Planning Commission Members District 1: Rosa Sansbury District 2: Vedia Hatfield District 3: Charles Deese, Chair District 4: James Barnett, Vice-Chair District 5: Tommy Dabney District 6: Sheila Hinson District 7: Ben Levine



County Attorney John K. DuBose III

Clerk to Planning Commission

Development Services Director Rox Burhans

June 16, 2020

6:00 PM

101 North Main Street Lancaster, SC 29720

LANCASTER COUNTY PLANNING COMMISSION County Council Chambers, County Administration Building, 101 North Main Street, Lancaster, SC 29720

AGENDA

- 1. Call to Order Regular Meeting and Roll Call Vote Charles Deese
- 2. <u>Approval of the Agenda</u>
- 3. <u>Citizen's Comments</u>

[Due to public health and safety considerations and the Governor's Executive Orders, in-person Citizens Comments are currently suspended. Therefore, the County is requiring citizen input and comments be submitted in writing prior to the meeting. Comments may be submitted via mail, email at ssimpson@lancastersc.net or by using the following link on our website where you can submit Citizens the on right Comments online (look for link the hand side of the page) https://www.mylancastersc.org/index.asp?SEC={DF11C6C4-BC53-4CD5-8A07-0847EAA1F478} Comments must be no longer than approximately 3 minutes. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please see separate instruction sheet on how to submit input/comments for Public Hearings by using the same link above.]

4. <u>Approve Minutes</u>

a. Planning Commission Minutes: 5-19-2020

5. <u>Public Items</u>

a. RZ-020-1030 Surendar Bhandari

Rezoning of a 4.97-acre portion of a parcel of land at 7362 Charlotte Highway from Low Density Residential (LDR) District to Neighborhood Business (NB) District [Public Hearing]

b. CU-020-0919 Summit Design and Engineering

Conditional Use Application to Permit minor automotive repair. [Public Hearing]

6. <u>New Business</u>

a. Election of Planning Commission Officers - Rox Burhans

- **b.** Overview of next month's Agenda
- **c.** Other

7. <u>Adjourn</u>

*The Planning Commission makes a recommendation to County Council on these items. Recommendations made at this meeting are tentatively scheduled for consideration by County Council in the following month. County Council agendas are posted online at https://lancastersc.novusagenda.com/agendapublic/meetingsresponsive.aspx

**The Planning Commission makes the final decision on these items.

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Planning Commission agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org

Ordinance # / Resolution #: N/A Contact Person / Sponsor: N/A Department: Planning Date Requested to be on Agenda: 6/16/2020

Issue for Consideration:

Whether to approve the Planning Commission Minutes from 5-19-2020.

Points to Consider:

The minutes from the 5-19-2020 Planning Commission meeting are attached for the Commission's review and consideration.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Туре
Planning Commission Minutes 5-19-2020	6/10/2020	Exhibit



MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION REGULAR MEETING

MAY 19, 2020 MINUTES

Members Present: Charles Deese, Jim Barnett, Sheila Hinson, Rosa Sansbury, and Ben Levine. A quorum of Lancaster County Planning Commission was present for the meeting.

Members Absent: Vedia Hatfield

Others Present: Rox Burhans, Development Services Director; Robert Tefft, Senior Planner; Steve Willis, County Administrator; Alison Alexander, Deputy County Administrator; and, Tommy Morgan, County Attorney

The following press were notified of the meeting by email in accordance of the Freedom of Information Act: The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times, Cable News 2, Channel 9, and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time, and on the County website.

Call Meeting to Order

Chairman Deese called the meeting to order at 6:00 p.m.

Vote to Approve the Agenda

Jim Barnett made a motion to **approve** the Agenda and Sheila Hinson seconded the motion. By a vote of 5-0.

VOTE:

UNANIMOUS

MOTION CARRIED

Chairman Deese confirmed that Citizens Comments were suspended at this time.

Approve Minutes

Jim Barnett made a motion to **approve** the April 21, 2020 Minutes regular meeting and Sheila Hinson seconded the motion. Ben Levine abstained from vote due to not being at last meeting. By a vote of 4-0.

VOTE: UNANIMOUS

MOTION CARRIED

Lancaster County Planning Commission Minutes May 19, 2020 Regular Meeting Public Hearing SD-019-0380 – WALNUT CREEK TOWNHOMES TM#: 0020-00-002.02 (10.1 acre property) Zoning District: PDD 8 (Planned Development District) Applicant: R. Joe Harris & Associates, Inc.

Robert Tefft/Senior Planner: Provided an overview of the Major Subdivision - Preliminary Plat application for a 67-unit residential subdivision (townhomes) to be located at the southwest corner of Charlotte Highway and Walnut Creek Parkway. Mr. Tefft noted that the application was originally submitted March 4, 2019; however was not brought before the Planning Commission due to an oversight. Mr. Tefft also noted that the parcel is a part of the Walnut Creek PDD and associated Master Plan where it was originally intended for commercial use; however the applicant now intends to develop the parcel as townhomes and not commercial use. An amendment is necessary to allow for townhouse development and has been submitted but not yet reviewed.

Mr. Tefft noted that staff has received a number of citizen comments regarding this project. The names have been provided for the file and recording.

Staff recommended an approval of the Major Subdivision - Preliminary Plat subject to conditions.

Ben Levine /Planning Commission: Asked why we would consider the plan for something before the master plan has been updated; about the typical order in which things are processed; has the master plan changed; and, if this would be an administrative approval.

Robert Tefft /Senior Planner: Addressed that it is not typical and that current staff had identified the error are attempting to correct the process. All changes are generally minor changes can be approved at an administrative level.

Rosa Sansbury /Planning Commission: Asked how many times were the documents requested to be seen; and, how many medium density units are in Walnut Creek as she understands there is a maximum number that cannot be exceeded.

Robert Tefft /Senior Planner: Answered that staff has inquired as to the status of the submittal for a Master Plan amendment five or six times in the past two – three months. Mr. Tefft indicated that he did not immediately know the total number of medium density units approved for Walnut Creek; however that the maximum number of units permitted would not be exceed should the preliminary plat being requested be approved.

Rox Burhans /Development Services Director: Answered Mrs. Sansbury's question that they are approximately 1,500 MDR homes that have been built or are under construction in Walnut Creek.

Chairman Deese: Asked if the applicant was available and would like to address the Commission and to give name and address for the record.

Lancaster County Planning Commission Minutes May 19, 2020 Regular Meeting Patrick Murphy /R- Joe Harris & Associates: Stated that Mr. Tefft gave a good review and can answer any questions.

Sheila Hinson /Planning Commission: Stated her concerns over mail she has read from concerned citizens that the property should stay commercial and are there any documents that can hold the developer to this.

Robert Tefft /Senior Planner: Stated that the language within the Planned Development District ordinance enables this change.

Chairman Deese: In answer to Mrs. Hinson's concern stated that conditional zoning is not allowed in South Carolina, and that as long as the developer or homeowner can meet the codes as written at that time it is legal.

Rox Burhans /Development Services Director: Stated that the language in the documents gives the right to make these changes and is written in a developer friendly manner. Staff is currently working with the County Attorney and others to craft new tools and techniques for master plan communities to have a more balanced system.

Ben Levine /Planning Commission: Expressed his concerns to the County Attorney about a decision made and the citizen potentially taking to the courts to fight and is that something they would have a position there - even knowing that it is following the PDD.

Tommy Morgan /County Attorney: Iterated that when it comes to the decision this body and all other legislative bodies have a legislative immunity. You would be taking action in good faith as relates to the decision and compliance with the existing statutes and existing laws of South Carolina. That does not mean an aggrieved person could not go out and file, but it would be on a case-by-case basis. If you have concerns whether your vote goes one way or another putting you liable, the answer would be no. There are multiple immunities available to you, statutory and legal, which would protect any member of this commission that relates to this vote.

Chairman Deese: Opened the public hearing.

• Alison Marshall: Expressed her position against the rezoning of the property for townhomes.

Chairman Deese: Concluded that all who have signed to speak to this matter have spoken and closed the public hearing. Asked for a motion.

