

SUMTER CITY - COUNTY PLANNING COMMISSION

Minutes of the Meeting

June 26, 2013

ATTENDANCE	A regular meeting of the Sumter City – County Planning Commission was held on Wednesday, June 26, 2013 in the Planning Department Conference Room located in the Liberty Center at 12 W. Liberty St. Six board members: Mr. David Durham; Mr. Burke Watson; Mr. Dennis Bolen; Ms. Sandra McBride; Mr. Jim McCain; Mr. Todd Champion – and the secretary were present. Ms. Constance Lane and Mr. Charles Segars were absent. The meeting was called to order at 3:00 p.m. by Mr. David Durham.
MINUTES	Mr. Burke Watson made a motion to approve the minutes of the May 22, 2013 meeting as presented. The motion was seconded by Mr. Dennis Bolen and carried a unanimous vote.
NEW BUSINESS	<p><u>MSP-13-23, Shubach Deliverance Outreach Ministry / 975 Eagle Rd. (County)</u></p> <p>Ms. Helen Roodman presented this request for Major Site Plan approval to construct a 7,400 sq. ft. church sanctuary and fellowship hall on property locate 975 Eagle Rd. She stated this is a brand new location for the congregation and the site received preliminary Conditional Use approval in January 2007 (CU-07-01). The project area is a +/-5 acre parcel with a large portion being unusable because of flood zone and/or wetlands. The applicant proposes construction of a 7,400 sq. ft. church that includes sanctuary and related facilities. There will be one access point to the site on Eagle Rd. with parking to the front and rear of the structure. Parking areas will be a combination of grass, gravel, and asphalt, as permitted under the zoning ordinance. Impervious surface will be added for parking adjacent to the structure for the handicap parking. All additional required parking with be gravel or grass.</p> <p>Ms. Roodman stated that the stormwater management will be a dry pond with grass. She stated the applicant will be adding Wax Myrtles amongst the larger trees that have been protected to create a screen for the properties to the north and south.</p> <p>Mr. Jason Hardee was present to speak on behalf of this request.</p> <p>With no further discussion, a motion to approve this request as presented was made by Mr. Dennis Bolen, seconded Mr. Jim McCain and carried unanimously.</p>

PD-06-19 (Rev. 3) Louis Tisdale / Pocalla Springs (City)

Ms. Claudia Rainey presented this request to amend the ordinance for planned development PD-06-10 to change one of the approved commercial areas to residential parcels on property located at 1700 Hwy. 15 South. She stated this is the Pocalla Springs Subdivision. The applicant wishes to convert some of the commercial areas to residential to create 16 new residential parcels along Masters Dr. and Talisker Dr. Ms. Rainey stated the area where the proposed residential parcels will be located has several very large oak trees. One of the developer's main considerations in changing this from commercial to residential use is to preserve most of the trees as he feels that the trees will accentuate residential development.

Mr. Louis Tisdale was present to speak on behalf of this request. He stated the developers felt this would soften the impact on the church and as they looked at it, there were plenty of other commercial areas. He also stated this is a good way to preserve the oak trees as the other commercial developers wanted to take the trees out.

Mr. Jim McCain inquired where the entrance to the subdivision was located.

Ms. Rainey stated there were three entrances: one on Lewis Rd., one full access on Hwy 15 South, and also one right-in/right-out on Hwy 15 South.

With no further discussion, a motion to recommend approval of this request as presented was made by Mr. Jim McCain, seconded by Ms. Sandra McBride and carried unanimously.

RZ-13-06, Lewis Rd. (City)

Ms. Claudia Rainey presented this request to rezone two parcels totaling +/- 3.81 acres located on Lewis Rd. from Residential-9 (R-9) to Residential Multi-family (RMF). She stated one parcel is directly on Lewis Rd. and the other is to the back; both properties are vacant at the present. The desire of the property owner is to rezone to match the contiguous RMF zoning of the parcel in between the two, which he also owns and combine the parcels so that they can be sold as one parcel to a developer at a later date. She stated the big field adjacent to the parcels in question is the site of a residential multi-family development currently under construction. Because it is contiguous to residential multi-family, staff recommends approval of the rezoning.

