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**PROPOSAL:** Request to rezone 4.84 acres of property  
**PROPERTY LOCATION:** 4263 Doby's Bridge Road (TM# 0013-00-024.00)  
**CURRENT ZONING DISTRICT:** Low Density Residential (LDR) District  
**PROPOSED ZONING DISTRICT:** Institutional (INS) District  
**APPLICANT:** Kings Mountain, LLC (Jim Kittridge)  
**COUNCIL DISTRICT:** District 7, Brian Carnes  
  
**STATUTORY NOTICES:** Sign posted 9/2/2022 at 4263 Doby's Bridge 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

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## OVERVIEW:

### *Proposal*

The applicant has requested to rezone a parcel 4.84 acres in size. The intent is to build a daycare facility on the site.

### *Site Information*

The parcel proposed to be rezoned currently has a home that will be demolished for the new daycare site. Access will be provided by Doby's Bridge Road. The property is located directly behind Indian Land Elementary School.

### *Summary of Adjacent Zoning and Uses*

The properties are surrounded predominantly by LDR and INS zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	LDR	Residential
South	Lancaster County	INS	Indian Land Elementary School
East	Lancaster County	INS	Indian Land Elementary School
West	Lancaster County	LDR	Residential

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## ANALYSIS & FINDINGS:

### *Zoning Districts*

As previously noted, the subject property is currently in the LDR District. Pursuant to UDO Chapter 2.3, the 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.*

### **Requested INS**

UDO Chapter 2.3 describes the requested INS District *as intended to allow for the continued and future use, expansion, and new development of academic and religious campuses, governmental and health facilities, and public and private utility infrastructure. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks, open space, and the like.*

### **Compatibility with Surrounding Area**

As noted previously, the subject property is predominately surrounded by the LDR and INS Districts. The surrounding uses are primarily institutional and residential in nature (elementary school, single-family, and mobile homes).

### **Non-Conformance Status**

The properties use is currently residential in nature. If the rezoning were to be approved (changing the zoning district to Institutional) the home on the property would become legal non-conforming if it remains on the site as a residence. This legal non-conforming status means that no major changes can occur to the residence further expanding its non-conformance. Also, any new business moving on to the property will be required to improve the site and building to meet current UDO and Building Code standards.

### **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 Suburban Single-Family 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 extends across the northern half of the panhandle, terminating at Highway 75/Waxhaw Highway. The Neighborhood Mixed-Use Future Land Use Category and Walkable Neighborhood Community Type are, by default, intended to be compatible with the existing suburban character of the area.

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

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

## **INFRASTRUCTURE CONSIDERATIONS**

### ***Transportation***

The Applicant will need to conduct an analysis of trip generation using the most current versions of the ITE Trip Generation Informational Report to prove to us that less than 50 Peak Hour trips will be generated for their proposed use at full buildout. This report must be sealed and stamped by a licensed traffic engineer. If the report has more than 50 trips, a TIA will be required. (UDO Section 6.8)

### **Public Utilities**

Lancaster County Water and Sewer District may require an off-site waterline extension. There is currently no sewer access at the site. Septic is the most feasible route.

### **Public Schools**

There are no capacity concerns for the schools within this area pertaining to this change.

### **Public Meetings**

The applicants are hosting a public meeting to engage with the public on 9/19/2022.

### **Public Concern**

I did receive a call from a neighboring resident to the property stating their concerns for the traffic and potential accidents that could be caused by a daycare being built at the proposed site.

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**PHOTOS OF PROJECT AREA:**



*Aerial view of the subject parcel shown in the photo above*





*Facing East on Doby's Bridge Road*



*Facing Out of Subject Parcel on Doby's Bridge Road*



*Facing West on Doby's Bridge Road*

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**STAFF RECOMMENDATION:**

Staff recommends **approval** of the request to rezone 4.84 acres (TM # 0013-00-024.00) from Low Density Residential (LDR) District to Institutional (INS) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0013-00-024.00;
2. That the subject property is currently zoned LDR District and proposed to be rezoned INS District;
3. That the subject property has a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood Community Type; and
4. That the proposed INS District is generally consistent with the surrounding area which is comprised of INS and LDR Districts.

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**ATTACHMENTS:**

1. Rezoning Application
2. Location Map/ Zoning Map

**STAFF CONTACT:**

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