Jim Barnett made a motion to approve, seconded by Ben Levine.

Chairman Deese: Asked for any discussion.

Ben Levine /Planning Commission: Expressed his concerns on the UDO and what the PDD rules are, and not having the Master plan given for review and finds that difficult to do. The process timing isn't correct.

Rosa Sansbury /Planning Commission: Agreed with Mr. Levine's comments. Felt the experts need to be able to study the Master Plan amendment that was received late this afternoon. Stated that she has been on this board for four years and has never had as many citizen comments and concerns as she has from this plat. Stated she will vote against the item.

Rox Burhans /Development Services Director: Noted that a recommendation to approve should be subject to TRC comments being addressed and that regardless of the vote one additional item from the Public Works Director, that the proposed roads within the plat are envisioned to be public roads (County maintained roads) and it is his recommendation that those should be private roads and not subject to county maintenance and tax dollars used to maintain and originally contemplated. Regardless how the vote should be concluded, that item should be added to the TRC comments in the original motion.

Rosa Sansbury /Planning Commission: Asked who is responsible for the backroads to 75, whether they are county roads, and who maintains those roads.

Rox Burhans /Development Services Director: Stated that the County will pay.

Ben Levine /Planning Commission: Made the amendments for the motion to approve subject to conditions that the Planning Department has added that the road shall be considered private instead of public.

Chairman Deese: Iterated that the conditions from staff and TRC and that the road in this particular part of the subdivision be private and not part of the county system. The motion to approve the amendment was seconded by Jim Barnett. Asked for comments on the amendment.

Jim Barnett /Planning Commission: Expressed that he appreciates the staff trying to look into the PDD.

Sheila Hinson /Planning Commission: Expresses her gratitude also.

Chairman Deese: Called for a vote on the amendment to the motion to approve.

VOTE: 4-1 PASSES

MOTION CARRIED

Chairman Deese: Called for a vote on the motion to approve. The motion to approve **failed** by a vote of 5-0 with a majority of the members unable to recommend approval of the rezoning.

VOTE: UNANIMOUS

MOTION FAILED

Lancaster County Planning Commission Minutes May 19, 2020 Regular Meeting

Public Hearing RZ-020-0567 – ROBBY STEEN TM#: 0010-00-077.00 (2.004-acre property) Zoning District: RN (Rural Neighborhood) Applicant: Robby Steen

Robert Tefft /Senior Planner: Provided an overview of the application to rezone a 2.004acre parcel of land located on west side of Henry Harris Road, approximately 800 feet south of Stacey Howie Road from Rural Neighborhood (RN) to Rural Business (RUB) District. The subject property is generally surrounded by other properties zoned RN District with nearly all of Henry Harris Road being residentially zoned. The RUB District would introduce commercial zoning in an area currently devoid of commercial zoning. Pursuant to the adopted Comprehensive Plan, the Future Land Use designation of the property is Neighborhood Mixed Use and the Community Type is Walkable Neighborhood. That the district can be found to be compatible should by no means infer that it is appropriate or compatible with surrounding lands and uses thereupon. Staff recommends denial of this request.

Mr. Tefft noted that staff has received several citizen comments – all of which are against the request.

Chairman Deese: Asked if the applicant was available and if they would like to address the Commission, and to give name and address for the record.

Robby Steen: Expressed that he has a family-owned and operated business of electric golf cart motors and drag racing. Most of his business is in/out on UPS and FedEx. The business has been there for 43 years. There will be nothing stored outside and all motors tested before shipping. It will be a nice and clean environment and quiet to operate.

Chairman Deese: Opened the public hearing, and as no one had signed-in to speak, closed the public hearing and asked for a motion.

Ben Levine moved to approve the application, which was seconded by Jim Barnett.

Ben Levine /Planning Commission: Expressed his thoughts of rezoning for other potential businesses in the neighborhood.

Chairman Deese: Called for a vote on the motion to approve. The motion to approve **failed** by a vote of 3-2 with a majority of the members unable to recommend approval of the rezoning.

VOTE: 3-2 FAILED

MOTION FAILED

Public Hearing RZ-020-0748 – TRAVIS GREIG TM#: 0031-00-008.00 (152.82-acre property) Zoning District: AR (Agricultural Residential District) Applicant: Travis Greig, Duke Energy

Robert Tefft /Senior Planner: Provided an overview of the application to rezone a 152.82acre parcel of land along Old Hickory Road from Rural Neighborhood (RN) District to Agricultural Residential (AR) District. 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. Staff finds the proposed rezoning of the property to the AR District is neither compatible with the surrounding area, nor consistent with UDO Chapter 2.3. Staff recommends denial of this request.

Mr. Tefft noted that staff has received several citizens comments.

Ben Levine /Planning Commission: Asked why staff is recommending denial.

Robert Tefft /Senior Planner: Indicated that staff is recommending denial due to inconsistency with surrounding land uses and the adopted Comprehensive Plan.

Rosa Sansbury /Planning Commission: Asked what Duke Energy will use the whole area for.

Travis Greig, Duke Energy: Indicated that Duke Energy's goal is to double the capacity from 14% to 28%. This project plays a role in this process. This project is a good piece of land and we realizes it's out of the zoning. We will work to ensure buffers are in place and any concerns about view shed are addressed. We understand solar is a great opportunity to come to Lancaster County.

Chairman Deese: Opened the public hearing.

- Marian Sells: Stated that she does not want a solar farm beside her property. She has done intense research. She feels that the cleaning solution will hurt the animals on the property and pollute the soil and ponds.
- George David: Stated that he never knew about the rezoning until about a week ago when informed by a neighbor. Feels it will hurt the livestock and the surrounding areas. He opposes the rezoning.
- Susan David: Opposed the rezoning of the property for the development of solar panels due to her livestock and farming.
- Bob Yoder: Stated that he has a farm at the location and is for the rezoning with Duke Energy. Duke has to return the property to what it was when it started and it's a good money investment for his family. He did not want a big housing

Lancaster County Planning Commission Minutes May 19, 2020 Regular Meeting development and the animals will be protected by a wiring fence and the houses will be more harmful.

• Angela Elsbury: Stated that she is opposed to the rezoning due to the look of the solar panels and the effects on the nearby stream by toxic chemicals.

Chairman Deese: Closed the public meeting and asked for a motion.

Ben Levine moved to approve the application, which was seconded by Jim Barnett.

Ben Levine /Planning Commission: Stated that changing the zoning is not feasible, and other areas in the County would be more geared toward the AR District and its uses.

Rosa Sansbury /Planning Commission: Stated that this is the second go around for this area to have a solar farm and the citizens do not want it in their backyard.

Sheila Hinson/Planning Commission: Stated that she feels in past times you could do what you want with your land and expressed that she can see both sides. She has never seen a bad looking solar farm. Expressed that it is a hard decision and wants to please Lancaster County and do what is best overall.

Chairman Deese: Called for a vote on the motion to approve. Motion to approve **failed** by a vote of 4-1 with a majority of the members unable to recommend approval of the rezoning.

VOTE: 4-1 FAILED

MOTION FAILED

Overview of Next Month's Agenda

Rox Burhans /Development Services Director:

- One case is on the agenda for next month. Does not anticipate any new business.
- No Planning Commission Workshop in June until County Council reopens the nonessential public meetings.
- The Board Member of the Year dinner has been canceled; however the award will still be given.
- Planning Commission member Mr. Dabney (District 5) has resigned from the Commission.

