

Planning Commission Members

District 1: Alan Patterson
District 2: Tamecca Neely
District 3: Charles Deese, Chair
District 4: James Barnett, Vice-Chair
District 5:
District 6: Sheila Hinson
District 7: Ben Levine

**County Attorney**

John K. DuBose III

Clerk to Planning Commission

Jennifer Bryan

Development Services Director

Rox Burhans

October 19, 2021

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**

Planning Commission AGENDA

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

[Lancaster County welcomes comments and input from citizens who may not be able to attend meetings in person. Written comments may be submitted via mail to ATTN: Jennifer Bryan, Post Office Box 1809, Lancaster, SC, 29721, by email to Jennifer Bryan at jbryan@lancastersc.org or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancastersc.org/>. 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

- a. September 21, 2021 Regular Minutes
- b. October 7, 2021 Workshop Minutes

5. Public Items

- a. UDO-TA-2021-2121, His Perfect Love Ministries
Application by His Perfect Love Ministries to amend Unified Development Ordinance Section 5.2.5, Halfway Homes; to increase the maximum number of residents.
- b. UDO-TA-2021-2251, Highway Corridor Overlay
Application by Lancaster County to amend Unified Development Ordinance Section 4.3.2, Highway Corridor Overlay District (HCO); to amend the building placement requirement relative to front setback.
- c. UDO-TA-2021-2261, Adam Thomas
Application by Adam Thomas to amend Unified Development Ordinance Section 2.5.3, Use Table; Section 5.6, Civic Uses; and Section 10.3, Definitions, Use Type; to create, define, and establish an appropriate process and use regulations for a Retreat use.

d. RZ-2021-1951 Andrade

Application by Noel Andrade to rezone 1535 Jordan Street, Lancaster SC (TM 0082M-0N-003.00) from INS (Institutional) to MDR (Medium Density Residential). The house was formerly owned by a church; current owner wishes to market it as a residence.

e. RZ-2021-2015 Granados

Application by Edgar Granados to rezone a 1.5-acre lot located at 9923 Southwinds Drive, Indian Land (TM# 0006N-0B-035.00) from Medium Density Residential (MDR) to Mobile Home (MH) district, in order to locate a mobile home on the site.

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

Meetings are live streamed and can be found by using the following link:

<https://www.youtube.com/channel/UCgSlMrcYjcYcu1m-e6TV54w>

Agenda Item Summary

Ordinance # / Resolution #: September 21, 2021 Regular Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
September 21, 2021 Regular Minutes	10/6/2021	Exhibit



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

MINUTES
Lancaster County Planning Commission
September 21, 2021 6:00 p.m.

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

1. **ROLL CALL:** Quorum is present (5 Commissioners)

Commissioners Present:

Ben Levine James Barnett
Sheila Hinson Charles Keith Deese Alan Patterson

Absent: Tamecca Neely

No appointment has yet been made to fill District 5 seat.

Staff Present:

Rox Burhans Robert Tefft Ashley Davis
Clerk: Jennifer Bryan

Also Present: Billy Mosteller, County Council
Steve Willis, County Administrator

The following press were notified of the meeting by email in accordance with 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 for the required length of time, and was published on the County website.

2. **APPROVE AGENDA**

Chairman Deese called for a motion to approve the Agenda.

Motion to Approve by J. Barnett; 2nd by S. Hinson

Called vote: 5:0. **Motion approved unanimously.**

Motion by James Barnett to Amend Agenda, applicant DR Horton requests deferring items **5c (RZ-2021-0847 DR Horton)** and **5d (DA-2021-0847 DR Horton)** to October 19, 2021 Meeting; 2nd by B. Levine.

Called Vote: 5:0. **Motion approved unanimously.**

3. CITIZEN'S COMMENTS [see Sign-In sheet attached]

Chairman Deese opened the floor to comments from the public.

- **Richard Dole** (Indian Land Resident): Item: RZ-2021-0847 DR Horton. Mr. Dole spoke against the proposed rezoning and development project. Disputes the need for Light Industrial zoning in the area, and adamantly opposes any change from LDR to any commercial designation. He and other residents in the area will consider legal action if the project proceeds.
- **Steve Willis**, outgoing County Administrator: Farewell remarks from Mr. Willis; who thanked the Commission for their service, and expressed his pleasure working with them during his tenure.
- **Steve Ranshaw**: Mr. Ranshaw is the applicant for item 5b. He will address Commissioners during that item.
- **Kevin Garon**, Indian Land Resident: Item RZ-2021-1361 McCarthy Development. Mr. Garon spoke against the development; the area is overbuilt and he has concerns about insufficient infrastructure for additional traffic and drainage. He bought property there to live in the country, the area is now losing its rural atmosphere. Residents do not want to be surrounded by MDR.
- **Lisa Garon**, Indian Land Resident: Item RZ-2021-1361 McCarthy Development. Mrs. Garon spoke against the development; she had spiritual direction to move to rural property. Does not want huge monstrosity of a development in the midst of paradise. Traffic is already dangerous because of surrounding overdevelopment.

4. APPROVE MINUTES

a. August 17, 2021 Regular Meeting

Chairman Deese called for a motion to approve August 17, 2021 Regular Minutes as written. Motion to Approve by A. Patterson; 2nd by J. Barnett.

Called vote: 4:0 (B. Levine abstained as absent from 8/17 meeting). **Motion approved.**

b. September 2, 2021 Workshop Minutes

Chairman Deese called for a motion to approve September 2, 2021 Workshop Minutes as written. Motion to Approve by B. Levine; 2nd by S. Hinson

Called vote: 5:0. **Motion approved unanimously.**

5. PUBLIC ITEMS

a. RZ-2021-1796 Strickland

Application by Howard Strickland, Jr. to rezone a 0.36-acre parcel (TM 0062M-0C-004.00) located at 935 Winston Drive from General Business (GB) District to Medium Density Residential (MDR) District.

Staff Presentation: Robert Tefft, Senior Planner, presented the applications consistent with the staff report. **Staff Recommendations:** Denial.

Questions to staff: none.

Comment from applicant(s):

- **Mike Williams**, co-owner of property, on behalf of Applicant Howard Strickland. Mr. Williams, a building contractor, stated that he bought the property with the intent of building a residence; he did not know the zoning of the property when he bought it. States there are residences on either side of the subject property; a property not far away was rezoned not long ago and a house constructed.

Questions from Commissioners: **B. Levine** asked if the applicant understood that even if rezoning is granted, surrounding properties' zoning will not change, and they may soon be surrounded by commercial property. Applicant confirmed that he did understand this.

Public Hearing: (See attachments: Sign-in Sheets) None signed in.

Chairman Deese closed Public hearing and called for a motion on item **RZ-2021-1796**.

Motion to approve by B. Levine; 2nd by S. Hinson.

Discussion: **B. Levine** stated that he understood staff position, but felt that if applicant understands the situation, given that there are non-conforming residential uses adjacent to the property, he is comfortable supporting rezoning. **S. Hinson** concurred.

Called vote: 4:1.

A. Patterson: For J. Barnett: For
B. Levine: For C. Deese: Against
S. Hinson: For

Motion approved.

Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

b. RZ-2021-1679 Ranshaw

Application by Steve Ranshaw on behalf of John Matthews, Inc., to rezone two parcels totaling approximately 4.79 acres (TMs 0007-00-014.00 & 0007-00-014.02) and located at 9596 & 9495 Yarborough Road, from Low Density Residential (LDR) District to Light Industrial (LI) District.

Staff Presentation: Robert Tefft, Senior Planner, presented the applications consistent with the staff report. **Staff Recommendations:** Approval.

Questions to staff: None.

Item 5b: RZ-2021-1679 Ranshaw continued

Comment from applicant(s): **Steve Ranshaw**, Waxhaw NC. He is sole owner of the applicant business, John Matthews Inc. He is a general contractor; intends to develop the properties as flex office space for small businesses. He is already doing renovations to buildings to maintain appearances for neighborhood. This project will grow small businesses. He is not asking for any variances for usage.

Questions from Commissioners: **B. Levine** asked why the applicant chose Light Industrial over other commercial designations. Applicant responded that he felt that the approved uses under LI made the designation more flexible, and the standards for LI are more protective of the neighborhood.

