



Planning Department

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TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended See Text Amendment Items 1 through 5 on attached pages.

Current Text _____
Please see proposed Text Amendment Items 1 through 5 on the attached pages
_____ for the current text of the UDO Sections Proposed to be Amended.

Proposed Text _____
Please see proposed Text Amendment Items 1 through 5 on the attached pages
for the proposed new text (underlined) for the UDO Sections Proposed to be
Amended.

Description of Need for Proposed Text _____
Please see proposed Text Amendment Items 1 through 5 on the attached pages
for the accompanying Description of Need for each Proposed Text Amendment.

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Yates Dunaway for C4 OP Owner, LLC

Address 801 East Blvd

City Charlotte State NC Zip 28203 Phone 312-485-2722

Fax _____ Email ydunaway@csere.com

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Yate Dunaway
Applicant

3-30-23
Date

Yate Dunaway
Property Owner(s)

3-30-23
Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Text Amendment Application Fee - \$435.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval

Text Amendment Item 1.

Amend Section 4.3.2 of the Highway Corridor Overlay District (HCO) by adding the following underlined proposed text to the current text of Section 4.3.2.B.2 – DISTRICT BOUNDARIES AND APPLICABILITY:

B. DISTRICT BOUNDARIES AND APPLICABILITY

Section 4.3.2.B.2. The Highway Corridor Overlay District development regulations, as set forth in the Highway Corridor Overlay District, apply to all uses on the properties zoned Highway Corridor Overlay District except for single family housing as identified in Section 2.5, Permitted Uses. The development regulations applicable to single family housing are the development regulations of the underlying zoning district. In addition, Hospitals, Medical Clinics, and Large-Scale Retailer facilities shall be exempt from the Highway Corridor Overlay District development regulations located in Section 4.3.2.F.1., Subsection 4.3.2.F.1.b., Section 4.3.2.G.1., and Subsection 4.3.2.G.1.a.

Description of Need for Proposed Text. Currently, Section 4.3.2.F.1. requires that the front façade of buildings shall front on the street and be parallel to front property lines when placed along the corridor right-of-way. Subsection 4.3.2.F.1.b. requires that when fronting the corridor right-of-way, buildings shall have access from the front and rear of the building.

Section 4.3.2.G.1. requires that, for buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of building it serves and provides that side yard parking shall occupy no more than 45 percent of the principal corridor frontage line. Subsection 4.3.2.G.1.a. grants the Administrator authority to allow a higher percentage of side yard parking where dimensions or topographical constraints restrict the amount of off-street parking that can be placed to the rear of the building it serves.

Requiring frontage on the highway corridor and doing so as close as 25 feet has proven to be unworkable in many instances and counter to the goal of allowing room for the planned future widening of Highway 521 itself. For these reasons, the current draft of the Highway Corridor Overlay District in the UDO Update dated December 21, 2022, Chapter 2, proposed Section 2.7.3, footnote 37, calls for the elimination of the build-to line and the 25 feet setbacks.

Furthermore, the County's UDO Assessment, dated August 26, 2021, Appendix 1, Staff Recommendations for UDO Update, at page 10, reflects the opinions of both the Staff and Economic Development that the limitation on retail stores visible from the road with parking in front does not lend itself to developments that appear welcoming and full of activity, which in turn limits their ability to be successful. Economic Development recommended eliminating design requirements that hide the front of stores from the road and that require buildings to be constructed close to the road. Staff Recommendations regarding Section 4.3.2.G specifically call for allowing parking between the road and building for large centers.

Large-Scale Retailers are located in buildings of at least 100,000 square feet of gross floor area. For the reasons stated by Staff in the UDO Assessment and as reflected in draft of Section 2.7.3 prepared by the County's consultants, these projects should not be required to front up against the highway corridor. Large-Scale Retailers should be allowed to locate their major buildings back

away from the corridor with parking surrounding them including parking located between the road and building. For these same reasons, the current limitations on side yard parking and requirement for front and rear building access should be eliminated for Large-Scale Retailers.

Hospitals and Medical Clinics serve a unique role in our community and have a standard site layout. For many of the reasons stated above, future highway widening and visibility, medical buildings should not be required to front up against the highway corridor with limited setbacks. Moreover, basic access to Hospitals and Medical Clinics calls for non-emergency patients and visitors to park and enter the front of the building. The emergency department and ambulance access are located at the rear of the building. And for safety and privacy reasons non-emergency and emergency access are kept separate.

Text Amendment Item 2.

