

TOWN OF MEGGETT, SOUTH CAROLINA

Board of Zoning Appeals Meeting
November 16, 2023, at 6:00 PM

REVIEWING

- **BZAV-10-23-001**
- **BZAS-10-23-002**

FOIA

In compliance with the Freedom of Information Act (FOIA), a notice of this meeting and an agenda were posted and furnished to all news media and persons requesting notification. Posted notices were installed on each subject parcel 15 days prior to the meeting.



BZAS-10-23-002

REVIEW & CASE HISTORY

APPLICANT:	Jodi Crosby of Crosby Creations Drafting & Design Services, LLC
OWNER(S):	Garvin Associates, LP
LOCATION:	0 Toogoodoo Rd, Meggett, SC 29449
PID / TMS#:	127-00-00-016
APPLICATION:	Special Exception request to establish a Garden Equipment & Supplies Retail Store (Garden Center).
TOTAL ACREAGE:	272.49 acres

PARCEL HISTORY:

The Subject Parcel has been owned by a member or members of the Garvin family since 1971. A large percentage of the parcel has been maintained as Agricultural Timberland; however, a Wholesale Nursery operation (Green Meadow Nursery, LLC) was established on the southernmost portion of the property in 2001. The northern portion of the property (identified as "Tract C" on the recorded Plat), which is bisected from the rest of the tract by Toogoodoo Rd, is currently undeveloped but is the intended site for the proposed Garden Center.

STAFF REVIEW:

The Applicant/ Property Owner(s) are requesting a Special Exception to establish a Garden Equipment & Supplies Retail Store (Garden Center). The subject property is zoned Agricultural General (AG) and the area proposed for the new use is undeveloped. Surrounding properties are also in either the AG or AR (Agricultural Rural) Zoning Districts of the Town of Meggett or are part of Unincorporated Charleston County or the Town of Hollywood. Most of the surrounding parcels (within the immediate vicinity of the proposed retail site) are similarly undeveloped but a few contain residential homes.

This project is currently in the Site Plan Review process (ZSPR-10-23-001) for one proposed building, approximately 1,200 sq. ft., that will be used to sell indoor/outdoor plants (grown by Green Meadow Nursery, LLC), garden/landscaping supplies, and hardscape materials. Information provided during the initial Site Plan Review meeting indicates the proposed days and hours of operation will be limited (possibly seasonal) and that the owner/operator will be the only on-site occupant.

Staff conducted a site visit on November 1, 2023.

APPROVAL CRITERIA - §10.10.5(A)

STAFF RESPONSE & FINDINGS

According to §10.10.5(A) of the Town of Meggett *Zoning & Land Development Regulations Ordinance*, a Special Exception may be approved only if the Board of Zoning Appeals finds that the proposed use:

§10.10.5 A (1): Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district "Description";

Response: The Future Land Use map of the Comprehensive Plan designates this site as Agricultural Commercial. Under §3.1.3, **Future Land Use Categories**, it states that *"The Agricultural Commercial Future Land Use Category is intended to allow retail and service uses that serve the residential population and agricultural activities of the Town and that do not negatively impact the surrounding community."* The proposed use, which would allow for the retail sale of plants grown by the wholesale nursery (agricultural use) on the southern portion of the tract, only encompasses roughly 3-5 acres of the 272.49-acre parcel.

Furthermore, the request may satisfy the following strategic actions of §3.1.6, **Land Use Element Strategies & Time Frames**: *"(8) Encourage commercial uses in appropriate areas that are limited to local residential services and operational needs of agriculture."*

Regarding the *Zoning and Land Development Regulations Ordinance* (ZLDR), the AG Zoning District is designed to accommodate farms and single-family residences situated on large parcels of land on, or in close proximity to, properties which are farmed or used for other agricultural or conservation purposes. In this regard, the proposed use may be characteristic of the area. The retail Garden Center/store would be considered the primary use of the property, if allowed, due to its more intensive nature. The wholesale nursery area and the larger, residual portion of the property used as agricultural timberland are both agricultural uses, are more passive than the retail use, and therefore qualify as subordinate, accessory uses.

Therefore, the request may meet this criterion.

§10.10.5 A (2): Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

Response: The retail Garden Center would be served by and thus compatible with the wholesale nursery operation that currently exists on the property. Provided that the residual portion of the large tract maintains its agricultural uses and with proper

precautions taken during the Site Plan Review process, Staff is confident that the use can avoid adversely impacting the welfare and character of the community.

Therefore, the request may meet this criterion.