Mr. Don Willson was present to speak on behalf of this request.

Mr. McGregor stated any development project would come back to Planning Commission for the review process.

With no further discussion, a motion to forward a recommendation for approval was made by Mr. Jim McCain, seconded by Mr. Burke Watson and carried a unanimous vote.

RZ-13-07, 2355 Wedgefield Rd. (County)

Ms. Helen Roodman presented this request to rezone +/-2.05 acres located at 2355 Wedgefield Rd. from planned development (PD-08-05) to Residential-15 (R-15). She stated the applicant is requesting to rezone this parcel of land from Planned Development (PD) to Residential-15 (R-15) to allow for the sale of the parcel as a residence. The current PD zoning (PD-08-05) does not permit single-family or any residential uses, which presents a problem for some traditional buyer financing instruments. She added that this parcel was included as part of a multi-parcel rezoning for the Loring Mill Village Center (PD-08-05) that encompassed 11 separate parcels under the ownership of eight (8) separate owners at the intersection of Wedgefield Hwy. and Loring Mill Rd. Since 2008 there has been no progress towards development of the conceptual commercial development proposed under the PD plan, and no master developer has acquired unified control of the approved development site. The owner of 2355 Wedgefield Rd. wishes to remove this parcel from the planned development and return the zoning designation to R-15 in order to sell the property for residential use. Rezoning this parcel back to an R-15 designation does not contradict the goals and objective of the 2030 Plan in this instance. Although the property is influenced by a Priority Commercial designation, the current market climate has not generated commercial development in this area. An R-15 designation is consistent with how the parcel has historically been used and in accord with its current marketing as a residential property.

Mr. Burke Watson asked, if this rezoning were to be approved, what type of impact it would have on the remaining parcels that are under this Planned Development.

Ms. Roodman stated any development request that comes through for this corner will have to go back through a revisioning process for that planned development.

Mr. George McGregor stated this was surely a speculative rezoning in 2008. He stated a developer came in and talked to adjacent property owners and said he thought the area would go commercial and it didn't. Because there are several different property owners, staff's conclusion was that because the developer did not acquire these properties, they do not have the rights to the planned development at all. If this particular applicant doesn't want to be a part of the planned development, wants to sell the house for a residential use, it is staff's belief the applicant should be allowed to do that.

Mr. McGregor stated for the record, Mr. Tisdale was notified of this rezoning – he was the applicant in the rezoning of the original planned development and stated he had no problem with the removal of this parcel from the planned development.

Ms. Cindy Strickland was present to speak on behalf of this request. She stated a year and half ago they proposed to sell the property as commercial. At the attorney's office, thirty minutes before closing, the family was informed by the attorney that there was a restriction on the deed stating the property could not be sold as commercial property. That information was not disclosed in 2008 and the property owner did not realize the restriction would affect the proposed planned development. She stated they have a buyer who cannot get financing until the property is zoned residential.

Mr. Watson asked who placed the restriction on the deed.

Ms. Strickland stated the restriction was placed on the deed in 1977 by Mrs. Devenstedt.

Mr. Watson asked if the property could still be used as a residential use although it is zoned planned development.

Ms. Roodman stated that it could, but it becomes an issue when a buyer is using a VA or FHA loan tool. If the property is not zoned for residential uses, the buyer cannot get financing. Ms. Strickland has stated the prospective purchaser of the property has applied for a VA loan.

With no further discussion, a motion to forward this request to County Council with a recommendation of approval was made by Mr. Burke Watson, seconded by Mr. Jim McCain and carried a unanimous vote.