Amend Section 4.3.2 of the Highway Corridor Overlay District (HCO) by adding the following underlined proposed text to the current text of Section 4.3.2.D – EXCEPTIONS AND NON-CONFORMING SITUATIONS:

Section 4.3.2.D – EXCEPTIONS AND NON-CONFORMING SITUATIONS

Any property zoned and used for a single family residential use, including the single family residential portion of a property zoned Planned Development District (PDD), shall be exempt from the development standards of the Highway Corridor Overlay District. Any property zoned and used for a Hospital, Medical Clinic, and Large-Scale Retailer shall be exempt from the development standards of the Highway Corridor Overlay District located in Section 4.3.2.F.1. Subsection 4.3.2.F.1.b, Section 4.3.2.G.1., and Subsection 4.3.2.G.1.a. When a parcel has a vested right in effect, that parcel may be exempt from certain provisions of the Highway Corridor Overlay District, as outlined in Chapter 9 of the UDO. The development standards of this overlay district shall apply to all other properties within the district boundaries as outlined in Section 4.3.2.B.

Description of Need for Proposed Text. Please see discussion under Amendment Item 1 above.

Text Amendment Item 3.

Amend Section 10.3 of the UDO to add a new definition for “Large Scale Retailer”:

“Large-Scale Retailer” is a type of General Commercial use and includes membership-only retail warehouse facilities. Large-Scale Retailers are located in buildings of at least 100,000 square feet of gross floor area.

Description of Need for Proposed Text. Large-Scale Retailers are unique. They occupy very large buildings that are not conducive to fronting against a highway corridor. They have large customer parking demands that justify locating parking surrounding them including parking located between the road and building. Parking requirements would fall under General Commercial at 1 space per 250 SF per Section 7.2.4.A.

Text Amendment Item 4.

Add a new line (new line underlined below) to the chart located in UDO Section 7.2.6.A. – BICYCLE PARKING - for Large-Scale Retailer use:

7.2.6 BICYCLE PARKING

A. REQUIRED SPACES

The following minimum bicycle parking spaces are required (Excludes RUB, LI, HI, and M Districts):

Use	Required Short-Term Spaces	Required Long-Term Spaces
Dwelling, Multi-Family	1 per 20 units, 3 minimum	1 per 5 units (Projects with 10+ units only)
All Other Residential Uses	None Required	None Required
All Retail Uses	1 per 5,000 SF of gross floor area, 3 minimum	1 per 5,000 SF of gross floor area
All Commercial Uses	1 per 10,000 SF of gross floor area, 3 minimum	1 per 5,000 SF of gross floor area
<u>Large-Scale Retailer Use</u>	<u>3</u>	<u>None Required</u>
All Civic Uses	1 per 5,000 SF of gross floor area, 3 minimum	None Required

Description of Need for Proposed Text. Large-Scale Retailers serve the public who buy significant quantities of goods and large-sized goods to transport home, in car trunks, in trucks, on tops of cars, and otherwise. The need for bicycle parking is virtually non-existent. If the current bicycle requirement were applied to Large-Scale Retailers and calculated by the amount of floor area, then the result would be an extraordinary number of spaces reserved for a method of transportation that does not apply due to the quantities and size of goods typically involved in sales by Large-Scale Retailers.

Text Amendment Item 5.

Amend UDO Section 7.4.5, “Signage Standards by Category,” by adding the underlined text to Section 7.4.5.A., “Attached Sign Standards,” Subsection A., “Wall Signs,” at bottom of the column for “Maximum Area,” adding “, except 400 sq ft per building wall maximum for Large-Scale Retailer”:

A. ATTACHED SIGN STANDARDS

	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
A. Wall Signs	AR, RR, RN, LDR, MDR, HDR, UR, RUB, PB, HDR (non-residential uses only, but not Home Occupations)	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum	No sign shall extend above the roofline	12 inch maximum protrusion	None. May not exceed maximum calculated square footage on any wall (cannot move allotment from one wall to another)
	NB, INS, RMX, MX, IMX	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum.			
	LI, HI, GB, RB	50 sq ft OR 1sq ft per linear ft of building wall, whichever is greater. <u>75 sq ft building maximum, except 400 sq ft per building wall maximum for Large-Scale Retailer</u>			

Description of Need for Proposed Text. Large-Scale Retailers by definition have over 100,000 square feet of gross floor area. The limit on wall signage of 75 square feet would produce wall signage size that is inadequate and disproportionate architecturally to the magnitude of the building. A sign this small would look awkward and out of place on the wall of a Large-Scale Retailer’s building. Increasing the maximum signage to 400 square feet per wall is in line with the magnitude of the building and comparable to existing major retailers in the vicinity, such as Walmart and Lowe’s Home Improvement. Note that Applicant seeks relief from the HCO’s requirement that the Large-Scale Retailer building front on the highway corridor and that the planned building will be located some distance back from the highway.