Public Hearing: (See attachments: Sign-in Sheets) None signed in.

Chairman Deese closed Public hearing and called for a motion on item **RZ-2021-1679**.

Motion to approve by B. Levine; 2nd by J. Barnett.

Discussion: **B. Levine** commented that nearby PDD business park and other commercial designations provided plenty of space for businesses, and this rezoning was not needed. He would be more supportive if the request was not for Light Industrial, given the proximity to residential areas.

Called vote: 2:3.

A. Patterson: Against

J. Barnett: Against

B. Levine: Against

C. Deese: For.

S. Hinson: For

Motion denied. Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

c. RZ-2021-0847 DR Horton

Proposed rezoning of 140.39 acres from LDR to MDR (Cluster Subdivision Overlay) for the purpose of developing a 283-lot subdivision. Located at the intersection of Old Bailes Road and Possum Hollow Road (0007-00-015.00, 0007-00-022.00, 0007-00-022.01, 0007-00-022.02, 0007-00-022.03, 0007-00-022.04, 0007-00-023.06).

Deferred to October meeting per applicant request.

d. DA-2021-0847 DR Horton

Proposed Development Agreement for 140.39 acres requesting MDR (Cluster Subdivision Overlay) for the purpose of developing a 283-lot subdivision.

Located at the intersection of Old Bailes Road and Possum Hollow Road (0007-00-015.00, 0007-00-022.00, 0007-00-022.01, 0007-00-022.02, 0007-00-022.03, 0007-00-022.04, 0007-00-023.06)

Deferred to October meeting per applicant request.

e. RZ-2021-1361 McCarthy Development

Application by McCarthy Development Group to rezone approximately 23.77 acres from Low Density Residential (LDR) to Medium Density Residential (MDR).

Located along the eastern side of Tillman Steen Road (0003-00-064.01, 0003-00-064.00, 00003-00-065.00, 0003-00-066.00).

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. **Staff Recommendations:** Approval.

Questions to staff: **B. Levine** asked if there was a TIA in process; Davis confirmed that there was, to be submitted at Preliminary Plat stage.

Comment from applicant(s): Not present.

Questions from Commissioners: None

Public Hearing: (See attachments: Sign-in Sheets) None additional signed in. (See **previous comments under Item 3: Citizens Comments**)

Chairman Deese closed Public hearing and called for a motion on item **RZ-2021-1361**.

Motion to approve by B. Levine; 2nd by J. Barnett.

Discussion: **B. Levine** commented that in looking at Comprehensive Plan update and Future Land Use, staff should identify older neighborhoods to conserve as rural or low-density residential rather than continuing to increase density across the board.

A. Patterson concerned about impact of increased traffic on Barberville Road; does not believe he can make informed decisions without more information about traffic.

Rox Burhans noted that traffic impact study not required at this stage; if Commissioners wished to defer a decision until TIA was available, could postpone item until October meeting.

B. Levine asked if staff could provide more information about traffic and drainage at the Rezoning stage, perhaps at least a calculation of impervious surface, to allow Commissioners to make more informed decisions.

R. Burhans responded that any such information could be requested at the prior workshop, to allow staff to respond before item was presented in public agenda.

Called vote: 4:1.

A.Patterson: Against

J. Barnett: For.

B. Levine: For

C. Deese: For.

S. Hinson: For

Motion approved. Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

f. DA-2019-0803 Taylor Morrison

Request by Taylor Morrison to amend an existing Development Agreement (Ord. 2014-1274) to reflect a decrease in acreage from 35.10 acres to 34.08 acres.

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. Subject property intended to be sold to McCarthy Development as part of the proposed project for RZ-2021-1361 (see above). **Staff Recommendations:** Approval.

Item 5f: DA-2019-0803 Taylor Morrison continued

Questions to staff: **B. Levine** stated that with regard to future plats submitted this project should be kept in mind; staff should look more closely at usable open space provisions.

Comment from applicant(s): Not present.

Questions from Commissioners: None.

Public Hearing: (See attachments: Sign-in Sheets) None signed in.

Chairman Deese closed Public hearing and called for a motion on item **DA-2019-0803**.

Motion to approve by B. Levine; 2nd by S. Hinson.

Discussion: None.

Called vote: 5:0. **Motion approved unanimously.** Chairman Deese stated the item will go to County Council for consideration, and applicants will be notified of time and date.

6. NEW BUSINESS

- a. Other: Planner Ashley Davis has accepted the promotion to Senior Planner, position vacated by departure of Katie See. Department is currently recruiting for a Planner.
- b. Overview of Next Month's Agenda:
Rox Burhans, Development Services Director:
October agenda will include 2 deferred items for DR Horton, 2 other rezonings, a Text Amendment, and a Preliminary Plat amendment.

7. ADJOURN

Motion to adjourn by J. Barnett; 2nd by B. Levine. **Motion carried unanimously.**
Meeting was adjourned at 7:01 pm.



Public Comment Session Sign In Sheet
 Lancaster County Planning Commission Meeting
 101 N. Main Street, Lancaster South Carolina

Tuesday, September 21, 2021

Citizens are allowed 3 minutes per person to speak. Everyone speaking before the Planning Commission will be required to do so in a civil manner. The Commission will not tolerate personal attacks on individual Members, County Staff or any person or group. Racial slurs will not be permitted. The Commission's number one priority is to conduct business for the citizens of this county.

PLEASE PRINT

	Name	Address	Agenda Item for Discussion
1	Richard Dale	3054 Drummond Ave, Indian Land	RZ-2021-0847
2	STEVE WILLIS	PO Box 1809, LANC, SC	GOVERN
3	STEVE RANSHAW	1204 GRAYCROFT Dr, Waxhaw 28173	RZ 2021-1679
4	KAYLA GARN	10483 Stream Ln, Indian Land SC	RZ 2021-1361
5	LISA GARN	10483 Stream Ln Indian Land SC	RZ 2021-1361

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Agenda Item Summary

Ordinance # / Resolution #: October 7, 2021 Workshop Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
October 7, 2021 Workshop Minutes	10/8/2021	Ordinance



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ALAN PATTERSON, DISTRICT 1
BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

**MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
WORKSHOP MEETING**

**October 7, 2021 5:00 P.M.
MINUTES**

Chairman Deese called the meeting to order at 5:03 p.m.

1. Roll Call:

Members Present:

Jim Barnett Charles Deese Sheila Hinson
Ben Levine Tamecca Neely

Absent: Alan Patterson

Staff:

Rox Burhans, Division Director
Ashley Davis, Senior Planner
Robert Tefft, Senior Planner Clerk: Jennifer Bryan

The following press were notified of the meeting by email in accordance with 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.

2. New Business

a. UDO-TA-2021-2121 His Perfect Love Ministries

Application by His Perfect Love Ministries to amend Unified Development Ordinance Section 5.2.5, Halfway Homes; to increase the maximum number of residents.

Staff Presentation: Robert Tefft, Senior Planner.

Discussion:

- His Perfect Love Ministries is the Board of Directors for House of Pearls
- Addiction treatment program.
- They have a facility in Monroe NC and are looking at a site in Antioch in Lancaster County to house a facility for Lancaster County.

b. UDO-TA-2021-2251 Highway Corridor Overlay (Staff)

Application by Lancaster County to amend Unified Development Ordinance Section 4.3.2, Highway Corridor Overlay District (HCO); to amend the building placement requirement relative to front setback.

Staff Presentation: Robert Tefft, Senior Planner.

Discussion:

- Text amendment requested by County Council in preparation for upcoming Hwy 521 widening project.
- The amendment removes the provision for a minimum 25' setback in HCO, which would mean that setbacks would revert to the standard for respective zoning districts.

c. UDO-TA-2021-2261 Adam Thomas

Application by Adam Thomas to amend Unified Development Ordinance Section 2.5.3, Use Table; Section 5.6, Civic Uses; and Section 10.3, Definitions, Use Type; to create, define, and establish an appropriate process and use regulations for a Retreat use.

Staff Presentation: Robert Tefft, Senior Planner.

