

PROPOSAL:	RZ-2022-1527: Application by Arbor Walk, LLC to rezone approximately 112.5 acres from Low Density Residential (LDR) District to Medium Density Residential (MDR) District DA-2022-1527: Application by Arbor Walk LLC to develop approximately 112.5-acres with a 179-lots.
PROPERTY LOCATION:	At or adjacent to 2991 Vance Baker Road (TM# 0009-00-015.00); south of Legacy Park subdivision.
CURRENT ZONING:	Low Density Residential (LDR) District
PROPOSED ZONING:	Medium Density Residential (MDR) District
APPLICANT:	Arbor Walk, LLC
COUNCIL DISTRICT:	District 1, Terry Graham
STATUTORY NOTICES:	Sign(s) posted 8/1/22 at project entrances Hearing notice published 9/3/22 in Lancaster News and 9/14/22 in Carolina Gateway Mailed notices issued 9/2/22 Posted agenda in lobby 9/13/22

OVERVIEW:

Site Information

The 112.5-acre site is zoned Low Density Residential (LDR) District and is located immediately to the south of Legacy Park. The site consists of a combination of wooded land and remnant road and utility infrastructure improvements from the abandoned Providence Estates project (see history below).

Subject Property History

The subject property was previously a part of the Providence Estates development that underwent a Development Agreement approval in 2007. Providence Estates consisted of approximately 247-lots on a 248-acre site and was located in both Lancaster County and Union County, NC. It was zoned R-15 Moderate Density Residential. A copy of the Providence Estates Concept Plan is included in Attachment 5.

The development project was entitled at the beginning of the *Great Recession* and ultimately failed like many other proposed communities. As reflected in the attached Location Map (Attachment 2), some of the initial grading, roadway, and utility improvements were constructed and later abandoned. As a result of the project's failure, Lancaster County terminated the Development Agreement and the property was rezoned to its current Low Density Residential (LDR) District.

Arbor Walk, LLC (current applicant) had previously pursued a cluster subdivision proposal for this site (w/ 228-lots) in 2021, but later rescinded the application and is now pursuing a conventional MDR project (w/ 179-lots).

Proposal

The proposal consists of rezoning 112.5 acres from the LDR District to the MDR District. The applicant has prepared a concept plan (Attachment 3) as part of the Development Agreement that proposes 179 single-family residential lots (1.59-du/acre density).

The subject property contemplates taking its principal access off of an existing stub street (Vance Baker Road) within the Legacy Park subdivision. A second road connection to South Legacy Park Drive is also proposed through an existing Lancaster County Water Sewer District pump station parcel. Projects consisting of 100 or more lots require a second road connection. As part of the utility program for the subject property, the existing pump station will be decommissioned, replaced with a new/upgraded facility located offsite, and the land will be sold to Arbor Walk, LLC. The proposed subdivision is also separated from existing homes along South Legacy Park Drive with a proposed 30-ft perimeter buffer.

Summary of Adjacent Zoning and Uses

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	MDR	Legacy Park Subdivision
South	Lancaster County	MDR, RN	Harris Mill Subdivision, Rural Residential
East	Lancaster County	LDR	Vacant
West	Lancaster County	MDR	Legacy Park Subdivision

ANALYSIS & FINDINGS:**Zoning Districts**

Pursuant to UDO Chapter 2.3, the current LDR 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 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living 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.*

The proposed 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.*

Compatibility with Surrounding Area

The subject parcel is predominately surrounded by other parcels zoned MDR (3-sides), LDR and RN. The MDR District requires a minimum 70-ft wide lot with 10,000 sq. ft. lot area, which is generally consistent with the existing lots in the adjacent Legacy Park subdivision.

The subject property's location between the existing Legacy Park subdivision (zoned MDR) and the Harris Mill subdivision (under development) to the south (zoned MDR) indicates the proposed MDR District

would be compatible with surrounding areas. The MDR zoning District is also the predominate zoning district for major subdivisions east of Henry Harris Road.

Consistency with Comprehensive Plan:

The adopted Comprehensive Plan establishes that the Future Land Use Category of the subject parcels to be Neighborhood Mixed-Use, which corresponds to the Community Type of Suburban Single-family Neighborhood.

According to the adopted Comprehensive Plan, Suburban Single-family Neighborhoods are “*formed with relatively uniform housing type throughout. They may support a variety of single-family detached types...Homes are oriented interior to the neighborhood and typically buffered from surrounding development by transitional uses or landscaped areas.*” The Comprehensive Plan further establishes several possible land use considerations (see table below) representing typical development in this category.

