

# SUMTER CITY - COUNTY PLANNING COMMISSION

## Minutes of the Meeting

June 24, 2020

<b>ATTENDANCE</b>	<p>A regular meeting of the Sumter City – County Planning Commission was held on Wednesday, June 24, 2020 in the Sumter Opera House Theater located on the First Floor of the Sumter Opera House. Seven board members: Ms. Sandra McBride; Ms. Ronetta Moses; Mr. Jim Price; Mr. Todd Champion; Mr. Jason Ross, Mr. Jim Crawley, and Ms. Kim Harvin – were present. Ms. Bertha Willis was absent.</p> <p>Staff members present were Ms. Helen Roodman; Mr. Jeff Derwort; Mr. Kyle Kelly; Mr. Preston McClun and Ms. Kellie Chapman.</p> <p>The meeting was called to order at 3:00 p.m. by Ms. Sandra McBride.</p>
<b>MINUTES</b>	<p>Ms. Ronetta Moses made a motion to approve the minutes of the February 26, 2019 meeting as written. The motion was seconded by Mr. Todd Champion and carried a unanimous vote.</p>
<b>NEW BUSINESS</b>	<p><b><u>MSP-20-10, 30 Cuttino Rd. – Sandhill Medical (City)</u></b> was presented by Mr. Jeff Derwort. The Board reviewed this request for Major Site Plan approval for a 12,150 sq. ft. Medical Office/Clinic Building with “Future” 13,185 sq. ft. expansion.</p> <p>Mr. Derwort stated that prior to this year most of the site was is in a flood zone. The applicant submitted a Letter of Map Amendment from FEMA (LOMA) with an effective date of March 11, 2020 that effectively removes a sizeable portion of the property from the regulatory floodplain based on existing conditions of the site.</p> <p>Mr. Derwort added, the applicant is proposing to establish a new primary driveway, as well as connect to an existing shared access driveway that serves the adjacent commercial site. The applicant is planning to construct all parking during the construction of the first building with a circulation around the building for the purpose of a drive-thru for a pharmacy.</p> <p>Mr. Derwort mentioned that the applicant has submitted a compliant landscaping plan.</p> <p>Mr. Derwort stated, a Traffic Impact Study will be required prior to full build-out. A determination was made that this is a medical clinic and not a medical office based on the review of the floor plans and activities proposed within the facility.</p>

Mr. Derwort stated, staff recommends approval of this request in accordance with submitted plans and proposed conditions of approval.

Mr. Paul Jones was present to speak on behalf of the request.

After some discussion, Ms. Ronnetta Moses made a motion to approve this request subject to staff's recommendations and proposed conditions of approval outlined in Exhibit 1, as well as the set of plans titled, "Sumter Medical Foundation, 30 Cuttino Road, Sumter, SC" prepared by Jones and Van Patten, LLC, Paul C. Jones, PE dated February 28, 2020 (as revised to address staff comments). The motion was seconded by Ms. Kim Harvin and carried a unanimous vote.

*Ms. Sandra McBride recused herself from this request.*

**MSP-20-11/HCPD-20-07, 609 Manning Ave. – Jehovah Missionary Baptist Church (City)** was presented by Mr. Jeff Derwort. The Board reviewed the request for Major Site Plan & Highway Corridor Protection District Approval for a 30,640 sq. ft. Sanctuary and Education Building for Jehovah Missionary Baptist Church.

Mr. Derwort stated the applicant is requesting Major Site Plan & HCPD review approval to develop a church sanctuary and education building. The applicant is proposing the construction of a one story 30,640 sq. ft. church sanctuary.

Mr. Derwort added per Article 8.i.3 Design Requirements, for Places of Worship (SIC 866) that only use their facilities a maximum of two days per week, the required parking spots do not have to be paved, and curb and gutter is not required. The minimum parking standards for church uses are 1 space per 0.3 seats in the main assembly area. The main sanctuary area will have 695 seats. Thus, 209 off-street parking spaces are required for this new facility. The applicant is proposing to construct 85 new paved parking spaces with curb and gutter. The applicant is also proposing the use of 41 grass overflow spaces on the site, as well as other available off-site parking to meet minimum required parking standards.