Chairman Deese: Announced that the County Administrator is present and thanked staff for the work they have done. Asked for a motion to close the meeting. Jim Barnett moved to adjourn and Sheila Hinson seconded the motion with no further business to discuss. **ADJOURN AT 7:30 PM.**

VOTE: UNANIMOUS

MOTION CARRIED

Respectfully Submitted, Mika Garris /Zoning Clerk

Lancaster County Planning Commission Minutes May 19, 2020 Regular Meeting Ordinance # / Resolution #: RZ-020-1030 Contact Person / Sponsor: Ashley Davis / Planning Department: Planning Date Requested to be on Agenda: 6/16/2020

Issue for Consideration:

See Staff Report

Points to Consider:

See Staff Report

Recommendation:

See Staff Report

ATTACHMENTS:

Description	Upload Date	Туре
Planning Staff Report: Surendar Bhandari	6/10/2020	Planning Staff Report
Exhibit 1: Rezoning Application	6/10/2020	Exhibit
Exhibit 2: Location and Zoning Map	6/10/2020	Exhibit
Exhibit 3: Property Plat	6/10/2020	Exhibit



PROPOSAL:	Request to rezone a parcel of land along Charlotte Highway / US 521 (a portion of TM# 0016-00-040.00) from Low Density Residential (LDR) District to Neighborhood Business (NB) District.
PROPERTY LOCATION:	7362 Charlotte Highway
CURRENT ZONING DISTRICT:	Low Density Residential (LDR) District
PROPOSED ZONING DISTRICT:	Neighborhood Business (NB) District, Highway Corridor Overlay District (HCOD), and Carolina Heelsplitter Overlay District (CHOD)
APPLICANT:	Surendar Bhandari and Ritu Bhandari
COUNCIL DISTRICT:	District 1, Terry Graham

OVERVIEW:

Site Information

The 4.97-acre subject property currently has a manufactured home on site and is zoned Low Density Residential (LDR). The applicant has submitted a request to rezone the subject property from LDR District to Neighborhood Business (NB) District to develop a strip mall and doctors offices.

Background

This site is 3 parcels north of the recent rezoning request of GS Property Investments, LLC, which was heard by Planning Commission on April 21, 2020. Planning Commission voted to recommend approval of that rezoning by a vote of 3 to 1.

Summary of Adjacent Zoning and Uses

The majority of the properties in the surrounding area are zoned LDR; however there are three properties across US Highway 521 is zoned Neighborhood Business (NB) District.

Adjacent Property	Municipality	Zoning District	Use
North	Lancaster County	LDR	Residential
South	Lancaster County	LDR	Residential
East	Lancaster County	LDR	Residential
West	Lancaster County	NB and LDR	Commercial and Residential

ANALYSIS & FINDINGS:

Zoning Districts

The subject property is currently zoned Low Density Residential District (see UDO section 2.3). The LDR District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these

regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

The requested NB District is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.

COMPREHENSIVE PLAN CONSISTENCY & CONCLUSION

The future land use designation of this property is the Place Type known as Neighborhood Mixed-Use (NMU), which, according to the 2024 Comprehensive Plan is synonymous to the Community Type "Walkable Neighborhood". The Comp Plan states that this Community Type has 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 have their 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 requested NB District can generally be deemed consistent with the NMU land use classification in most areas of the Panhandle in light of the very broad nature of its characterization. When a proposed district will represent a significant departure from the established land use pattern within an area, it is necessary to undertake a more site-specific examination of the proposed zoning district relative to the future land use designation and the surrounding environment.

As also referenced with the previous rezoning case in this area (case RZ-020-0486), the subject property's general location between the Walnut Creek subdivision and Van Wyck Road is predominately characterized by agricultural and rural residential land use patterns without any nearby access to sewer infrastructure. It is recognized that this area will likely (one day) be a future growth corridor as development continues southward in the Panhandle area of the County. In instances where rural areas are anticipated to experience a significant land use change, professional planning practice recommends undertaking a master plan for the area to ensure that future development, transportation improvements, and utility infrastructure (amongst other considerations) are undertaken in a well-coordinated manner consistent with County goals and policies.

Approving a commercial rezoning in an area of the County that is relatively undeveloped, lacks sewer infrastructure, and does not have a detailed plan to guide future growth, will result in a disjointed land use and development pattern that is characteristic of a significant portion of the northern US 521 Panhandle area. For these reasons, staff believes the proposed NB rezoning would not be consistent with the general policies of the Comprhensive Plan and the NMU land use designation without a master plan to provide more detailed planning guidance in this future growth corridor.

PHOTOS OF PROJECT AREA:



Looking directly at the subject property from Highway 521



Looking directly across from the subject property



Looking north along US Hwy 521



Looking south along US Hwy 521

STAFF RECOMMENDATION:

Staff recommends **denial** of this request until a master plan is developed providing support and guidance for this significant land use change.

ATTACHMENTS:

- 1. Rezoning Application
- 2. Location Map/ Zoning Map
- 3. Boundary Plat

STAFF CONTACT:

Ashley Davis, Planner adavis@lancastersc.net 803-285-6005



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721 Phone: 803.285.6005, <u>planning@lancastercountysc.net</u> www.mylancastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- · Fees associated with review

GENERAL INFORMATION 736	<u>d</u> State <u>SC</u> Zip <u>29720</u> Tax Parcel ID <u>0016-00-040,00</u> Current Use LDR <u>DB 775 79 191</u>
city Tradian lan	d State SC 710 29720 Tax Parcel 10 0016-00-040, 60 7
Current Zoning L DR	Current lise LDR DB 775 79 191
Bronosed Zoning Commer	Current Use LDR DB 775 Pg 191 Current Use LDR Platt 3694
Proposed Zoning	ip Mall + Doctors offices
Project Description	p an poolors offices
	ion <u>Commercial</u>
Surrounding Property Descript	on COMPETERAL.
CONTACT INFORMATION Sure	undar Bhandar, & Rifu Bhandar,
Address 1828 Fur	endar Bhandari & Ritu Bhandari ny Cide Dr.
Aduress 1000 B TOT	ny Cide Dr. State NC zip 28173 Phone 704.641.4326 <u>Email Bombay 1953 @ yahoo. com</u> Cendar Bhandari & Ritu Bhandari
$= \frac{2}{2} \frac{1}{2} $	State Zip Zorrs Phone rection
Fax <u>003 - 991 - 736 -</u> C.	Email Dorr Daugi 153 (garder Standari
Property Owner Name	endar phanolan a jesta Dranolan
Address as above	<u>-</u>
City	State Zip Phone
Fax	Email

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 dejection or depial of this request.

Applicant

5/13/2020 113/2020

Property Owner(s)

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 Me	eeting Date

SCHEDULE/PROCESS 1. Submit Application

- . The deadline for this application is at least 30 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.

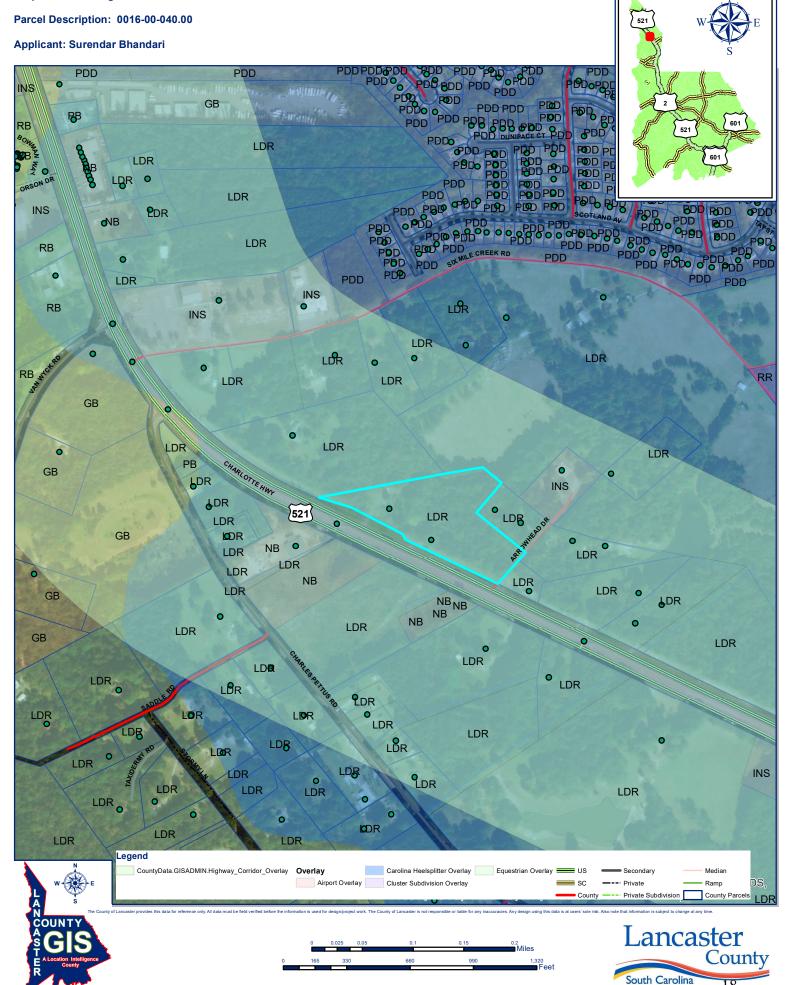
2. Planning Commission

- 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. .

