

SUMTER CITY - COUNTY PLANNING COMMISSION

Minutes of the Meeting

December 17, 2014

ATTENDANCE	<p>A regular meeting of the Sumter City – County Planning Commission was held on Wednesday, December 17, 2014 in the City Council Chambers located on the Fourth Floor of the Sumter Opera House. Seven board members: Mr. Burke Watson, Mr. Jim McCain, Mr. Todd Champion; Mr. Doc Dunlap; Mr. Dennis Bolen; Ms. Bertha Willis; Mr. John Acken – were present. Mr. David Durham and Ms. Sandra McBride were absent.</p> <p>Staff members present were Mr. George McGregor, Ms. Donna McCullum, Ms. Helen Roodman, Ms. Claudia Rainey and Ms. Wanda Scott.</p> <p>The meeting was called to order at 3:00 p.m. by Mr. Burke Watson.</p>
MINUTES	<p>Mr. Jim McCain made a motion to approve the minutes of the November 19, 2014, meeting as written. The motion was seconded by Mr. John Acken and carried a unanimous vote.</p>
NEW BUSINESS	<p><u>SV-14-11, 564 Eagle Rd. (County)</u></p> <p>Ms. Claudia Rainey presented this request for Sibling to Sibling family relationship for a lifetime family conveyance to subdivide a +/- 1.0 acre parcel from a larger +/-8.47 acre tract located at 564 Eagle Rd. Ms. Rainey explained the property in question is a +/-8.47 acre parcel located off of Eagle Rd. in Sumter County and that an auto repair business is currently in operation on the parcel. The remaining portion of the parcel is vacant. Ms. Rainey stated that as a condition of any lifetime conveyance, the grantor must ensure that the grantee has sufficient access to the property either through direct access through frontage on a road or through an access easement. This property is considered landlocked and has no direct access to public road frontage. The grantor is providing a 15 foot wide easement for access to the new parcel. She further explained that the area around the auto repair shop is also being used for storage of a large number of automobiles, and appears to be an illegal salvage yard at this time as salvage yards and junk yards are only permitted as a special exception in the Heavy Industrial (HI) zoning district. Ms. Rainey stated this is considered a zoning violation and the owner has been instructed to remove the excess cars from the site. She stated staff's recommendation is deferral of this request until the January 28, 2015 meeting to give the applicant time to correct the zoning violation.</p>

Mr. Doc Dunlap asked if the owner had been given a time frame for the removal of the cars.

Mr. George McGregor stated staff felt thirty (30) days would give the property owner enough time to correct the violation.

Mr. Watson inquired about whether or not there was an active business license for the property.

With no further discussion, Mr. Jim McCain made a motion to accept staff's recommendation to defer this request until the January 28, 2015 meeting in order give the applicant time to correct the zoning violation (excess cars on the property). The motion was seconded by Mr. Doc Dunlap and carried a unanimous vote.

SV-14-12, 405 Foxworth Mill Rd. (County)

Ms. Claudia Rainey presented this request for a variance from Article 8.e.13, Section f, *depth of residential lots shall not be more than 2-1/2 times their width* to subdivide +/- 2.43 acre tract from a larger +/- 50.0 acre parcel located at 405 Foxworth Mill Rd. She stated the property in question is a +/- 50.0 acre parcel located off of W. Foxworth Mill Rd. between Hwy 15 North and Queen Chapel Rd. in Sumter County. There are no residences currently on the parcel. The applicant is requesting to subdivide 2.43 acres out of the 50 acres he owns in order to build a house. The purpose of the proposed subdivision is to acquire mortgage financing for the new house. The parcel in question is located on a dirt private drive that is 60 feet wide and is approximately 1040 feet long reaching from W. Foxworth Mill Rd. with 60 feet of frontage on W. Foxworth Mill Rd. to the proposed 2.43 acre parcel. The proposed subdivision meets the minimum lot frontage at the public right of way with the 60 feet. The actual parcel surrounding the house meets the width to depth but the private drive with its extensive length does not meet the width to depth ratio. Ms. Rainey stated under normal circumstances, staff would not recommend approval of a flag shaped lot because the intention of the Subdivision Ordinance is not to create such lots. In this particular case, the owner of the property is being required to survey out a portion of the property in order to build his house to fulfill requirements for mortgage financing. This property is not being cut out in order to be conveyed to anyone else. This driveway as shown on the plat will provide for emergency access which is one of the primary concerns of the County. The Fire Inspector has approved the drive. Because of these mentioned reasons, staff is recommending approval of this width to depth subdivision variance with the following conditions:

1. Subdivision is for purpose of mortgage financing requirements only.
2. Private driveway will be accessible for emergency vehicles
3. No further subdivision of this property and no other building permits for additional dwellings will be approved.

