

# Sumter City-County Planning Commission

July 27, 2011

## RZ-11-08, 627-651 & 655-665 Bultman Drive (City)

### I. THE REQUEST

**Applicant:** Sue Joyce

**Status of the Applicant:** Representative of Property Owners, Gayle Rubin and Doris Ellen Eber

**Request:** Rezone 2 parcels (+/- 1.13 and +/- 1.31 acres, a total area of +/- 2.44 acres) from Limited Commercial (LC) to General Commercial (GC) Zoning

**Location:** 627-651 & 655-665 Bultman Drive

**Present Use/Zoning:** Commercial Strip Centers/ LC

**Tax Map Reference:** 229-09-02-023 & 229-09-02-077

**Adjacent Property Land Use and Zoning:**  
North – Commercial / LC  
South – Commercial / LC  
East – Single-Family Residential / R-6  
West – Bultman Drive, Commercial Planned Development & Offices/ PD & PO

### II. BACKGROUND



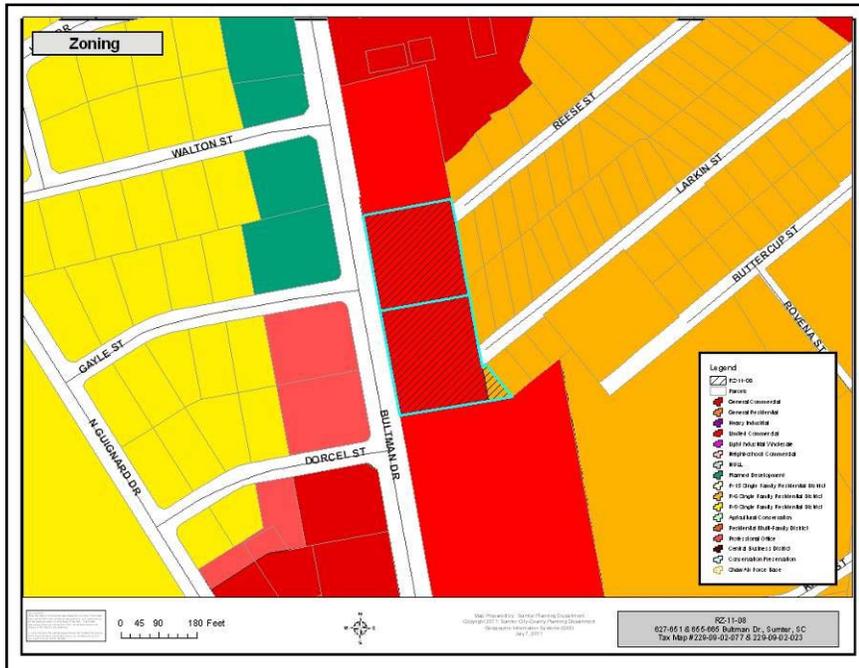
**Above:** View of commercial center at 627-651 Bultman Drive



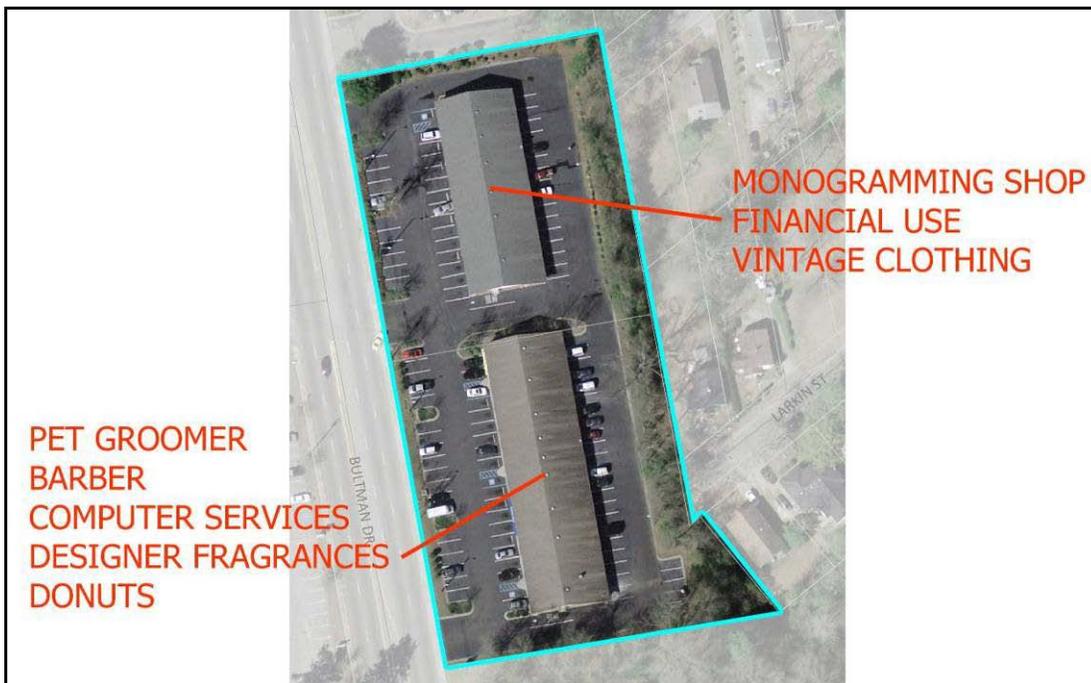
**Above:** View of commercial center at 655-665 Bultman Drive



