

# SUMTER CITY - COUNTY PLANNING COMMISSION

## Minutes of the Meeting

February 24, 2021

<b>ATTENDANCE</b>	<p>A regular meeting of the Sumter City – County Planning Commission was held on Wednesday, February 24, 2021 in the Sumter Opera House Theater located on the First Floor of the Sumter Opera House. Eight board members: Mr. Chris Sumpter; Mr. Keith Ivey; Ms. Ronetta Moses; Mr. Jim Price; Mr. Jim Crawley; Ms. Bertha Willis; Ms. Kim Harvin; and Mr. Michael Walker – were present. Mr. Jason Ross was absent.</p> <p>Staff members present were Mr. Kyle Kelly and Ms. Kellie Chapman.</p> <p>The meeting was called to order at 3:00 p.m. by Mr. Jim Crawley</p>
<b>MINUTES</b>	<p>Ms. Kim Harvin made a motion to approve the minutes of the January 28, 2021 meeting as written. The motion was seconded by Mr. Chris Sumpter and carried a unanimous vote.</p>
<b>NEW BUSINESS</b>	<p><b><u>MSP-18-02 (REV 3) / HCPD-21-05 – 3290 Broad St. – The Retreat at Sumter Apartment Complex, Phase 3 (City)</u></b> was presented by Mr. Kyle Kelly. The Board reviewed the request for Major Site Plan Approval for a 96-unit addition to an existing multi-family apartment development containing 4 three-story buildings totaling 41,332 sf. Including the previously approved phases, the complex will contain 480 units in 20 three-story buildings totaling 215,351 sf.</p> <p>Mr. Kelly added the site of the proposed expansion is on Carter Rd. south of the intersection of Carter Rd. and Broad St. The specific portion of the site proposed for this phase of development is 4.9-acres in size, undeveloped, and zoned General Commercial.</p> <p>Mr. Kelly stated the proposed 96-unit expansion of the apartment development will consist of 4 separate apartment buildings providing a mix of 42 1-BR and 48 2-BR units. Additionally, there are 2 separate garage buildings proposed which will provide 12 total garage spaces.</p> <p>Mr. Kelly stated, staff recommends approval subject to the stated Conditions of Approval outlined in Exhibit 1.</p> <p>After some discussion, Ms. Kim Harvin made a motion to approve subject to staff's recommendations and proposed conditions of approval outlined in Exhibit 1, as well as the preliminary site plans titled "The Retreat at Sumter – Phase III, Sumter, SC" prepared by Consulting Environmental &amp; Civil Engineer, Michael E. Weatherly, P.E.,</p>

dated December 4, 2017 and updated February 15, 2021, and typical building elevation renderings titled prepared by Planworx Collaborative, PLLC, dated January 10, 2018. The motion was seconded by Mr. Chris Sumpter and carried a unanimous vote.

**RZ-21-01, 1335 Camden Hwy. (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to rezone +/- 6.4-acres of land from Residential-9 (R-9) to General Commercial (GC).

Mr. Kelly added this request is to rezone +/- 6.4-acres of land consisting of TMS's 203-05-01-001, 203-05-01-003, and 203-05-01-009 from Residential-9 (R-9) to General Commercial (GC). A small portion of TMS# 203-05-01-009 is already within the GC zoning district, so this request is only applicable to the portion of this parcel zoned R-9.

Mr. Kelly mentioned this rezoning request is being initiated by two separate property owner interests. Rento C. Del Beni, the authorized agent for the owner of TMS's 203-05-001 and 203-05-01-003 (a combined area of 0.53 acres), requesting GC zoning to establish a real estate sales office, and Jay Davis, the authorized agent for the owner of TMS # 203-05-01-009. Mr. Davis is requesting GC zoning for this +/- 5.84-acres to better market the property for future development.

Since these parcels are contiguous, and since the 0.53-acre land area being represented by Rento C. Del Beni is not sufficient size to establish a free-standing zoning area as required by Article 2, Section 2.a.2 of the Sumter County Zoning & Development Standards Ordinance, the two separate ownership interests are being treated as one consolidated rezoning request.

The property is adjacent to undeveloped land to the north, small commercial office uses to the south and west, residentially used land to the east. Property to the west, on the opposite side of Camden Hwy (US 521), is undeveloped.