Mr. Derwort mentioned that some of the off-site parking is on property not under the ownership of Jehovah Missionary Baptist Church. To keep the entire Jehovah Missionary Baptist Church campus in compliance with minimum off-street parking, a lease will need to be provided for the off-site parking spaces under separate ownership.

Mr. Derwort stated that there are enough parking spaces to meet minimum parking requirements without the 41 on-site grass overflow parking spaces proposed adjacent to Harvin St. to the rear of the new sanctuary. There are concerns about these parking spaces in relation to access and function.

Mr. Derwort stated, staff recommends approval of this request in accordance with submitted plans and proposed conditions of approval.

After some discussion, Mr. Jim Price made a motion to approve this request subject to staff's recommendations and proposed conditions of approval outlined in Exhibit 1, as well as the set of plans titled, "Jehovah Missionary Baptist Church, New Sanctuary and Education Building, 609 Manning Avenue, Sumter, SC 29150" prepared by LandPlan Group South, Inc., Hoyt C. Burnett, PE and dated February 27, 2020 (with latest revision dated March 13, 2020) and set of elevation drawings titled "Jehovah Missionary Baptist Church, New Sanctuary and Education Building, 609 Manning Avenue, Sumter, SC 29150 – Building Elevations", prepared by Boudreaux Group, and dated November 11, 2019. The motion was seconded by Ms. Kim Harvin and carried a unanimous vote.

**MSP-17-46 (Revision 1), 3760 Patriot Parkway – Patriot Palms Apartment Homes (City)** was presented by Mr. Jeff Derwort. The Board reviewed the request for Major Site Plan revision approval for a revised dumpster pad location and second Patriot Parkway site access for dedicated use by solid waste vehicles providing service to the site.

Mr. Derwort stated in January 2018 the original site plan entitled a two building 72-unit Suburban Multi Family Development with one primary access point. To date, the developer has constructed one 36-unit building, associated parking, associated storm water improvements, associated landscaping, and other site features.

Mr. Derwort added during the construction process the developer sited the dumpster pad in a location different from the approved plans. The dumpsters were sited on the northeast portion of the site in close proximity to the Patriot Parkway right-of-way. The developer discussed the concept of a second access with SCDOT, with the understanding that the access would not be connected to the internal circulation of the larger site and would only be used by solid waste service vehicles. The developer secured an encroachment permit revision for this concept without review or approval by the Planning Staff and / or Planning Commission to change the dumpster location or to allow construction of a second access vehicular access point on to Patriot Parkway.

Mr. Derwort mentioned after the zoning inspection that it was communicated to the developer that the site development did not conform to site development plan as approved by MSP-17-46 and due to the dumpster location with no connection to the internal drive circulation was not in compliance with City Development Standards. It was also communicated to the developer that new site accesses are considered major development features and represent a substantial change to a major site plan. The developer at that time was informed that Planning Commission approval via major site plan revision was required to proceed with the second Patriot Parkway access. Mr. Derwort stated that the applicant elected to move forward with the installation of paved internal access to the new dumpster location to receive zoning final approval needed for Certificate of Occupancy for the first building.

Mr. Derwort stated that after construction of the internal access, the developer submitted a major site plan revision application to receive approval for the installation of a new access onto Patriot Parkway to service the dumpster location.

Mr. Derwort added SCDOT has determined that the internal connection to the dumpster location is outside of the scope of the encroachment permit revision that allowed a second Patriot Parkway access, since any second access would be connected to the larger site. Also, the City of Sumter Sanitation Department has made the determination that the City's solid waste trucks cannot service the dumpster location via the internal access due to the internal roadway configuration. The submitted site plan calls for the removal of a portion of the current internal concrete drive and curb & gutter improvements. A 6-foot concrete sidewalk area will be left for pedestrian access to the dumpster location. To close in the openings, new curb and gutter will be installed on both ends of the existing internal drive. This plan accommodates SCDOT conditions that the new access is completely unconnected from the large site. Also, the Sanitation Department has preliminary indicated that they can provide service to the dumpster location via the proposed new Patriot Parkway access.