**Above:** View of parking area in front of commercial center on Bultman Drive, showing character of landscaping and signage.



**Left:** The parcels in question for rezoning are located on Bultman Drive, in a district that is dominated by specialty retail and professional office uses. There is no contiguous GC zoning adjacent to these parcels.



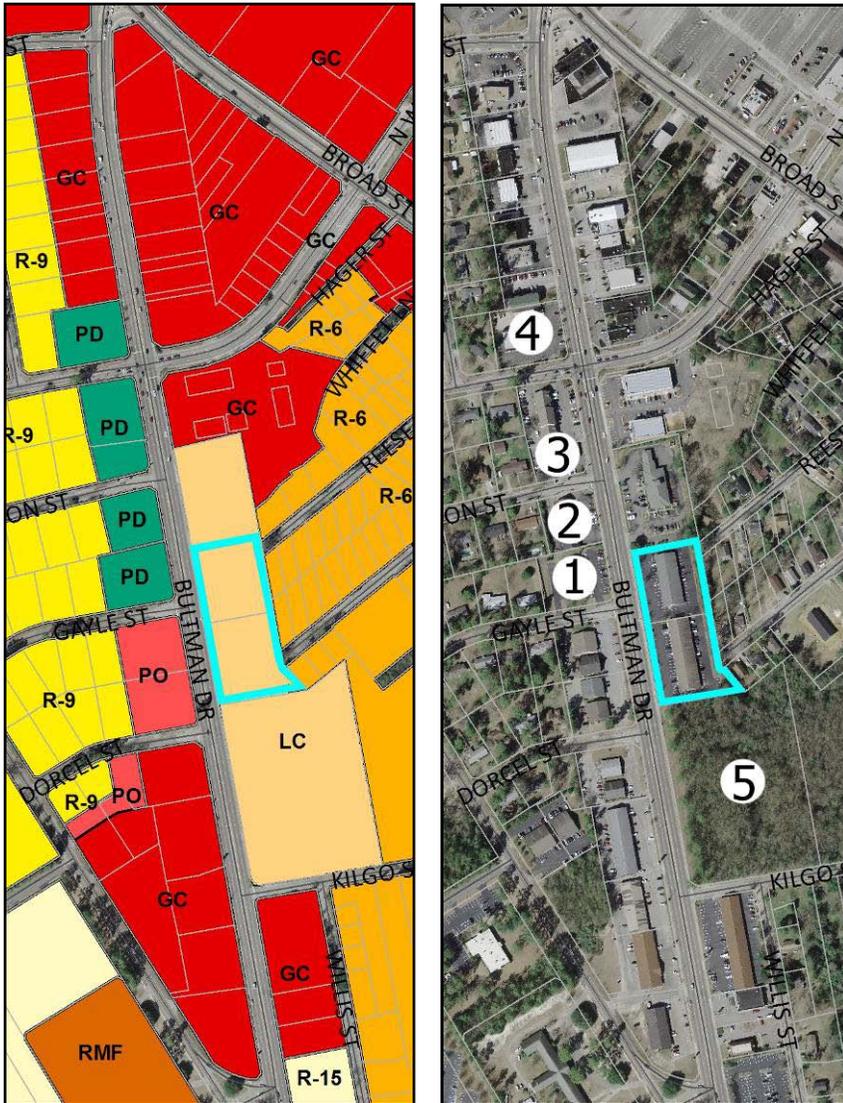
**Above:** Current uses in the shopping centers proposed for rezoning.

