

# Sumter City Council

First Reading / Public Hearing  
June 19, 2018

## Planning Commission Staff Report

### RZ-18-04, 835 S. Harvin St. (City)

#### I. THE REQUEST

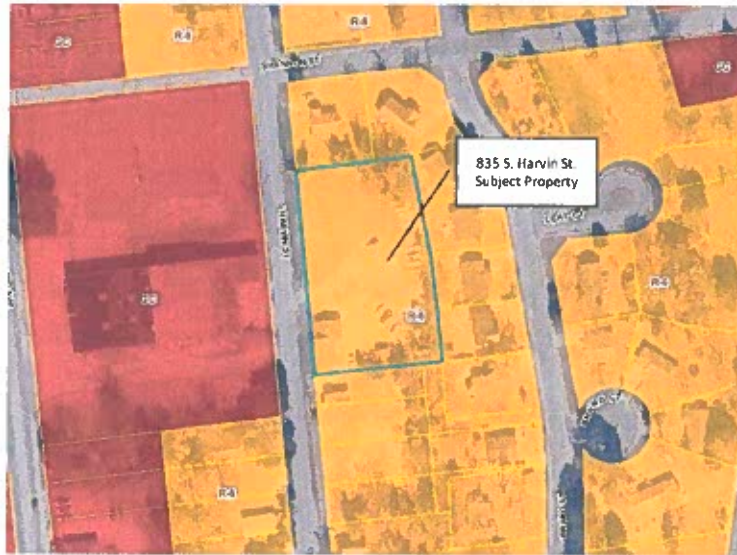
<b>Applicant:</b>	Jerry Williams
<b>Status of the Applicant:</b>	Property Owner
<b>Request:</b>	A request to rezone a +/- 0.99 acre portion of property from Residential-6 (R-6) to General Commercial (GC).
<b>Location:</b>	835 S. Harvin St.
<b>Size of Property:</b>	+/- 0.99 acres
<b>Present Use/Zoning:</b>	Commercial/ R-6
<b>Proposed Use of Property:</b>	Auto Repair
<b>Tax Map Reference:</b>	250-09-07-024
<b>Adjacent Property Land Use and Zoning:</b>	North – Residential, R-6 South – Residential / R-6 East – Residential / R-6 West – Commercial / GC

#### II. BACKGROUND

This is a request to rezone a +/- 0.99 acre parcel from Residential-6 (R-6) to General Commercial (GC). As shown in the graphic to the right, the subject property fronts on S. Harvin St. The property sits directly across from a now vacant commercial building. Additionally, the property is bounded to the north, east, and south by existing residential dwelling units.



The property currently lies within the R-6 zoning district. Land immediately adjacent to the north, east, and south is also zoned R-6. Land immediately adjacent to the west, across S. Harvin St., is zoned General Commercial.



Historically, the property was the location of an oil and gas company. According to business license records, the property has had an active license for a real estate office use since 2002. This use is considered to be grandfathered or legally non-conforming to the R-6 zoning district. Prior to that, the property had an active license for a computer repair business. Staff notes that the property has been regularly used for auto repair many years, in violation of the Sumter City Zoning & Development Standards Ordinance. Due to this violation, and other violations of city codes, the property has been the subject of enforcement proceedings and has been the focus of complaints from neighboring land owners.