Discussion:

- Amendment would establish and define a new use, permitted with review.
- Applicant has revised and expanded the scope of his plan, and as a result the use overlaps several existing uses and is not well defined by the current proposed language.
- Sound system language is verbatim from Event Venue usage definition.
- One alternative would be to refer it to the UDO contractor to refine the usage and include it in the updated code.

d. SD-2019-0803 Taylor Morrison

Application by Taylor Morrison to amend the Preliminary Plat for The Preserve at Barber Rock (portion of 0003-00-068.00), reducing acreage for pending sale of parcel to McCarthy Development. (See DA-2019-0803 and RZ-2021-1321 from September 21, 2021 agenda)

Staff Presentation: Ashley Davis, Senior Planner.

Discussion:

- Reduction in acreage is the only change.
- Staff recommends approval with condition that the preceding RZ and DA pass Council.

e. RZ-2021-1951 Andrade

Application by Noel Andrade to rezone 1535 Jordan Street, Lancaster SC (TM 0082M-0N-003.00) from INS (Institutional) to MDR (Medium Density Residential). The house was formerly owned by a church; current owner wishes to market it as a residence.

Staff Presentation: Ashley Davis, Senior Planner.

Discussion:

Residence was owned by church and rezoned INS during 2016 rezoning. It has always been used as a residence.

f. RZ-2021-2015 Granados

Application by Edgar Granados to rezone a 1.5-acre lot located at 9923 Southwinds Drive, Indian Land (TM# 0006N-0B-035.00) from Medium Density Residential (MDR) to Mobile Home (MH) district, in order to locate a mobile home on the site.

Staff Presentation: Ashley Davis, Senior Planner.

Discussion:

Commissioners asked for more information:

- Since the time the area was rezoned MDR, how many building permits have been issued?
- How many empty lots in the neighborhood?
- Are the lots owned by the MH owners, or leased?

3. Other:

- a. DR Horton applications have been withdrawn for the time being.
- b. November Agenda: 3 Rezoning, 2 Preliminary Plats

4. Adjourn

Meeting was adjourned at 5:35 pm.

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2021-2121, His Perfect Love Ministries

Contact Person / Sponsor: Robert Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

See Staff Report.

Points to Consider:

See Staff Report.

Recommendation:

See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	10/8/2021	Planning Staff Report
Ex 1: Application	10/8/2021	Exhibit
Ex 2: Text Amendment	10/6/2021	Exhibit

PROPOSAL: Amend Unified Development Ordinance Section 5.2.5, Halfway Homes, to increase the maximum number of residents.

APPLICABLE CHAPTER(S): Chapter 5

APPLICANT: Lawrence J. Shaheen, Jr.

PROJECT SUMMARY & PROPOSAL:

On behalf of their clients, His Perfect Love Ministries, the applicant is proposing to amend Chapter 5 of the Unified Development Ordinance (UDO) to increase the maximum number of residents per use from six to ten, and increase the maximum number of residents per bedroom from one to two.

As noted in the cover letter provided with the application, the applicants' client is attempting to establish a new center that would be "dedicated to defeating the scourge of addiction within women" and allow them to be re-integrated into society. The center would house ten women and those women need to be paired together in a bedroom for accountability and continued treatment.

The applicant offers the proposed text amendment attached for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strike through~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

Staff has no specific objections to either the proposed increase in bedroom occupancy or overall maximum occupancy. Staff would note that the 2018 International Building Code classifies this use as Residential Group R-4, which establishes occupancy as more than five, but not more than 16 persons. Additionally, an analysis of surrounding neighbors found the following similar uses:

JURISDICTION	USE AND REGULATION
Greenville County	<i>Group Home</i> - not more than 6 unrelated persons
Richland County	<i>Group Home</i> - 9 persons or less, or between 10 and 15 persons
City of Rock Hill	<i>Group Home</i> - 20 persons or less, or more than 20 persons
York County	<i>Community Residence</i> - up to 5 persons, or up to 15 persons

It should also be noted that the County is currently in the process of updating the UDO and it may be appropriate to study any proposed changes to halfway homes, as well as all other uses, as a part of that process.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net

THE MCINTOSH LAW FIRM, P.C.

-ATTORNEYS AT LAW-

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LEAH B. TROWBRIDGE

September 1, 2021

OF COUNSEL
JENNIFER AHLERS CONE
JAMES C. FULLER
TED F. MITCHELL † ♦
GEORGE G. CUNNINGHAM † ◊
SARAH K. MCINTOSH

SPECIAL COUNSEL
GAITHER M. KEENER, JR.

NCDRC Certified Mediator – Superior Court †
Also licensed in Florida Ω
NCDRC Certified Mediator – Clerk & Family Financial ◊
Also licensed in South Carolina ♦
Also licensed in Maryland ‡

Mr. Rox Burhans
Planning Director
Lancaster County Planning Department
PO Box 1809
101 N. Main St.
Lancaster, SC 29721

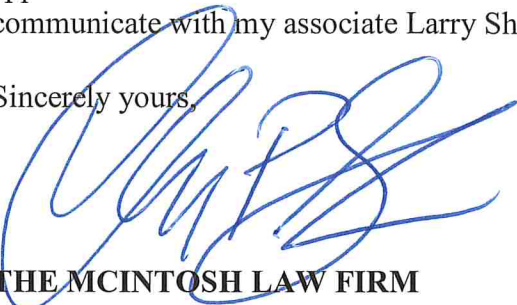
Mr. Burhans,

Please find enclosed the Text Amendment Application and Application Fee for our client His Perfect Love Ministries. His Perfect Love Ministries is a non-profit organization dedicated to defeating the scourge of addiction within women and allowing them to be re-integrated into society with a fresh start and new lease on life. His Perfect Love takes no government money and relies solely on the support of donors who support their mission. You may find out more about the organization by going to HouseOfPearls.org.

Our client has a strong track record of success and is attempting to create a new center in Lancaster. Their targeted location is one that does need this text amendment to be able to get up and running. The center will house six women and the women do need to be paired into a room in order to allow for accountability and continued treatment. My client is committed to following all of the necessary rules and planning regulations for this facility, but seeks only this one change.

We hope you will consider this text amendment and work with us to allow for the passage of this application in order to better serve the needs of the women of Lancaster County. Please communicate with my associate Larry Shaheen, Jr. regarding this matter.

Sincerely yours,



THE MCINTOSH LAW FIRM
Chris Gelwicks

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 5.2.5 (B) Halfway Homes

Current Text B. Maximum Number of Residents: Halfway Homes shall accommodate a maximum of 6 residents per use and a maximum of 1 resident per bedroom.

Proposed Text B. Maximum Number of Residents: Halfway Homes shall accommodate a maximum of 12 residents per use and a maximum of 2 residents per bedroom.

Description of Need for Proposed Text See attached Letter

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name His Perfect Love Ministries ATTN: Lawrence J Shaheen Jr.

Address PO Box 516

City Monroe State NC Zip 28111 Phone 704-892-1699

Fax 704-892-8664 Email Larry@McIntoshLawFirm.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.

Applicant

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 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

5.2.5 HALFWAY HOMES [GB, INS]

- A. **Separation Requirement:** No such use may be located within 2,640 feet (or ½ mile) of a Family Care Home, Residential Care Facility, Boarding or Rooming House, or another such use measured as a straight line on a map.
- B. **Maximum Number of Residents:** Halfway Homes shall accommodate a maximum of ~~6~~ 10 residents per use and a maximum of ~~1 resident~~ 2 residents per bedroom.

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2021-2251, Highway Corridor Overlay

Contact Person / Sponsor: Robert Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

See Staff Report.

Points to Consider:

See Staff Report.

Recommendation:

See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	10/8/2021	Planning Staff Report
Ex 1: Text Amendment	10/6/2021	Exhibit

PROPOSAL: Amend Unified Development Ordinance Section 4.3.2, Highway Corridor Overlay District (HCO); to amend the building placement requirement relative to front setback.

APPLICABLE CHAPTER(S): Chapter 4

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:

The County is proposing to amend Chapter 4 of the Unified Development Ordinance (UDO) to remove language within the Highway Corridor Overlay (HCO) District allowing the front setback of buildings fronting on the corridor, and within a commercial district, to be reduced to 25’.