Mr. Kelly added the property is not within a Priority Commercial area identified by the Sumter 2040 Comprehensive Plan. However, the property has primary frontage on Camden Hwy. (US-521), which is a 5-lane major arterial roadway. Further, the property is located at and near the intersection of a major highway (Camden Hwy.) and a major collector road (Jefferson Rd.). The property is also bisected by undeveloped city street right-of-way (ROW) in Herman St. The land bay to the west and south of the Herman St. ROW already contains commercial zoning and commercial uses. A commercial zoning designation for this area would allow for a complete commercial zoning block. Staff finds that commercial zoning designation for this portion of the subject property to the west and south of Herman St. ROW is in line with the Sumter 2040 Comprehensive Plan goals and policies, and a residential zoning designation for the property to the east of Herman St. ROW is in line with the Sumter 2040 Comprehensive Plan due to its closer relationship with existing residential uses along Jefferson Rd.

Mr. Jay Davis was present to speak on behalf of this request.

After some discussion, Mr. Chris Sumpter made a motion to recommend approval of rezoning the +/- 4.63-acres of the subject property west and south of Herman St. ROW to the General Commercial (GC) zoning district, and recommending that the remaining +/- 1.77-acre portion east of Herman St. ROW remain Residential-9 (R-9) zoning. The motion was seconded by Ms. Kim Harvin and carried a unanimous vote.

**RZ-21-02, 5333 Edgehill Rd. (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to rezone +/- 0.91 acres of land from Agricultural Conservation (AC) to General Commercial (GC).

Mr. Kelly stated the applicant is requesting the rezoning on behalf of the property owner to increase the property value for future property sale. The subject property is located on the north side of Edgehill Rd. west of Peach Orchard Rd. and abuts the parcel on the northeastern corner of the Peach Orchard/Edgehill Rd. intersection. Property to the immediate west contains a single-family residential dwelling, while property to the immediate north is an undeveloped portion of the Korean American Presbyterian Church property which fronts on Oakland Dr. Developments to the east and south contain commercial uses.

Mr. Kelly mentioned the property is located within the Military Protection Planning Area. The goal of the Military Protection Planning Area is to protect Shaw AFB from encroachment of incompatible land uses and reduce the accident and noise potential to citizens in areas adjacent to the critical military installations.

After some discussion, Mr. Chris Sumpter made a motion to recommend approval of rezoning the +/- 0.91-acres from Agricultural Conservation (AC) to Limited Commercial (LC). The motion was seconded by Mr. Keith Ivey and carried a unanimous vote.

**RZ-21-03, 419 N. Pike E. (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to rezone +/- 2.57-acre parcel from General Commercial (GC) to Light Industrial-Warehouse (LI-W).

Mr. Kelly stated the applicant is requesting the rezoning in order to operate an industrial and machinery equipment business on the site. The subject property has frontage on N. Pike E. and contains an existing building.

Mr. Kelly added the property's existing development pattern and its location along US Hwy 378 frontage road, rezoning to the LI-W zoning designation is in alignment with applicable Sumter 2040 Comprehensive Plan policies.

Mr. John Bittner was present to speak on behalf of the request.

After some discussion, Mr. Keith Ivey made a motion to recommend

approval of this request. The motion was seconded by Mr. Jim Price and carried a unanimous vote.

**OA-21-01, Development Density in the Airfield Compatibility Districts (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to amend Article 3, Section R: Airfield Compatibility Districts (ACD) to create an additional district within the ACD as well as implement additional development standards that result in a dispersed pattern of development within the newly created district.

Mr. Kelly stated in December 2019, Sumter County Council adopted the 2040 Comprehensive Plan. An overarching goal of the 2040 Comprehensive Plan is to protect Shaw Air Force Base (AFB) and Poinsett Electronic Combat Range, including its facilities and its mission, from unwanted and incompatible development encroachment. The 2040 Comprehensive Plan adopted a designated Military Protection Area (MPA) to further this goal.

