

Sumter City-County Planning Commission

April 27, 2011

OA-11-02, Fuel Dealers (City)

I. THE REQUEST

Applicant: Scott Rumph

Request: A request to amend **Article 3, Exhibit 5 and Article 3, Section 3.i.3 Conditional Uses** in the General Commercial (GC) Zoning District to make gasoline service stations and alternative motor fuels dealers classified under SIC Code 5541 a conditional use.

II. BACKGROUND

The applicant, Scott Rumph, has been contracted to design an alternative fuel gas station specializing in the sale of propane as motor fuel to be sited at the corner of S. Lafayette Dr. and E. Liberty St. This parcel is zoned General Commercial (GC). Under the current City of Sumter Zoning & Development Standards Ordinance, fuel dealers with SIC Code 5541 are only permitted in the Heavy Industrial (HI) zoning district and no others. Although there are many gas stations located in the GC zoning district within the City, these businesses are classified as convenience stores or automotive repair facilities for zoning purposes. The applicant has specifically requested this change to the zoning ordinance to allow stand-alone gas/alternative motor fuels dealers (i.e., without a convenience store or other primary business activity) to be a conditional use in the GC zoning district because of how their client is proposing to structure their proposed propane fueling business.

As per the letter submitted in support of the application, the applicant's client wishes to, *"...further promote the use of propane as a green motor fuel (sic) The property, 0.33 acres, is too small to build a regular C-Store but I think it will work fine for the purpose of exposing and introducing propane as a motor fuel into Sumter if we do it in stages. To build it all at once with zero customers equipped to burn propane would end in failure for lack of income to support the expense."*

The Zoning Administrator has determined that a propane fueling facility for vehicles would be classified under SIC Code 5541, Gasoline Service Stations. According to the Standard Industrial Classification Manual, SIC 5541 includes the following:

5541 Gasoline Service Stations

Gasoline service stations primarily engaged in selling gasoline and lubricating oils. These establishments frequently sell other merchandise such as tires, batteries, and other automobile parts, or perform minor repair work. Gasoline stations combined with other activities, such as grocery stores, convenience stores, or carwashes, are classified according to the primary activity.

*Automobile services stations—retail
Filling stations, gasoline—retail
Gasoline and oil—retail*

*Marine service stations—retail
Service stations, gasoline—retail
Truck stops—retail*

The proposal, as submitted, would require anyone wishing to construct a stand-alone retail fueling station to submit a conditional use application and site plan that addresses the criteria outlined in Section 5.b.1 of the Zoning Ordinance. Conditional uses are reviewed and approved by planning staff using the general criteria outlined in Section 5.b.1 of the Zoning Ordinance. In addition to showing that the development standards for a given zoning district can be met, the following items must also be addressed to receive use approval:

*Section 5.b.1. **Criteria for Review:** The following guidelines and criteria shall be implemented by the Zoning Administrator and/or the Sumter City-County Zoning Board of Appeals if a case is referred to the Board by the Zoning Administrator. Additionally, the Board shall be guided by 1.h.4.c. of the Zoning Ordinance in addition to the requirements set forth herein.*

- a. The ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;*
- b. The off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties;*
- c. That refuse and service areas be adequately screened so as not to be visible from adjacent property or the public rights-of-way and shall be located in such a way as not to create a nuisance to adjacent properties;*
- d. That screening, buffering, or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties;*
- e. That proposed signs and exterior lighting be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties;*
- f. That the affected site shall be suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to insure compatibility and the safety and welfare of area residents.*

III. ZONING ORDINANCE SUBCOMMITTEE

The Zoning Ordinance Subcommittee met to discuss this request on March 30, 2011. At that time, Planning Staff presented the applicant's request as outlined above but presented an alternate option to the applicant's proposal.

Planning Staff believes that retail gasoline service stations classified under SIC Code 5541 should be a permitted use in the general commercial (GC) zoning district. The notion that a stand-alone gasoline service station should only be permitted in Heavy Industrial (HI) zoning does not mesh with the purpose and intent of the HI district. As defined in the SIC Code, Gasoline Service Stations with SIC 5541 are clearly retail in nature and do not include wholesale gasoline or alternative fuel depots where large quantities of fuel products are being stored for wholesale purposes.

Based on conversations with the Subcommittee, the following ordinance amendment is being proposed as an alternative to the applicant's request:

PROPOSED ORDINANCE AMENDMENT

Amend Article 3, Section 3.i.2. to reflect the following:

3.i.2. **Permitted:** Within the GC District, a building or premise shall be used only for the following purpose:

- a. Agriculture, farm, landscaping, horticulture related services and facilities and auxiliary uses customary thereto, with SIC Codes 071, 072, 074, 076, 078

(Note: Veterinary Services in this classification of uses shall be regulated by the standards set forth in 3.f.3.c.);

- b. Administrative offices, with SIC Auxiliary Code 1;
- c. Research, development, and testing, with SIC Auxiliary Code 2;
- d. Printing, publishing, and allied industries, with SIC Code 27;
- e. Warehouses, with SIC Auxiliary Code 3;
- f. Mini-warehouses, with SIC Code 4225. Note: Mini-warehouses shall not exceed four (4) acres; lot coverage is limited to 50 percent of total lot; ingress-egress is limited to one point each side of a site abutting any street lot line; no business activities will be allowed except rental storage units not to exceed 500 square feet; no outside storage allowed.
- g. Postal, transportation, communication, facilities and services, with SIC Codes 43, 47, 48;

- h. Water Transportation and Marinas with SIC Code 44 and 4493;
- i. General retail trade such as: building-hardware-garden supplies, department & food stores, convenience store, automobile sales and service, clothing and home furnishings, eating establishments, drug stores, used merchandise (but not flea markets), antique stores, specialty and novelty stores (i.e., bicycle, books, stationary, jewelry, hobby & toy, camera & photo, luggage, sewing, and catalog, florist, tobacco, optical, artist supply, pet shops, firewood, monuments), with SIC Codes 52, 521, 523, 525, 526, 53, 54, 541, 55, 5531, 56, 57, 5812, 591, 593, 5932, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5999;
- j. **Gasoline Service Stations and alternative motor fuels dealers, with SIC Code 5541;**

Re-letter remaining items ‘k’ through ‘ii’.

Amend Exhibit 5 to indicate SIC Code 5541 as a Permitted Use in the GC Zoning District.

IV. STAFF RECOMMENDATION

Staff recommends approval of this request as amended by the Zoning Ordinance Subcommittee and outlined in the Proposed Ordinance Amendment section of the report. Gasoline service stations are a retail use and should be permitted in the General Commercial district as a by-right use.

V. DRAFT MOTION

I move that the Planning Commission approve OA-11-02 as presented.

VI. PLANNING COMMISSION – APRIL 27, 2011

The Sumter City-County Planning Commission at its meeting on Wednesday, April 27, 2011, voted to recommend approval for this request.

VII. CITY COUNCIL – MAY 17, 2011 – FIRST READING / PUBLIC HEARING