Mr. Derwort stated, staff recommends approval of this request in accordance with submitted plans and proposed conditions of approval.

Mr. Paul Jones was present to speak on behalf of the request.

After some discussion, Mr. Todd Champion made a motion to approve this request subject to staff's recommendations, submitted civil plans titled, "Patriot Palms Apartment Homes, Revised Dumpster Area" prepared by Jones and VanPatten, LLC dated June 9, 2020. The motion was seconded by Mr. Jim Price and carried a unanimous vote.

**MSP-20-22/HCPD-20-18, 310 Pinewood Rd. – Dollar Tree (City)** was presented by Mr. Jeff Derwort. The Board reviewed the request for Major Site Plan & Highway Corridor Protection District approval for a +/- 9,977 sq. ft. Dollar Tree Store.

Mr. Derwort stated the property is located on Pinewood Rd. just south of the Pinewood Rd. bridge over CSX railroad right-of way and north of the Pinewood Rd. and McCray's Mill Rd. intersection. The subject property is 1.38 acres in size.

Mr. Derwort mentioned the applicant is purposing to remove one (1) existing driveway and improve one (1) existing shared access driveway on Pinewood Rd. The applicant has submitted a compliant parking plan, they have the required number of spaces. There is a slope from Pinewood Rd to the site and to accommodate for that the applicant is proposing a retaining wall.

Mr. Derwort added that due to the required SCDOT sight distance clearance requirements from the site entrance, shrubs are proposed along or near the street right-of-way boundary. The applicant has

requested a landscape waiver for these features. Also, due to the shared drive access, a typical Type A Landscape Buffer along the southern property line cannot be provided. The applicant is proposing a canopy tree and shrub plantings with a landscape island to provide a physical butter for the south side. The applicant has also requested a landscape waiver for these features.

Mr. Derwort added the site is subject to Highway Corridor Protection review. During the review process concerns were raised over the views of mechanical roof equipment. Concerns were raised due to the location of the site near the bottom of the grade change from Pinewood Rd. bridge over CSX railroad right-of way. With this location, views of the roof of the building will be seen by south bound traffic coming off the bridge. The applicant has proposed roof screening equipment.

Mr. Derwort stated, staff recommends approval of this request in accordance with submitted plans and proposed conditions of approval.

After some discussion, Mr. Jim Price made a motion to approve this request subject to staff's recommendations and proposed conditions of approval, as well as the set of plans titled, "Dollar Tree, Sumter, SC", prepared by Alliance Consulting Engineers, Jesse A. Mefford, PE, and dated June 11, 2020 and a set of elevation renderings titled "Dollar Tree – Sumter Fee Dev, Sumter, SC", prepared by RRMM Architects. The motion was seconded by Mr. Todd Champion and carried a vote of six (6) in favor – (Ross, Champion, Crawley, Moses, McBride, and Price) and one (1) in opposition (Harvin). The motion carried.

**SD-04-01 (Revision 1), Stonecroft II – “B” Lot Modification (County)** was presented by Ms. Helen M. Roodman. The Board reviewed the request to revise lots 256 through 274 to extend and deed with each lot the remaining lot lands to the rung of Cane Savannah Swamp the line.

Ms. Roodman stated the applicant proposes to modify the previously approved 236 lot Stonecroft II Subdivision plan to divide the 53-acre area impacted by Cane Savannah Swamp and its associated floodplain on the southern end of the development.

Ms. Roodman added in 2004 when the subdivision was approved, the 53 acres that is the subject of this request was left as one large undeveloped tract. The developer now seeks to subdivide the 53 acres impacted by Cane Savannah Swamp and convey ownership to the adjoining lots. The submitted plans state the “B” lots are to be combined with the Parent Lot (“A”) and can only be deeded with the parent lot or to an adjoining property owner to be combined with property that has street access.

Ms. Roodman stated, staff recommends approval of this request.

