

PROPOSAL:	<p><i>RZ-2022-0735:</i> Application by CLREF III Acquisitions LLC to rezone 5 parcels totaling approximately 780.40 acres from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District.</p> <p><i>DA-2022-0735:</i> Application by CLREF III Acquisitions LLC to develop 5 parcels totaling approximately 780.40 acres under the Cluster Subdivision Overlay (CSO).</p>
PROPERTY LOCATION:	At and adjacent to 8275 Van Wyck Road, on both sides of the road (TM#: 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, 0022-00-03.01)
CURRENT ZONING:	Rural Neighborhood (RN) District
PROPOSED ZONING:	Medium Density Residential (MDR) District; Cluster Subdivision Overlay (CSO)
APPLICANT:	CLREF III Acquisitions LLC
COUNCIL DISTRICT:	District 1, Terry Graham
STATUTORY NOTICES:	Sign(s) posted 9/22/2022, both sides of Van Wyck Rd. Reposted 10/7/2022 after report of signs missing Hearing notice published 10/1-2/2022 in The Lancaster News Mailed notices 9/30/2022 Posted agenda in lobby 10/11/2022

OVERVIEW:

Site Information

The 780.4 acre site is zoned Rural Neighborhood (RN) District and located on the both sides of Van Wyck Road, at and adjacent to 8275 Van Wyck Road. The site is predominantly vacant land with 3 structures dispersed around the site.

Proposal

The development proposal consists of rezoning 780.4 acre acres RN to MDR District with the Cluster Subdivision Overlay. The 780.4 -acre development parcel would be developed with 1,019 single-family residential units and an overall density of 1.3 dwelling units per acre.

Summary of Adjacent Zoning and Uses

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RN; PDD	Large Lot Single-Family; Treetops (PDD-6)
South	Lancaster County	RN;LI	Large Lot Single-Family; Light Industrial
East	Lancaster County	RN;LI	Large Lot Single-Family; Light Industrial
West	York County/Catawba River	N/A	York County/ Catawba River

ANALYSIS & FINDINGS:**Zoning Districts**

Pursuant to UDO Chapter 2.3, the current **RN District** is established to protect the residential character of communities and neighborhoods in the rural area at a density of 1.0 dwelling units per acre. The district is intended to promote rural living, protect farmland, and to maintain the low density residential.