Suburban Single-family Neighborhood: Land Use Considerations		
Church	School	Community Park / Pocket Park
Community Center	Natural Area	Pool /Recreational Amenities
Single-Family Attached Home (Townhome/Duplex)		Single-Family Detached Home

Traffic Impact Analysis:

A traffic impact analysis (TIA) was prepared by Design Resource Group in August 2021. It is important to note that the TIA studied a larger 228-lot subdivision proposal based on an earlier concept versus the current 179-lot proposal. The study was reviewed by the County Engineering and Stormwater Department along with its consulting traffic engineer. The County has approved the TIA (Attachment 4).

Intersections Studied with Improvements (if needed):

- Shelley Mullis Road and Henry Harris Road: No improvements needed
- Shelley Mullis Road and Legacy Park Drive:
 - Restripe northbound lane of South Legacy Park Drive at Shelley Mullis Road intersection to create a through-right lane and a left turn lane with 150-ft of storage
 - Restripe southbound lane of North Legacy Park Drive to have a thru-right and a left turn lane with 150-ft of storage
- Shelley Mullis Road and Vance Baker Road: No improvements needed
- South Legacy Park Drive and site entrances (2)
 - Replace/upgrade of existing signage/markings at South Legacy Park Drive and Vance Baker Road
- Henry Nesbit Road and Waxhaw Marvin Road (North Carolina)
 - Delay is caused at intersection of Henry Nesbit and Waxhaw Marvin Road intersection in Union County, NC. A modest mitigation payment of approximately \$4,000 to Union County, NC is being negotiated to offset impacts to intersection.

Estimated Trip Generation		
AM	PM	Weekday
167	224	

While not studied by the TIA, the existing Vance Baker Road, which provides access to the subdivision and serves as a connection point to Shelley Mullis Road has a substandard width ranging from 14-ft to 20-ft. The current minimum road width for new roads is 22-ft.

DEVELOPMENT AGREEMENT:

The applicant submitted the proposed Development Agreement enclosed with this staff report. The Development Agreement reflects the requirements of UDO Section 9.2.18 including, but not limited to: legal description, duration of agreement, description of uses, and TIA.

The Development Agreement must first be reviewed by the Planning Commission who is required to hold one public hearing. The second and final public hearing is tentatively scheduled to occur before County Council on October 10, 2022 (first reading of the ordinance). The applicant and County Attorney continue to confer on the terms of the Development Agreement. The draft Development Agreement can be found in the corresponding agenda item.

COMMUNITY MEETING:

A community meeting was held on Thursday, July 14, 2022 at 6:00 pm at Red Rocks Café, 9648 Redstone Drive, Indian Land, SC. Approximately ten residents of the Legacy Park community attended the event along with the district Planning Commission member. Concerns were raised regarding overall Indian Land growth, impacts to safety from additional cars traveling on South Legacy Park Drive, and impacts to safety from having additional cars use the intersection of Shelley Mullis Road and Legacy Park Drive. There were also concerns raised about the narrow pavement width on the existing Vance Baker Road and the safety impacts of having additional vehicles use it. A few attendees expressed support for the project.

PROJECT AREA LOCATION MAP:



STAFF RECOMMENDATION:

Rezoning

As previously referenced, the subject property is located in an area of the County that is surrounded by MDR zoning on three sides. MDR zoning is also the closest comparable zoning district to what the property had previously been zoned as part of the 2007 Providence Estates development. Vance Baker Road, which is a County-maintained road and provides principal access to the site, has also been deemed as having a substantially substandard pavement width.

Staff recommends approval of the proposed rezoning once a funded improvement plan is developed to widen and otherwise improve Vance Baker Road. The applicant has indicated a desire to propose improvements to Vance Baker Road, however, such a program has not been received as of the date of this report.

Development Agreement

Staff recommends approval of the proposed Development Agreement once a funded improvement plan is developed to widen and otherwise improve Vance Baker Road. Until such a program is developed by Lancaster County or others, staff is unable to recommend approval.

This recommendation is pursuant to the following findings of fact:

Findings of Fact:

1. That the subject property consists of 112.5 acres of land generally located at or adjacent to 2991 Vance Baker Road (TM# 0009-00-015.00); south and east of Legacy Park subdivision;
2. That the subject property is zoned Low Density Residential (LDR) District;
3. That 112.5 acres are proposed to be rezoned Medium Density Residential (MDR) District;
4. Vance Baker Road is an existing County Road with a substandard pavement width of less than 22-ft; and
5. Should this rezoning and development agreement be approved, the 112.5-acre property would be developed with 179 Single Family homes.

ATTACHMENTS:

1. Application
2. Location Map/ Zoning Map
3. Concept Development Plan
4. Traffic Impact Analysis
5. Providence Estates Plan

STAFF CONTACT:

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