Case No. RZ-2021-1233
Staff Report to Planning Commission
Meeting Date: July 20, 2021

PROPOSAL:	Request to rezone approximately 7.06 acres of property
PROPERTY LOCATION:	8921 & Unaddressed Kershaw Camden Highway (TM# 0159-00-127.00 & 0159-00-121.01)
CURRENT ZONING DISTRICT:	Agricultural Residential (AR) District
PROPOSED ZONING DISTRICT:	Light Industrial (LI) District
APPLICANT:	Shaun Williams (Williams Fabrication & Industrial)
COUNCIL DISTRICT:	District 6, Allen Blackmon

OVERVIEW:

Proposal

The applicant has requested to rezone two (2) parcels totaling approximately 7.06 acres in size.

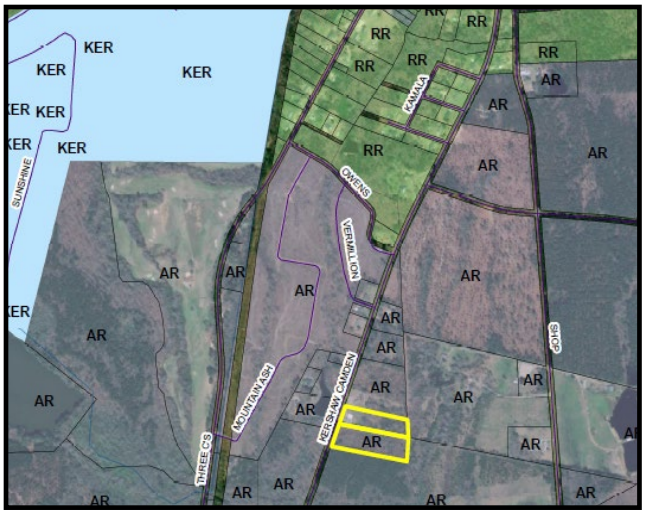

Figure 1

Site Information

One parcel is vacant, while the other is improved with the existing fabrication business. The applicant's father originally operated a logging business on the property which commenced in the 1980's (prior to establishment of zoning). The applicant would like to expand the business by adding a 5,000 ft² building. Currently, the fabrication business is a nonconforming use. According to Unified Development Ordinance (UDO) Section 9.3.5, Nonconforming Uses & Structures, no building can be enlarged which would result in expanding the use. Therefore, the applicant has requested to rezone the property so the existing use and requested expansion could be permitted, subject to review.

This is a companion case to Comprehensive Plan Amendment CP-2021-1233.

Summary of Adjacent Zoning and Uses

The properties are surrounded entirely by Agricultural Residential (AR) zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	AR	Welding Business (owned by applicant's father)
South	Lancaster County	AR	Vacant/Farm Land
East	Lancaster County	AR	Single-Family Residential; Farm Land
West	Lancaster County	AR	Single-Family Residential

Recent Rezonings in Surrounding Area			
Case #	**Description**	**Date**	**Outcome**
	None		

ANALYSIS & FINDINGS:

Zoning Districts

Current AR: As previously noted, the subject properties are currently zoned Agricultural Residential (AR) District. According to UDO Chapter 2.3, the AR District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.

Previously R-45A: When zoning was established, this property was assigned the R-45A: Rural Residential/Intense Agriculture District. This district was intended to accommodate a wide range of uses including low density residential, low intensity commercial, and high intensity agricultural uses. Commercial buildings were limited to 6,000 ft². It is possible that the previous lumber related uses were deemed a permitted use on this property outright or through a zoning interpretation.

Requested LI: UDO Chapter 2.3 states that the requested Light Industrial (LI) District is established for activities that can be operated in a relatively clean and quiet manner, and which will not be obnoxious to adjacent residential or business districts. This includes warehousing and wholesaling activities with limited contact with the general public. It is designed to prohibit most heavy industry, which should be properly segregated, and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district. Limited opportunities for retail sales and services are also provided.