The boundaries and extent of the MPA were revised based on recommendations found in the 2016 Sumter-Shaw Joint Land Use Study (JLUS). The 2016 JLUS supports a one unit per acre development density in the areas impacted by military operations outside of the Clear Zone, Accident Protection Zone I (APZ I) and Accident Protection Zone II (APZ II). In early 2020, zoning designations in areas in and around the MPA were evaluated for encroachment impacts. As a result of this analysis several properties to the northeast of Shaw AFB were rezoned to Agricultural Conservation (AC), reducing potential development densities on those tracts to one (1) unit per gross acre.

A majority of the undeveloped property in proximity to Shaw AFB is zoned Agricultural Conservation (AC), a district that requires a minimum one (1) acre lot size. However, because AC development standards permit a minimum lot width of 60 ft. with no required minimum width to depth ratio and allow for residential side lot setbacks of only 12 ft., dwellings may be located as close as 24 feet to one another. This permits clustered development configurations at the roadway as opposed to dispersing density across a tract of land. While clustering of development does allow for the preservation of open farmland, it is not ideal for areas along extended center line of runway approach/take-off paths identified on runway specific "Approach Plates".

After some discussion, Mr. Chris Sumpter made a motion to recommend approval of this request. The motion was seconded by Ms. Kim Harvin and carried a unanimous vote.

**OA-21-02, Zoning Districts Established and Free-Standing Zoning Areas (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to amend Article 2, Section 2.a.1 and Article 2, Section 2.a.2 to allow for establishment of a smaller minimum free-standing zoning area when such an area consists entirely of land zoned

Neighborhood Commercial (NC) and to make other minor adjustments identified by staff for consistency purposes.

Mr. Kelly stated that the applicant, Coastal Development Partners, is requesting an amendment to the Sumter County Zoning & Development Standards Ordinance in order to reduce the minimum size of a free-standing zoning area from 2 acres to 1.5 acres in situations where a free-standing zoning area consists entirely of land zoned Neighborhood Commercial (NC).

Currently, Article 2, Section 2.a.2 states that the minimum size of any free-standing zoning area shall be two acres. A free-standing zoning area is defined in this section as being an area where common zoning types are contiguous. Common zoning types are identified as:

- **Commercial** (includes General Commercial (GC), Limited Commercial (LC), Neighborhood Commercial (NC), and Professional Office (PO))
- **Industrial** (includes Heavy Industrial (HI), Light Industrial-Warehouse (LI-W), and Multi-Use Industrial (MUI))
- **Residential** (includes Residential-15 (R-15), Residential-9 (R-9), Residential-6 (R-6), General Residential (GR), and Residential Multi-Family (RMF))
- **Planned Development,**
- **Agricultural** (includes Agricultural Conservation (AC) and Agricultural Conservation-10 (AC-10))
- **Conservation Preservation.**

This provision is primarily applicable to rezoning requests. Any land where a new zoning designation is requested must either be 1) contiguous to adjacent land within the same common zoning type where such adjacent land provides for a combined area that is at least 2 acres in size or 2) 2 acres or larger in size as a standalone zoning district.

Mr. Kelly added that the 2-acre minimum free-standing zoning area is typical language found in many South Carolina local government zoning ordinances meant to prevent "spot zoning". However, a minimum acreage size to avoid spot zoning challenges is not prescribed in South Carolina's planning enabling legislation. Further, guidance found in the SC Municipal Association's Comprehensive Planning Guide for Local Governments (2018) suggests that small areas may be rezoned provided the action is not arbitrary or unreasonable. This further establishes the important relationship that exists between individual zoning decisions and broader policies outlined in the local government's comprehensive plan.

After some discussion, Mr. Chris Sumpter made a motion to recommend approval of this request. The motion was seconded by Mr. Jim Price and the motion carried, with five voting in favor (Sumpter, Price, Walker, Willis and Moses) and two voting in opposition (Ivey and Harvin).

<b>OLD BUSINESS</b>	<b>NONE</b>
<b>DIRECTOR'S REPORT</b>	<b>NONE</b>
<b>ADJOURNMENT</b>	With no further business, the meeting was adjourned at approximately 4:12 p.m. by acclamation.  The next scheduled meeting is March 24, 2021.
	Respectfully submitted,  <i>Kellie K. Chapman</i>  Kellie K. Chapman, Board Secretary