

Planning Commission Members

District 1: Rosa Sansbury
District 2: Vedia Hatfield
District 3: Charles Deese, Chair
District 4: James Barnett, Vice-Chair
District 5: Matthew Jones
District 6: Sheila Hinson
District 7: Ben Levine



County Attorney
John K. DuBose III

Clerk to Planning Commission

Development Services Director
Rox Burhans

August 6, 2020

5:00 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**

SPECIAL AGENDA

1. **Call to Order Regular Meeting and Roll Call Vote**
2. **Approval of the Agenda**
3. **Citizen's Comments**

[While in-person Citizens Comments are not currently suspended, due to public health and safety considerations and the need for continued social distancing, the County is strongly encouraging citizen input and comments be submitted in writing prior to the meeting. Comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, email at ssimpson@lancastersc.net or by using the following link on our website where you can submit Citizens Comments online (look for the link on the right 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 when read aloud. 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 use the same link above in order to submit input/comments for Public Hearings.]

4. **Approve Minutes**
5. **Public Items**
 - a. RZ-020-1614 Lancaster County
6. **New Business**
 - a. Overview of next month's Agenda
 - b. Other
7. **Adjourn**

**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

Agenda Item Summary

Ordinance # / Resolution #: RZ-020-1614

Contact Person / Sponsor: Ashley Davis / Planning

Department: Planning

Date Requested to be on Agenda: 8/6/2020

Issue for Consideration:

Request to rezone 42 parcels. The purpose of this request is to bring these parcels into conformance with current zoning regulations as described in the Lancaster County UDO (See Attachment 3).

Points to Consider:

In 2016, Lancaster County adopted the current Unified Development Ordinance (UDO) and its accompanying Zoning Map. During this process all parcels within the County received a new zoning designation. At that time the 42 parcels involved in this rezoning were designated one of the three mixed-use districts (MX, IMX, RMX). It is believed that that prior staff designated the properties as mixed-use because they believed these areas would be purchased by a large scale developer and in turn developed as master planned developments. Nearly four years later, many of these properties are currently for sale individually or they have already developed independently. Roughly ten (10) of the properties in this rezoning request are already fully developed. Since the zoning map adoption in 2016, thirty-one (31) parcels have rezoned to another zoning district from MX in order to develop their properties.

All properties involved in this rezoning request are currently zoned MX, RMX, or IMX and are under the required minimum development size of 25 acres. Because these parcels do not meet the minimum development size this will create challenges in developing these properties in the future.

Recommendation:

Approval of the rezoning request.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	7/30/2020	Planning Staff Report
Exhibit 1: Rezoning Application	7/29/2020	Exhibit
Exhibit 2: Location and Zoning Maps	7/29/2020	Exhibit
Exhibit 3: Subject Parcel list with recommended zoning districts	7/29/2020	Exhibit

Proposal: Request to rezone 42 parcels. The purpose of this request is to bring these parcels into conformance with current zoning regulations as described in the Lancaster County UDO (See Attachment 3).

Property Location: Properties are primarily 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. (TM # See Attachment 2)

Current Zoning District: Mixed-Use (MX), Residential Mixed-Use (RMX), or Industrial Mixed-Use (IMX)

Proposed Zoning District: Varies (See Attachment 3)

Applicant: Lancaster County

Council District: District 1, Terry Graham; District 2, Charlene McGriff; District 7, Brian Carnes

OVERVIEW

Background

In 2016, Lancaster County adopted the current Unified Development Ordinance (UDO) and its accompanying Zoning Map. During this process all parcels within the County received a new zoning designation. At that time the 42-parcels involved in this rezoning were designated as one of the three mixed-use districts: MX, IMX, or RMX. The County designated these properties as mixed-use in anticipation that these areas would be assembled by a large-scale developer and constructed as master planned developments. Nearly four years later, many of these properties are currently for sale individually or they have already developed independently. Roughly ten of the properties in this rezoning request are already fully developed. Since the zoning map adoption in 2016, 31-parcels have been rezoned to another zoning district from MX in order to be developed.

All properties involved in this rezoning request are currently zoned MX, RMX, or IMX and do not meet the required minimum development size of 25-acres. Because these parcels do not meet the minimum development size this will create challenges in developing these properties in the future if the current zoning was to be retained.

The current UDO requires all Mixed-Use projects be a minimum of 25-acres. This minimum development size is in place for the following reasons:

- All mixed-use developments are required to enter in to a Development Agreement with the County (South Carolina regulations for development agreements require a minimum of 25 acres of highland).
 - All mixed-use developments must submit a master plan. Master plans are required to demonstrate open space, interconnectivity, a mix of residential types, unified architectural design, etc. In order to incorporate these various elements a larger development site is necessary. (See UDO Chapter 9.2.9)
-

ANALYSIS, FINDINGS, AND CONCLUSION

Staff has assessed each parcel both in person and using official planning documents. Recommendations were developed based upon the parcels prior zoning, current use, surrounding zoning districts and uses, as well as consistency with the County's adopted Comprehensive Plan. By rezoning these properties to their recommended district, it is staff's intent to have each parcel become as conforming as possible, thereby providing property owners with use and development options under their new zoning district. All recommended zoning districts are consistent with the comprehensive plan.