This amendment is being brought forward as a “quick-fix” to the UDO in advance of a more substantive rewrite of the UDO over the next 24 months by the County’s consultants in an effort to address a known issue within the HCO relative to the front setback requirement.

The applicant offers the proposed text amendment attached for the Commission’s consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~striketrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

The removal of the language allowing for the reduced front setback will eliminate the current conflict between existing utilities running along US 521 and the installation of the required perimeter landscape buffer within the narrowed 25’ wide corridor. Eliminating this language and retaining the 50’ setback already established for the General Business (GB) and Regional Business (RB) Districts will allow for both utilities and landscaping to be accommodated without conflict. This amendment shall also alleviate potential future conflicts regarding the widening of US 521.

Additionally, the proposed text amendment adds language concerning the nonconformity of buildings that have been developed under the current language, and language allowing for the expansion of those buildings so long as any inconsistent setback is not exacerbated.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net

4.3.2 HIGHWAY CORRIDOR OVERLAY DISTRICT (HCO)

The Highway Corridor Overlay District is hereby established and is subject to the following general provisions:

F. GENERAL REQUIREMENTS AND DEVELOPMENT STANDARDS

1. **Building Placement:** All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space. The front facade of buildings shall be generally parallel to front property lines when placed along the corridor right-of-way. The following shall also apply:
 - a. In general, the setback requirements set forth in Chapter 2 and Chapter 3 of the UDO shall apply. ~~When fronting the corridor right-of-way, the front setback for buildings with a commercial district use may be reduced to a minimum of 25 feet; however in no instance shall the front setback be less than 50 feet.~~ For commercial developments that were platted prior to the establishment of the Highway Corridor Overlay District, common setback flexibility will be considered by the Technical Review Committee (TRC).
 - ~~b. Buildings constructed under prior versions of this UDO where a 25-foot front setback was utilized for commercial buildings fronting the corridor right-of-way, shall not be considered a nonconforming use or structure pursuant to UDO Section 9.3.5 for setback purposes. Additionally, nothing included herein shall preclude those same existing buildings from the ability to expand those buildings so long as such an expansion does not result in the further reduction of an otherwise nonconforming setback.~~
 - ~~b.c.~~ When fronting the corridor right-of-way, buildings shall have access from the front and rear of the building.
 - ~~c.d.~~ The development of retail commercial centers or villages is favorable over commercial "strip development" in the Highway Corridor Overlay District.

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2021-2261, Adam Thomas

Contact Person / Sponsor: Robert Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

See Staff Report.

Points to Consider:

See Staff Report.

Recommendation:

See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	10/8/2021	Planning Staff Report
Ex 1: Application	10/8/2021	Exhibit
Ex 2: Text Amendment	10/6/2021	Exhibit

PROPOSAL:	Amend Unified Development Ordinance Section 2.5.3, Use Table; Section 5.6, Civic Uses; and Section 10.3, Definitions, Use Type; to create, define, and establish an appropriate process and use regulations for a Retreat use.
APPLICABLE CHAPTER(S):	Chapters 2, 5, and 10
APPLICANT:	Adam Thomas

PROJECT SUMMARY & PROPOSAL:

The applicant is proposing to amend Chapters 2, 5 and 10 of the Unified Development Ordinance (UDO) to provide for a new use, Retreats, as a *Permitted with Review* tier use within the Agricultural Residential (AR), Rural Residential (RR), and Rural Neighborhood (RN) Districts, as well as appropriate regulations and a definition for the use.

The applicant has previously identified the proposed use as including the following aspects: hunting/fishing; overnight stays in tents and/or cabins; and a conference center.

As is discussed in below in greater detail, staff believes that the proposed text amendment has numerous deficiencies and is generally not ready for incorporation into the UDO as it is presently drafted. Staff further believes that it may be more appropriate that the proposed use be looked into by the County's UDO consultants for incorporation in the updated UDO.

OUTLINE OF TEXT AMENDMENT:

The applicant offers the attached text amendment for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

The following sections of the UDO are proposed to be amended:

❖ Section 2.5.3, Use Table:

As depicted below, the proposed text amendment would add Retreats as a *Permitted with Review* tier use in the AR, RR, and RN Districts.

USE TYPES	RURAL					TRANSITIONAL					SPECIAL					NEIGHBORHOOD						
E. CIVIC	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
Retreats	PR	PR	PR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.6.7

Staff Comments:

Given that the indicated nature of the proposed use would include hunting on the property, staff has reservations about including the use with the RN District. Pursuant to UDO Section 2.3, the RN District was "established to protect the residential character of communities and neighborhoods in the rural area," and is "intended to promote rural living, protect farmland, and to maintain the low density residential." The addition of Retreats into this district would appear to be contrary to this established intent and purpose.

Additionally, staff believes that the proposed use warrants additional review beyond what would be provided within the *Permitted with Review* process, and recommends that, if this text amendment is approved, the proposed language is modified to require applications for the proposed use would be reviewed through the Special Exception process.

❖ **Section 5.6, Civic Uses:**

The proposed text amendment provides several regulations on the proposed use. These regulations, as well as Planning Department staff comments, are as follows:

A. Minimum lot size for use shall be 20 acres and no more than one structure shall be located on the lot, not including accessory uses for cabins and meeting spaces.

Staff Comments:

Staff does not have any concern with the minimum lot size requirement of 20 acres; however, the balance of the regulation is both problematic, as well as being unclear as to its purpose. The most substantial issue would be that cabins cannot be considered an accessory use/structure as, per the definition of accessory structure in UDO Section 10.4, “accessory structures... may not be used for human habitation.” This issue will necessitate a broad reconsideration of this proposed regulation.

In addition to the above, staff had the following questions:

- Why would meeting spaces be accessory to the use? This would seem to be a primary aspect of the Retreat use when reviewed against the proposed definition.
- If there is a limitation to only one structure on the lot, but that limitation does not include any cabins or meeting (conference) spaces, then what would the purpose have been for the one allowable structure?
- If there are going to be multiple cabin/meeting buildings and those will likely be the majority of the buildings on the lot, but those would not have counted towards a maximum number of buildings, then what is the purpose of having a maximum number of buildings?

B. The maximum square footage for all structures as used in connection with the Retreat shall be no greater than 10% of the total lot area.

Staff Comments:

If, per the above proposed regulation, the minimum lot area is 20 acres (871,200 square feet), then the maximum 10% regulation would allow for, at minimum, 87,120 square feet of building area. This would be a substantial, and possibly excessively large amount of building area – an amount that would never be achieved, let alone surpassed. As such, it is the opinion of staff that this regulation, as written, would provide no meaningful benefit. If there is a desire to limit the maximum square footage, then the percentage should be increased to a figure commensurate with the envisioned density/intensity of development for the use.

C. Outside sound systems shall only be allowed between the hours of 10 AM and 10 PM Sunday through Thursday, 10 AM and Midnight on Friday through Saturday, and shall be in compliance with Lancaster County applicable noise ordinances.

Staff Comments:

This is the same language as currently found in Chapter 5 for the Event Venue/Banquet Hall use. However, it is the opinion of staff that this language is excessive with regard to the proposed use as it is unclear as to what aspect of the use would require outside sound systems to be in operation until 10PM or midnight. Additionally, if hunting is intended to be a significant aspect of the proposed use, then it is unclear as to why outside sound systems would even be incorporated into the use to begin with.

D. All structures shall be located a minimum of 100 feet from the adjacent property lines.

Staff Comments:

Staff would generally have no comments or concerns regarding this regulation; however the current definition of “structure” as set forth in UDO Section 10.4, binds the term to “buildings that house a principal use.” Staff would recommend modifying the proposed language to read as “All improvements, other than fencing, shall be located a minimum of 100 feet from the adjacent property lines” so as to clearly capture everything that may be built on-site within the applicability of the regulation.

E. Accessory uses may include temporary lodging and recreational amenities not intended to be open to the general public.

1. Temporary lodging shall be accessory to the primary use of the property proposed as a Retreat and shall not be open to the general public as a standalone use. The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days per singular event. Temporary Lodging accommodations may include temporary or permanent structures that include tents or cabins.

Staff Comments:

Generally, staff does not have any concerns with the premises of the proposed regulation. However, there is a basic structural issue with this regulation (having a subsection ‘1’ without a subsection ‘2’) that can easily be resolved by separating the three sentences within E1 into three individual regulations: E1, E2, and E3.