OA-13-04, Adult Uses and Sexually Oriented Businesses (County)

Mr. George McGregor presented this request to consider amendments to the Sumter County Zoning Ordinance related to Adult Uses and Sexually Oriented Businesses. He stated the board reviewed the exact same ordinance amendment a year ago in an effort to strengthen the City's protections against the negative secondary effects of these types of uses. He stated the County has asked staff to process a similar amendment for the County Ordinance. He explained this would amend several Articles in the Ordinance (Articles 3, 4, 5, 8 and 10). Specifically, the purpose is to strengthen the County's protection against the negative secondary effects – alcohol, nuisance, late hours, additional criminal acts, drug use and those kinds of things – of these types of uses. He stated this is a comprehensive two-pronged approach in which the Planning Commission will deal with the zoning ordinance regulations and County Council will deal with specific Business License regulations

	<p>relating to those specific uses. The proposed changes will permit all adult uses by right in the Heavy Industrial (HI) and Light Industrial Warehouse (LI-W) zoning districts and establish clear separation standards from sensitive land uses such as home, schools, parks, churches, etc. He stated this removes the use from the General Commercial (GC) District. Mr. McGregor stated current zoning regulations require a special exception review and public hearing in front of the Board of Zoning Appeals for uses that have greater impacts on the community – bars, tattoo parlors, turkey farms, etc. This proposal would permit these uses in the specified zoning district without any extraordinary or expanded review. If an applicant owns a piece of property in the HI or LI-W district and can meet the separation requirements, all they would have to do is file a site plan. Mr. McGregor stated because of Constitutional Protection, the community has to allow these uses somewhere in our community but the community may regulate them.</p> <p>Mr. David Durham asked what surrounding counties had to say about this.</p> <p>Mr. McGregor stated staff did not look at other counties regulations.</p> <p>Mr. Watson asked if an existing business, located in a shopping center, sold sexually oriented merchandise moved out, would the new regulations have any bearing on a similar business opening at that location at a later date.</p> <p>Mr. McGregor stated the new regulations would apply beyond the nonconforming use or any grandfathering for that space. He stated the new definitions make it much easier to define adult use and eliminates any gray areas as to what is or isn't an adult use.</p> <p>Ms. McBride asked who goes in after a business license has been issued to make sure the business is what they are supposed to be.</p> <p>Mr. McGregor stated there would have to be a complaint and the nature of the complaint would determine who would investigate – questions of legality would be for the police or sheriff's departments; zoning violation would be for someone from the zoning department; violation of business license would require someone from the Business License Department to check into the complaint.</p> <p>With no further discussion, a motion to forward to County Council with a recommendation for approval was made by Ms. Sandra McBride, seconded by Mr. Jim McCain and carried unanimously.</p>
<p>DIRECTOR'S REPORT</p>	<p>Mr. George McGregor informed the board that the Traffic Study guidelines have been approved by both City and County Councils.</p> <p>He state that the landscaping ordinance has not been taken up by</p>

	<p>either City or County Council. Each council plans to schedule a work session and the Planning Commission will be informed of the dates and times and invited to attend.</p> <p>Mr. McGregor stated SCAPA has planned a one day conference on July 17th in Florence. Those wishing to go will get their Continuing Education credit for the year.</p>
ADJOURNMENT	<p>With no further business, Mr. Jim McCain made a motion to adjourn the meeting at approximately 3:50 p.m. The motion was seconded by Mr. Dennis Bolen.</p> <p>The next scheduled meeting is July 24, 2013.</p>
	<p>Respectfully submitted,</p> <p><i>Wanda F. Scott</i></p> <p>Wanda F. Scott, Planning Secretary</p>

Sumter City-County Planning Commission

Meeting Date: June 26, 2013

NAME (Please Print)	Which request are you here for?
Jason Hurd	MSP-13-23
Gary R Hallmark	SHAW
Sherril Woodward	BREC
Don Wilk	
Louis Tischler	