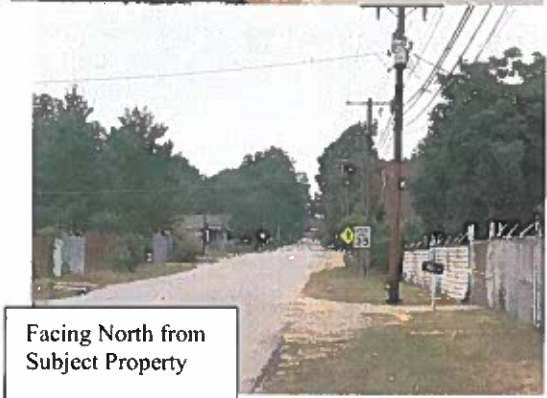
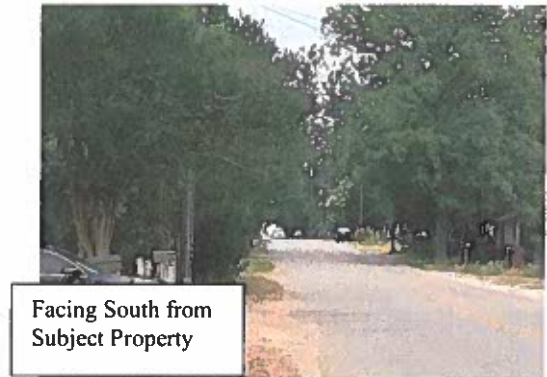
The applicant is requesting the GC designation for the property in order to legally operate an auto repair business on the site. Auto repair is not a permitted use in R-6 zoning district. Staff notes that if this rezoning is approved, use of the property for an auto repair use would require approval of a conditional use application and may also require property improvements in order to bring this non-conforming site into compliance with current development standards.

The applicant applied for a similar rezoning to the GC zoning district in 2002. The application was tabled by the Planning Commission. Based on Planning Commission records and available project files, the application did not come back to the Planning Commission and staff assumes that the request was



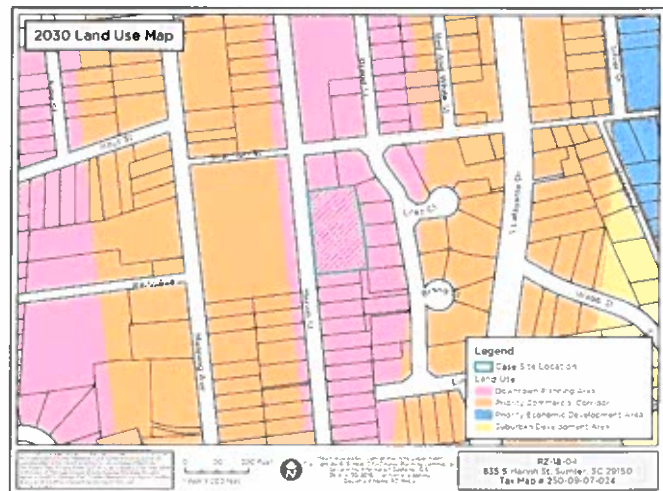
withdrawn by the applicant. Staff recommended denial of the request, stating that it was incompatible with the 2020 Land Use Plan and the citizen driven South Sumter Restoration and Rehabilitation Plan.

The character of the S. Harvin St. corridor between E. Fulton St. and W. Newberry Ave. is primarily residential in nature, with the exception of church locations and some instances where commercial properties with primary frontage on Manning Ave. use the entire space between Manning Ave. and S. Harvin St. This is the case with the land immediately adjacent to the west of the subject property.



### III. COMPATIBILITY WITH THE 2030 COMPREHENSIVE PLAN

The property is located in the Downtown Planning Area within the 2030 Comprehensive Plan. The primary goal of this planning area is to achieve a city center which promotes and encourages a design focused, flexible urban core dominated by retail, office/institutional, and residential uses. This designation supports an intentional true mix of residential, commercial, healthcare, and civic land uses at relatively high densities. It includes both the City Center area dominated by Main Street, and surrounding commercial, industrial and residential areas.



Since the subject property is in an area that is primarily residential in nature the following policy is applicable:

*Surrounding residential neighborhoods will be protected from further decline through a variety of practices, including but not limited to:*

- a. Targeted codes enforcement*
- b. Development of market-based incentives for infill development*
- c. Focused Neighborhood Planning*
- d. Streetscape, sidewalk, and signage enhancements*
- e. Strengthening of adjacent commercial corridors: Manning Ave., Main St., Liberty St., Washington St., and Broad St.*
- f. Consideration of expanding the residential historic districts to ensure design protection and preservation of district architectural resources.*

Staff is of the opinion that the request is not in conformance with the policies of the 2030 Plan. The site is located on S. Harvin St., which is primarily residential in character. The full range of permitted GC uses is not appropriate at this location, and does not further the Downtown Area Policy of protecting residential neighborhoods from further decline.