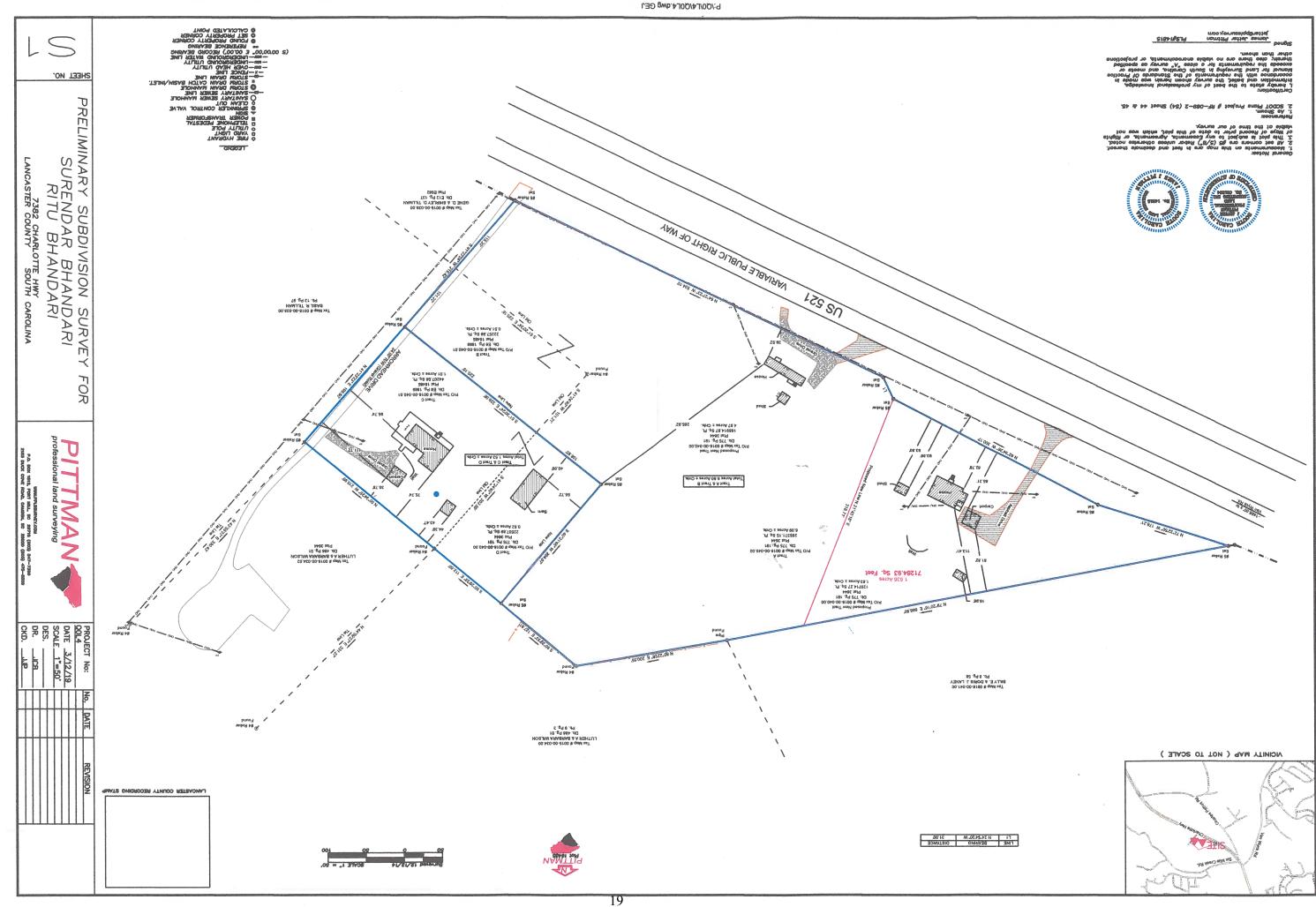
3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the • applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ • (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

Case Number: RZ-020-1030 Proposal: Rezoning from LDR to NB



18





Ordinance # / Resolution #: CU-020-0919 Contact Person / Sponsor: Ashley Davis / Planning Department: Planning Date Requested to be on Agenda: 6/16/2020

Issue for Consideration:

See Staff Report

Points to Consider:

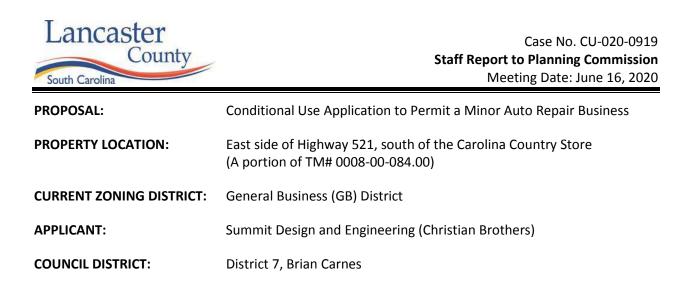
See Staff Report

Recommendation:

See Staff Report

ATTACHMENTS:

Description	Upload Date	Туре
Planning Staff Report: Summit Design and Engineering	6/10/2020	Planning Staff Report
Exhibit 1: Application	6/10/2020	Exhibit
Exhibit 2: Location and Zoning Map	6/10/2020	Exhibit
Exhibit 3: Concept Plan	6/10/2020	Exhibit
Exhibit 4: Evolve Comments	6/10/2020	Exhibit



OVERVIEW & BACKGROUND:

Site Information

The project area consists of one vacant parcel.

Existing Condition

The property is currently vacant

Summary of Surrounding Zoning and Uses

Surrounding Property	Zoning District	Use
North	General Business (GB)	Carolina Country Store
South	General Business (GB)	Strip Building (under
	General Busiliess (GB)	construction)
East General Business (GB)		Single-Family Residence,
EdSL	General Business (GB)	Therrell's Auto & Body Shop
West	General Business (GB)	Single-Family Residence

PHOTOS OF PROJECT AREA:



Looking directly at the subject property



Looking across at 8458 Charlotte Highway





Looking north on Highway 521



Looking south on Highway 521

APPLICABLE UDO PROVISIONS:

5.1.2. - CONDITIONAL USE (CU)

- A. Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- **B.** All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.
- **C.** Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.
- **D.** Approval procedures for Conditional Use permits are found in Chapter 9, Administration.

5.8.6 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR [NB, GB, RB, LI, HI, MX, IMX]

- **A.** Outdoor Vehicle Storage: All outdoor storage of vehicles awaiting work or pick-up shall be screened by a Type C buffer in accordance with Section 7.1.5. No vehicles or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way. No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained.
- **B.** Vehicle Bays: Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee (TRC).
- **C.** Noise: No noises resulting from the occasional repair or maintenance of a motor vehicle shall be audible at or beyond the property line between 8 PM and 7 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.



- **D.** Repair Work: All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.
- **E.** Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer.
- **F.** Accessory Structure Location: Accessory structures such as self-service vacuum cleaners, air pumps, and other self-service structures must be setback 50 feet from any residential use and 25 feet from any right-of-way.
- **G.** Fueling Islands: Each drive-up fueling facility permitted under this title shall have off-street driveway stacking space that shall not inhibit or impede access to or from any parking space or drive.
- H. Lighting
 - 1. Canopy lighting fixtures shall be hidden inside a canopy so as not to be visible from off-site.
 - 2. Freestanding lighting fixtures shall not exceed 15 feet in height if the use adjoins an existing residential district or residential lot. All light fixtures shall be cutoff luminaries that block the light source from off-site view.
- I. Car Wash Allowed as Accessory Use: A one-bay car wash may be allowed as an accessory use. The car wash shall meet the setbacks for the principal use and not exceed 900 square feet in area. The car wash bay shall not be oriented toward the public right-of-way. Car washes are required to have operational recycled water systems where a minimum of 50 percent of water utilized is recycled.

