



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1

KEMESHA LOWERY, DISTRICT 2

KEYE JONES, DISTRICT 3

, DISTRICT 4

SHERESA INGRAM, DISTRICT 5

MIKE COUCH, DISTRICT 6

FRANCES LIU, DISTRICT 7

**MINUTES OF THE LANCASTER COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING**

October 4, 2022 at 6:00 PM

1. Call to Order

Vice Chair Beverly Williams called the meeting to order at 6:08 p.m.

2. Roll Call

Board Members present:

Beverly Williams

Mike Couch

Keye Jones

Kemesha Lowery

Absent: Frances Liu Sheresa Ingram

Staff: Ashley Davis, Senior Planner

Jennifer Bryan, Clerk

Staff member Ashley Davis was placed under oath.

Others Present:

County Attorney Dubose

Matthew Blaszyk, Planner; Billy Mosteller, County Council; Charles Deese, Planning Commission; Dennis Marstall, County Administrator.

Members of the press were not present. All adjacent property owners were notified by first class mail. A notice was published in the local newspaper to include meeting place, date, time and the public hearing items; a copy was posted in the lobby of the Administration Building; and a copy is on file.

3. Approval of Agenda

Keye Jones moved to Approve the Agenda; 2nd by **Kemesha Lowery**. The motion was approved by unanimous consent.

4. Approval of Minutes from July 5, 2022

Vice-Chair Williams asked if there were any comments, changes or corrections to the Minutes of the July 5, 2022 meeting. **Keye Jones** moved to approve minutes as written, seconded by **Mike Couch**. The Board members voted unanimously to approve and adopt the July 5, 2022 minutes.

5. Public Hearing Items

a. SE-20221556 Scharpenberg: Campground Exception

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM# 0147-00-001.00) in the Agricultural Residential (AR) District.

Staff presentation: Ashley Davis, Senior Planner.

See attachments:

- Staff Report
- Powerpoint presentation
- Applicant responses to review comments

Staff Report suggested possible conditions for approval:

- Resolution of Evolve review comments from Fire, 911 and County Engineer (revised conceptual Plan);
- Maximum length-of-stay and minimum interim between stays;
- Domestic water calculations updated to address concerns of Fire Marshall (backup tanks on site);
- Clarification on rental RV sites to determine compliance with Code.

PUBLIC HEARING:

Applicant: **Jeremy Scharpenberg** (Fort Mill, SC). This is a personal project, a shared vision with his daughter who is autistic. He hopes to open within two years, and part of the overall plan is to provide employment to special needs adults. The search for an appropriate site has taken several years. The subject location is suitably close to the new Whitewater center at the river; it will bring tourism to the county and benefit local businesses. The new state park will not allow RV camping, and his facility will fill that niche.

Speaking Against:

1. **Ann Bass** (Charlotte Resident, owns property on Cedar Creek Road): Her property has hosted a hunt club since 2006, with year-round activities. She is concerned about the inherent risk of having campers so close to hunting areas, and the likelihood of trespassing. Also expresses concern about:
 - access road that dead ends into her property, how the boundary will be secured;
 - fire hazard from camp fires, Belltown FD is 4 miles away, surrounding properties are timberland;
 - stormwater runoff/erosion;
 - density of lots, 166 lots could mean over 1,000 people at maximum capacity, more if special events open to the public are hosted - can law enforcement, emergency services and roads handle this number?

2. **Ben Yarbrough** (Charlotte NC):

[see attached information, **Ben Yarbrough Documents 1 & 2**]

Owns a cybersecurity business; owns land near subject site and also leases land for Rocky Creek Hunt Club, established for over 30 years. He has traveled widely and understands the attraction of the location, as the geography of the river and piedmont fall line is unique, and the proposed Whitewater Center will be transformative for the area. He is deeply concerned about the proposed plan:

- Too many unknowns have been raised regarding safety, especially regarding hunting nearby;
- Only 8-10 families live nearby, and the influx of people from such a dense campground will be disruptive;
- The use of septic system for a campground is problematic.
- There is an existing RV campground on Hwy 21.