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

The 2017 AADT for this section of S. Harvin St. is 1,050 vehicles per day. The road is functionally classified by SCDOT as a collector.

S. Harvin St. is state owned, and new or improved access to property off this road would require approval of a SCDOT encroachment permit.

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

Staff does not support this request to rezone +/- 0.99 acres of property from R-6 to GC. The site is located on S. Harvin St., which is primarily residential in character. The site is not located in a Priority Commercial or Priority Commercial/Mixed Use area within the 2030 Plan. The full range of permitted GC uses is not appropriate at this location, and does not further the Downtown Area Policy of protecting residential neighborhoods from further decline.

#### **VI. DRAFT MOTION**

- 1) I move that the Planning Commission approve RZ-18-04, rezoning +/- 0.99 acres from Residential-6 (R-6) to General Commercial (GC).
- 2) I move that the Planning Commission deny RZ-18-04, rezoning +/- 0.99 acres from Residential-6 (R-6) to General Commercial (GC).
- 3) I move an alternate motion.

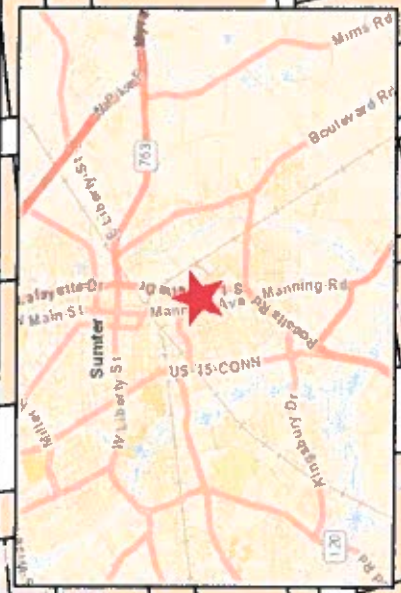
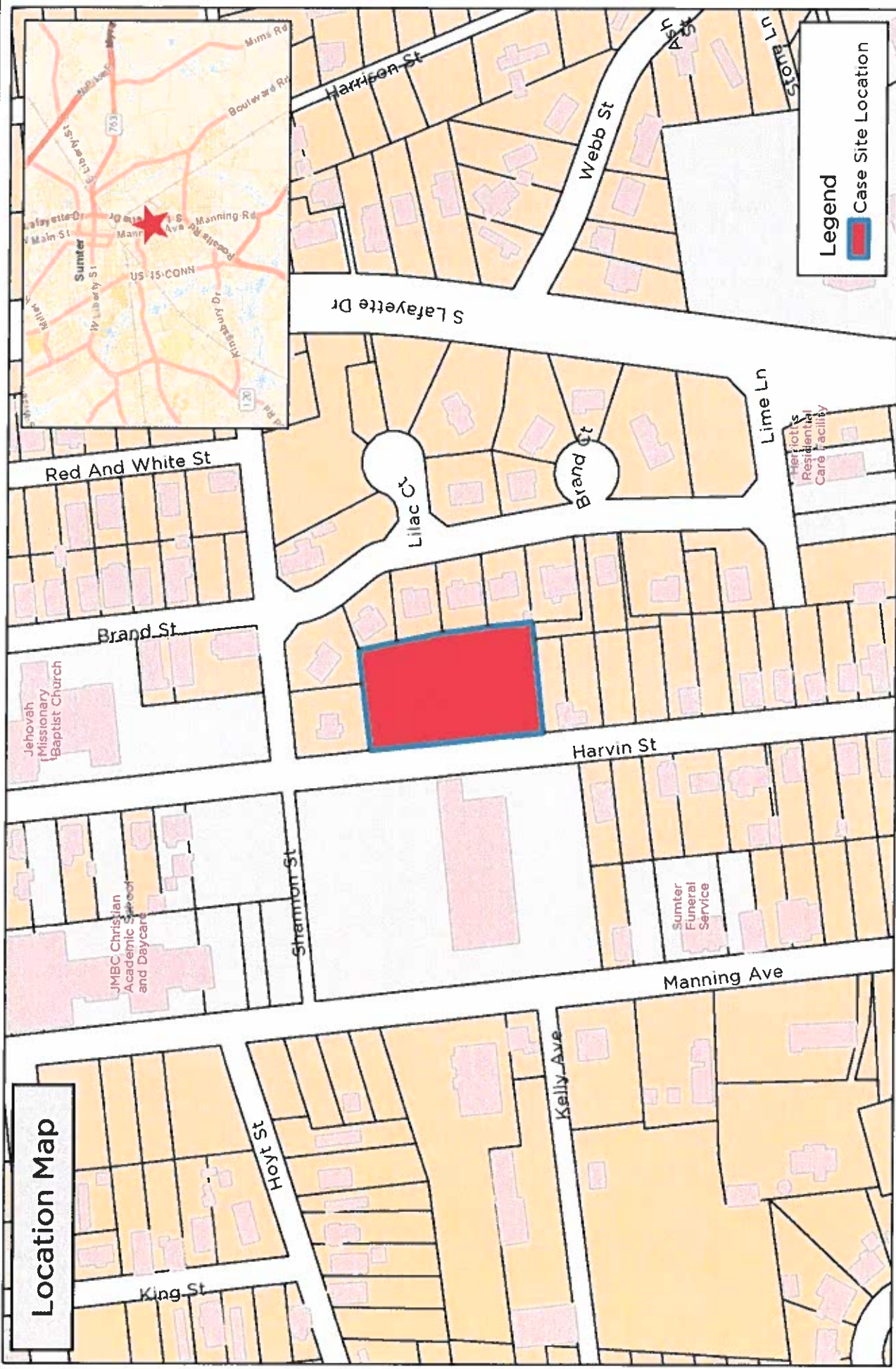
**VII. PLANNING COMMISSION – MAY 23, 2018**