FREQUENTLY ASKED QUESTIONS

The following will help answer common questions associated with this proposed rezoning. Questions are noted in **bold** font with responses identified in plain font underneath.

Will this rezoning keep me from rezoning this property in the future? This rezoning does not keep the property owner from requesting a different zoning district at a later date.

Will my taxes increase or decrease because of this rezoning? If the property changes use and classification as a result of the zoning change, then the property would be reassessed the following year. A zoning change that does not affect the use or classification would not subject the property to a reassessment. In other words, if the use of the property does not change, then the tax-rate will stay the same.

What does being considered non-conforming mean for my use of the property? Any change to what is currently existing would not be allowed. For example: a property is zoned MX and is two acres in size. The current use of the property is a single-family residence. If the owner wanted to make an addition to their home they would not be permitted to do so under the current zoning because that would be expanding a non-conforming use.

Will any properties be made non-conforming as a result of this rezoning? The goal of this rezoning is to bring as many of these properties into conformance with current code as possible; however there are a few outliers. Along Highway 160 there are a number of properties which were formerly used as single-family residential that are currently occupied by a variety of commercial uses (Kushi World Bazaar, contractor offices, and multiple used car dealerships). While the rezoning will now allow many commercial uses there are a few single-family homes along Highway 160 that are currently non-conforming in their recommended zoning district. One parcel involved in this rezoning has both a single-family residence as well as a commercial auto repair shop. There is currently no zoning district that allows both single-family dwellings and auto repair shops, meaning this parcel would be considered a non-conforming use.

PROPERTY OWNER REQUEST

Staff has received input from a limited number of property owners requesting zoning designations that differ from staff's recommendation. Those properties are listed below along with their requested zone. One property owner (Banks) has expressed their desire to remain in the MX District in spite of staff's assurances it would significantly limit future development of the property.

Staff is requesting Planning Commission consideration of the proposed deviations noted below when making their recommendation to County Council.

Location	Tax Map Number	Old Zone	Current Zone	Proposed Zone	Requested Zone	Property Owner
212 Patterson Ln	0005-00-091.04	R15P	MX	LDR	NB	BARBER JONNA PATTERSON
Patterson Lane	0005-00-091.05	R15P	MX	LDR	NB	PATTERSON DONNA S
Patterson Ln	0005-00-091.05	R15P	MX	LDR	NB	PATTERSON DONNA S
Patterson Ln	0005-00-091.05	R15P	MX	LDR	NB	PATTERSON DONNA S
Patterson Ln	0005-00-091.06	R15P	MX	LDR	NB	PATTERSON DEREK S
164 Patterson Ln	0005-00-096.00	R15P	MX	LDR	PB	PATTERSON ALAN D
182 Patterson Ln	0005-00-091.01	R15P	MX	LDR	NB	PATTERSON DONNA S
168 Fort Mill Hwy	0008-00-007.00	B2	MX	GB	?	MCGINN GEORGE BANKS

STAFF RECOMMENDATION

Staff recommends that the proposed district for each parcel be **approved** pursuant to the following findings of fact:

1. The subject properties do not meet the minimum area requirement to be developed in the current MX, RMX or IMX District, as applicable; and
2. In most cases staff's recommendation reverts properties to the closest existing zoning district to what each parcel was zoned prior to the 2016 county-wide rezoning (see attachment 3); and
3. Each parcel will become as conforming as possible, thereby providing property owners with use and development options under their new zoning district; and
4. All recommended zoning districts are consistent with the Comprehensive Plan.

ATTACHMENTS

1. Rezoning Application
2. Location Maps/ Zoning Maps
3. Subject Parcel List with Recommended Zoning Districts

STAFF CONTACT

Ashley Davis, Planner
adavis@lancastersc.net
803-416-9433



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721

Phone: 803.285.6005, planning@lancastercountysc.net

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

Property Address Multiple properties: see attachment

City _____ State _____ Zip _____ Tax Parcel ID See Attachment

Current Zoning MX,RMX,IMX Current Use See Attachment

Proposed Zoning See Attachment Total Acres _____

Project Description Rezoning of 42 non-conforming parcels.

Surrounding Property Description _____

CONTACT INFORMATION

Applicant Name Lancaster County

Address 101 N. Main St.

City Lancaster State SC Zip 29720 Phone 803-285-6005

Fax _____ Email planning@lancastersc.net

Property Owner Name _____

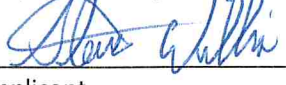
Address _____

City _____ State _____ Zip _____ Phone _____

Fax _____ Email _____

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

4-28-2020
Date

Property Owner(s)

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 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.