The Applicant, Sue Joyce, has requested a rezoning of this parcel from Limited Commercial (LC) to General Commercial (GC) in order to increase the number of potential uses on the site. As the diagram above suggests, this area is currently dominated by specialty stores, real estate agencies, financial institutions and medical / dental offices.

**Below:** This diagram outlines the uses in both GC and LC, and the uses specific to GC.

<b><u>Permitted Uses in Both LC &amp; GC</u></b>	<b><u>Permitted Uses in GC but not LC</u></b>
Administrative Offices	Soil Preparation Services / Crop Services
Research, Development & Testing Labs	Veterinary Services
US Postal Services	Farm Labor & Management Services
Water Supply Facilities	Landscape & Horticultural Services
Hardware Stores	Building Construction / General Contractors
Grocery Stores & Convenience Stores	Printing & Publishing
Apparel & Accessory Stores	Warehouses & Mini-Warehouses
Home Furniture & Furnishing Stores	Water Transportation
Eating Places	Transportation Services
Drug & Sundry Stores	Communications
Antique Stores	Lumber & Building Materials
Sporting Goods & Bicycle Shops	Retail Nurseries, Lawn & Garden Shops
Book Stores, Stationery Shops	Paint, Glass & Wallpaper
Jewelry Stores, Hobby, Toy, Game Shops	General Merchandise Stores
Camera, Photo Supply Houses	Automotive Dealers
Gift, Novelty, Souvenir Shops	Automotive Accessories
Sewing, Needle & Piece Goods	Fuel Dealers
Catalog & Mail Order Houses	Used Merchandise & Pawn Shops
Florists	Firewood Shops
Tobacco Stores	Fireworks
Optical Goods Stores	Monuments & Tombstones
Miscellaneous Retail	Hotels & Motels
Pet Shops	Rooming & Boarding Houses
Depository & Non-Depository Institutions	Organization Hotels & Lodges
Security & Commodity Brokers	Power Laundries / Dry Cleaning Plants (CU in LC)
Insurance Carriers & Agents	Carpet & Upholstery Cleaning
Real Estate & Holding Investments	Industrial Laundries
Laundry & Dry Cleaners, Linen Supply	Business Services
Coin-Operated Laundries	Employment Agencies
Photographic Studios	Auto Rental & Leasing
Beauty & Barber Shops	Auto Service Except Repair
Shoe Repair, Shoe Shine, Hat Cleaning	Miscellaneous Repairs
Funeral Homes & Crematories	Motion Picture Distributors
Miscellaneous Personal Services	Motion Picture Theaters
Auto Rental & Leasing	Video Tape Rentals
Car Washes	Dance Studios
Medical & Dental Offices, Doctors of Osteopathy	Bowling Alleys / Theatrical Producers
Nursing Care Facilities	Professional Sports Clubs & Promoters
Legal Services	Physical Fitness Facilities
Libraries	Coin-Operated Amusement Devices
Vocational & Other Schools / Education Services	Amusement Parks
Job Training & Rehab	Membership Sports & Rec. Clubs
Childcare Services	Hospitals, Medical & Dental Labs
Residential Care	Home Healthcare Services / Misc.
Organizational Facilities & Business Assoc.	Social Seminars / Individual & Family
Membership Organizations	Museums & Art Galleries
Engineering, Accounting, Research	Botanical Gardens
Miscellaneous Services	National Guard Armory
Government Offices	Parks & Playgrounds, Public Golf Courses
Justice, Public Order & Safety	Residential Uses
Fire Protection Facilities	
Public Administration Offices	

## ZONING HISTORY FOR SURROUNDING AREA



**Above Left:** Current zoning for the area. At this time, GC zoning is clustered at the intersections of Bultman Drive and Broad Street, and Bultman Drive and Guignard Drive.

**Above Right:** The surrounding parcels that have been examined for rezoning in the last six years or that have issues relevant to this rezoning decision are as follows:

- 1- This parcel was PO and was rezoned to PD in 1985 (RZ-462 / PD-42), with underlying LC uses and development standards. In 2004 the property owner requested a rezoning to GC (RZ-04-03) but City Council denied this request, and instead added the General Contractor use to the PD ordinance.
- 2- In 1987 this property was rezoned from PO to LC (RZ-544 / PD-60) with a PD overlay to allow limited retail. Elevations and site plans were required for approval.