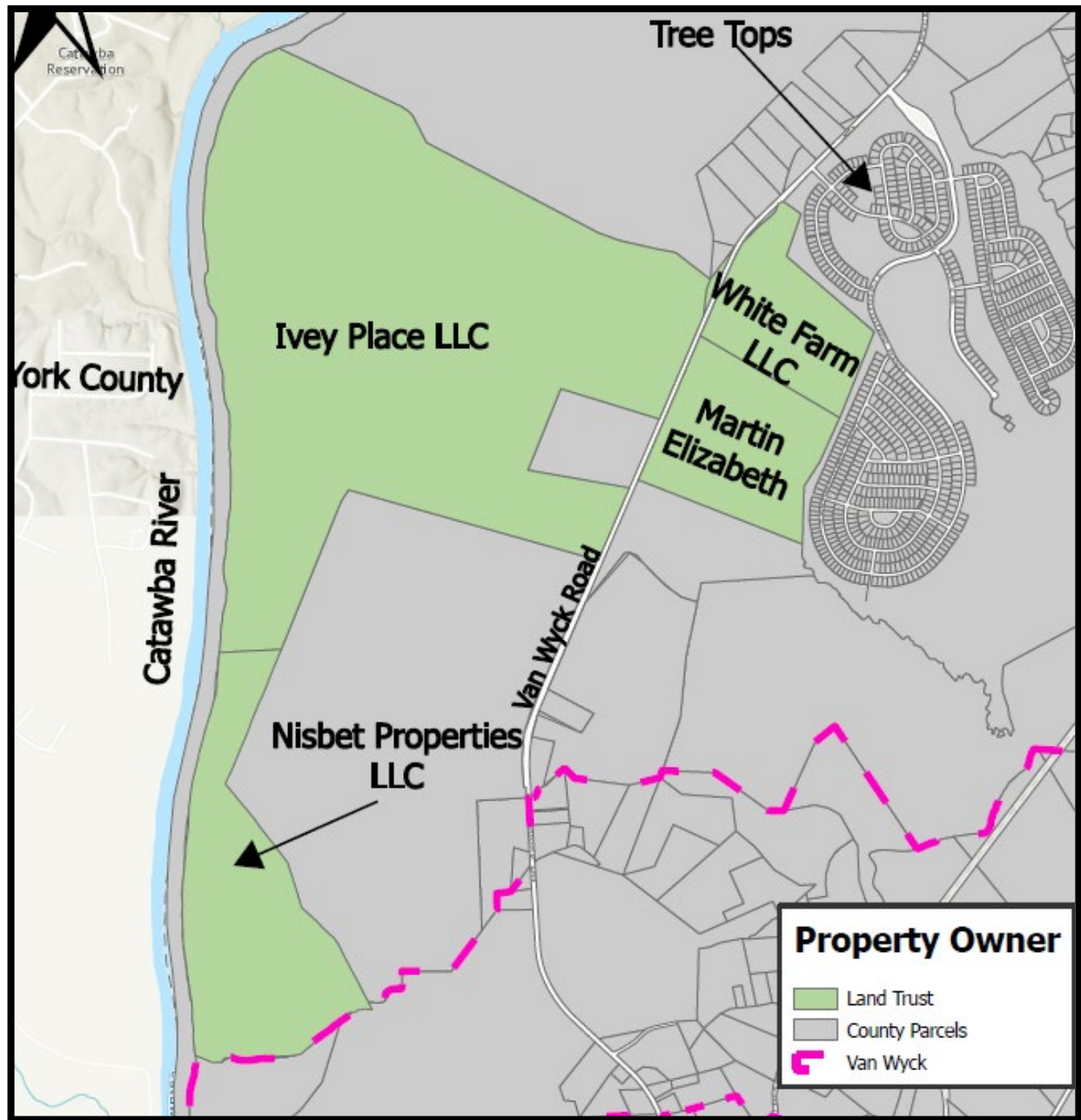
The proposed **MDR District** is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between 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.

The proposed **Cluster Subdivision Overlay** is an alternative to traditional subdivision design, with the principle purpose being to encourage open space and conservation in Medium Density Residential District. Site planning technique concentrates buildings and structures to the most buildable areas, preserving the remaining area as open space for recreation and preservation of significant site features.

Compatibility with Surrounding Area

The subject parcels are predominately surrounded by other parcels zoned RN, with some Light Industrial and a nearby PDD (Treetops). The requested MDR District is intended to maintain previously developed or approved single-family residential subdivisions, and to allow use of the Cluster Subdivision Overlay.

The subject parcels are immediately adjacent to low density residential uses. The largest of the subject parcels (0022-00-002.00) includes 151.025 acres under a conservation easement held by the Katawba Valley Land Trust. Approximately 874 acres to the north of the subject parcel are also covered by multiple conservation easements. These easements restrict the future development of the parcels depicted in green in the map below.



The subject properties are bordered to the South by the Town of Van Wyck. In the Town's Comprehensive Plan (adopted Aug. 2, 2021), they state the following as their vision for the town:

The Town of Van Wyck is a rural community rich in history and natural resources. This authentic, rural lifestyle provides access to greenways, river trails, and parks that connect modern amenities, services, and cultural facilities. Stewards of the natural environment, the community is committed to development with sensitive site and architectural design that preserve and enhance the native landscape, farmland, and forest lands.

With the parcels within this project bordered to the north by land which cannot be developed due to existing conservation easements and to the south by the Town of Van Wyck who has indicated their desire to maintain their rural character MDR zoning and the proposed use of the Cluster Subdivision Overlay does not seem to be consistent with the character of the area.