STAFF RECOMMENDATION:

Staff recommends **approval** of this conditional use application to permit a minor auto repair facility, subject to the following condition:

1. Address any outstanding TRC/Evolve comments. The comments received thus far are minor in nature and most of them are advisory for the next step of the project, which is site plan preparation.

ATTACHMENTS:

- 1. Conditional Use Application
- 2. Location Map/ Zoning Map
- 3. Concept Plan
- 4. Evolve Comments



STAFF CONTACT: Ashley Davis Planner adavis@lancastersc.net 803-285-6005

Lanca	ster
	County
South Carolina	

Planning Department P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721 Phone: 803.285.6005, planning@lancastercountysc.net www.mylancastersc.org

CONDITIONAL USE APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- All items noted on the Conditional Use Plan Checklist
- Fees associated with review

GENERAL INFORMATION Property Address Tax Parcel ID 0008-00-084.00 Zip 21707 State City NYL M 61 **Current Use** Current Zoning Jor J Surrounding Property Description **Total Acres** hor-**Proposed Conditional Use** N CONTACT INFORMATION **Applicant Name** Address State | Phone City Email KARC 10 Fax (FAU **Property Owner Name** Address State 5 Phone City FOR Email Fax

October 10, 2019

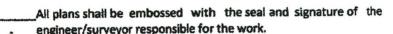
CONDITIONAL USE PLAN CHECKLIST

The size of the plan and number of copies should conform to the following: <u>Eight</u> copies that are 24" x 36" (full size) and <u>Two</u> copies that are 11" x 17" (reduced size).

A descriptive location of the property and vicinity map at a scale of not less than one inch equals one mile.

Proposed name of the development.

The date of the survey or plan.



A graphic scale and numerical scale shall be shown on the plan.

The North arrow shall be shown and be accurately correlated with the courses with indications as to whether it is true, magnetic or grid.

Total acreage and boundaries of the development shall be shown on the plan.

All existing and proposed uses of land throughout the tract shall be shown on the plan.

Topography of the site with a contour interval of not more than 5 feet shall be shown on plan.

Typical arrangement of existing and proposed buildings and structures, including dimensions, elevations, uses, and setbacks shall be shown on the plan.

Location of adjoining property lines and existing buildings shall be shown on the plan.

The names of adjacent landowners, lot and/or block numbers, highways, streets, and named waterways shall be shown.

All property lines shall be defined by course and horizontal distance. All property lines shall be plotted to the scale shown in the title.

All easements and rights-of-way of existing and proposed buildings and structures shall be shown and shall include their widths and center lines.

All existing street intersections shall be shown on the plan.

Proposed parking areas and traffic circulation shall be shown on the plan.

Exact ratio of impervious surfaces to lot area shall be shown.

At a minimum the plan shall include basic landscape information such as the location and dimension of required buffer yards.

October 10, 2019

7

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.

Applicant

Property Owner(s)

<u>April 29,2020</u> Date <u>Cyril 24, 2020</u> 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 Meetin	g 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.
- Conditional Use Application Fee \$325.00

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 a resolution for approval.
- Subsequent to County Council action, notice of action will be provided to the applicant, .

October 10, 2019

owner, and adjacent property owners.

 Please note that upon approval of a conditional use, the applicant shall subsequently submit a site plan to The Lancaster County Planning Department for review. This site plan shall conform to the site plan process as enumerated in UDO Section 9.2.9 (Site Plan Process Chart)

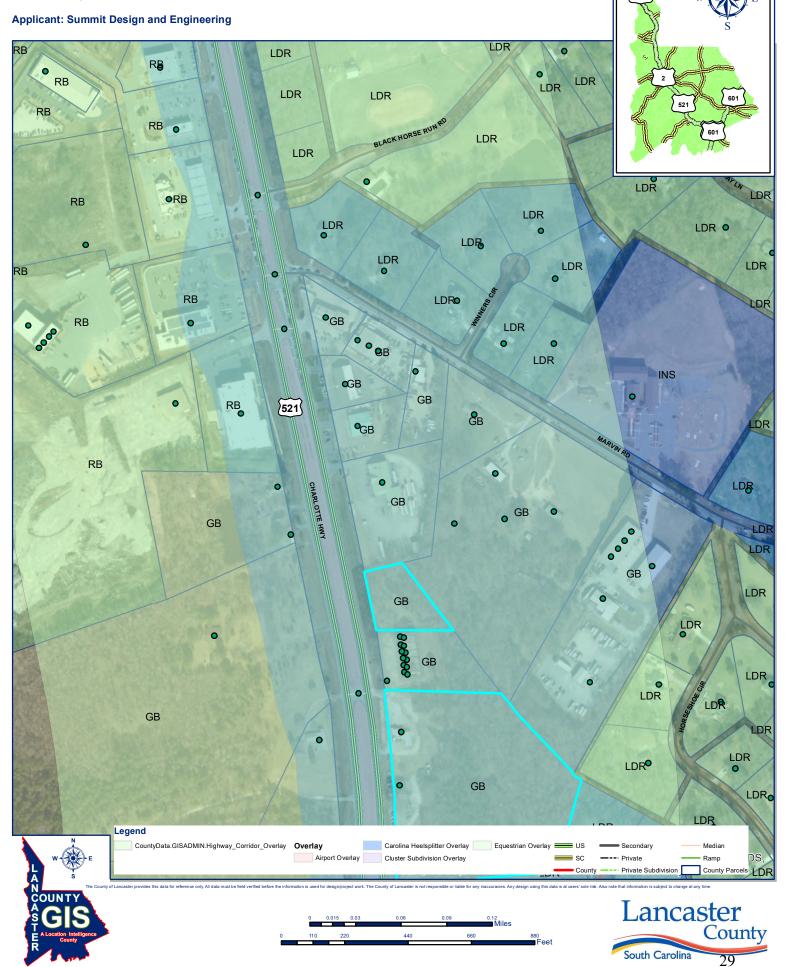
October 10, 2019

28

4

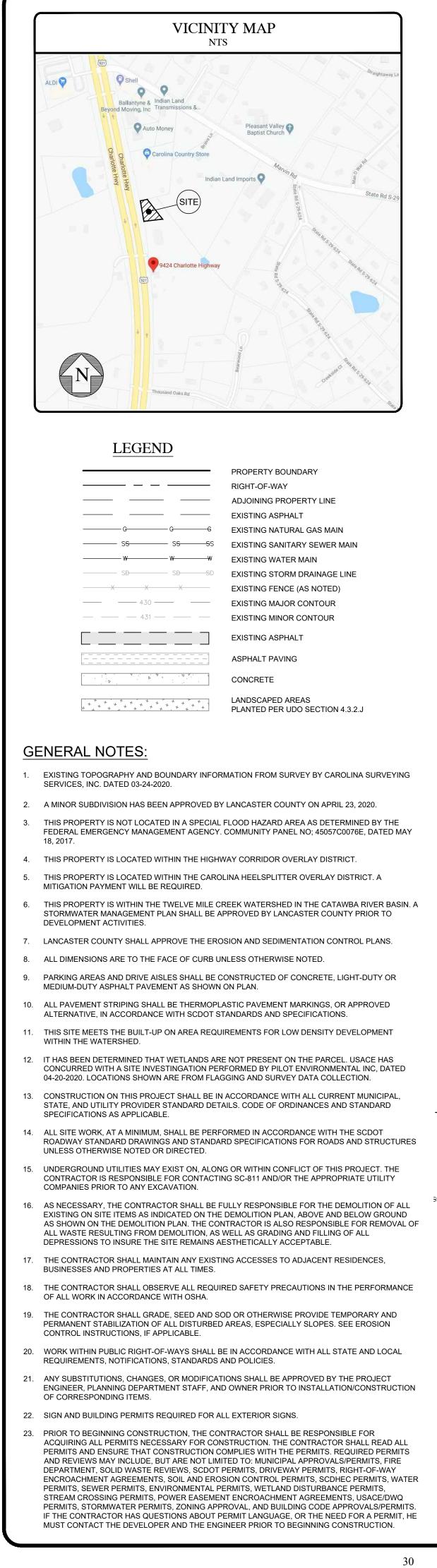
Case Number: CU-020-0919 Proposal: Conditional Use for Minor Automotive Repair