- 3- This parcel was rezoned in 1989 (RZ-633 / PD-83) from PO to PD with LC development standards, for mixed retail and office uses.
- 4- In 1993 this parcel was rezoned to PD with GC development standards. In 1996 the PD was revised (PD-96-13) to allow an office complex use. In 2008, the PD was revised again (PD-08-07) to allow a billboard on the property.
- 5- This parcel is undeveloped at this time.

*Please note that prior to the Supreme Court ruling in 2010 clarifying the proper use of Planned Development, rezoning to PD in order to place limiting conditions on individual projects was common practice.*

### **HIGHWAY CORRIDOR ISSUE**

Bultman Drive was added to the City's Highway Corridor Protection District (HCPD) in 2006. The goal of the HCPD is to promote off-street parking in the rear of buildings, or screened by vegetation or berms. Outdoor sales is not permitted unless screened from view, except for car dealerships and mobile home sales, which still must meet landscaping and buffering requirements. Architectural standards for the HCPD include limiting surface materials to brick, stone, stucco or masonry. Signs and structural elements such as fences come under special review when located in the HCPD.

### **BACKGROUND SUMMARY**

The following issues have been considered with regards to this rezoning request:

- It appears that historically both Planning Commission and City Council have been extremely cautious when land use changes have been requested in this corridor. Careful control of uses has been consistently maintained along this section of Bultman Drive for the last 25 years, and rezoning approvals have been contingent upon specific site plans, elevations, and use requirements.
- The adjacent uses to the parcels in question are zoned Limited Commercial (LC), Professional Office (PO), Residential (R-15) and Planned Development. The less intense zoning is adjacent to residential areas. The Planned Developments are tied to specific use requirements and required site plans for approval.
- Possible uses in GC, such as used car and mobile home dealerships, industrial laundries, hotels and pawn shops are incompatible with the residential district adjacent to this commercial center.

### **III. COMPATIBILITY WITH 2030 COMPREHENSIVE LAND USE PLAN**

The area is within the Suburban Development (SD) Planning Area. The goal of the SD planning area is to foster mixed-use development and encourage infill. The rezoning request meets this goal by providing an area with a mixture of commercial and residential uses. However, the Comprehensive Plan

is sensitive to community and neighborhood character. A change such as this may prompt a change of character in this corridor.

#### **IV. TRAFFIC REVIEW**

The Traffic Count for this section of Bultman Drive is 18,700 Average Daily Trips (ADT), with a Level of Service (LOS) of C. Rezoning this parcel to GC could intensify use of the site and thereby impact traffic flow on Bultman Drive.

#### **V. STAFF RECOMMENDATION**

The character of this corridor is influenced by professional office and retail. Rezoning these parcels from LC to GC will intensify the commercial uses and possibly bring inappropriate uses to a district that is directly adjacent to a large residential area. There is no contiguous GC zoning in relation to either parcel, and the nearest GC zoning is clustered at the intersections of Bultman Drive and Broad Street or Guignard Drive. Rezoning in this area has been carefully controlled for the last 25 years to protect the residential character surrounding this part of Bultman Drive. Also, the parcels have a combined area of +/- 2.44 acres, and the existing commercial center contains space for 18 potential business uses. The current uses on the site are light commercial in character, such as specialty retail and financial businesses. Opening the area to GC could bring in uses that are incompatible with the current character of both this commercial center and the surrounding district.

Staff recommends these parcels remain Limited Commercial (LC).

#### **VI. DRAFT MOTIONS**

*Motion #1:*

I move that the Sumter City-County Planning Commission approve RZ-11-08 to rezone +/- 2.44 acres of land from Limited Commercial (LC) to General Commercial (GC).

*Motion #2:*

I move that the Sumter City-County Planning Commission deny RZ-11-08 to rezone +/- 2.44 acres of land from Limited Commercial (LC) to General Commercial (GC).

*Motion #3:*

I move that the Sumter City-County Planning Commission propose an alternate motion for RZ-11-08.

#### **VII. PLANNING COMMISSION – JULY 27, 2011**

The Sumter City-County Planning Commission at its meeting on Wednesday, July 27, 2011, voted to forward the above referenced request to City Council as an Ordinance Amendment with a recommendation to approve amending Article 3, Section 3.h.2. and Exhibit 5 of the City Zoning and Development Standards Ordinance to make Home Health Care Services with SIC Code 808 and Medical Equipment Rental and Leasing with SIC Code 7352 permitted uses in the Limited Commercial (LC) zoning district.