in the other. The building will also have warehousing space as shown in the attached proposed site plan.

This application is the first step in a redevelopment proposal of the +/-2.75 acre tract. At completion, the site is proposed to accommodate at 24 hour gas station/convenience store with diesel fueling islands and a potential car wash in addition to the liquor store/beer & wine shop.

The applicant is only seeking use approval for the liquor store at this time as they continue to work on site plan issues with the Planning Staff and SCDOT. It should be noted that the applicant anticipates requesting some variances from the development standards due to the abnormally shaped site, scale of the project, and to satisfy SCDOT/Sumter County driveway requirements.

### **III. LAND USE & ZONING COMPATIBILITY**

According to the Official Zoning Map for the County, the property is zoned General Commercial (GC). The purpose of the GC district is to accommodate the broadest possible range of commercial uses, determined principally by market conditions, while protecting the environment from potentially objectionable uses. Under the GC district, Liquor Stores, SIC Code 592, are identified as a Special Exception which requires the review and approval of the Sumter Board of Appeals. In particular, special exceptions for liquor stores are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.i.4.e and in accordance with Article 5, Section 5.b.3.m of the County Zoning & Development Standards Ordinance.

**Article 5 Section 5.b.3.m. Liquor Stores (SIC Code 592):**

1. *This use shall not be within 300 feet (measured in a straight line from structure to structure) of a residential use, church, school or public playground on a separately platted parcel.*
2. *A six-foot fence that is a visual screen will be installed to separate this use from residential uses.*

**Staff Review:**

1. As shown on the attached *Buffer Map*, the green buffer line shows that the proposed tenant space locations of the liquor store/beer & wine shop appear to meet the Ordinance separation requirement of 300 ft. from structure to structure of a residential use, church, school or public playground on a separately platted parcel, however; the rear warehouse portion of the building is within +/- 290 ft. of the closest dwelling as shown by the orange buffer line.

Although the 2013 Orthophotography shows a mobile home within the 300 ft. buffer, the mobile home has been acquired by the applicant and is in the process of being removed.

2. No fence exists today adjacent to the most immediate residential use. There is an existing road network between the proposed use and adjacent residential. As part of the site plan requirements, landscaping will be required along the street fronts of the development site. This landscaping will include canopy trees and shrubbery.

**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.*

**Staff Review:**

1. This site is proposed to be completely redeveloped. The structures and vegetation currently on-site are proposed to be removed with a complete clearing of the site. Final development plans have not been submitted for this project. The applicant has submitted a preliminary site plan that addresses parking, landscape buffer areas, and access. They

are working with Planning Staff, SCDOT, and other referral agencies to refine the site plan prior to submission to the Planning Commission for final approval.

Because the project meets the threshold for a Major Site Plan, final site plan approval must be granted by the Sumter City-County Planning Commission. The site as proposed will require setback variances on the Maxwell Ave. and Pocalla Rd. frontages in order to accommodate the proposed site layout for the tract. The variance requests will have to be reviewed as a separate case by the Board of Zoning Appeals.

2. Staff finds that the proposed Special Exception request is in substantial harmony of the surrounding area based on the following conclusions:
  - The parcel is located at a major intersection and is zoned General Commercial (GC). The purpose of this district is to accommodate the broadest possible range of commercial uses. The development as proposed would be oriented towards Pocalla Rd. with primary access being from Pocalla and Manning Rds. and exiting movements onto Maxwell Ave. Larger scale, more intense commercial uses are supported by the GC designation when appropriately designed to mitigate their impacts on adjacent uses and the road network.
  - The 2030 Comprehensive Plan designates this area as Priority Commercial/Mixed use. These areas are identified to direct future, high quality commercial and mixed use development. These areas include established locations expected to redevelop with higher and better uses over time. As set forth in the broader suburban policies, continued commercial development is expected along the major corridors such as this intersection. These locations encourage both destination retail commercial uses and neighborhood commercial uses as appropriate. Design, layout, impact on adjacent properties, landscaping and architecture all play a role in determining context viability.
3. 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:
  - The purpose of the GC zoning district is to accommodate the broadest possible range of commercial uses, while protecting the environment from potentially objectionable uses. The Manning/Pocalla/Lafayette Corridor are characterized by strip commercial zoning abutted by residential development. Undoubtedly, there are residential uses to the north, south, and east of this site; however it is bounded on all three sides by roadways. Through the implementation of proper access controls, landscaping and buffering, this use could be compatible with the surrounding areas.

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval of this request with conditions. While we believe that the proposed site is an appropriate location for the use based on the zoning and location at a major intersection, this recommendation is not an endorsement of the current site plan. The site plan must still be finalized and reviewed by the Planning Commission.