After some discussion, Mr. Jim Price made a motion to approve preliminary plat revision submission titled, “Stonecroft II Phase II (162 Acres) (Cane Savannah Swamp +/- 53 Acres) Preliminary Plan of 236

New Lots,” prepared by Croft Engineering Company, dated July 13, 2007 and revised April 28, 2020. Revision Note states, “Revised to show extension of Lots 256 thru 274 with “A” Lots will be combined with the parent lot. (No New Residential Lots), and Staff’s recommend conditions. The motion was seconded by Mr. Jason Ross and carried a unanimous vote.

**SV-20-03, Joe Billy Rd. (County)** was presented by Mr. Preston McClun. The Board reviewed the request for approval of 2<sup>nd</sup> Cousin to 2<sup>nd</sup> Cousin family relationship for a lifetime family conveyance to subdivide a +/- 1.0-acre parcel from a larger +/- 12.98-acre tract.

Mr. McClun stated the 12.98-acre parent parcel has 50.00’ of public road frontage. The property lacks sufficient street frontage to divide the tract in a manner that meets the 60 ft. public road frontage requirement for the Agricultural Conservation (AC) district.

Mr. McClun added because the proposed division does not have frontage on a public road it may only be subdivided through a Lifetime Conveyance. Lifetime Conveyances are an exempt subdivision meant to allow an individual to transfer property to an immediate family member that may not meet standard subdivision regulations for public access.

Mr. McClun stated, staff recommends approval of this request.

After some discussion, Mr. Todd Champion made a motion to recommend approval of this request. The motion was seconded by Mr. Jim Price and carried a unanimous vote.

**PD-06-10 (Revision 6), 1740 US Hwy 15 South – Pocalla Springs (City)** was presented by Mr. Preston McClun. The Board reviewed the request to add Religious Organizations (SIC 8661) to the list of approved uses within Land Use Area 1.

Mr. McClun stated the property is located on Masters Dr. at the intersection with US Hwy 15 S. This is the last remaining large land bay that could support significant commercial development within this PD. Per the proposed revision, religious uses with SIC 866 are only be permitted in the 7.71-acre area shown on the plat prepared by Black River Land Surveying dated December 30, 2019.

Mr. Derwort stated, staff recommends approval of this request in accordance with the draft PD-06-10 Ordinance.

Mr. Clay Smith was present to speak on behalf of the request.

After some discussion, Mr. Jim Price made a motion to recommend approval of this request subject to staff recommendations and revised ordinance titled PD-06-10 (Revision 6). The motion was seconded by Ms. Kim Harvin and carried a unanimous vote.

**PD-00-08 (Revision 22), 3510 Patriot Parkway – Sumter West (City)**

was presented by Mr. Jeff Derwort. The Board reviewed the request to permit general merchandise store uses (SIC Code 53) on specified parcels in the Sumter West Planned Development in accordance with a site-specific development plan.

Mr. Derwort stated the applicant is requesting an amendment to the Sumter West Planned Development (PD) to permit general merchandise store (SIC 53) on two specific parcels within the larger PD.

Mr. Derwort mentioned the site is located Patriot Parkway and Constitution Dr. The site is +/- 1.70 acres in size and is represented by two Tax Map numbers.

Mr. Derwort added that currently general merchandise store uses under SIC Code 53 are not permitted in the Sumter PD commercial areas.

Mr. Derwort stated that per the Site Development Concept Plan the development will be accessed from Constitution Dr. The primary building front will face Constitution Dr. The proposal reflects the required 50 ft. buffer from Patriot Parkway.

Mr. Derwort added that the applicant has submitted a landscape framework plan that provides for a 50' landscape butter on Patriot Parkway where existing mature trees will be retained, and new landscaping will be added as appropriate.

Mr. Derwort mentioned the applicant has submitted conceptual building elevation renderings that show a pitched roof design, natural brown and tan building colors with white highlights, black architectural shingle roofing, fiber cement board siding, and faux window openings covered by shutter treatments on all building sides. The proposed building design is found to be generally compatible with other commercial construction within Sumter West. The muted sign color for Dollar General is preferred over the standard yellow Dollar General sign color.

Mr. Derwort stated, staff recommends approval of this request in accordance with the draft PD-00-08 (Revision 22) Ordinance.