Rebuttal:

Jeremy Scharpenberg:

- The access road mentioned by Ms. Bass was added at the request of the SC DNR;
- Regarding enforcing the boundary: there will be staff onsite 24/7; signage will be posted and he is willing to provide fencing if needed;
- Regarding fire hazards: fires will be confined to fire-rings, standard at all campgrounds;
- Regarding stormwater: submitted with the plan was an engineering study of stormwater calculation;
- Regarding septic system: the system proposed is a specially designed system that returns clean water to the soil, waste does not perk directly into the ground as in a standard system;
- Regarding density: information in proposal; peak hour trips under 50, does not trigger a Traffic Impact Analysis under SCDOT rules;
- No events open to public – events will only be open to guests on site;
- Regarding density of design, 50-foot setbacks mean there will be about 100 feet between parked campers and boundary;
- The campground on Hwy 21 is permanent rentals only, not short-term (vacation) rentals;
- The only impervious surfaces on the proposed plat are the access roads, the amenity site and parking;
- Design improvements such as widening roads for emergency access can be addressed at the permitting stage;

Vice Chair Williams closed the public hearing portion of the proceeding.

DRAFT

QUESTIONS TO STAFF:

Vice-Chair Williams: Has a site visit been conducted?

- A. Davis: We have been to the site and posted signs, but do not have access to conduct a full site examination.

Interruption from audience from Mr. Yarborough. Vice-Chair Williams allows his statement to proceed:

- B. **Yarbrough**: There has been textile waste dumping at the site.

J. **Scharpenberg**: we are aware of that and have some money in our budget to remediate.

- B. **Yarbrough**: Do we know what it is, what materials? Is there asbestos?

Vice-Chair calls to order and ends discussion. Public hearing has already closed.

QUESTIONS TO APPLICANT:

Vice Chair Williams called for Board Members' questions to Applicant.

1. **Mike Couch**:

Many of my questions have been answered. What is your preferred limit to length-of-stay and interim between stays?

JS: Would prefer 60 stay, with 30 or 60 day interim. Wants to allow families to spend a full summer vacation.

What is your solution to the water supply issue raised by the fire marshal?

JS: Already working with fire marshal's engineer to determine tank size. Also, he may be able to tap into a 6" water main a mile away, which would remedy the problem. The well + supplemental emergency tanks is proposed if he cannot get a water main connection.

Explain the proposed use of rental RVs.

JS: larger families may have members who do not own their own RVs, and we would supply a rental for them for an additional fee. These would not be "permanent," but would be moved to guests' sites as needed.

Is wifi available in the area?

JS: Yes, but he is considering offering a discount to guests who choose not to use it.

2. **Keye Jones**:

Concerned about suggestion [by individual in audience] of past dumping on the property. Too many variables, remediation is an unknown. Has a study been done to determine what materials have been dumped?

JS: Plans to undertake a Phase I environmental study before closing on property if Special Exception is approved. If remediation of possible hazards is too costly, he will end the project.

DRAFT

Thank you to staff for reports prepared.

How did you arrive at the number of sites (166 on plan)?

JS: with the help of a consultant, did a cost model to determine the number needed to provide the overhead required for the number of employees proposed (10-15 special needs adults).

But you don't have any idea from a marketing standpoint how many campers you can expect to draw?

The consultant provided projections as to the potential draw for our area (Charlotte, Columbia and surrounding area).

Has done a lot of campground traveling in southeast; have never seen a campground with 166 sites, it seems very high density.

Plan is open-ended on stormwater details. The river is a prime asset we need to protect. Has a sedimentation and erosion control study been done?

JS: SEC study is undertaken as part of the permitting process. Preliminary calculations have been done to determine viability. Full civil design documents will not be undertaken until Special Exception is approved. Design review process is intensive and costly, the investment is not worthwhile if he cannot secure this initial approval. We did invest in the septic design proposal demonstrating sensitivity to groundwater issues.

The topography is difficult to determine from the plan; what is the general lay of the land on site, the topo change?

JS: A ridge extends through the site, [roughly east-west] with lower ground on either side. The area to the south where the pond is located slopes off gradually in the direction of the river. The undeveloped area to northwest will be amenities like trails or disc golf.

Has hauled a big camping rig o Hwy 97, not an easy road. Concerned about ingress/egress on Hwy 97, RVs traveling in both directions, and backed up traffic at entrance on the narrow road. Is peak hours data based on campgrounds or normal traffic?

JS: Created a queue lane as far into the site possible for campers to disconnect cars, check in, etc. in order to avoid backups into roadway at entrance. Located the entrance to maximize visibility. Peak hours data referred specifically to reference standards for campgrounds.

Checking into and out of campgrounds is always a problem creating congestion. I think you need more space.

We can create a longer queue area for checkout area.

I'm concerned about backups on the highway and the danger there.

Willing to work on design at civil approval stage, possibly add deceleration lanes or other improvements on Hwy 97.

DRAFT

Will length of stay provisions include all vehicles [cars and RVs] associated with registered camper, as well as the persons, not using as a storage site? Will there be parking for visitors?

