

# Sumter City-County Planning Commission

May 22, 2013

## PD-03-04 (Revision 1), 812 S. Harvin St.—Jehovah Missionary Baptist Church (City)

### I. THE REQUEST

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| <b>Applicant:</b>                             | James Price/Ronnie Witherspoon   |
| <b>Status of the Applicant:</b>               | On behalf of the Owner, Jehovah Missionary Baptist Church  |
| <b>Request:</b>                               | A request to revise PD-03-04 to allow the construction of a 720 sq. ft. two bay storage building   |
| <b>Location:</b>                              | 812 South Harvin Street  |
| <b>Size of Property:</b>                      | 50 x 150 feet  |
| <b>Present Use/Zoning:</b>                    | Vacant Parcel/PD   |
| <b>Proposed Use of Property:</b>              | 720 sq. ft. structure to store maintenance equipment.  |
| <b>Tax Map Reference:</b>                     | 250-09-05-044  |
| <b>Adjacent Property Land Use and Zoning:</b> | North- Residential/R-6<br>South- Residential/R-6<br>East- S. Harvin Street and Jehovah Missionary Baptist Church/R-6<br>West- Jehovah Missionary Baptist Church/GC |

### II. BACKGROUND

This parcel was the subject of a planned development (PD-03-04) approval which allowed a 1200 sq. ft. residential building to be converted into a bookstore for use by Jehovah Missionary Baptist Church. The original planned development was approved by City Council June 3, 2003.

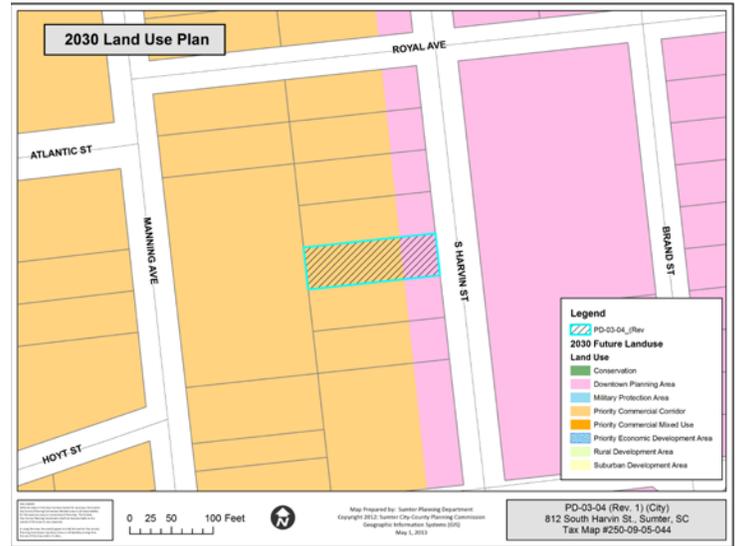
As shown in the 2007 orthophoto to the right, today the 7,500 sq. ft. lot stands vacant—the structure was removed in February of 2005. Because the original planned development was a single-use PD, this property cannot be reused or built upon without approval of City Council through a formal amendment. The



Applicant is requesting to amend the PD to allow for the construction of a 750 sq. ft. storage building to house lawn equipment and maintenance tool for the Church.

### III. 2030 COMPREHENSIVE PLAN

The property is influenced by two 2030 Land Use Designations—the Downtown Planning Area (DPA) and Priority Commercial Corridor (PC). The Downtown Planning Area promotes and encourages a design focused, flexible urban core dominated by retail, office/institutional, and residential uses. This designation supports an intentional true mix of residential, commercial, healthcare, and civic land uses at relatively high densities.



Priority Corridor locations are designated for protection against undesirable uses such as industrial, automotive repair, or uses primarily engaged in outdoor storage while promoting sound design and site layout to minimize impact on adjacent properties. Landscaping and architecture play a vital role in determining development compatibility.

### IV. STAFF RECOMMENDATION

Staff recommends converting this Planned Development application to a rezoning request to return the parcel to its original R-6 designation.

There are multiple single-use PDs located throughout the City, which must be amended in order to add additional structures and/or change uses. Past practice employed the PD tool in many instances for design control, to add conditions, to reduce setbacks, to waive certain requirements, in response to public input, and/or to prohibit unwanted uses. In addition, PDs have been used to advance the comprehensive plan, and to ensure a better product while ensuring the health safety and welfare of our citizens. However, on March 15, 2010, the South Carolina State Supreme Court issued a significant ruling on the use of Planned Development – PD – zoning.

The court said that if PD zoning is employed by Council, it must meet the definition of PD as contained in the State Enabling Act. That definition is as follows:

*“A development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed use development. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed-use development.”*

Staff believes that PD-03-04 does not meet the above definition therefore it is recommended that this parcel be rezoned back to R-6. Subsequently, the Church should combine the parcel with their adjacent tract of land. The R-6 zoning district allows churches and their ancillary support facilities

(i.e. storage buildings and parking areas) to be located within the district as a conditional use. It is further recommended that once the parcel is rezoned, the Church pursue a setback variance from the Board of Zoning Appeals to allow for the placement of the proposed storage building.

**V. PLANNING COMMISSION – MAY 23, 2013**

The Sumer City-County Planning Commission at its meeting on Wednesday, May 22, 2013, accepted staff's recommendation to forward this request to City Council as a rezoning request to rezone the property from Planned Development to Residential-6.

**VI. CITY COUNCIL – JUNE 18, 2013 – FIRST READING / PUBLIC HEARING**