Compatibility with Surrounding Area

The subject properties are surrounded entirely by AR-zoned property. This area is characterized by undeveloped land and single-family homes on large lots and is located approximately 0.65 miles south of the Kershaw town limits. According to Chapter 10 of the UDO, the requested LI District is intended to accommodate primarily indoor industrial uses such as fabrication, manufacturing, assembly, processing, and bulk storage which have low impacts on surrounding properties. The majority of work takes place indoors, but some materials are stored outside.

Analysis

Staff acknowledges that this property has been improved with an industrial-type use for nearly three decades, first as a logging business and now as a fabrication business, while owned and operated by the same family. This property originated as a business most likely prior to the establishment of zoning in Lancaster County (1991).

Zoning can be used to separate incompatible land uses, preserve character of neighborhoods, protect natural resources, and promote economic development. Land use planning provides the County with the opportunity to allocate land between complimentary and conflicting uses. Since this use was established before zoning, the County did not have the opportunity to identify ideal locations for industrial-zoned property throughout the County and determine how to best mitigate potential negative impacts.

Should this rezoning request be approved, the argument could be made that this area would now be appropriate for light industrial uses and, therefore, future requests to rezone adjacent parcels would be challenging to deny due to their adjacency to LI-zoned property. One example of this scenario can be found along US-521 at the intersection of Rebound Road. Figure 2, shown below, highlights four LI-zoned parcels which were subdivided from one parent tract over time. Two parcels were subdivided in 1993 with

limited or no coordination for industrial-zoned property with the County. The placement of LI-zoned parcels in this particular location have limited the availability for commercial frontage along US-521.

Example of Small LI-Zoned Properties
Intersection of US-521 and Rebound Road

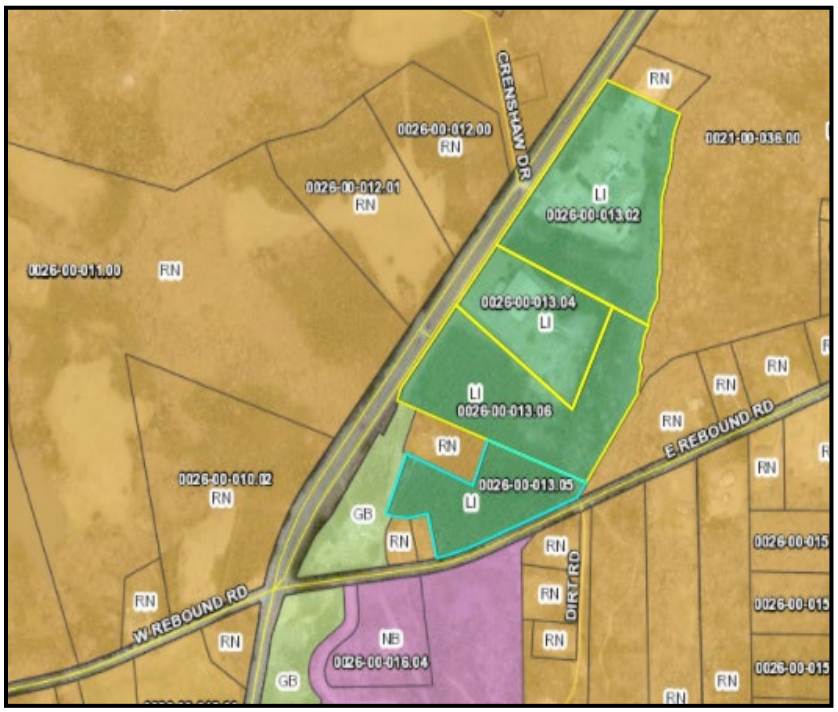

Figure 2

This application involves reacting rather than planning as the Council must determine whether it is appropriate to rezone the properties to LI while surrounded by AR-zoned property. While the existing business operated by the applicant does not appear to be an issue for adjacent property owners, rezoning the property could have a negative impact for adjacent properties in the future. Rezoning property is generally permanent and continues with a property regardless of who owns it. Even though there are no intentions of selling the business in the immediate future, when the properties do change ownership, any use permitted in the LI district (s*ee attached Use Table*) could be operated on the properties, and most uses are permitted without a public hearing. Approval of this application could also spur future LI rezoning requests in the area.