The Sumter City-County Planning Commission at its meeting on Wednesday, May 23, 2018, after discussion, forwarded this request to City Council without a recommendation.

**VIII. CITY COUNCIL – JUNE 19, 2018 – FIRST READING / PUBLIC HEARING**



# Location Map

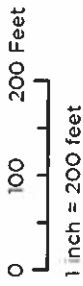


**Legend**

Case Site Location

**RZ-18-04**  
**835 S Harvin St, Sumter, SC 29150**  
**Tax Map # 250-09-07-024**

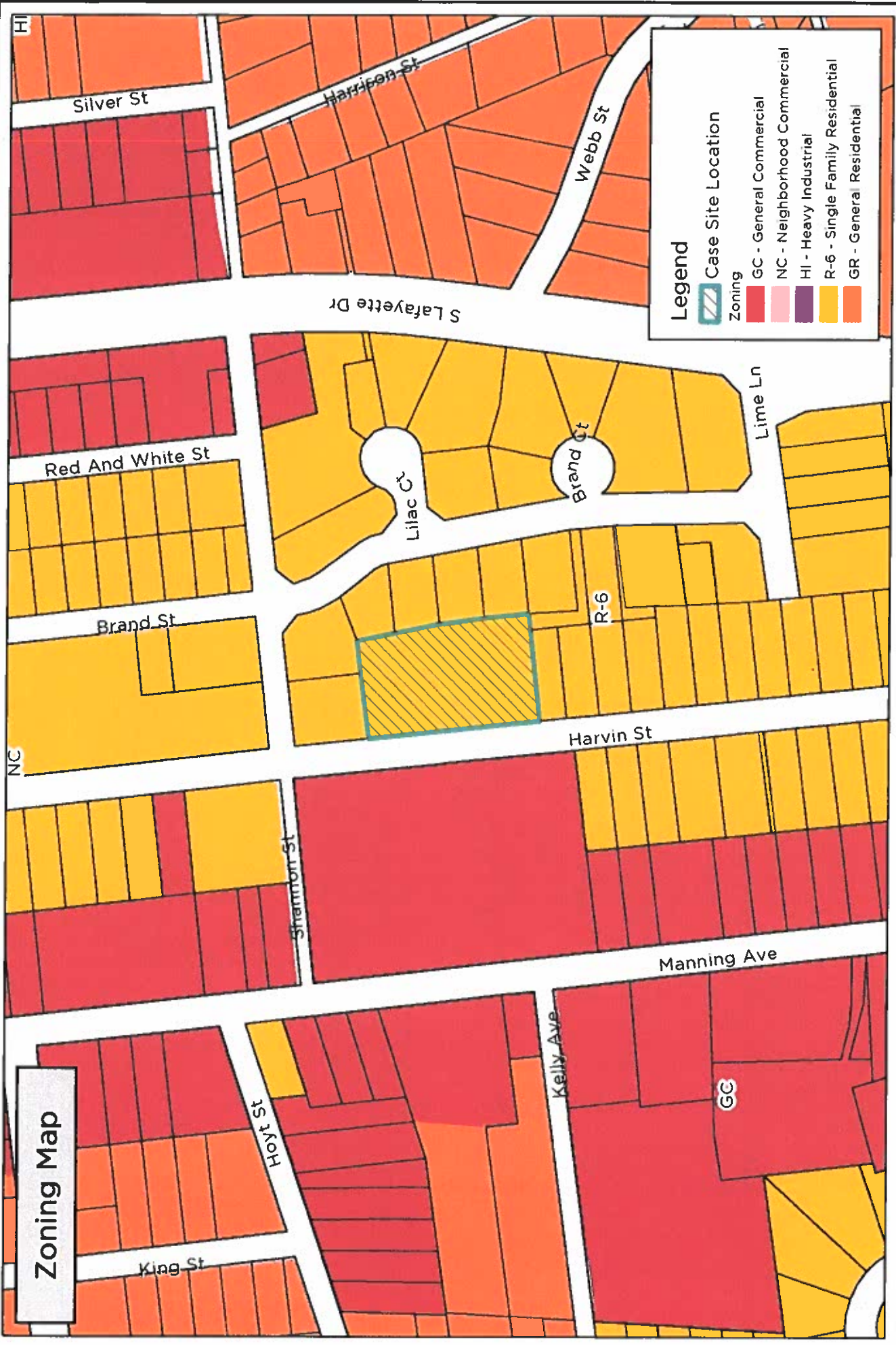
Map Prepared by: Sumter Planning Department  
 Copyright 2018 Sumter City-County Planning Commission  
 Geographic Information Systems (GIS)  
 Date: 4/30/2018 Use: Name crobbins  
 Document Name: RZ-18-04



DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter City-County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The user of this map for planning purposes shall not become liable to the user of this map. The Sumter City-County Planning Commission herewith agrees to hold the Sumter City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



# Zoning Map



## Legend

- Case Site Location
- Zoning
- GC - General Commercial
- NC - Neighborhood Commercial
- HI - Heavy Industrial
- R-6 - Single Family Residential
- GR - General Residential

**DISCLAIMER:** While the data of this map has been tested for accuracy by the Sumter City-County Planning Commission, the Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.