In addition to the above comments that are specific to the proposed regulations within the text amendment, staff also has concerns regarding regulations that could be considered to be missing from the proposed text amendment, such as:

- Cooking facilities;
- Facility capacity;
- On-site management;
- Operational plan; and
- Regulatory approvals from DHEC.

Staff believes that the proposed text amendment should be further revised to address each of these elements in addition to those issues raised previously.

❖ **Section 10.3, Definitions, Use Type:**

The proposed text amendment is as follows:

RETREAT A facility owned and operated by a non-governmental entity for the purpose of providing a rural setting in which temporary lodging, camping, and/or conferences and meetings are provided with or without compensation.

Staff Comments:

This definition has potential for overlap and conflict with other uses already incorporated into the UDO, such as the Campground, and Event Venue/Banquet Hall uses where the former would allow for the camping aspect of the proposed use, and the latter would allow for the conference/meeting facilities aspect. The proposed Retreat use needs to be analyzed and drafted in such a manner that these overlaps are eliminated – a holistic exercise that may be more simply done as part of the County’s update to the UDO.

It is further noted that the proposed definition does not include any mention of hunting or fishing on the premises despite this having been a core element of prior iterations of the proposed text amendment. If hunting/fishing is intended to be a part of the proposed use, then it should be specifically included in the definition so that there are no future inconsistencies with regard to the application of the use.

FINDINGS AND CONCLUSIONS:

The proposed text amendment can be found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

STAFF RECOMMENDATION:

Staff recommends **disapproval** of the proposed text amendment.

It should be noted that the County is currently in the process of updating its UDO and it may be more appropriate to study this proposed use, as well as other similar uses, as a part of that process. Accordingly, the Planning Commission may want to consider recommending the disapproval of this proposed text amendment with direction that the proposed use be looked into by the County’s UDO consultants for incorporation in the updated UDO.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lanastercountysc.net
www.mylanastercsc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 5.6.2 Event Venue/Banquet Hall

Current Text as written

Proposed Text 5.6.2 Event Venue/Banquet Hall, Conference Center and Retreat
Retreat-A facility owned and operated by a non-governmental entity for the purpose
of providing a rural setting in which temporary lodging, camping and/or conferences,
meeting, and event facilities are provided with or without compensation

Description of Need for Proposed Text For RR to be able to offer Retreats,
Hunting retreats, Outdoor retreats and Conference retreats

Option: include it under 5.3.3 Campground

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Adam Thomas

Address 2878 Kendlewood Drive

City Lancaster State SC Zip 29720 Phone 980-721-0474

Fax _____ Email adamthomas@carolina.rr.com

*Special
exception*

**Hunting Club*

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.

Adam Thomas (buyer) _____
Applicant

8/14/2021
Date

David Broxton (Seller) _____
Property Owner(s)

8/14/2021
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

Section 2.5.3, Use Table

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					NEIGHBORHOOD					REF
E. CIVIC	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	
Cemetery	PR	PR	PR	PR	-	PR	PR	-	PR	PR	PR	PR	-	-	-	-	-	PR	-	-	PR	5.6.1
Conference/Convention Center	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P	P	
Cultural or Community Facility	-	-	-	P	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	P	P	
Event Venue/Banquet Hall	P	P	PR	PR	-	PR	PR	PR	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.6.2
Places of Assembly	PR	PR	PR	PR	CU	CU	CU	PR	PR	PR	PR	PR	-	PR	-	-	-	CU	-	CU	CU	5.6.3
Private Recreation Facilities	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.6.4
Public Recreation Facilities	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-	-	-	PR	PR	PR	PR	PR	5.6.5
Public Safety Station	P	P	P	P	-	-	-	P	P	P	P	P	-	P	P	-	-	-	-	P	P	
<u>Retreats</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>5.6.7</u>
Sports Arena/Stadium (4,000 or more seats)	-	-	-	-	-	-	-	-	-	-	CU	CU	-	CU	-	-		-	-	-	CU	5.6.6

5.6 CIVIC USES

5.6.7 RETREAT (AR, RR, RN)

- A. Minimum lot size for use shall be 20 acres and no more than one structure shall be located on the lot, not including accessory uses for cabins and meeting spaces.
- B. The maximum square footage for all structures as used in connection with the Retreat shall be no greater than 10% of the total lot area.
- C. Outside sound systems shall only be allowed between the hours of 10 AM and 10 PM Sunday through Thursday, 10 AM and Midnight on Friday through Saturday, and shall be in compliance with Lancaster County applicable noise ordinances.
- D. All structures shall be located a minimum of 100 feet from the adjacent property lines.
- E. Accessory uses may include temporary lodging and recreational amenities not intended to be open to the general public.
 - 1. Temporary lodging shall be accessory to the primary use of the property proposed as a Retreat and shall not be open to the general public as a standalone use. The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days per singular event. Temporary Lodging accommodations may include temporary or permanent structures that include tents or cabins.

10.3 DEFINITIONS, USE TYPE

RETREAT A facility owned and operated by a non-governmental entity for the purpose of providing a rural setting in which temporary lodging, camping, and/or conferences and meetings are provided with or without compensation.

Agenda Item Summary

Ordinance # / Resolution #: RZ-2021-1951 Andrade

Contact Person / Sponsor: A. Davis

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

Application by Noel Andrade to rezone 1535 Jordan Street, Lancaster SC (TM 0082M-0N-003.00) from INS (Institutional) to MDR (Medium Density Residential). The house was formerly owned by a church; current owner wishes to market it as a residence.

Points to Consider:

The applicant has submitted a request to rezone their property located at 1535 Jordan Street. The request comes as an effort to bring the existing residential structure into compliance with Section 2.5.3, Use Table, of the UDO. According to this section, single family residential uses are not permitted uses in the existing Institutional zoning district. Therefore, the existing house is currently considered a legal non-conforming use, which prohibits expansion or significant modifications to the residence.

Recommendation:

Staff recommends **approval** of the request to rezone.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	10/12/2021	Planning Staff Report
Exhibit 1: Application	10/12/2021	Exhibit
Exhibit 2: Zoning Map	10/6/2021	Exhibit

PROPOSAL: Request to rezone approximately .65 acres of property (TM# 0082M-ON-003.00).

PROPERTY LOCATION: 1535 Jordan Street

CURRENT ZONING DISTRICT: Institutional (INS) District

PROPOSED ZONING DISTRICT: Medium Density Residential (MDR) District

APPLICANT: Noel Andrade

COUNCIL DISTRICT: District 2, Charlene McGriff

OVERVIEW:

Proposal

The applicant has submitted a request to rezone their property located at 1535 Jordan Street. The request comes as an effort to bring the existing residential structure into compliance with Section 2.5.3, Use Table, of the UDO. According to this section, single family residential uses are not permitted uses in the existing Institutional zoning district. Therefore, the existing house is currently considered a legal non-conforming use, which prohibits expansion or significant modifications to the residence.

Site Information

The property was purchased by the applicant in 2020. Tax records show the brick home on this property was constructed in 1977. This home and parcel were previously owned by the Church of God of Prophecy.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by MDR, GB and INS zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	MDR	Single-Family Residential
South	Lancaster County	GB	Cauthen Body Shop
East	Lancaster County	GB	Nonconforming Single-Family Residential
West	Lancaster County	INS	Church of God of Prophecy

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently zoned INS District. Pursuant to UDO Chapter 2.3, the INS District *is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses, governmental and health facilities and public and private utility infrastructure.*

The requested 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.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the LDR District. Currently, this area can be characterized by single-family homes and vacant farm land. Given the close proximity to property zoned LDR and the size of this parcel, staff believes that LDR zoning would be compatible in this area.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

The Future Land Use Category of the subject property is Urban, which corresponds to the Community Type of Walkable Neighborhood with Additional Intensity. The adopted Comprehensive Plan states that the Walkable Neighborhood Community Type “is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its 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 has its 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 Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Urban Future Land Use Category encompasses the City of Lancaster city limits and includes properties along its periphery. The Walkable Neighborhood with Additional Intensity Community Type is intended to provide a mix of uses within a walkable setting, including various residential types, offices, schools, commercial/retail, and parks.