Consistency with County Comprehensive Plan.

The County's adopted Comprehensive Plan establishes the Future Land Use Category of the subject parcels to be Rural Living, which corresponds to the Community Type of Rural Living.

The Community Type "Rural Living" includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

The Comprehensive Plan further establishes several possible land use considerations (see table below) representing typical development in this category.

Rural Living: Land Use Considerations		
Farmland	Livestock	Natural Area
Single-Family Detached Housing	Mobile Homes	Light Industrial
Churches	Hardware Store	Restaurant

Consistency with Town of Van Wyck Comprehensive Plan.

The Town of Van Wyck, which borders the subject properties to the south, adopted a Comprehensive Plan on August 2nd, 2021. While the subject parcels are not within the township at this time they are included within the Town's Future Land Use plan. It is not uncommon to see towns include neighboring parcels in their future land use plans.

The Town's adopted Comprehensive Plan establishes the Future Land Use Category of the subject parcels as "Farmland Preservation" for those parcels on the West side of Van Wyck Road and "Rural Conservation" for those on the east side of Van Wyck Road.

The Town's plan defines "Farmland Preservation" as: generally outside of growth areas without major public infrastructure and primarily includes agricultural land with some very low density residential uses. Some compact development may be considered only when viable agricultural and sensitive natural areas are undisturbed and low density residential character is maintained.

"Rural Conservation" is defined as: generally includes large tracts of property with rural living and compact, small-scale rural residential areas designed as conservation subdivisions that provide an abundance of connected open spaces, intact forest lands, and protected sensitive natural areas.

TIA Findings:**Intersections studied:**

- US 521 and Van Wyck Road/Faith Presbyterian Church Driveway
- Rock Hill Highway (SC 5) and Steel Hill Road
- US 521 and Steel Hill Road 4. W Rebound Road and Van Wyck Road
- Rock Hill Highway (SC 5) and Rebound Road/Riverside Road
- US 521 and W Rebound Road/ E Rebound Road
- Van Wyck Road and Steel Hill Road
- Van Wyck Road and Ivy Place Farm's Vendor Entrance/Access 1
- Van Wyck Road and Accesses 2/3
- Van Wyck Road and Access 4
- Van Wyck Road and Access 5

Estimated Generation	
AM	PM
621	888

Proposed Improvements:

The TIA submitted by the applicant recommends:

US 521 and Van Wyck Road

- Construction of an additional northbound through lane with 725 feet of storage and additional northbound receiving lane along US 521. Based on SCDOT guidelines, the receiving lane must extend 1,000 feet north of the intersection prior to dropping or merging.
- Changing the northbound left-turn movement from protected to permissive phasing if allowable.

Rock Hill Highway (SC 5) and Steel Hill Road

Cost sharing with the planned Catawba Council of Governments (COG) project towards the following improvements:

- Reconfiguration of the Steel Hill Road (westbound) approach to consist of a free-flow right turn lane along Steel Hill Road and a left-turn lane with 50 feet of storage. This requires a northbound acceleration lane of 900 feet as well.
- Construction of a southbound left-turn lane along SC 5 with 575 feet of storage.

Rock Hill Highway (SC 5) and Riverside Road/W Rebound Road

Cost sharing with the planned Catawba COG intersection and Riverchase Estates development projects towards the following improvements:

- Installation of a traffic signal if/when warrants are met upon or prior to full build-out of the development.
- Construction of a southbound left-turn lane along SC 5 with 150 feet of storage.

US 521 and W Rebound Road/E Rebound Road

- Construction of an eastbound right-turn lane along W Rebound Road with 125 feet of storage.

Van Wyck Road and Steel Hill Road

- Installation of all-way stop-control if/when warrants are met upon or prior to full build-out of the development.

Van Wyck Road and Access 1

- Construction of Access 1 to include a single ingress lane, a single egress lane, and a 60-foot internal protected stem (IPS) with stop control.
- Construction of a southbound left-turn lane with 150 feet of storage.

