
PROPOSAL: Request to rezone .621 acres of property
PROPERTY LOCATION: 9851 Kohut Road, Indian Land (TM# 0006N-0B-009.00)
CURRENT ZONING DISTRICT: Medium Density Residential (MDR) District
PROPOSED ZONING DISTRICT: General Business (GB) District
APPLICANT: Svyatoslav Chernyak
COUNCIL DISTRICT: District 7, Brian Carnes
STATUTORY NOTICES: Sign posted 9/2/2022 at 8951 Kohut Road see photos
Hearing notice published 9/03/2022 in The Lancaster News
Mailed notices 9/02/2022
Posted agenda in lobby 9/13/2022

OVERVIEW:

Proposal

The applicant has requested to rezone a parcel .621 acres in size. The intent is to improve the value of the property and sell it after the rezoning. Adjacent parcels to this property have recently been approved to rezone to commercial.

Site Information

The parcel proposed to be rezoned formerly contained a residence but is currently vacant land. Access will be provided via Kohut Road.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by MDR and GB zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	MDR	Residential
South	Lancaster County	GB	Commercial, Vacant
East	Lancaster County	MDR	Residential
West	Lancaster County	GB	Non-conforming Residential

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently in the MDR District. Pursuant to UDO Chapter 2.3, the MDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.*

Requested GB

UDO Chapter 2.3 describes the requested GB District *as is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the MDR and GB Districts. The surrounding uses are residential and commercial in nature (used car sales, a vacant gas station/restaurant, and vacant lots).

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category of the subject properties is Neighborhood Mixed Use, which corresponds to the Community Type of Walkable Neighborhood. The adopted Comprehensive Plan states that the Walkable Neighborhood Community Type *“is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.”* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Neighborhood Mixed-Use Future Land Use Category covers the upper half of the Panhandle, terminating at Waxhaw Highway (Route 75). The Neighborhood Mixed Use Future Land Use Category and Walkable Neighborhood Community Type are intended to be compatible with the existing suburban character of the area

The requested GB District is consistent with the Neighborhood Mixed Use Future Land Use Category.

Walkable Neighborhood: Land Use Considerations		
Single-Family Detached Home	Restaurant	School
Single-Family Attached Home (Town Home / Duplex)	Professional Office	Community Park
Condominium / Apartment	Government Building	Pocket Park
Neighborhood Commercial	Church	Natural Area

INFRASTRUCTURE CONSIDERATIONS

Transportation

There are no issues with traffic generated from this request at this time. If a commercial use were to move on to this property which would create more than 50 peak hour trips to or from this location a TIA would be required as part of their site plan submittal.

Public Utilities

Lancaster County Water and Sewer District is currently providing water to the parcel. It does not have sewer access.

Public Complaints

Jessica Broom, 9848 Kohut Road. Has seen cars being worked on and parked on property. The resident does not have access to running water and resident still lives on the property. She is against former residential lots being rezoned to businesses in the neighborhood. 803-207-4775.

Violations

Upon inspection of the property by the Lancaster County Code Enforcement Department, there are several violations on 9851 Kohut Road, Indian Land. These include cars and a semitruck parked on the property being worked on. Code Enforcement also found equipment and fluids used to work on cars being stored on outdoor shelving. There is also someone living in a storage building with no power or water. This is now an active case with the Lancaster County Code Enforcement and Zoning Office with under case number CE-20220233. Staff does not recommend approval with active code enforcement violations.

PHOTOS OF PROJECT AREA:



Ariel view of the Subject Property is visible on the of the photo above.



Facing Subject Parcel off Kohut Road.



Storage building that a resident is living out of. Photo taken by Jeff Mullis when he inspected the property.



An example of the vehicles found on the property. Photo taken by Jeff Mullis when he inspected the property.

STAFF RECOMMENDATION:

Staff recommends **denial** of the request to rezone .621 acres (TM # 0006N-OB-009.00) from Medium Density Residential (MDR) District to General Business (GB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM0006N-OB-009.00;
 2. That the subject property is currently zoned MDR District and proposed to be rezoned GB District;
 3. That the subject property has a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood; and
 4. That the proposed GB District is generally consistent with the surrounding area which is comprised of MDR and GB Districts.
 5. That the subject parcel has active violations under the case number CE-20220233.
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ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

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