Mr. Greg Googer was present to speak on behalf of the request.

After some discussion, Mr. Jim Price made a motion to recommend approval of the request for PD-00-08 (Revision 22) to permit general merchandise store uses (SIC Code 53) on Tax Map #'s 185-01-01-138 & 185-00-01-144 in substantial conformance with the site development concept plan, landscape framework plan, and the conceptual elevation renderings – with no conditions are requirements placed on signage color. The motion was seconded by Ms. Ronette Moses and carried a vote of two (2) in favor (Price and Moses) and four (4) in opposition (Crawley, Champion, Ross, and Harvin). The motion did not carry.

Ms. Kim Harvin made a motion to recommend approval of the request to permit general merchandise store uses (SIC Code 53) on Tax Map #'s 185-01-01-138 & 185-00-01-144 in substantial conformance with the site development concept plan, landscape framework plan, and the conceptual elevation renderings with muted sign color. The motion was seconded by Mr. Jason Ross and carried a unanimous vote.

**RZ-20-03, 6850 Fish Rd (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to rezone a +/- 2.71-acre tract from Agricultural Conservation (AC) to General Commercial (GC).

Mr. Kelly stated the applicant is requesting this rezoning to facilitate development of a 9,100 sq. ft. Dollar General store on the site. The site is currently undeveloped.

Mr. Kelly added, the general merchandise store is currently allowed in the Agricultural Conservation (AC) zoning district as a Conditional Use-500 (C-500), requiring signatures from 2/3 (or 67%) of the affected property owners within 500 feet of the property. Based on the proposed use, rezoning of this property is not necessary. The applicant has chosen not to pursue the conditional use process. The applicant prefers to pursue rezoning the property.

Mr. Kelly mentioned the primary purpose of the AC zoning district is to preserve areas that are currently rural or agricultural in use. If the rezoning is successful to General Commercial would permit a wide range of other permitted and conditional uses to include but not limited to Warehouses, Grocery Stores, Hotels and Motels Automotive Dealers, Mobile Home Dealers, Flea Markets, and Auto Repair Shops. General Commercial (GC) zoning district has the broadest possible range of commercial uses.

Mr. Kelly stated, staff recommends denial of this request.

Mr. Greg Googer was present to speak on behalf of the request.

After some discussion, Ms. Kim Harvin made a motion to recommend denial of this request. The motion was seconded by Mr. Jim Crawley and carried a vote of four (4) in favor (Harvin, Crawley, McBride, and Moses) and three (3) in opposition (Ross, Champion, Price). The motion carried.

**RZ-20-04, US 521 & Beckwood Rd. (City)** was presented by Ms. Helen M. Roodman. The Board reviewed the request to rezone a parcel totaling +/- 192.99 acres of land from Planned Development (PD) to General Commercial (GC).

Ms. Roodman stated the applicant is requesting to rezone a +/- 192.99-acre tract of land currently zoned PD-05-05 to General Commercial (GC). The property is located at the intersection of Beckwood Road and US-521.



Ms. Roodman added, previous development plans were for a master planned Catholic Community that included a new church facility, elementary and secondary schools with athletic facilities, a cemetery, single-family neighborhood, and elder housing. Since PD-05-05 was approved, the Catholic community plans have shifted. The property owners seek to pursue development of a new church sanctuary and associated buildings on a +/- 56.61-acre portion of the tract.

Ms. Roodman mentioned the applicant is seeking to rezone the property to give optimal flexibility to future development of the tract without being bound to the approved development plan that will never be implemented.

Ms. Roodman added, both Beckwood Road and US-521 are SCDOT-owned and maintained. The need for a Traffic Impact Analysis (TIA) study for development of the property will be reviewed upon the submittal of one or more site plan applications.

Ms. Roodman stated, staff recommends approval of this request.

Mr. Joey Duggan was present to speak on behalf of the request.

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

**RZ-20-05, 1449 Camden Hwy. (City)** was presented by Mr. Preston McClun. The Board review the request to rezone a parcel totaling +/- 33.88 acres of land from Residential-15 (R-15) to Residential-6 (R-6).