Parcel Description: 0008-00-084.00

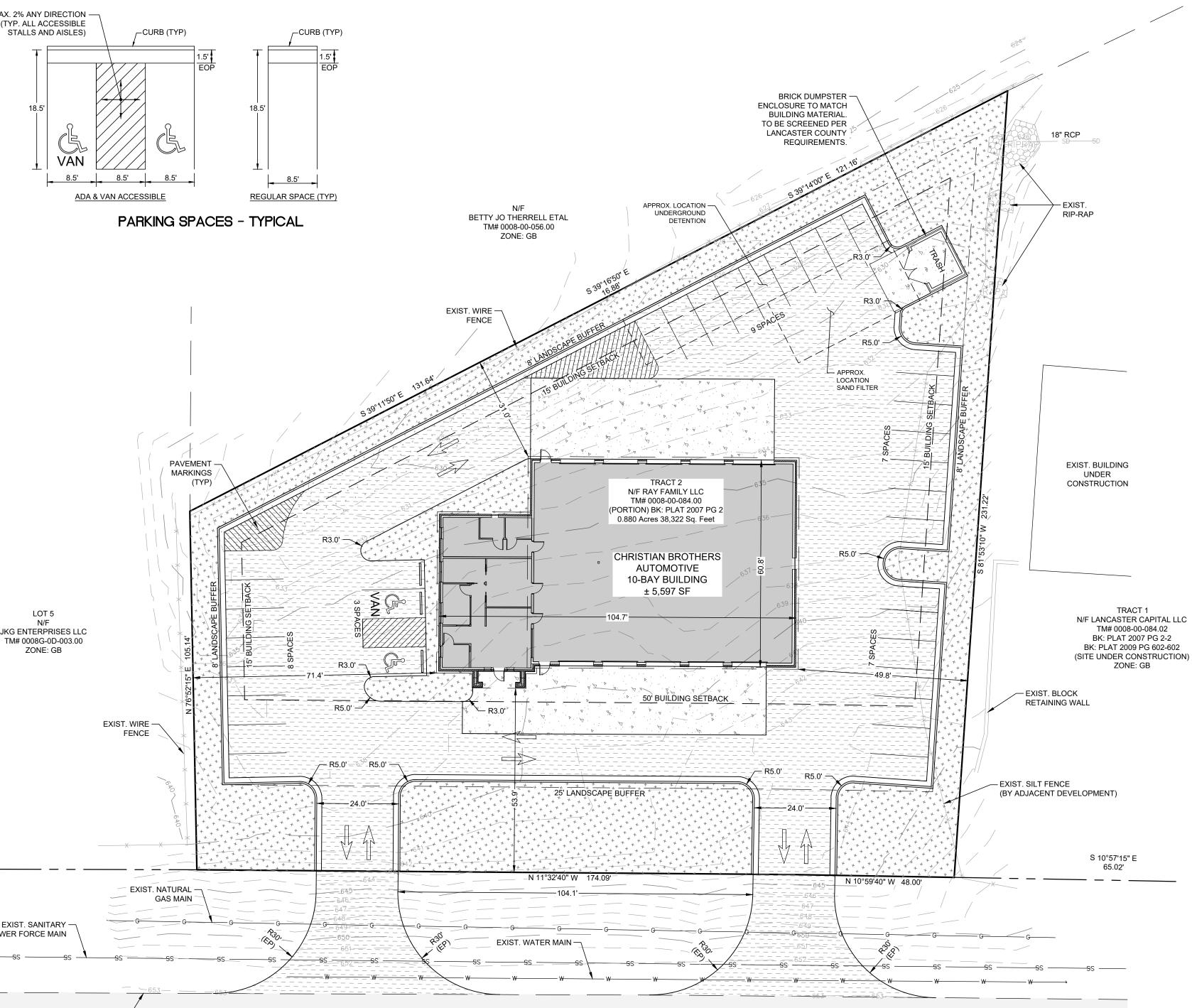


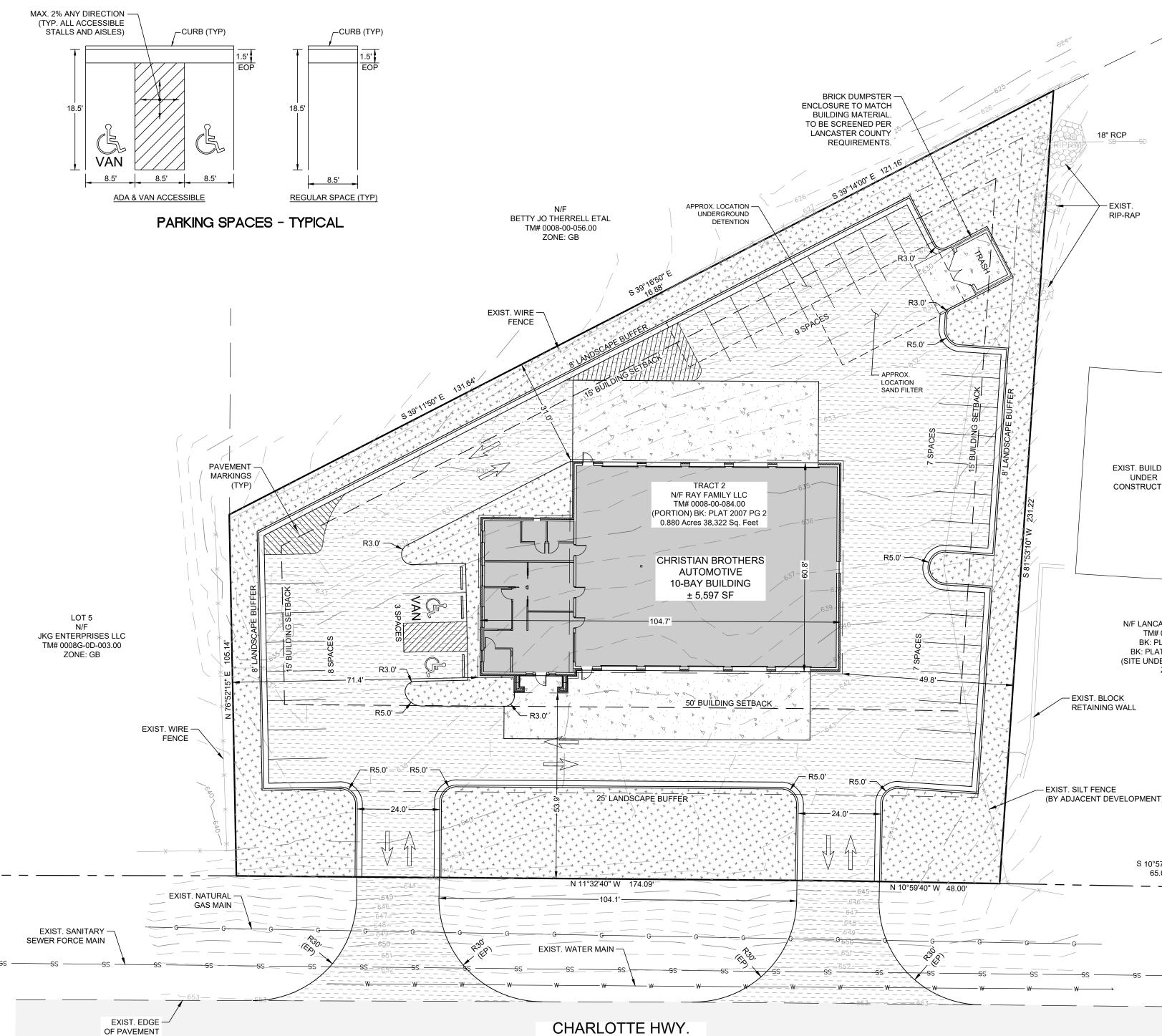
N

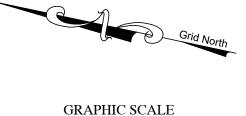
521

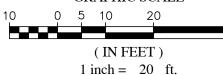


CONDITIONAL USE SITE PLAN FOR CHRISTIAN BROTHERS AUTOMOTIVE CORPORATION 9424 CHARLOTTE HIGHWAY





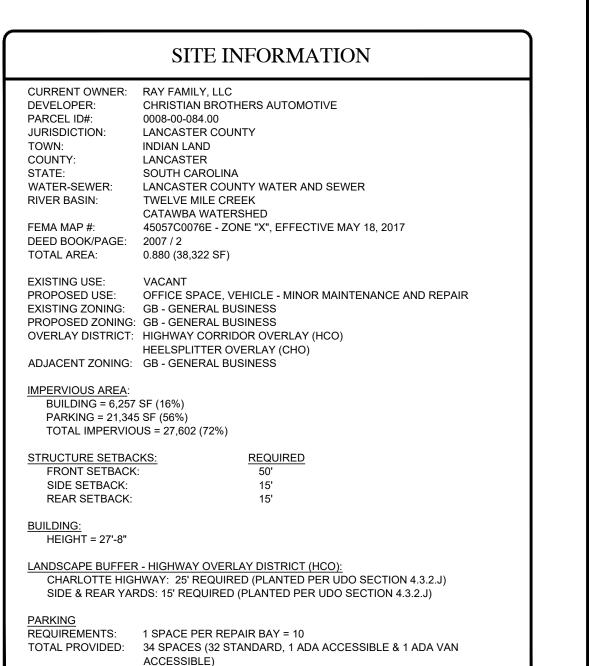




INDIAN LAND, SC 29707 LANCASTER COUNTY

(US HWY. 52) (172' PUBLIC R/W - 45 MPH (NORTHBOUND LANES)





LAND DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA, TAX MAP NUMBER 0008-00-084.00 (A PORTION OF) SHOWN AS TRACT 20N A PLAT FOR PHILIP D. & FANNIE F. RAY, RECORDED IN LANCASTER COUNTY REGISTER OF DEEDS, RECORD BOOK PLAT 2007, PAGE 2; FURTHER SHOWN ON AN ALTA/ NSPS SURVEY PREPARED FOR CHRISTIAN BROTHERS AUTOMOTIVE CORPORATION, CHICAGO TITLE INSURANCE COMPANY, BY CAROLINA SURVEYING SERVICES, INC, DATED MARCH 10, 2020 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING (POC) AT THE SOUTHERN RIGHT OF WAY OF MARVIN ROAD, (S-29-54) A PUBLIC ROAD AND THE EASTERN RIGHT OF WAY OF CHARLOTTE HIGHWAY, (US HIGHWAY 521) A PUBLIC ROAD, THENCE A DISTANCE OF APPROXIMATELY 1053' TO AN IRON PIN FOUND 1" OPEN TOP PIPE BEING THE POINT OF BEGINNING (POB);

THENCE N 76°52'15" E FOR A DISTANCE OF 105.14' TO AN IRON PIN FOUND 5/8" ROD, BOUNDED BY JKG ENTERPRISES LLC ;