PIN	Acres	OldZone	Zoning	Potential Zone	Property Owner	Notes
0005-00-094.00	2.23	R15P	MX	LDR	HAMILTON MARIE E	SF Residential
0005-00-094.01	2.55	R15P	MX	LDR	HAMILTON EARL & MARIE	SF Residential
0005-00-094.02	2.67	R15P	MX	LDR	BARFIELD ALFRED E & JUDY H	SF Residential
0005-00-094.03	2.8	R15P	MX	LDR	ELMS J W DOUGLAS	Vacant Residential Lot
0005-00-095.00	3.86	R15P	MX	LDR	BARR ROBERT L	Vacant Residential Lot
0005-00-098.00	7.23	R15P	MX	LDR	BARR ROBERT L	Vacant Residential Lot
0005-00-113.00	2.2	B3	MX	RB	MILLER CHARLES STEPHEN	Stateline ABC Store
0005-00-113.01	1.09	B3	MX	GB	WATERS CONVENIENCE STORES LLC ETAL	Good Year Auto Repair
0006-00-087.01	4.01	B1	MX	GB	KRANTHI REALTY LLC	Vacant Tract
0008-00-001.00	1.82	R15P	MX	LDR	TURNER MARGARET ELMORE	Residential Home
0008-00-001.01	15.63	R15P	MX	LDR	TURNER MARGARET ELMORE	Vacant Tract
0008-00-001.02	3.79	R15P	MX	GB	PS SOUTHEAST TWO LLC	Public Mini Storage on SC 160 (next to Bailes Ridge)
0008-00-003.00	1.75	B2	MX	GB	HONEYCUTT BRENDA C	SF Home
0008-00-004.00	1.78	B2	MX	GB	HUCKS GRACE H	Carolina Export Used Car Sales
0008-00-005.00	2.77	B2	MX	GB	NGO JAMES P	Max's Used Car Sales
0008-00-007.00	2.69	B2	MX	GB	MCGINN GEORGE BANKS	SF House
0008-00-008.00	0.83	B3	MX	GB	S3 INVESTORS LLC	Kushi World Bazaar (retail)
0008-00-009.00	0.44	B2	MX	GB	PALMETTO LAND DEVELOPMENT LLC	Contractor's Office
0008-00-010.00	0.43	B2	MX	GB	NEESE HOLDINGS LLC	Contractor's Office
0008-00-010.01	0.83	B2	MX	GB	GRINDSTAFF PROPERTIES INC	Indian Land Animal Hospital
0008-00-011.00	1.09	B2	MX	GB	CULP THOMAS W & JANE G REVOCAB	SF House
0008-00-011.03	4.67	I1	MX	GB	TYNDALL FAMILY ENTERPRISES LLC	Tyndall Furniture Store
0008-00-013.00	2.07	B3	MX	RB	GM LLC	Cobblestone Market Gas Station
0013-00-016.00	8.76	B3	MX	RB	521 LAND PARTNERS LLC	Vacant Near INSP
0013-00-016.01	2.43	B3	MX	RB	521 LAND PARTNERS LLC	Vacant Near INSP
0013-00-035.02	1.89	R30S	RMX	RN	JORDAN JOHNNY WAYNE	Mobile Home
0013-00-036.00	10.34	R45	RMX	RN	MONROE HOWARD & DOVIE L	SF Home
0013-00-039.00	4.71	R30P	RMX	RN	FARLEY DORIS MACK	Two SF Homes on One Lot
0013-00-040.00	4.92	R45	RMX	RN	SMITH CHARLIE EUGENE ETAL	SF Home
0013-00-042.00	10.67	R30P	RMX	RN	PORTER JAMES RANDALL	SF Home
0013-00-047.02	14.87	B3	MX	GB	LANCASTER COLLINS RD LLC	Vacant
0082E-0C-009.00	9	I1	IMX	INS	LANCASTER COUNTY SCHOOL DISTRICT	School Operations Center
0005-00-091.04	2.05	R15P	MX	LDR	BARBER JONNA PATTERSON	Patterson Family
0005-00-091.05	4.83	R15P	MX	LDR	PATTERSON DONNA S	Patterson Family
0005-00-091.05	1.32	R15P	MX	LDR	PATTERSON DONNA S	Patterson Family
0005-00-091.05	1.13	R15P	MX	LDR	PATTERSON DONNA S	Patterson Family
0005-00-091.06	0.96	R15P	MX	LDR	PATTERSON DEREK S	Patterson Family
0005-00-096.00	5.82	R15P	MX	LDR	PATTERSON ALAN D	Patterson Family
0005-00-091.01	2.55	R15P	MX	LDR	PATTERSON DONNA S	Patterson Family w/ JP Auto Repair Buildings
0005-00-104.00	5.63	B3	MX	GB	INDIANLAND LLC	Benson mini Storage Center/non confirming (521 and Potts Rd)
0005-00-111.00	5.04	B3	MX	GB	PANHANDLE LLC	Benson mini Storage Center/non confirming (521 and Potts Rd)
0005-00-112.00	2.13	B3	MX	GB	BENSON MINI STORAGE LLC	Benson mini Storage Center/non confirming (521 and Potts Rd)











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