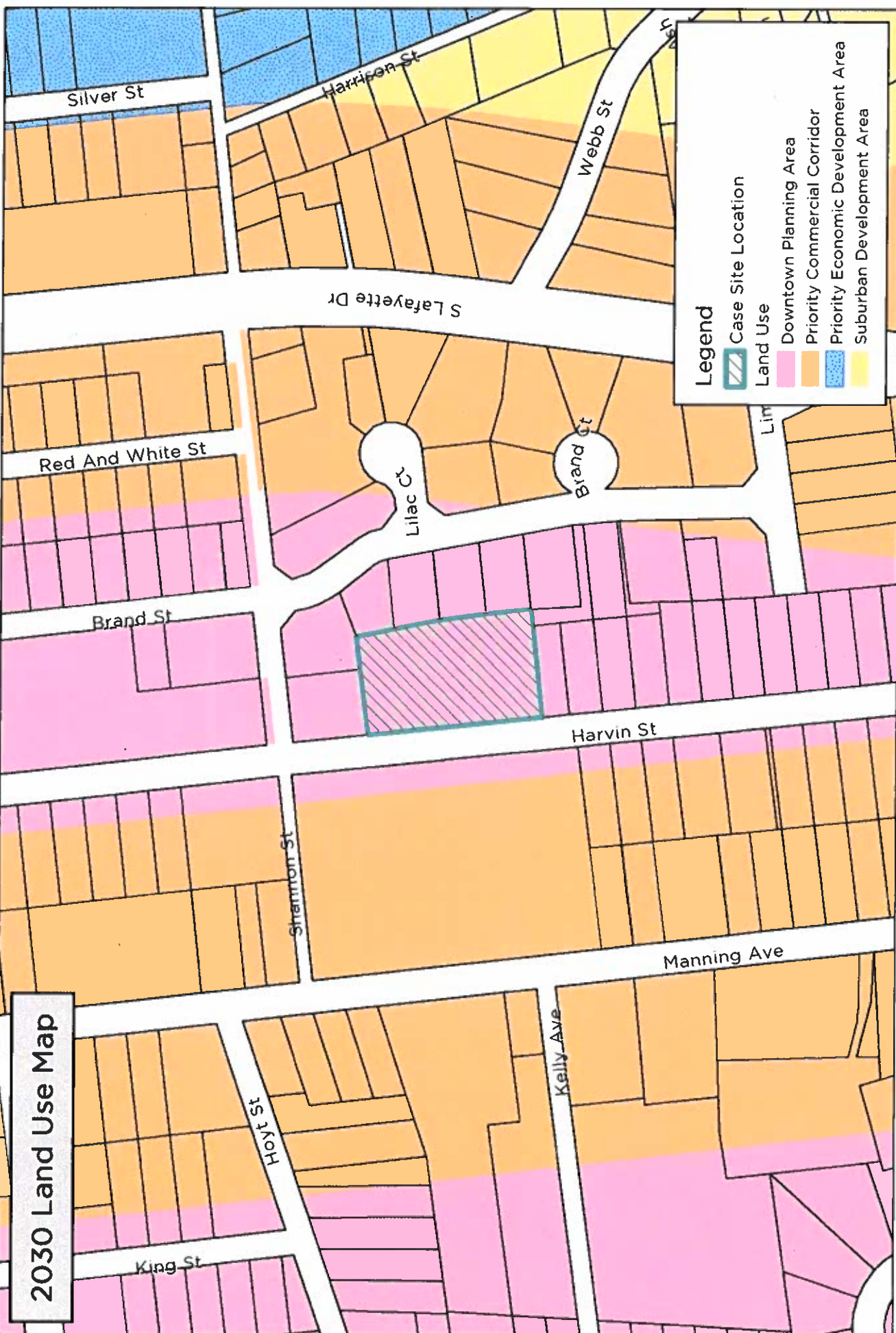


Map Prepared by: Sumter Planning Department  
 Copyright 2018: Sumter City-County Planning Commission  
 Geographic Information Systems (GIS)  
 Date: 4/30/2018, User Name: crobbit  
 Document Name: RZ-18-04







**RZ-18-04**  
**835 S Harvin St, Sumter, SC 29150**  
**Tax Map # 250-09-07-024**



# 2030 Land Use Map

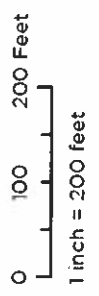


**Legend**

-  Case Site Location
-  Land Use
-  Downtown Planning Area
-  Priority Commercial Corridor
-  Priority Economic Development Area
-  Suburban Development Area