Van Wyck Road and Access 2/Access 3

- Construction of Access 2 to include a single ingress lane, a single egress lane, and an 85-foot IPS with stop control.
- Construction of Access 3 to include a single ingress lane, a single egress lane, and a 70-foot IPS with stop control.
- Construction of a southbound right-turn lane with 100 feet of storage.
- Construction of northbound and southbound left-turn lanes with 150 feet of storage.

Van Wyck Road and Access 4

- Construction of Access 4 to include a single ingress lane, a single egress lane, and a 60-foot IPS with stop control.
- Construction of a southbound left-turn lane with 150 feet of storage.

Van Wyck Road and Access 5

- Construction of Access 5 to include a single ingress lane, a single egress lane, and a 105-foot IPS with stop control.
- Construction of a southbound right-turn lane with 100 feet of storage.
- Construction of a northbound left-turn lane with 150 feet of storage.

Third-Party Review:

The County requires a third-party review for all incoming Traffic Impact Analysis (see Attachment 5). The following were recommendations noted in the third-party review:

- Verify sight distance for all access points.
- Mitigation for US 521 at Van Wyck Road needs to be looked at for whether negating the additional lane on NB US 521 due to tapers or extend to Jim Wilson Road as a right turn lane drop instead of tapering where numerous driveways are located. This improvement is used to allow more green time for the predicted heavy left turn movement off Van Wyck Road.
- Conduct All-Way Stop Control analysis for Van Wyck Road at Steel Hill Road and implement.
- Consider left turn lane for Ivy Place since the recommendation for left turn lane for Access 1 across from it. This will eliminate confusion for motorist meeting offset trying to make left turns at the same time – safety issue.
- Consider extending the left turn lanes between Access 2 and 4 to eliminate tapers and hourglass effect (create 3-lane section between the access points on Van Wyck Road).
- Need to verify partnership with Catawba COG over improvements at SC 5 and Steel Hill Road and at SC 5 and Riverside/Rebound Road.

DEVELOPMENT AGREEMENT

Unified Development Ordinance (UDO) Section 9.2.18.A.2, Development Agreements (DA) are required for all land development projects that seek to develop under the Cluster Subdivision Overlay.

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 November 14, 2022 (first reading of the ordinance).

COMMUNITY MEETING:

At the time of publication of this report no community meeting has taken place (10-10-2022).

PHOTOS OF PROJECT AREA:





STAFF RECOMMENDATION:

Staff recommends:

- (1) **Denial** of RZ-2022-0735 an application by CLERF III Acquisitions LLC to rezone approximately 780.4 acres from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District with the Cluster Subdivision Overlay (CSO);
- (2) **Denial** of DA-2022-0735 an application by CLERF III Acquisitions LLC to develop approximately 780.4 acres under the Cluster Subdivision Overlay (CSO).

All pursuant to the following findings of fact:

Findings of Fact:

1. That the subject property consists of 780.4 acres of land generally located on both sides of Van Wyck Road, at and adjacent to #8275 (TM# 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, and 0022-00-003.01) ;
2. That the subject property is zoned Rural Neighborhood (RN) District;
3. That 780.4-acres are proposed to be rezoned Medium Density Residential (MDR) District;
4. That, should this rezoning and development agreement be approved, the 780.4 acre property would be developed with 1,019 Single Family homes developed under the Cluster Subdivision Overlay.
5. That the County's Comprehensive Plan establishes a Future Land Use of Rural Living;
6. That properties to the north of this project are bound by Conservation Easements held by the Katawba Valley Land Trust;
7. That properties to the south of this project are within the Town of Van Wyck.

ATTACHMENTS:

1. Application
2. Location Map/ Zoning Map
3. Sketch Plan/Proposed Plat
4. TRC Comments
5. Traffic Impact Analysis
6. Traffic Impact Analysis: Consultant Review
7. Development Agreement

STAFF CONTACT:

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