

PROPOSAL: Request to rezone 1.206 acres of property out of a 20.573-acre tract

PROPERTY LOCATION: 3867 Pageland Highway (part of TM 0059-00-058.00)

CURRENT ZONING DISTRICT: Rural Residential (RR) District

PROPOSED ZONING DISTRICT: Rural Business (RUB) District

APPLICANT: Richard F. Duncan

COUNCIL DISTRICT: District 3 Billy Mosteller

STATUTORY NOTICES: Sign posted 3/31/2023
 Hearing notice published 4/1/2023 in The Lancaster News
 Mailed notices 3/31/2023
 Posted agenda in lobby 4/11/2023

OVERVIEW:

Proposal

The applicant has requested to rezone a 1.206-acre portion of his property on Pageland Hwy. The intent is to separate a nonconforming automotive business use (addressed as 3867 Pageland Hwy) from the larger tract, which holds a residence (addressed as 1370 Burke Duncan Road). The 1.206-acre tract shown in Attachment 2 is proposed to be subdivided out of the parent parcel following the rezoning.

Site Information

The 20.573-acre parent parcel is currently used as residential and commercial simultaneously. The business that is located on the property is a minor maintenance and repair facility known as *Duncan's Auto Service LLC*. The owner of the property wishes to divide the existing business from his residential property so that he can sell or distribute them separately. The proposed 1.206-acre portion of the parent tract will hold the auto service business, and the remaining tract will hold the residence. Access to the business will be off Pageland Hwy, and access to the residence will be from Burke Duncan Rd.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by RR zoned properties. On Pageland Highway, there is an RUB parcel within .5 miles to the west, and another adjoining the existing parcel.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RR	Residential/Agricultural
South	Lancaster County	INS, RR	Church; Residential
East	Lancaster County	RR	Residential
West	Lancaster County	RUB, RR, MH	Gas Station/Convenience Store, Residential, Manufactured Housing

ANALYSIS & FINDINGS:

Zoning Districts

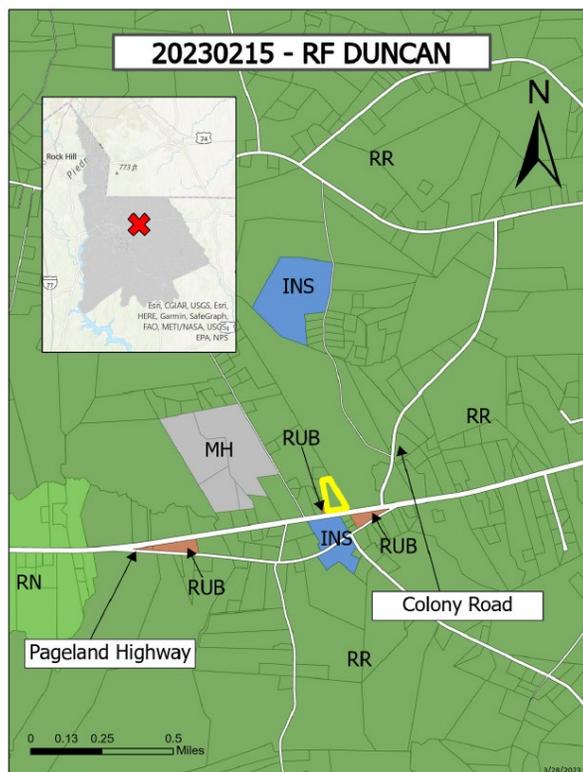
As previously noted, the subject property is currently in the RR District. Pursuant to UDO Chapter 2.3, the RR District “... is established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings.”

Requested RUB

UDO Chapter 2.3 describes the requested RUB District as “... established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population.”

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the RR District. The surrounding uses are primarily residential in nature. On Pageland Highway, there is an RUB parcel within .5 miles to the west (Dixie Food Mart), and another approximately 250 yards to the east (small commercial strip with 4 units.)



Above is a location map of the site and surrounding area. The map also highlights the nearby RUB zoned parcels.

Non-Conformance Status

The property currently supports both a residential and a commercial use. If the rezoning were to be approved (changing the zoning district for the Pageland Highway commercial use to RUB) then the tract

could then be subdivided to separate the business from the residential use, resolving the existing non-conformity.

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *“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 representing typical development in this category which are depicted in the table below.

The Rural Living Future Land Use Category starts south of Highway 5 and extends to the rest of the County boarding with the City of Lancaster and the Towns of Heath Springs and Kershaw. The Rural Living Future Land Use Category and Rural Living Community Type are intended to be Synonyms.

The requested RUB District is consistent with the Rural Living Future Land Use Category and the Comprehensive Plan.

Rural Living: Land Use Considerations		
Cultivated Farmland	Single-Family Detached Home	Convenience Store / Hardware Store / Restaurant
Woodlands / Timber Harvesting	Smaller-lot Single Family and Town Homes	Gas Station
Livestock / Arable	Mobile Home	Church
Natural Area	Barns / Storage	Light Industrial (ancillary to farming)

INFRASTRUCTURE CONSIDERATIONS

Transportation

There are no issues with traffic generated from this request at this time. If a commercial use were to move on to this property which would create more than 50 peak hour trips to or from this location a TIA would be required as part of their site plan submittal.

Public Utilities

Water is currently serving this site, there is a septic tank on site as well. The home located at 1370 Burke Duncan Road has its own septic system.

Public Schools

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

PHOTOS OF PROJECT AREA:



facing North on Pageland Highway- business on site at 3867 Pageland Hwy



Facing Out from Subject Parcel, Looking South Across Pageland Hwy



Facing West on Pageland Highway



Facing East on Pageland Highway

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone 1.206 acres (part of TM 0059-00-058.00) from Rural Residential (RR) District to Rural Business (RUB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: part of TM 0059-00-058.00;
 2. That the subject property is currently zoned RR District and proposed to be rezoned RUB District;
 3. That the subject property has a Future Land Use designation of Rural Living, and a Community Type of Rural Living; and
 4. That the proposed RUB District is generally consistent with the surrounding area which is comprised of RR, MH, INS and RUB Districts.
 5. The proposal brings conformity to an existing nonconforming use.
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ATTACHMENTS:

1. Rezoning Application
2. Proposed Minor Subdivision Plat
3. Location Map/ Zoning Map

STAFF CONTACT:

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