Mr. McClun stated the request is to rezone a +/- 33.88 parcel from Residential-15 (R-15) to Residential-6 (R-6). The property is located on Camden Hwy. The parcel is slated for single-family residential use and a preliminary major subdivision has been approved. The applicant is requesting to rezone the property and revise the approved subdivision plan.

Mr. McClun added, this property is located within the Suburban Development Planning Area and is supportive of the single-family residential development.

Mr. McClun mentioned the differences in Development Standards for R-6 are minimum lot area, minimum lot width, and minimum lot depth. The proposed R-6 rezoning will result in higher density lots that will be more compatible with the existing residential development to the south and west of the site.

Mr. McClun stated, staff recommends approval of this request.

Mr. Rocky Knowlton was there to speak on behalf of the request.

After some discussion, Mr. Jim Price made a motion to recommend approval of this request. The motion was seconded by Mr. Jason Ross

and carried a unanimous vote.

**RZ-20-07, 2035 Hwy 521 South (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request to rezone a parcel totaling +/- 143.86 acres of land from Agricultural Conservation (AC) to Heavy Industrial (HI).

Mr. Kelly stated the applicant is requesting to rezone a +/- 143.86 tract from Agricultural Conservation (AC) to Heavy Industrial (HI). The property is located at the intersection of US Hwy 521 South and Race Track Rd. Currently the site is undeveloped. The request for rezoning is to support future industrial development on the site.

Mr. Kelly added, the site is located on a major arterial highway and is located in an area identified by the Sumter 2040 Future Land Use Plan as a priority economic development area, with existing Heavy Industrial land uses already present on adjacent parcels. Heavy Industrial (HI) zoning is consistent with this future land use designation.

Mr. Kelly stated, staff recommends approval of this request.

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

**RZ-20-08, 2205 Myrtle Beach Hwy. (County)** was presented by Mr. Preston McClun. The Board reviewed the request to rezone a parcel totaling +/- 5 acres of land from Agricultural Conservation (AC) to General Commercial (GC).

Mr. McClun stated the applicant request to rezone +/- 5-acre portion of a larger +/- 33.1-acre tract from Agricultural Conservation (AC) to General Commercial (GC). The site is located on the corner of Alligator Branch Rd. and Myrtle Beach Hwy. The applicant is requesting GC in order to construct a gas station on the site. Currently the site is the location of the Sumter Flea Market.

Mr. McClun added, the applicant has plans to continue the operation of the flea market in conjunction with the gas station. The future subdivision of the tract will require bring the Sumter Flea Market in compliance with the current AC zoning development standards.

Mr. McClun mentioned the property is located within the Priority Commercial Corridor Area. Rezoning to a commercial designation is consistent with the policies of the Sumter 2040 Comprehensive Plan.

Mr. McClun stated, staff recommends approval of this request.

Mr. Kevin Houck was present to speak on behalf of the request.

After some discussion, Mr. Jim Price made a motion to recommend approval of this request. The motion was seconded by Mr. Todd Champion and carried a vote of five (5) in favor (Ross, Champion,

Harvin, Moses, Price) and one (1) in opposition (Crawley). The motion carried.

**OA-20-01 Enforcement & Penalties (Prohibited Signs) (City)** was presented by Mr. Jeff Derwort. The Board reviewed the request to amend Article 1, Section D: Enforcement and Penalties of the City of Sumter Zoning & Development Standard Ordinance in order to provide for an additional offense and penalty for failure to remove a prohibited sign after request by the City.

Mr. Derwort stated this request was initiated by City Council at the March 3, 2020 meeting to amend Article 1 of the City of Sumter Zoning & Development Standard Ordinance where it relates to Enforcement and Penalties. Specifically, language concerning penalties and enforcement for Prohibited Signs as outlined in Article 8.h.7 of the City of Sumter Zoning & Development Standards Ordinance is proposed.

Mr. Derwort mentioned this is an opportunity to review other sections of the sign requirements.

Mr. Derwort gave examples of Prohibited Signs: signs displaying lights of changing degrees of intensity, fluttering devices, signs placed on telephone poles, and temporary signs placed in the right-of-way. These signs are prohibited by ordinance and enforcement is an ongoing process.