RZ-18-04  
 835 S Harvin St, Sumter, SC 29150  
 Tax Map # 250-09-07-024

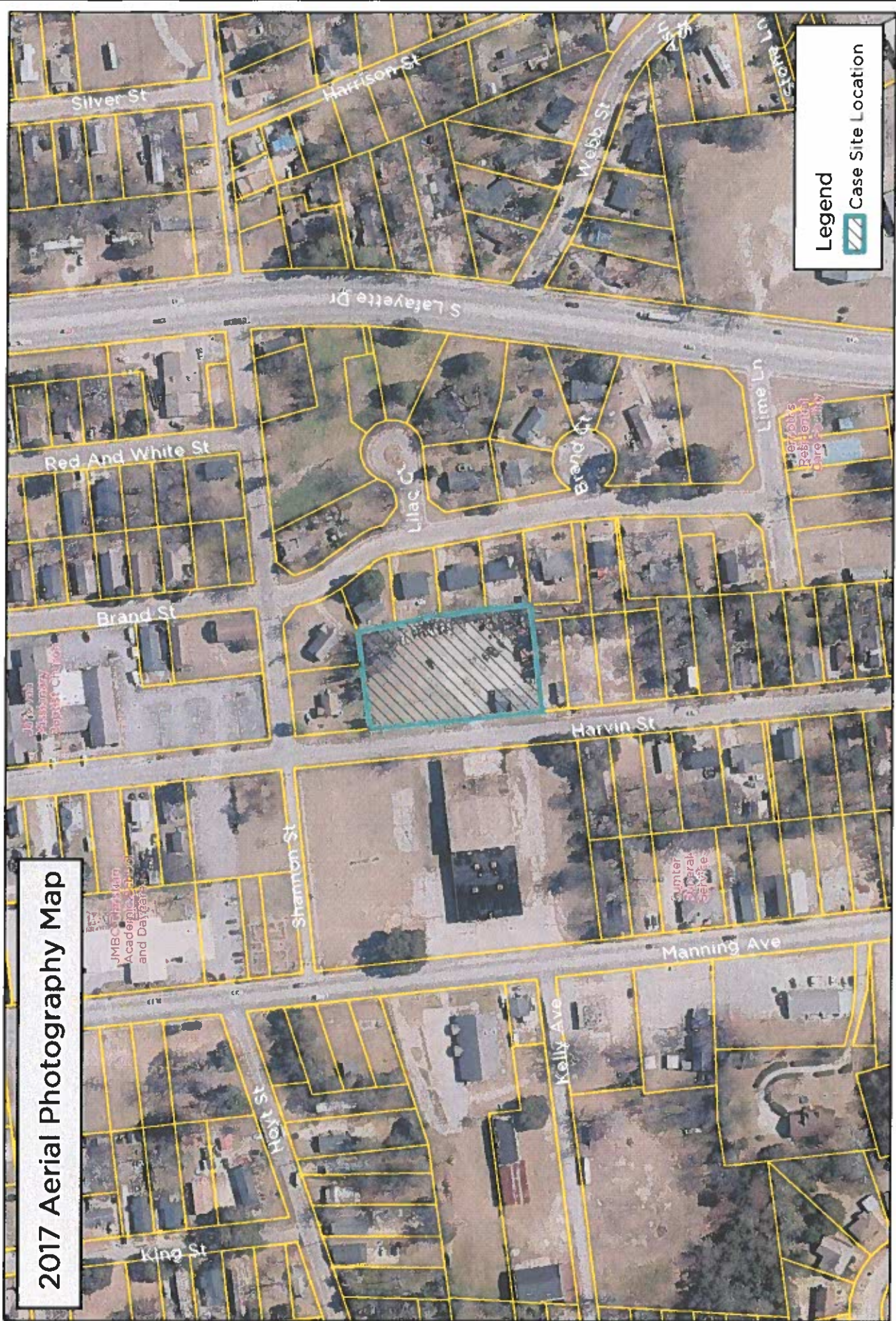
Map Prepared by Sumter Planning Department  
 Copyright: 2018, Sumter City-County Planning Commission  
 Geographic Information Systems (GIS)  
 Date 4/30/2018, User Name crobins  
 Document Name RZ-18-04



DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter City-County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user assumes all liabilities arising from the use of this map and/or its data.



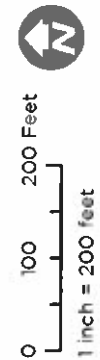
# 2017 Aerial Photography Map



**Legend**

 Case Site Location

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter City-County Planning Commission disclaims any or all responsibility for errors or omissions. The user shall be responsible for the accuracy of the data. The Sumter City-County Planning Commission shall not be liable to the user of this map for any reason, in using this map, the user agrees to hold the Sumter City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department  
 Copyright: 2018 Sumter City-County Planning Commission  
 Geographic Information Systems (GIS)  
 Date: 4/30/2018, User Name: crobins  
 Document Name: RZ-18-04

**RZ-18-04**  
**835 S Harvin St, Sumter, SC 29150**  
**Tax Map # 250-09-07-024**