

PROPOSAL: Request to rezone 2.9 acres of property

PROPERTY LOCATION: 168 Fort Mill Hwy/ Hwy 160 (TM # 0008-00-007.00)

CURRENT ZONING DISTRICT: Mixed Use (MX) District

PROPOSED ZONING DISTRICT: General Business (GB) District

APPLICANT: George Banks McGinn and Sallie Cooper

COUNCIL DISTRICT: District 4, Jose Luis

STATUTORY NOTICES: Sign(s) posted 12/28/2022 at 168 Fort Mill Hwy
 Hearing notice published 12/31/2022 in The Lancaster News
 Mailed notices 12/28/2022
 Posted agenda in lobby [1/10/2023]

OVERVIEW:

Proposal

The applicant has requested to rezone a parcel 2.9 acres in size. The intent is to develop the property to be utilized for its highest and best use.

Site Information

The parcel proposed to be rezoned is currently a non-conforming residential use; there is a home on the property. It was zoned MX in 2016; likely in association with the adjacent Capital Club apartment community.

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	MX	Apartments
South	Lancaster County	RB	Lowe's; Queensgate outparcels
East	Lancaster County	GB	Mixed retail and non-conforming residential
West	Lancaster County	MX, GB	Apartments; non-conforming residential

Parcel History:

Mass MXX District Rezoning

In 2020, there was a County-initiated rezoning request to rezone 42 parcels that were zoned Mixed Use : MX, IMX, or RMX to be rezoned to General Business (GB), Regional Business (RB), Low Density Residential (LDR), Rural Neighborhood (RN), and Institutional (INS). The purpose of the prior rezoning action was to bring these parcels into conformance with current zoning regulations as described in the

Lancaster County UDO. These parcels were located near the intersections of Doby's Bridge Rd and Charlotte Hwy, Fort Mill Hwy and Charlotte Hwy, and Springdale Rd and Williams Estate Dr.

The parcels that had been zoned to the mixed-use districts were envisioned to be developed by large scale developers for inclusion within master planned developments. MX zoned properties require a minimum of 25-highland acres to develop. By 2020, many of these properties were for sale individually and many no longer met the minimum development size of 25-acres.

Tax Map Number 0008-00-007.00, which is the subject property for the current rezoning application opted out of the prior mass rezoning and is now looking to be rezoned General Business. In 2020, the owner hoped the Capital Club apartment community (which is zoned MX) would purchase the property for a future expansion and is no longer the case.

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently in the MX District. Pursuant to UDO Chapter 2.3, the MDR District “... is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians. This district accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.”

Requested GB

UDO Chapter 2.3 describes the requested GB District “... 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 GB, MX, and RB Zoning Districts. The surrounding uses are primarily Commercial, Mixed Use, and Residential.

Non-Conformance Status

The property's use is currently residential in nature. If the rezoning were to be approved (changing the zoning district to General Business) the home on the property would remain 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 that would further expand its non-conformance.

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

The parcels’ location also falls under one of the County’s Specialty Centers, specifically a Pedestrian Center. The Pedestrian Center corresponds to the Community Type of Walkable Activity Center. The adopted Comprehensive Plan states that The Community Type “Walkable Activity Center” is synonymous with the Place Type “Mixed-Use Activity Center.” 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 uses organized around a network of walkable streets, and it is supported by transit options. The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The 3 Pedestrian Specialty Centers are located at the intersections of Fort Mill Highway and 521, between 521 and Henry Harris Road (North of Cross Ridge and South of Thousand Oaks Road), and North of Shelley Mullis Road and South of Cross Ridge. The Pedestrian Specialty Centers and Walkable Activity Center Community Type are, by default, intended to be compatible with the existing character of the area.

The requested GB District is consistent with the Pedestrian Specialty Centers Category.

Walkable Activity Center: Land Use Considerations		
Condominium / Apartment	Professional Office	Movie Theatre
Live/Work Unit	Government Building	Pocket Park
Community-wide Commercial	Church/School	Farmers’ Market
Restaurant	Library	

INFRASTRUCTURE CONSIDERATIONS

Transportation

A Traffic Impact Analysis (TIA) may be required with the future Civil Plan submittal if the use of the site generates more than 50-peak hour trips.

Public Utilities

The Lancaster County Water and Sewer District (LCWSD) is currently serving the site with water fed by a 12-inch line off S.C 160. The site does not currently have access to sewer. A developer would have to work with LCWSD on sewer access.

Public Schools

Not applicable.

PHOTOS OF PROJECT AREA:



An Ariel view of the subject property is visible on the left-hand side of the photo above.



Facing subject parcel



Facing West on S.C. 160



Facing East on S.C. 160



Facing out from subject parcel (Lowe's is beyond)

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone 2.9 acres (TM # 0008-00-007.00) from Mixed Use (MX) District to General Business (GB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM # 0008-00-007.00);
 2. That the subject property is currently zoned MX 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;
 4. That the subject property has a Specialty Center designation of Pedestrian Center, and a Community Type of Walkable Activity Center; and
 5. That the proposed GB District is generally consistent with the surrounding area which is comprised of GB, RB, and MX Zoning Districts.
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ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Matthew Blaszyk, Planner
mblaszyk@lancastersc.net | 803-416-9380