The requested MDR District is consistent with the Urban Future Land Use category.

Urban: Land Use Considerations		
Single-Family Detached Home	Single-Family Attached Home (Townhome/Duplex)	Condominium/Apartment
Neighborhood Commercial	Restaurant	Professional Office
Government Building	Church	School
Community Park/Pocket Park	Natural Area	

INFRASTRUCTURE CONSIDERATIONS

Transportation

A Traffic Impact Analysis (TIA) is not required for this rezoning request. No improvements are required.

Public Utilities

No additional utilities are required for this request.

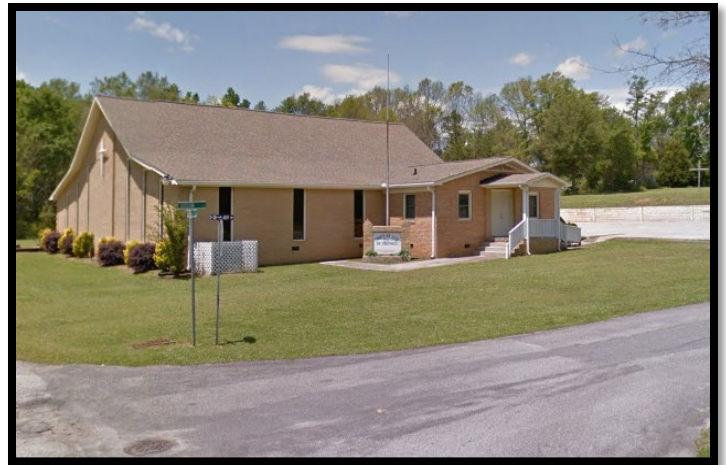
Public Schools

This request will not result in additional students.

PHOTOS OF PROJECT AREA:



Looking directly at the subject property.



Looking directly across from the subject property.



Looking south across Alpha Rd.



Looking north along Jordan St.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone, pursuant to the following findings of fact for RZ-2021-1951:

1. That the subject project consists of parcel TM# 0082M-0N-003.00;
 2. That the subject property is currently zoned INS and proposed to be rezoned MDR;
 3. That the subject property has a Future Land Use designation of Urban; and
 4. That the proposed MDR District is generally consistent with the surrounding area which is comprised of the MDR, GB and INS Districts.
-

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Ashley Davis, Senior 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@lanastercountysc.net
www.mylanastersc.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 1535 Jordan Street, Lancaster SC 29720
City Lancaster State SC Zip 29720 Tax Parcel ID 0082M-0N-003.00
Current Zoning Institutional Current Use Currently remodeled to be used as residential
Proposed Zoning Residential Total Acres .65

Project Description I bought the home on February 17th 2020. thinking it was zoned residential, the real estate agent never explained to me that the home was zoned Institutional, Now I have completely remodeled the home and I was ready to sell it, but my real estate told me that the home needed to be zoned back to residential.

Surrounding Property Description The property is surrounded by home and they are Zoned MDR.

CONTACT INFORMATION

Applicant Name Noel Mejia Andrade
Address 7136 kinley commons lane
City Charlotte State nc Zip 28278 Phone 803-287-4129
Fax _____ Email flormeja588@gmail.com
Property Owner Name Noel Mejia Andrade
Address same as above
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 rejection or denial of this request.

Applicant

Date

Nail of Mende

08/09/2021

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 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.
- Rezoning Application Fee – single parcel \$435.00
- Rezoning Application Fee – multi parcel \$610.00

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.
- 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.

Proposal:
Request to rezone from
INS to MDR

Legend:



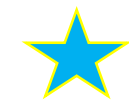
Subject Property



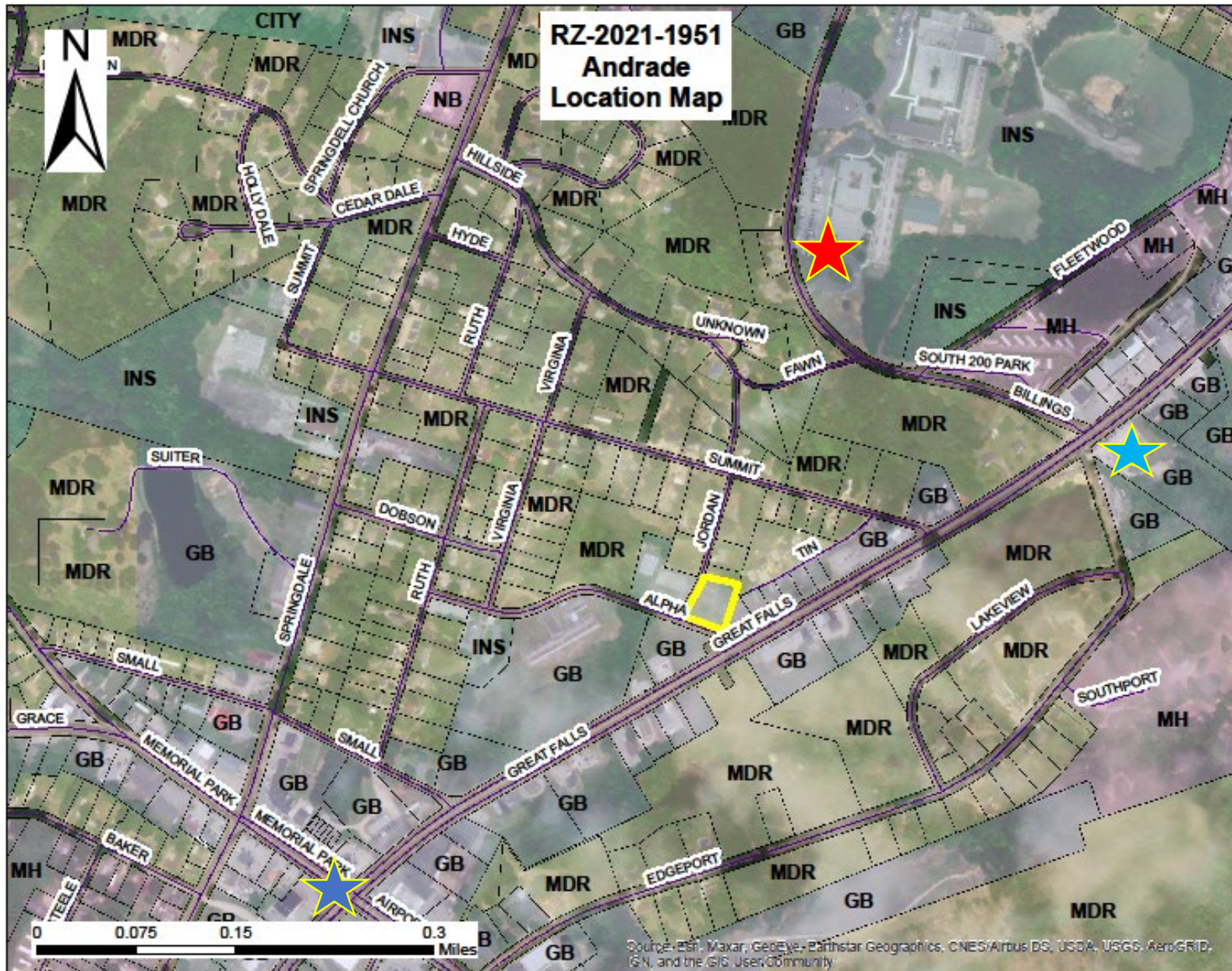
Intersection of Airport
Road and Hwy 200



Brooklyn Springs
Elementary



Chandler's Collision
Center



Agenda Item Summary

Ordinance # / Resolution #: RZ-2021-2015 Granados

Contact Person / Sponsor: A. Davis

Department: Planning

Date Requested to be on Agenda: 10/19/2021

Issue for Consideration:

The applicant has submitted a request to rezone their property located at 9923 Southwinds Drive. The request is being made to allow a mobile home to be located onto the property.

Points to Consider:

The property is currently vacant. There was previously a manufactured home on the property, aerials show that the home was removed in late 2015. Section 9.3.2.C.1.e of the UDO specifies that grandfathered nonconforming uses are discontinued when “the property, structure or use has been vacant or inactive for a continuous period of more than 180 days.” Therefore, in order for a manufactured home to be placed on this property a rezoning is necessary.