The allocation of land uses should be done with the future vision for the area in mind as well as an analysis of the site and area. Industrial-zoned property can typically be found near key features such as railroads, airports or major intersections. Many counties strategically designate areas for future industrial use versus approving scattered individual rezonings.

In light of the subject property or its surrounding area not being planned for future industrial uses or meeting the typical criteria used for designating future industrial sites, staff believes an amendment to the UDO would be a better way to accommodate this use, while also minimizing potential negative impacts. The previous R-45A zoning district appears to have been more permissive towards commercial and light industrial/intense agricultural uses in the rural areas and the Council may wish to direct staff to make this an element of the upcoming UDO update project.

As part of the overall evaluation of this request, it is also important to recognize that prior to the 2016 UDO adoption, a community outreach process was created allowing property owners to request an alternative district for their property for incorporation into the new zoning map. From all appearances, most of the requested changes were incorporated into the 2016 adopted zoning map. It would be reasonable to assume that if the current property owner had petitioned for LI zoning at that time, given the history of the site's prior use, the district would have been approved at that time.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

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 is the dominant future land use category in Lancaster County. It is the category in the southern and eastern-most areas of Lancaster County, with the exception of the Towns of Heath Springs and Kershaw, as well as the Haile Gold Mine.

The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below. The requested LI district is not consistent with the Rural Living Future Land Use category.

Current Future Land Use Category Rural Living: Land Use Considerations		
Cultivated Farmland	Woodlands/Timber Harvesting	Livestock/Arable
Natural Area	Single-Family Detached Home	Smaller-lot Single-Family and Townhomes
Mobile Home	Barns/Storage	Light Industrial (Ancillary to Farming)
Church	Gas Station	Convenience Store/Hardware Store/Restaurant

INFRASTRUCTURE CONSIDERATIONS

Transportation

No Traffic Impact Analysis (TIA) or traffic improvements are required for the proposed rezoning request.

The subject parcels are located east of Kershaw Camden Highway which is maintained by SCDOT. Traffic volumes on Kershaw Camden Highway between Shop Road and Kershaw County line are shown below:

Street	**Vehicles Per Day**		
	2020	**2018**	**2016**
Community Lane to Rocky River Road	4,100	4,200	4,300

Source: SCDOT Traffic Counts 2009-2020

Public Utilities

This parcel does not have water or sewer service. Connection to the water line from LCWSD is approximately 1,000' south of the properties.

Public Schools

No residential uses are proposed as part of this request.

PHOTOS OF PROJECT AREA:



Looking directly at one subject property (8921 Kershaw Camden Highway)



Looking west across Kershaw Camden Highway from subject property



Looking north along Kershaw Camden Highway



Looking south along Kershaw Camden Highway

STAFF RECOMMENDATION:

If the proposed rezoning to LI is intended to be a placeholder solution to permit a longstanding business to expand until a more comprehensive UDO update can be prepared addressing service/industrial uses in the rural areas, staff would have no objection to the request.

1. That the subject project consists of the following parcels: TM# 0159-00-127.00 and 0159-00-121.01;
2. That the subject properties are currently zoned AR District and are proposed to be rezoned LI District;
3. That the subject properties have a Future Land Use designation of Rural Living and a Community Type of Rural Living;

4. That the proposed rezoning is accompanied by a parallel comprehensive plan amendment request (CP2021-1233) to the Special District-Industrial;
5. That the proposed LI District is not consistent with the surrounding area which is comprised of the AR zoning district and includes single-family homes and farm uses in the immediate vicinity; and
6. That the existing use of the property for the past 30-years (approx.) is light industry.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. Light Industrial (LI) Use Table

STAFF CONTACT:

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