

# Sumter City-County Planning Commission

April 27, 2011

PD-06-05 (Revision 1), Hwy, 521 South/1395 Mooneyhan Rd./Tammy C. Hodge (County)

## I. THE REQUEST

**Applicant:** Tammy C. Hodge

**Status of the Applicant:** Property Owner

**Request:** Revise existing Planned Development to add numerous potential commercial, industrial, institutional and retail uses.

**Location:** Hwy. 521 South/Mooneyhan Road (1391 Mooneyhan Rd.)

**School District:** District 2

**Size of Property:** 90.29 acres

**Present Use/Zoning:** Single Family/metal bldg./Planned Development

**Proposed Zoning** Planned Development (PD)

**Proposed Use of Property:** Mixed Use Residential & Commercial uses

**Tax Map Reference:** 252-00-04-009 and 252-00-04-015

**Adjacent Property Land Use and Zoning:** North – Vacant/GR  
South – Vacant & Residential/AC  
East – Mooneyhan Rd  
West – Vacant/AC

### Compatibility with Land Development Plan:

The 2020 Comprehensive Plan designates this area as Suburban Development. The primary objective of the Suburban Development designation is to scrutinize and manage the existing development patterns, foster intentional mixed-use development and identify new commercial and industrial locations where form and design are a focus, all in a more efficient manner. The current westerly leap frog approach is discouraged; infill and redevelopment in areas already suited with roads and infrastructure are more strongly encouraged.

## II. BACKGROUND

The subject property was rezoned from Agricultural Conservation to Planned Development by County Council in 2006 to allow for the creation of 8 single-family residential homes using R-9 development standards on approximately 3.7 acres of land fronting on Mooneyhan Road and a cabinet making workshop building on approximately 1.5 acres fronting on Mooneyhan Road. The remainder of the 90.29 was to be developed using Agricultural Conservation Zoning and Development Standards. A copy of the property layout is enclosed with this report.

The approved PD Ordinance 06-05 adopted by Council contained the following permitted uses:

***II. The Planned Development zoning shall include the following permitted use and no others, unless further reviewed and recommended by the Sumter City-County Planning Commission, and specifically approved by the Chairperson and County Council of Sumter, South Carolina (emphasis added).***

- *8 Residential Lots:*
  - *Single-family detached dwellings, excluding mobile homes and manufactured homes.*
  - *Residential accessory uses; home occupations excluding any Home Day Care Centers.*
- *Manufacturing:*
  - *Cabinet manufacturing facility and storage of related equipment and materials.*
- *Remainder of property:*
  - *All uses permitted in the AC zoning district as outlined in Exhibit I.*

The cabinet business occupied the commercial structure on Mooneyhan Road for a spell. It has been vacant for several years.

Applicant is now coming back to request additional uses be permitted for the old cabinet shop building (40' x 60') and property which is located on Tax Map 252-00-04-015. Applicant is requesting that all uses listed in Table Exhibit 5 be allowed with the exception of the following:

Drinking Places (SIC Code 5813)  
Liquor Stores (SIC Code 592)  
Adult Uses (SIC Code 7299)  
Correctional Facilities (SIC Code 9223)

Effectively the applicant is requesting that all uses, excepting the above, in the HI, LI-W, GC, PO, NC, LC and AC zoning districts be permitted in this location.

**Exhibit 5 Permitted and Conditional Uses in the Commercial, Industrial, Agricultural and Conservation Districts** is included in this report.

For the record, the Applicant first requested that Planning Staff approve one particular use, ambulance service, as a minor change, without Planning Commission review and Council adopted. Due to the clear language of the ordinance requiring additional uses to be approved by Council, Staff could not approve the change administratively. Staff's position is articulated in a letter to the applicant dated April 4, 2011 and is attached.

The Applicant has appealed this determination to the Board of Zoning Appeals.

### **III. TRAFFIC REVIEW**

The traffic count for US 521 at this location is 7600adt. There is no SCDOT count for Mooneyhan at this location. Traffic impact for the proposed PD revision will depend on the proposed uses.

### **IV. WATER AND SEWER AVAILABILITY**

City water is available on US521 and Mooneyhan Rd. Sewer is not available at this time.

### **V. STAFF RECOMMENDATION**

Planning Staff is supportive of adding commercial uses to this planned development, especially considering Council's previous approval of commercial activity in this location. However, the Applicant's request appears to add essentially every commercial use from the zoning ordinance. This is rather ambitious.

The *effect* of the '06 decision simply added cabinet making as a permitted in the AC district. The surrounding area is 100% low density residential. On every surrounding property, only AC uses are permitted. Therefore, in our opinion, not all commercial uses are appropriate.

Staff recommends first that any additional uses occupy the existing developed area and that no expansion of the building or the site be permitted without additional review.

Second, we recommend that all AC uses be permitted in this location as directed by Exhibit 5 (meaning that permitted, conditional, and special exception rules apply).

Finally, we recommend the following additional uses only as permitted uses, exempt for conditional or special exception review:

- Transportation Services (non emergency)
- Retail Nursery & Lawn and Garden Shop
- Firewood Shop
- Monuments and Tombstones
- Administrative Offices
- Real Estate, Insurance, Financial
- Beauty, Barber Shop
- Pest Control Services

- Child Care Services
- Physical Fitness
- General Contractors (no outside storage)
- Specialty Trade Contractors (no outside storage)

Any use would be required to meet all parking, landscaping and development standards of the AC zoning district.

This area has been and is still generally rural in nature, agricultural and residential. Suburban Designation does encourage mixed uses and uses supportive of the surrounding neighborhoods but staff finds the applicant's proposal includes incompatible uses with the area.

Researching the minutes from the County Council public hearing in 2006, there was some opposition from neighbors to the cabinet shop business citing such concerns as: expansion of business into the middle of a quiet residential area, air pollution from the nature of the business, and traffic concerns.

Since the applicant was unavailable to review the recommendations from Staff prior to the publication of this report, deferral may be necessary. There may be other appropriate uses to add and review and comment from the Applicant is necessary to finalize said list of uses.

## **VI. PLANNING COMMISSION – APRIL 27, 2011**

The Sumter City-County Planning Commission at its meeting on Wednesday, April 27, 2011 recommended approval of the above referenced request to add the following uses to the existing Planned Development:

- Transportation Services (non emergency)
- Retail Nursery & Lawn and Garden Shop
- Firewood Shop
- Monuments and Tombstones
- Administrative Offices
- Real Estate, Insurance, Financial
- Beauty, Barber Shop
- Pest Control Services
- Child Care Services
- Physical Fitness
- General Contractors (no outside storage)
- Specialty Trade Contractors (no outside storage)
- Farm Labor & Management
- Research & Testing Labs
- Hardware Stores
- Apparel Store
- Bicycle Shop

- Book Store
- Home Furnishings
- Gift Shops
- Florist
- Photography Studio

**VI. COUNTY COUNCIL – MAY 10, 2011 – FIRST READING**