A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use. Generally, local restrictions prohibit expansion of nonconforming uses and structures. Nonconforming uses usually lose their legal status under local regulations if they are discontinued for a particular period of time, in our case, six months. The intent of these nonconformance provisions is that over the course of time the development in the area will shift through redevelopment to be in conformance with current regulation.

Recommendation:

Staff recommends **Denial*** of the request to rezone, pursuant to the following findings of fact for RZ-2021-2015:

1. That the subject project consists of TM# 0006N-0B-035.00;
2. That the subject property is currently zoned MDR and is proposed to be rezoned MH;
3. That the subject property has a Future Land Use designation of Neighborhood Mixed-Use; and
4. That the proposed MH District is inconsistent with the surrounding zoning which is comprised of the MDR District.

* If County staff is incorrect in that there was no distinct policy decision made in 2016 to limit new mobile homes in the Panhandle area of the County or if the County Council wished to change this policy, staff would recommend approval of this request in light of the number of existing mobile homes within the subdivision. This support would be conditional based on having the entire Southwinds neighborhood rezoned MH (or similar district) with the upcoming adoption of the new zoning map that will accompany the UDO rewrite project.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	10/12/2021	Planning Staff Report
Exhibit 1: Application	10/12/2021	Exhibit
Exhibit 2: Zoning Map	10/6/2021	Exhibit

PROPOSAL: Request to rezone approximately 1.5 acres of property (TM# 0006N-OB-035.00).

PROPERTY LOCATION: 9923 Southwinds Dr.
(TM# 0006N-OB-035.00).

CURRENT ZONING DISTRICT: Medium Density Residential (MDR) District

PROPOSED ZONING DISTRICT: Manufactured Home (MH) District

APPLICANT: Edgar Granados

COUNCIL DISTRICT: District 7, Brian Carnes

OVERVIEW:

Proposal

The applicant has submitted a request to rezone their property located at 9923 Southwinds Drive. The request is being made to allow a mobile home to be located onto the property.

Site Information

The property is currently vacant. There was previously a manufactured home on the property, arials show that the home was removed in late 2015. Section 9.3.2.C.1.e of the UDO specifies that grandfathered nonconforming uses are discontinued when “the property, structure or use has been vacant or inactive for a continuous period of more than 180 days.” Therefore, in order for a manufactured home to be placed on this property a rezoning is necessary.

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Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by MDR zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	MDR	Nonconforming Manufactured Home
South	Lancaster County	MDR	Nonconforming Manufactured Home
East	Lancaster County	MDR	Vacant
West	Lancaster County	MDR	Nonconforming Manufactured Home

ANALYSIS & FINDINGS:

Zoning Districts

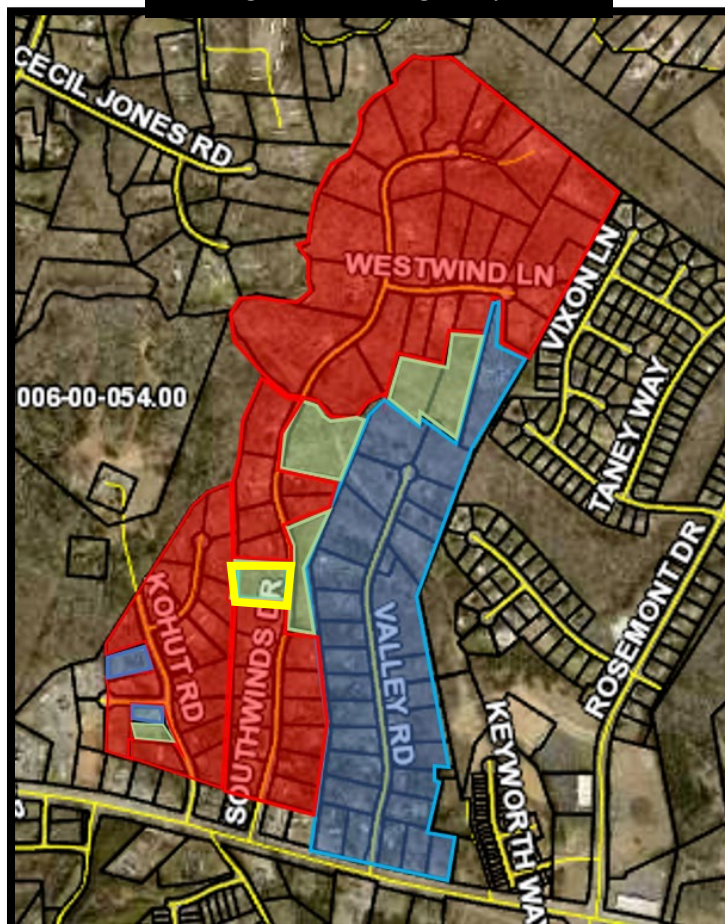
As previously noted, the subject property is currently zoned MDR District. Pursuant to UDO Chapter 2.3, the MDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development.*

The requested MH District *accommodates manufactured homes in a variety of settings, including manufactured home parks, manufactured home subdivisions, and a single-lot mobile home district.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the MDR District. Currently, this area can be characterized as predominately nonconforming manufactured homes. The area shown in red in Figure 1 (below) depicts lots in this area with nonconforming manufactured homes. The lots shown in green are vacant, and the lots shown in blue are either stick-built or modular structures. Of the 46 manufactured homes along Southwinds Drive and Westwind Lane approximately 28 are leased while 18 are owner occupied.

Figure 1: Housing Analysis



Prior to the county-wide rezoning in 2016, this area was zoned R-15S which allowed mobile homes subject to conditions established in the ordinance. There were also a number of parcels in the area zoned MHP (Mobile Home Park). In Figure 2 (below), the area shown in orange was zoned R-15S and the area shown in dark red was zoned MHP.

The 2016 adopted Zoning Map appears to reflect a distinct policy decision to restrict/minimize construction of new manufactured homes in the Panhandle area of the county.

Of the three current zoning districts (AR, RR, MH) which allow mobile homes only one is found within the Panhandle area (MH). In Figure 3 (below), the dark red area depicts the only MH districts currently in the vicinity of the proposed rezoning. Only eight parcels north of Hwy 75 (Waxhaw Hwy) in Lancaster County are zoned MH and are permitted to have new mobile homes.

Figure 2: Zoning Map Prior to 2016

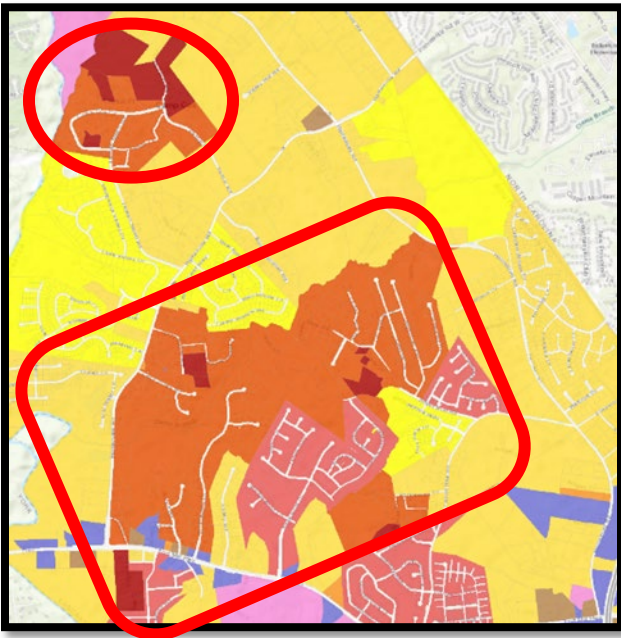
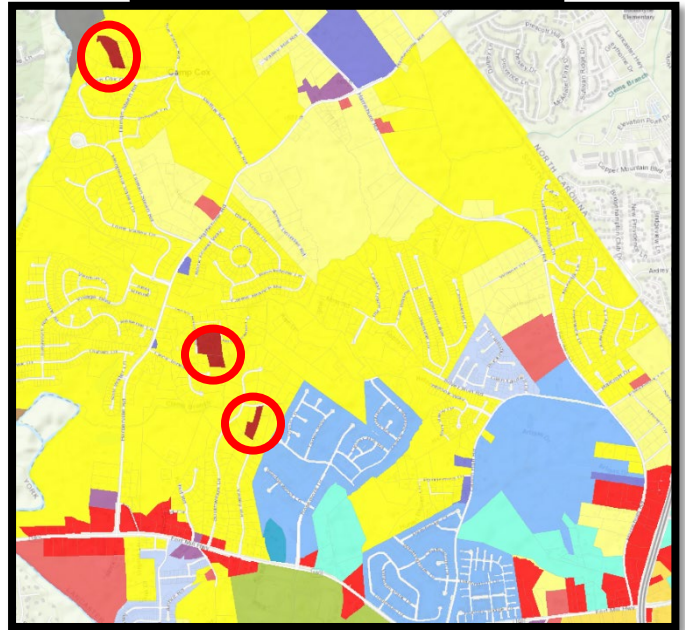