JS: Will agree to those conditions if the Board requests. There will be some parking near office and amenities.

How will you handle sound buffering? There are a lot of campsites along road front.

JS: Can erect 8-foot sound-baffle walls, pre-cast panels along road-front boundary.

3. **Kemesha Lowery**: [indicated all her questions have been answered].

4. **Beverly Williams**:

Regarding employees, will they be housed on-site, or elsewhere?

JS: For special needs adults, providing housing on-site would engage health department requirements. As cabins are not allowed in Lancaster campgrounds, that option is not possible here. At present he intends to hire locals who live at home.

Is there a feeder stream for the pond?

JS: no, it is fed by run-off, although there may be a well to keep the level topped off.

Where would excess run-off be directed?

JS: ground slopes down toward the river south of the pond.

I think you may need more than one runoff pond. Stagnant water is not ideal for swimming.

JS: Additional design work may be needed to create a better solution for swimming.

Ingress/egress and fire emergency access concerns me, we will need to apply conditions regarding that. The lot density seems high, if you created “premium lot space” for lots on the pond, you might be able to reduce the overall number of lots.

JS: keep in mind the lots are much larger than standard camping lots, to accommodate larger rigs and still have room for trees between sites. It won't feel dense when you're there.

Will you employ private security?

JS: Not planned at this time, but there will be a manager on site 24/7.

Additional staging areas to avoid traffic back-ups would be a good idea. Hwy 97 is a tiny road, with this many sites it could be a problem, like Ocean Lakes and Lakewood at Myrtle Beach.

JS: Understands the concern, but the Myrtle Beach location has thousands of lots accessing off one roadway, we definitely want to avoid those scenarios. Design refinement will really begin once approval is secured.

QUESTIONS TO STAFF

Vice-Chair Williams called for Questions to Staff.

Ashley Davis:

In formulating conditions (if considering approval), keep in mind that:

- SCDOT requirements and County codes/ordinances must be met in future civil design stages, before construction can proceed, so approval of Special Exception does not guarantee final construction of the project.
- Some technical requirements such as road width, turn radius, stormwater management, etc. will be reviewed by county staff at a later date; therefore, the Board when contemplating conditions should focus primarily on concerns they have which are not specifically addressed by the county code. These items may include: additional pull off/ loading areas or interior queuing, perimeter fencing, perimeter buffering, maximum length of stay, minimum amount of time before return visits, etc.

CALL FOR MOTION:

Ashley Davis noted the Board's options for a motion:

- Approve the Application;
- Deny the Application;
- Approve with Conditions; or
- Defer Vote to next meeting

Attorney DuBose provided information how to make conditions as part of the Motion. **Attorney DuBose** and Senior Planner **Ashley Davis** answered Board's questions concerning the structure and process of Motions for Approval with Conditions, or Deferral. If the Board requests more information, staff needs to know what information is requested as part of deferral. If the Board requires time to process evidence/information received, can simply vote to defer on that basis.

J. Scharpenberg: I want to know the nature of those documents. Every month that this project is delayed is another month that I'm not accomplishing my goal. How do we know this is even pertinent?

Vice-Chair Williams: Thank you Mr. Scharpenberg, it is clear the Board members require more time to process the information provided in this meeting.

Motion to Defer to November 1, 2022 meeting by **Keye Jones**; second by **Kemesha Lowery**. Board Requests that clerk provide copies of documents submitted, as well as a draft of minutes for member's consideration in the interim.

DRAFT

VOTE:

Keye Jones: For

Kemesha Lowery: For

Mike Couch: Against

Beverly Williams: For

MOTION TO DEFER PASSES 3:1.

Vice Chair Williams called for a 5-minute recess.

Applicant Scharpenberg asks to address the Board after the recess.

J. Scharpenberg: I will try to extend my due diligence period on the property, but this decision could end the project, and a huge investment in time and money. We've met the requirements for Special Exception approval, as far as documentation, many of the questions raised are part of the permitting stage.

Vice-Chair Williams stated that the Board is required to ask questions, and will not be forced into a vote tonight.

6. New Business

Next Month's agenda:

In addition to the deferred Special Exception, there are two variance applications to be heard, one regarding signage regulations, and the other concerning the number of lots accessing off dead-end roads.

Other: Clerk will contact Board members with possible dates for a group CE session.

7. Adjournment:

With there being no further business, **Mike Couch** moved to adjourn; motion seconded by **Keye Jones**. The motion was approved by unanimous consent. **Adjourned at 8:06 PM.**