Mr. Jim McCain asked if the applicant has agreed to leave the gate unlocked after the house is built. He also asked if this would be a condition for approval.

Ms. Rainey stated it was ultimately up to the applicant as to whether the gate was open or locked and it was not a condition for approval.

Mr. Craig Hill was present to speak on behalf of this request.

With no further discussion, Mr. Dennis Bolen made a motion to approve this request as presented. The motion was seconded by Mr. Jim McCain and carried a unanimous vote.

RZ-14-10, 2132 & 2138 N. Main St. (County)

Ms. Helen Roodman presented this request to rezone property located a 2132 and 2138 N. Main St. from Agricultural Conservation (AC) and Neighborhood Commercial (NC) to Limited Commercial (LC). Ms. Roodman stated the applicant is requesting to rezone approximately 2.88 acres of land from Neighborhood Commercial (NC) and Agricultural Conservation (AC) to Limited Commercial (LC) in order to lease the property to an ambulance service. Currently in the county, ambulance services are not permitted in the NC or AC zoning district. However, ambulance services are a by-right use in the Limited Commercial (LC) and General Commercial (GC) zoning districts. The property was initially developed in the 1970s with additions in the intervening years. Historically, the property was used as a specialty contractor's office, however; there is no business licensing history on these parcels. According to the Sumter County Assessor's records, property cards for the two parcels indicate the buildings on-site are being taxed as commercial retail space and general purpose warehousing. Based upon a recent site visit, it appears that the property is currently being used for an automotive repair and/or automotive upholstery service. Ms. Roodman stated The 2030 Plan does support a more intense commercial designation than NC in this area. Rezoning to Limited Commercial (LC), given the guidance of the 2030 Plan and existing pattern of development makes sense and staff is recommending approval of this request.

Mr. William Dollar was present to speak on behalf of this request.

With no further discussion, Mr. Jim McCain made a motion to recommend approval for this request. The motion was seconded by Mr. Doc Dunlap and carried a unanimous vote.

RZ-14-11, 585 Bultman Dr. and Kilgo St. (City)

Mr. George McGregor presented this request to rezone +/- 2.21 acres located at 585 Bultman Dr and Kilgo St. from Residential-6 (R-6) to Limited Commercial (LC). He stated the applicant, Polestar Development, LLC, is requesting to rezone 2.21 acres of a split-zoned

property from Residential-6 (R-6) to Limited Commercial (LC). He stated the subject property is a portion of an overall 13.26 acre property under School District ownership located at the intersection of Bultman Dr. and Kilgo St. In 2009, the front 5.31 acres directly facing Bultman Dr. was rezoned from R-6 to LC. The applicant proposed to extend the Limited Commercial zoning on the middle portion of the overall property in order to develop a 33,000 sq. ft. grocery store with an accessory fuel center that will have six (6) pumps. He added that property is undeveloped and has a good amount of tree coverage. He noted that although the applicant has indicated the pursuit of a particular use, any uses in the LC district would be permissible. The 2030 Plan would support a rezoning such as this when the subsequent design respects existing residential development and when said design incorporates good landscaping, architecture and other design techniques. He stated the applicant has submitted a concept plan.

Mr. Jim McCain stated he understood the board was just making a recommendation on the rezoning, and if it is approved the complete site plan will be brought to the Planning Commission. He stated he is very familiar with the area and down Kilgo St.; there are houses directly across the street from the tree line. He added he is hoping there will be some type of buffering because the residential area on Kilgo St. is very, very close.

Mr. McGregor stated the City recently approved a new landscape/buffer ordinance that this application will be subject to.

Mr. Mack Kolb, Mr. Ben Berry and Mr. Jeff Soble were present to speak on behalf of the request. Mr. Kolb stated he is aware of the neighborhood concerns and he and the applicants are keeping the neighborhood informed.

Mr. Jeff Soble clarified that the sales area of the store is 33,000 sq. ft., but the total floor space is 41,871 sq. ft.

Mr. John Acken asked if it would be possible to encourage foot traffic.

Mr. Soble stated sidewalks are included in the plan that will be conducive to pedestrian traffic.

After some more discussion on the proposed site plan, Mr. Todd Champion made a motion to approve this request as presented by staff. The motion was seconded by Mr. John Acken and carried a unanimous vote.