§10.10.5. A (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;

Response: The subject property has begun the Site Plan Review process, which will address any buffering and/or landscaping requirements. Furthermore, the applicant's letter of intent states, *"there is a 35' buffer on the West side of the project limit and the East side is more than 750' from the property line, and there is more than 4,400' of linear footage from the rear project limits to the furthest Northerly property line."* The proposed use should not present any adverse influences such as vibration, dust, glare, or odor. Finally, in considering the small scale of the proposed operation and acknowledging that Toogoodoo Rd is an arterial thoroughfare, Staff does not believe that traffic congestion will be an issue.

Therefore, the request may meet this criterion.

§10.10.5 A (4): Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Response: The proposed site will be developed in a way that will preserve and incorporate natural buffers. Additionally, no wetlands or Grand Trees will be impacted by the development.

Therefore, the request may meet this criterion.

§10.10.5 A (5): Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

Response: The project will complete the Site Plan Review process prior to obtaining final Zoning approval for the use; SPR ensures compliance with all applicable standards of the Ordinance.

Therefore, the request may meet this criterion.

§10.10.5 A (6): Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Response: Toogoodoo Rd is an arterial street with minimal pedestrian movement, thus the request may satisfy this portion of the criterion. Furthermore, the site will have two points of ingress/egress to maximize an efficient flow of traffic and is over 700 ft from

the closest intersection at Lems Bluff Plantation Rd and over 2,500 ft from the intersection of Storage Rd/Parishville Rd.

Therefore, the request may meet this criterion.

BOARD OF ZONING APPEALS' ACTION

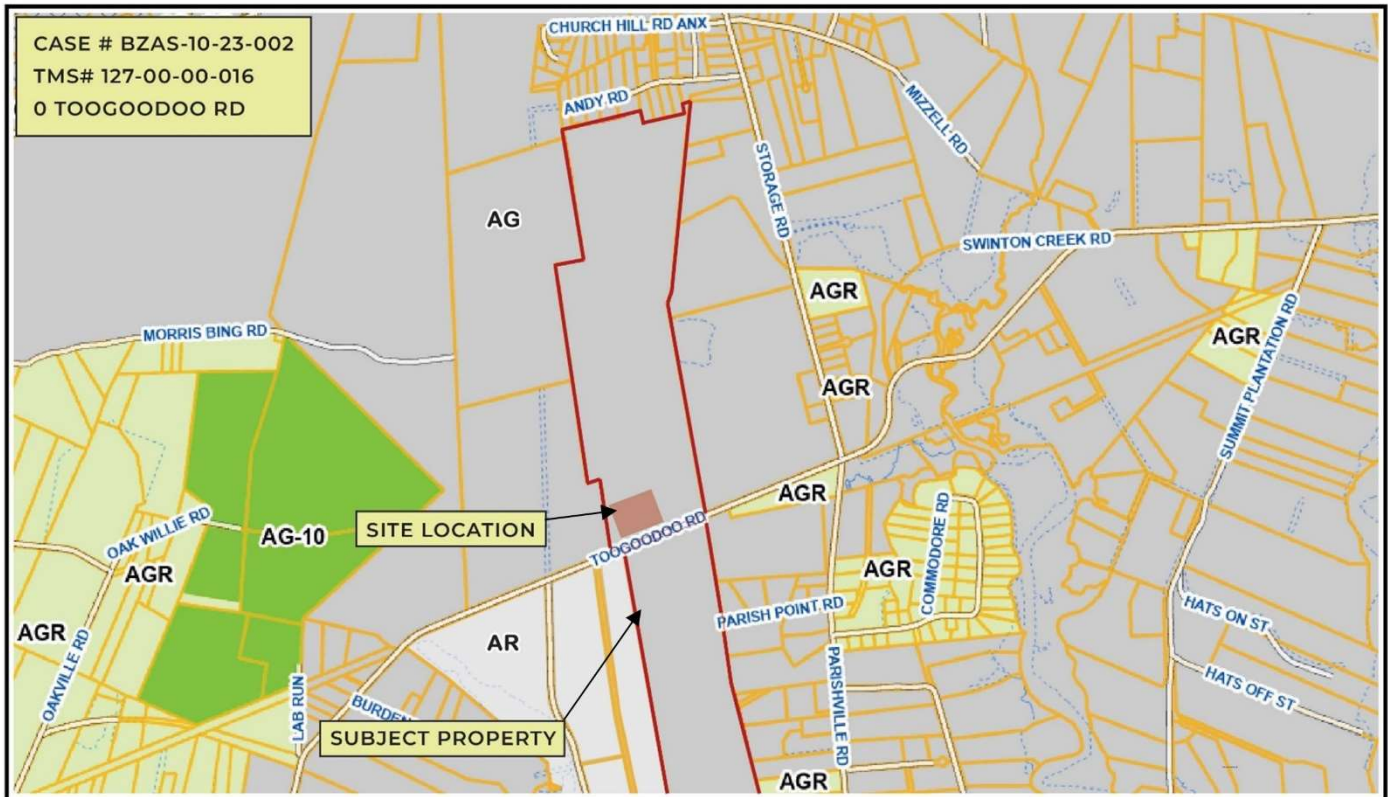
According to §10.10.5(B), *Approval Criteria*, of the *Town of Meggett Zoning and Land Development Regulations Ordinance* (ZLDR), *"In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare."*

The Board of Zoning Appeals may approve, approve with conditions, or deny Case# BZAS-10-23-001 based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. A majority of the members present and voting are required to approve a Special Exception pursuant to [§10.10.4(C)]. Furthermore, Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5 above.