THENCE S 39°11'50" E FOR A DISTANCE OF 131.64' TO AN IRON PIN FOUND 1" OPEN TOP PIPE, BOUNDED BY BETTY JO THERRELL ETAL; THENCE S 39°16'50" E FOR A DISTANCE OF 16.88' TO AN IRON PIN FOUND 1" OPEN TOP PIPE.

BOUNDED BY BETTY JO THERRELL ETAL; "HENCE S 39°14'00" E FOR A DISTANCE OF 121.16' TO AN IRON PIN FOUND 5/8" ROD CAPPED, BOUNDED BY BETTY JO THERRELL ETAL ; THENCE S 81°53'10" W FOR A DISTANCE OF 231.22' TO AN IRON PIN FOUND 1/2" ROD,

BOUNDED BY LANCASTER CAPITAL LLC; THENCE N 10°59'40" W FOR A DISTANCE OF 48.00' TO AN IRON PIN FOUND 5/8" ROD, BOUNDED BY EASTERN RIGHT OF WAY OF CHARLOTTE HIGHWAY (US HIGHWAY 521); THENCE N 11°32'40" W FOR A DISTANCE OF 174.09' TO AN IRON PIN FOUND 1" OPEN TOP PIPE, BOUNDED BY THE EASTERN RIGHT OF WAY OF CHARLOTTE HIGHWAY (US HIGHWAY 521);

BEING THE POINT OF BEGINNING;

HAVING AN AREA OF 38322 SQUARE FEET, 0.880 ACRES

DEVELOPER:

CHRISTIAN BROTHERS AUTOMOTIVE CORPORATION 17725 KATY FREEWAY, SUITE 200 HOUSTON, TX 77094 (281) 675-6192 (PHONE)

CIVIL & SITE ENGINEER:

SUMMIT DESIGN AND ENGINEERING SERVICES, PLLC AARON HUTCHENS (PROJECT CONTACT) JAMES PARKER, PE, PLS 320 EXECUTIVE COURT HILLSBOROUGH, NC 27278 (919) 732-3883 (PHONE) (919) 732-6676 (FAX) AARON.HUTCHENS@SUMMITDE.NET STEPHEN.DODSON@SUMMITDE.NET

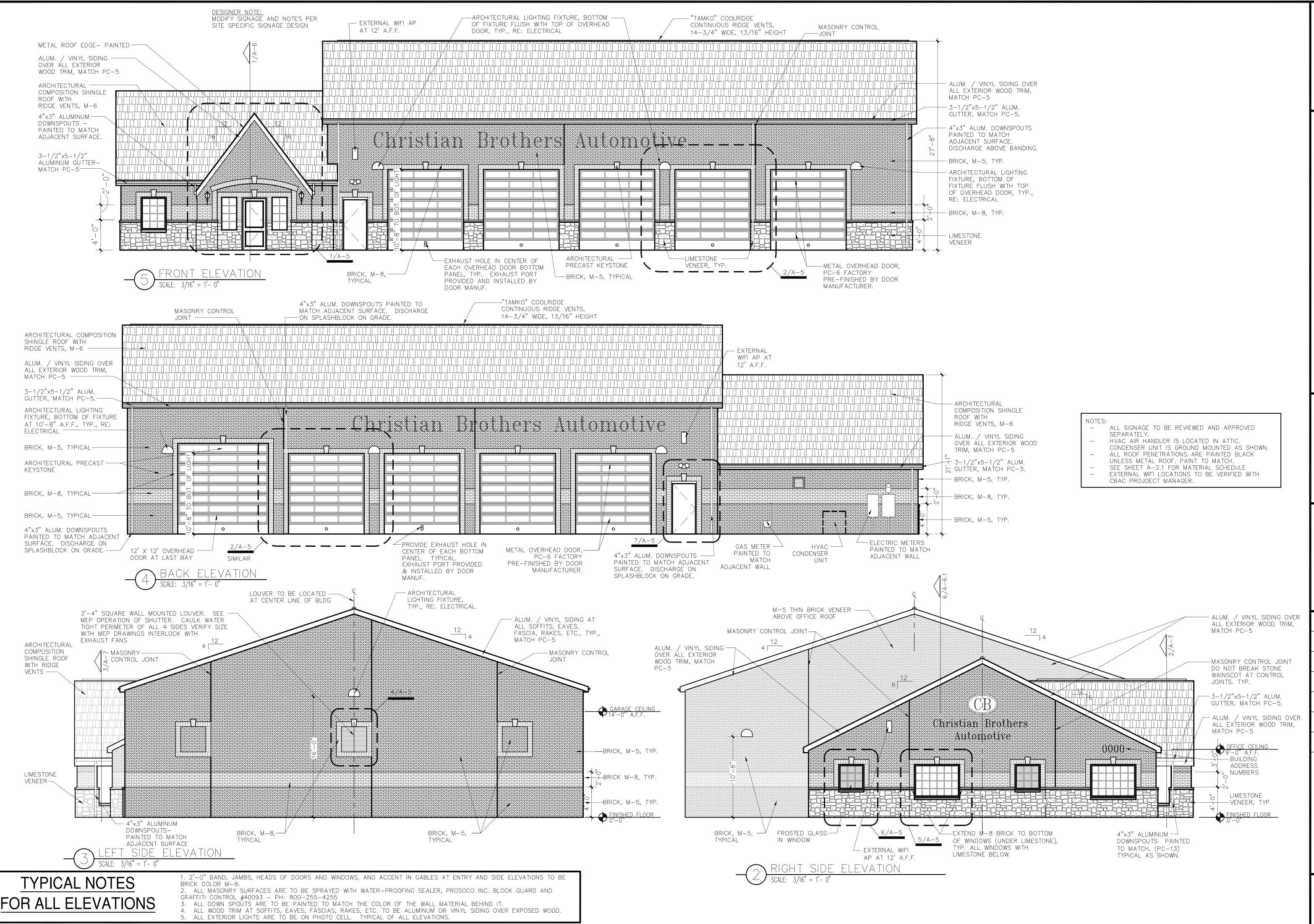
SURVEYOR:

CAROLINA SURVEYING SERVICES, INC. DENNIS JOHNS, PLS 415 N. LAKE DRIVE LEXINGTON, SC 29072 (803) 951-9191 (PHONE) (803) 951-3389 (FAX)

Ţ	Ð
s bel	ow.
efore y	you di

					ري ز
COPYRIGHT () 2020	7				PROJEC
SUMMIT DESIGN AND ENGINEERING SERVICES	6				20
DRAWING ALTERATION	5				DRAWIN
IS A VIOLATION OF LAW FOR ANY PERSON, INLESS ACTING UNDER THE DIRECTION OF	4				02-00
LICENSED ARCHITECT, PROFESSIONAL ENGINEER, LANDSCAPE ARCHITECT, OR LAND SURVEYOR TO ALTER ANY ITEM ON	3				SHEET
HIS DOCUMENT IN ANY WAY. ANY LICENSEE HO ALTERS THIS DOCUMENT IS REQUIRED Y LAW TO AFFIX HIS OR HER SEAL AND THE OTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.	2				
	1			•••	C-
		REVISIONS	DATE	BY	\square

	N		Christian Brothers	AUTOMOTIVE°	
FILLED SUPPORT FAXE State License #: P-0339 State License #: P-0339 320 Executive Court Hillsborough, NC 27278 Voice: (919) 732-3883 Fax: (919) 732-6676 www.summitde.net					
PROJECT ENGINEER/ARCHITECT JP (JAMES.PARKER@SUMMITDE.NET)	PROJECT MANAGER ACH (AARON.HUTCHENS@SUMMITDE.NET)		DRAWN BY SLF (SANDY.FALK@SUMMITDE.NET)	FIRST ISSUE DATE 05-01-2020	
"Thumasanannun	No. 25524 HIGH HIGH HIGH HIGH HIGH HIGH HIGH HIGH				
SITE PLANS FOR	SITE PI CHRIS 9424 CHAF 9424 CHAF NDIAN LAI COND				
20 DRAW	ECT NO. D-00 ING NAMI 0035_C 1 NO. -1	E:		e Plan	



 \mathcal{O} \geq (٦) \bigcirc \subset \ge 0 \rightarrow \frown \geq \bigcirc 205 Iree U U N \bigcirc Ţ • 🛒 LH \mathcal{O} \mathbb{N} • 🛒 her $\circ \geq$ mot Ch. Date Revisions 2/21/2020 - Prototype Update Project No. 20-XX Drawn By: Date: Sheet Title: EXTERIOR **ELEVATIONS** Drawing No.

10LH-1-2020



Lancaster County Development Services P. O. Box 1809 Lancaster, SC 29721 803.285.1969 permits@lancastercountysc.net

June 10, 2020

Aaron Hutchens Summit Design & Engineering 320 Executive Ct. Hillsborough, NC 27278

Project Number	20200919
Project Name	Christian Brothers Automotive, Indian Land, SC
Location	9424 Charlotte Hwy. Indian Land
Stage	Conditional Use Permit
Parcel(s)	
Status	Not Approved

Dear: Aaron Hutchens

We have completed our review of the plan identified above. The comments listed on the attached report must be addressed and revised plans submitted with a response letter.

If the attached comments require changes to the plans, please submit the requisite number of sets, along with a pdf of the plan set on a CD, to the Lancaster County Planning Department.

Once revised plans are received, they will be submitted to staff for review.

Please be aware that plans will not be routed for review without a response letter

Sincerely,

Plan Review Comments

County Engineer - Scott Edgar - sedgar@lancastersc.net

Review Comments:

see comments attached

Fire Marshal - John Magette - 8032838888 jmagette@lancastersc.net

Review Comments:

LC Water & Sewer District - James Hawthorne - (803) 285-6919 james.hawthorne@lcwasd.org

Review Comments:

A utility plan needs to be approved for LCWSD's review. If water and sewer information is needed, please have the engineer contact me. Thank you.

SCDOT - David Gamble - (803) 385-4280 GambleDD@scdot.org

Review Comments:

This site should be designed with a single access that is 30' wide (16' ingress and 14' egress lanes) and 30' radius returns. This review is a general access location review only, a full review for compliance with the SCDOT ARMS manual will be conducted when the SCDOT permit is applied for.

Zoning - Julie Faile - 8032830567 jfaile@lancastersc.net

Review Comments:

All Highway Corridor Overlay standards can be found in chapter 4.3.2 in the Lancaster County Unified Development Ordinance.

*Parking Lot interior landscaping must be met. Lancaster County UDO code section 7.1.4 (D)

*General Development Standards for Landscaping and Screening can be found in chapter 7.1 of the Lancaster County UDO. Must be shown on the Civil Plan

*Dumpster enclosure must meet setback requirements and Highway Corridor Overlay standards. *Provide curb cut distance

Once the above comments have been addressed, please submit a cover sheet with the revisions that thoroughly details the above changes/responses and the associative locations on the plans. Please note that the Applicant's and Professional's Certification must be signed on all revisions to the plans submitted for review. If there are any questions or concerns, please contact Julie Faile at 803-416-9777 or jfaile@lancastersc.net.

Planning - Ashley Davis - 803-416-9433 adavis@lancastersc.net

Review Comments:

Must be approved for a Conditional Use Permit by Planning Commission and County Council

Not Approved

Approved

Not Approved

Conditional

Not Approved

Conditional

Development design review

Lancaster County Stormwater/Engineering

Project:	Christian Brothers Conditional Use Plan
Engineer/Architect:	Summit Design and Engineering Services
Review date:	06/02/2020, based on 5/1/2020 drawing issuance
Review by:	T. Scott Edgar, P.E. CFM, Lancaster County Engineer
	Terrance D. Barr, MEM, CEPSCI, Deputy Director Stormwater

General Comments:

- 1. This development is in the Carolina Heelsplitter Overlay District, CHOD, therefore, mitigation credits will be required to develop.
- 2. There is an existing swale that runs along the back of this property,
 - a. How will this be swale be rerouted and/or piped to minimize impacts to adjacent and downstream parcels?
- 3. Please remove one entrance point on 521 and pursue traffic connections to adjacent businesses parking areas.
- 4. There is 27 feet of elevation drop from 521 to the back on this site.
 - a. High retaining walls and import fill will probably be required at back to facilitate proposed layout.
 - i. The adjacent building under construction is two levels with split level access to each level.
- 5. What is the function of "approximate location of sand filter", water quality BMP?
 - a. Heavy clay soils in this region generally preclude effectiveness of sand filters,
 - i. They become saturated sand bowls in clay pits
 - b. This area will likely be import fill material which is also not suited to sand filter placement
- 6. It is noted the trach enclose protrudes into the building setback.