Mr. Derwort added, this ordinance amendment is to add additional language to the Enforcement and Penalties. It gives an opportunity to review the Sign Ordinance as a whole, since there has not been a comprehensive look in over ten (10) years.

After some discussion, Mr. Jim Price made a motion to recommend this request to the Committee of the Whole. The motion was seconded by Ms. Kim Harvin and carried a unanimous vote.

**OA-20-02, Fabricated Metal Products in the Agricultural Conservation (AC) District (County)** was presented by Ms. Helen M. Roodman. The Board reviewed the request to amend the Sumter County Zoning and Development Standards ordinance to include Fabricated Metal Products (SIC 34) as a special exception use in the Agricultural Conservation (AC) zoning district. Article 3, Section 3.n.4 Special Exception uses in the AC District; Article 5, Section 5.b.2 Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities, and Section 5.b.3 Special Design Review Criteria for Applicable items in 5.b.2 to establish finite review criteria for uses classified under Fabricated Metal Products (SIC 34).

Ms. Roodman stated the applicant is the owner and operator of Merchant Ironworks located at 3215 Beulah Cuttino Rd., which is in the Agricultural Conservation zoning district, and has operated there since 2008. At the time of relocation, the business license was classified as a Welding Contractor (SIC 1799).

Ms. Roodman added, as the business has evolved, the facility at 3215 Beulah Cuttino Rd. has undergone two expansions – a minor expansion in 2014 (MSP-14-11) and a more substantial expansion in 2018 (MSP-18-10). Upon the completion of the facility expansion in early 2019 the intensity of use at the site increased which has resulted in litigation due to noise and use classification for the property.

Ms. Roodman mentioned on February 4, 2020 the applicant contacted the Planning Department with questions regarding the County Noise Ordinance and use classification for the site. In early 2019, the Zoning Administrator researched the use classification and believed at that time the classification on the Business License was permitted in the AC District. The Zoning Administrator agreed to look back into licensure/use to ensure that business is currently operating under the classification on the Business License.

Ms. Roodman stated on February 5, 2020 the Zoning Administrator began reviewing the licensing history and use of 3215 Beulah Cuttino Rd. This included reviewing the 2019 Orthophotography and the Merchant Ironworks website to gain insight into the business, and a review of whether SIC Code 1799, which includes welding contractors, was the appropriate use classification in light of the apparent current use of the property.

Ms. Roodman added on February 6, 2020 the Zoning Administrator and Applicant discussed the business activity taking place on the property. It was conveyed to the Applicant that the Zoning Administrator was of the belief that the SIC Code classification that Merchant Ironworks is licensed for (SIC Code 1799) no longer reflects the business activity taking place at 3215 Beulah Cuttino Rd. Based on review of all available information it appeared that the SIC Code classification that the business should be listed under, SIC 3441 – Fabricated Structural Metal, is not permitted in the AC District. As discussed, on February 7, 2020, the Applicant filed a rezoning request to rezone the property from Agricultural Conservation to Light Industrial-Warehouse. The rezoning request was placed on hold at the Applicant's request.

Ms. Roodman stated on April 16, 2020 the Applicant submitted this Ordinance Amendment request in lieu of rezoning the property.

Ms. Roodman mentioned the applicant's proposal is to include Fabricated Metal Products (SIC Code 34) as a special exception use in the Agricultural Conservation (AC) District with the following finite review criteria:

1. *Lot Requirements: Minimum parcel size of 20 acres, which may be made up of separate contiguous parcels.*
2. *Building Requirements: Maximum Height of 35 ft.*
3. *Referenced use, to include all outdoor work areas/storage yards, equipment maneuvering/circulation areas in addition to*

*structures shall not be located any closer than 100 ft. to any residential use as measured from the defined use area to residential structure.*