Figure 3: Current Zoning Map



The requested MH Zoning District is inconsistent with the above noted 2016 Panhandle mobile home policy. The proposal also introduces a potential spot zoning concern when compared with the zoning of the other 49 lots in the subdivision.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

The Future Land Use Category of the subject properties is Neighborhood Mixed-Use, which corresponds to the Community Type of Walkable Neighborhood. The adopted Comprehensive Plan states that the Suburban Single-Family Neighborhood Community Type *“is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its 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 has its 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 Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Neighborhood Mixed-Use Future Land Use Category extends across the northern half of the panhandle, terminating at Highway 75/Waxhaw Highway. The Neighborhood Mixed-Use Future Land Use Category and Walkable Neighborhood Community Type are, by default, intended to be compatible with the existing suburban character of the area.

The requested MH District may be loosely consistent with the Neighborhood Mixed-Use Future Land Use Category as manufactured housing is not specifically addressed as a proposed use in the Walkable Neighborhood Land Use considerations, however, Single-Family Detached homes are listed as an acceptable land use.

Walkable Neighborhood: Land Use Considerations		
Church	Condominium/Apartment	Community Park / Pocket Park
Government Building	Natural Area	Neighborhood Commercial
Professional Office	Restaurant	School
Single-Family Attached Home (Townhome/Duplex)	Single-Family Detached Home	

INFRASTRUCTURE CONSIDERATIONS

Transportation

There are no issues with traffic generated from this request at this time.

Public Utilities

No additional utilities are required for this request at this time.

Public Schools

This request will not result in additional students.

PHOTOS OF PROJECT AREA:



*Looking **directly at** the subject property.*



*Looking **directly across** from the subject property.*



*Looking **south** along Southwinds Dr.*



*Looking **north** along Southwinds Dr.*

STAFF RECOMMENDATION:

Staff recommends **Denial*** of the request to rezone, pursuant to the following findings of fact for RZ-2021-2015:

1. That the subject project consists of TM# 0006N-0B-035.00;
2. That the subject property is currently zoned MDR and is proposed to be rezoned MH;
3. That the subject property has a Future Land Use designation of Neighborhood Mixed-Use; and
4. That the proposed MH District is inconsistent with the surrounding zoning which is comprised of the MDR District.

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ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Ashley Davis, Senior 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@lanastercountysc.net
www.mylanastersc.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 9923 Southwinds Dr
City Indian Land State SC Zip 29707 Tax Parcel ID 0006N-0B-035.00
Current Zoning MDR Current Use vacant
Proposed Zoning MH Total Acres 1.5
Project Description owner wants to put mbh on
the property

Surrounding Property Description MH MDR Single family
homes there are mobile homes
in almost all the neighborhood

CONTACT INFORMATION

Applicant Name Edgar Granados
Address 818 Westwind Ln
City Indian Land State SC Zip 29707 Phone 7049134702
Fax _____ Email rye.1217@hotmail.com
Property Owner Name Same as above
Address _____
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 rejection or denial of this request.

Edgar Granados
Applicant

8/20/21
Date

Edgar Granados
Property Owner(s)

8/20/21
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

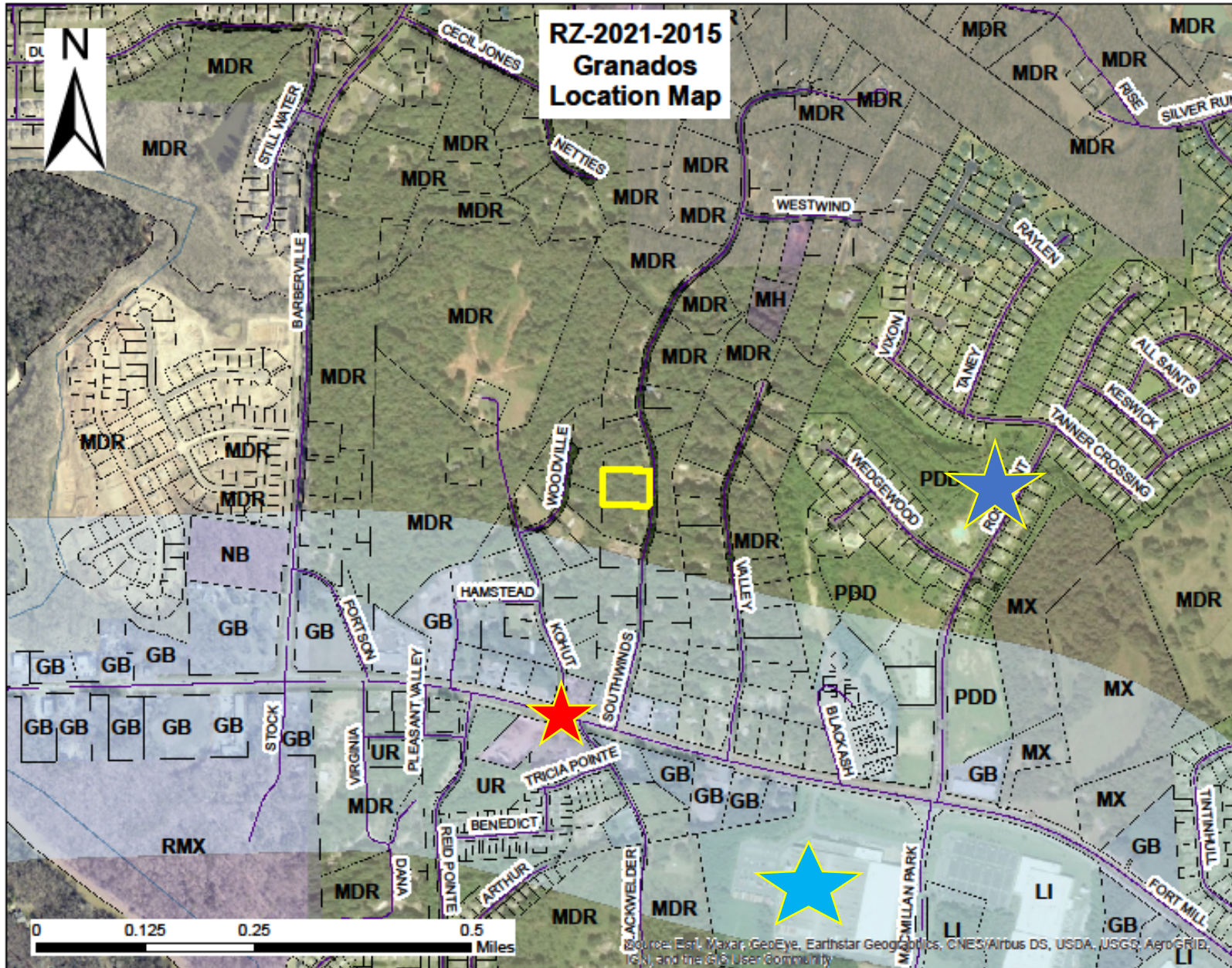
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$435.00
- Rezoning Application Fee – multi parcel \$610.00

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.
- 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.



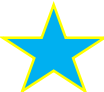
Proposal:
Request to rezone from
MDR to MH

Legend:

 Subject Property

 Rosemont
Neighborhood

 Kohut Road and
Fort Mill Hwy

 Unique Loom