STAFF RECOMMENDATION

Considering that the application may meet all the criteria for granting a Special Exception, Staff recommends approving the request.

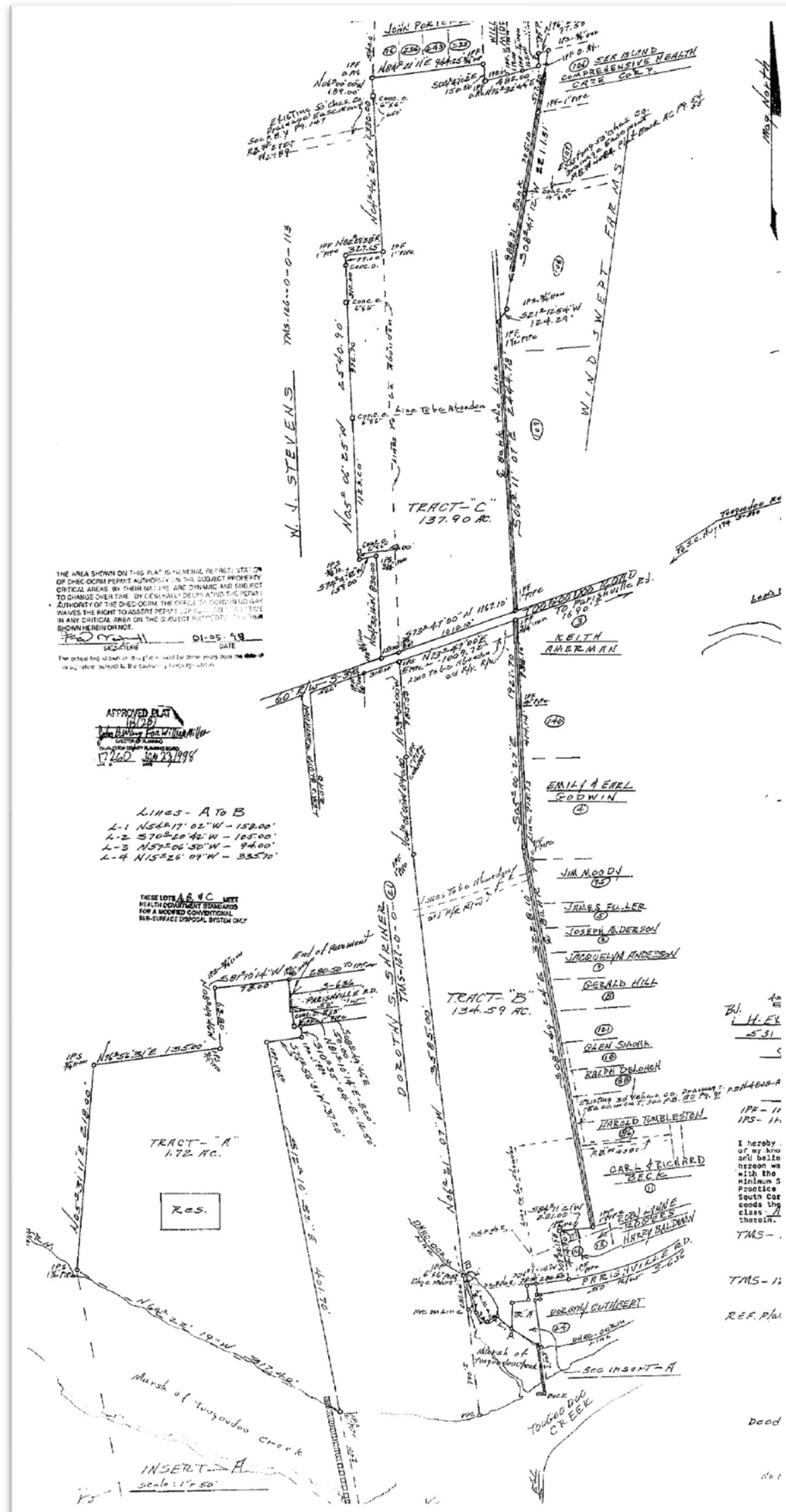
SUBJECT PARCEL



AERIAL VIEW OF THE PROPOSED SITE



RECORDED PLAT (EC_282)



2023 SITE PLAN