Based on the current plan and due to the proximity of the proposed building to an established residential use, it is recommended that the applicant do one or a combination of the following things to ensure that the structure meets the 300 ft. separation requirement:

- Field verify the measurement by siting the proposed building on the development site and then measuring to the adjacent residential structure located at 4 Roosevelt Cir. to ensure that the structure meets the 300 ft. separation requirement.
- Reduce the size of the proposed structure thereby allowing it to move further from the adjacent residence.
- Move the structure further to the northeast to clear the 300 ft. distance.

**V. DRAFT MOTIONS for BOA-14-05**

- A. I move that the Sumter Board of Appeals approve BOA-14-05 subject to the findings of fact and conclusions contained in the draft order dated June 11, 2014, attached as Exhibit 1.
- B. I move that the Sumter Board of Appeals deny BOA-14-05 on the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-14-05.

**VI. BOARD OF ZONING APPEALS – JUNE 11, 2014**

The Sumter City-County Board of Appeals at its meeting on Wednesday, June 11, 2014, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated June 11, 2014.

**Exhibit 1**  
**Order on Special Exception Application**  
**Sumter Board of Appeals**

**BOA-14-05, 1018 Manning Rd./1025 Pocalla Rd. (County)**  
**June 11, 2014**

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Date Filed: June 11, 2014

Permit Case No. BOA-14-05

The Board of Zoning Appeals held a public hearing on Wednesday, June 11, 2014 to consider the request of West Oil Company, 312 Lakeview Blvd., Hartsville, SC 29550, for a special exception which may be permitted by the Board pursuant to Sections Article 1.h.4.c, Article 3.i.4.e and Article 5.b.3.m of the Sumter County – Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: Liquor Store (SIC Code 592).

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.e of the Sumter County – 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:
  - a. As shown on the attached Buffer Map, the green buffer line shows that the proposed tenant space locations of the liquor store/beer & wine shop appear to meet the ordinance separation requirement of 300 ft. from structure to structure of a residential use, church, school or public playground on a separately platted parcel, however; the rear warehouse portion of the building is within +/-290 ft. of the closest dwelling as shown by the orange buffer line. It is unclear whether the structure meets the 300 ft. separation standards without real-world field verification due to the close proximity of the proposed structure to the established residential use.
  
2. The Board concludes that the special exception  **does** -  **does not** comply with all other applicable development standards contained elsewhere in the Sumter City Zoning Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:
  - a. The site is proposed to be completely redeveloped. Final development plans have not been submitted for this project. The applicant has submitted a preliminary site plan that addresses parking, landscape buffer areas, and access. The applicant is working with Planning Staff, SCDOT, and other referral agencies to refine the site plan prior to submission to the Planning Commission for final approval. Because the project meets the threshold for a Major Site Plan, final site plan approval must be granted by the Sumter City-County Planning Commission.

3. 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:
- a. The parcel is located at a major intersection and is zoned General Commercial (GC). The purpose of this district is to accommodate the broadest possible range of commercial uses. The development as proposed would be oriented towards Pocalla Rd. with primary access being from Pocalla Rd. and Manning Rd. and exiting movements onto Maxwell Ave. Larger scale, more intense commercial uses are supported by the GC designation. In addition, the 2030 Comprehensive Plan designated this area as a Priority Commercial/Mixed Use area—areas identified to direct future, high quality commercial and mixed use development. As set for the in the broader suburban policies, continued commercial development is expected along the major corridors such as this intersect. These locations encourage both destination retail commercial uses and neighborhood commercial uses as appropriate.
4. 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:
- a. The purpose of the General Commercial (GC) district is to accommodate the broadest possible range of commercial uses, while protecting the environment from potentially objectionable uses. The Manning/Pocalla/Lafayette Corridors are characterized by strip commercial zoning abutted by residential development. Undoubtedly there are residential uses to the north, south, and east of this site, however; it is bounded on all three sides by roadways. Through the implementation of proper access controls, landscaping, and buffering this use will be compatible with the surrounding area.

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

**Based on the current plan and due to the proximity of the proposed building to an established residential use, the applicant must do one or a combination of the following things to ensure the structure meets the 300 ft. separation requirement:**

- 1) **Field measure the distance between the proposed building and existing residence. This shall be done by siting the proposed building on the development site and then measuring to the adjacent residential structure located at 4 Roosevelt Cir. to verify that the structure meets the 300 ft. separation requirement.**
- 2) **Reduce the size of the proposed structure, thereby allowing it to move further from the adjacent residence.**
- 3) **Move the structure further to the northeast to clear the 300 ft. distance.**

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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