OA-14-12/A-14-13, Ice Vending Machines (City/County)

Ms. Helen Roodman presented this request to amend both the City and County Zoning and Development Ordinances as follows:

City: Request to amend Article 3, Sections 3.g.2, 3.h.2, and 3.i.2 as well as Exhibit 3-5 to make Automatic Merchandising Machine

Operators, with SIC Code 5962 a permitted use in the NC, LC and GC zoning districts; and amend Article 8, Exhibit 8-9 to add parking requirements for Automatic Merchandising Machine Operators in order to allow freestanding ice vending machines as a principal use on any NC, LC, or GC zoned commercial parcel.

County: Request to amend Article 3, Sections 3.g.2, 3.h.2, and 3.i.2 as well as Exhibit 5 to make Automatic Merchandising Machine Operators, with SIC Code 5962 a permitted use in the NC, LC, and GC zoning districts; and amend Article 8, Exhibit 23 to add parking requirements for Automatic Merchandising Machine Operators in order to allow freestanding ice vending machines as a principal use on any NC, LC, or GC zoned commercial parcel.

Ms. Roodman stated this ordinance amendment has been initiated by the owner of three Ice House vending units currently set up on lease property. Each of the three sites is part of General Commercial (GC) zoned shopping plaza/strip center parcels within the City. The applicant is requesting this amendment so that they may purchase land to place an ice vending unit as a principal use and hold title to the land. As per the Zoning Administrator's determination, ice vending units are only permitted to be placed on established developed lots as accessory uses because Automatic Merchandising Machine Operators, with SIC Code 5962 are not permitted within any zoning district under the current regulations. In 2008 when the first request to place an ice vending unit in Sumter was presented to the Planning Staff, the Zoning Administrator determined that it should be treated as an accessory use on established commercial parcels that had at least one active principal business; this is the same way all other vending machine units are treated.

Ms. Roodman added that many of the commercial properties in the community impacted by this request are located within our primary transportation corridors. These same corridors are impacted by the Highway Corridor Protection District as well as Priority Investment Areas in the 2030 Comprehensive Land Use Plan. When looking at permitting freestanding vending units on parcels with no established primary use, all development standards for new construction should apply, this includes formal site plan review with document submission that addresses site access, buffering, landscaping, parking, paving, and where applicable, Highway Corridor Protection District design review standards for exterior materials. Any new proposed site for a freestanding vending unit would be expected to meet the same standards as any other new commercial development.

Ms. Roodman stated that guidance from the 203 Comprehensive Plan and established development criteria does not appear to support the proposed use amendment. The primary question at hand is whether the community desires Automatic Merchandising Machines, also known as vending machines, to be permitted in all of the commercial districts as primary uses on individual parcels where no other use is

	<p>established. She stated Staff recommends continuing the current practice of permitting these units as accessory only.</p> <p>Mr. John Acken stated he thinks this is the wrong thing to do as if goes against everything they are trying to do in Sumter County.</p> <p>Mr. McGregor stated he wanted to clarify that these machines are permitted under the current ordinance as permissible uses as accessory structures.</p> <p>Mr. Watson asked if the units were personal property.</p> <p>Ms. Roodman stated that was correct.</p> <p>Mr. Darrell Allen was present and spoke on behalf of this request.</p> <p>Mr. Watson stated he had the following concerns:</p> <ul style="list-style-type: none"> • Conformity to Highway Corridor • Typical life expectancy of unit • Most of the value is in land – not vending unit <p>Mr. Acken stated if this amendment is done, it needs to be in a tight box or they are headed for trouble.</p> <p>After more discussion, Mr. Todd Champion made a motion to defer this request until the January 28, 2015 meeting and directed staff to draft Ordinance language that establishes clear development standards for stand-alone vending units. The motion was seconded by Mr. Jim McCain and carried a unanimous vote.</p>
OTHER BUSINESS	<p>Mr. Dennis Bolen made a motion to approve the 2015 Calendar as presented. The motion was seconded by Mr. Todd Champion and carried a unanimous vote.</p>
DIRECTOR'S REPORT	<p>Mr. McGregor informed the Committee that Sumter had been nominated once again by Shaw to receive DOD funding for a Joint Land Use Study. The current JLUS was adopted in 1993. He stated he would file the paperwork in early January.</p> <p>Mr. McGregor stated that a new Abandoned Housing Survey has been conducted by staff and the report will be completed within the next sixty days.</p>
ADJOURNMENT	<p>With no further business, the meeting was adjourned at approximately 4:40 p.m. by acclamation.</p> <p>The next scheduled meeting is January 28, 2015.</p>

Respectfully submitted,

Wanda F. Scott

Wanda F. Scott, Planning Secretary