4. *All uses within this category shall be screened in such a fashion as to not be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms, or landscaping approved by the Board of Zoning Appeals upon recommendation of the Zoning Administrator. Where landscaping or trees are utilized there shall be a 15 ft. minimum buffer width that creates a year-round visual screen a minimum of six (6 ft.) feet in height over three growing seasons.*
5. *No material shall be placed in open storage in a manner that is capable of being transported by wind, water, or other causes.*
6. *Noise: The parcel shall be effectively buffered to be in compliance in Exhibit 9 and Exhibit 10 in Article 5.*
7. *Operating Hours: Operating Hours shall be limited as follows:*
  - a. *6am – 9pm Monday – Friday*
  - b. *6am – 3pm Saturday*
  - c. *No Sunday Operation*

\*Special Exceptions uses are reviewed through a public hearing process with the Board of Zoning Appeals.

Ms. Roodman added there are other uses in the AC District that are special exceptions. They include a variety of Agricultural activities that have some fairly obnoxious smells associated with them such as, Swine Farms (SIC Code 0752), Stockyards (SIC Code 0211), Poultry Houses (SIC Code 0752), and Animal Auctions (SIC Code 5154). There are other uses that cause noise issues such as, Drinking Places (SIC Code 5813) or Amusement and Recreation (Not Classified Elsewhere) (SIC Code 7999).

Ms. Roodman mentioned when reviewing the inclusion of new uses within a district Planning Staff reviews how other jurisdictions treat similar activities. Both Dorchester and Florence Counties permit manufacturing activities like those proposed by this amendment request within their agricultural districts, with Dorchester treating manufacturing activities as special exception.

Ms. Roodman added Major Group 34 accounts for the 38 separate categories that represent approximately 960 various fabricated metal products ranging from screws to structural steel bridge sections. As proposed, all uses that fall under Major Group 34 could potentially be sited in the AC zoning district.

Ms. Roodman mentioned in review of the 38 use subcategories in Major 34, there are a variety of manufacturing activities grouped under "Fabricated Metal Products." Those activities range from operations

	<p>that produce excessive noise due to repeated stamping that result in reproduction of a single product mass produced for market such as screws, valves and ammunition, all the way to custom fabricated one-off structural steel components for specific construction projects.</p> <p>Ms. Roodman added the inclusion of true repetitive manufacturing processes should remain solely in the industrial district, however, uses that align with construction activities that are currently conditional uses in the AC District, such as those contained in the following six (6) subcategories of Major Group 34 should be considered for inclusion in the district as a special exception.</p> <ul style="list-style-type: none"> <li>• <i>3441: Fabricated Structural Metal</i></li> <li>• <i>3442: Metal Doors, Sash, Frames, Molding, and Trim Manufacturing</i></li> <li>• <i>3444: Sheet Metal Work</i></li> <li>• <i>3446: Architectural and Ornamental Metal Work</i></li> <li>• <i>3448: Prefabricated Metal Buildings and Components</i></li> <li>• <i>3449: Miscellaneous Structural Metal Work</i></li> </ul> <p>As listed in the descriptions of the above referenced subcategories, the activities that fall within 3441, 3442, 3444, 3446, 3448, and 3449 tend to be custom work not mass produced for market as would be found in a repetitive manufacturing process.</p> <p>Mr. Jay Davis was there to speak on behalf of the request.</p> <p>Mr. Steve McKenize, Mr. Billy Aycock Sr., Mrs. Judith Aycock spoke in opposition of the request.</p> <p>After some discussion, Mr. Jim Crawley made a motion to recommend denial of this request. The motion was not seconded.</p> <p>Mr. Todd Champion made a motion to forward to County Council with no recommendation. The motion was seconded by Ms. Kim Harvin and a vote of three (3) in favor (Moses, Harvin, Champion) and three (3) abstained (Crawley, Price, Ross). The motion carried.</p>
<b>OLD BUSINESS</b>	<b>NONE</b>
<b>DIRECTOR'S REPORT</b>	<b>NONE</b>
<b>ADJOURNMENT</b>	<p>With no further business, the meeting was adjourned at approximately 5:55 p.m. by acclamation.</p> <p>The next scheduled meeting is July 22, 2020.</p>

Respectfully submitted,

*Kellie K. Chapman*

Kellie K. Chapman, Board Secretary