



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
October 19, 2021 6:00 p.m.

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

1. **ROLL CALL:** Quorum is present (6 Commissioners)

Commissioners Present:

Tamecca Neely	Ben Levine	James Barnett
Sheila Hinson	Alan Patterson	Charles Keith Deese

Absent: none

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

Staff Present:

Rox Burhans	Ashley Davis	Robert Tefft
Clerk: Jennifer Bryan		

Others: Councilman Billy Mosteller; Attorney Lawrence Shaheen Jr.

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 B. Levine; 2nd by S. Hinson

Called vote: 6:0. **Motion approved unanimously.**

Motion by James Barnett, to defer item **5c: UDO-TA-2021-2261 Adam Thomas** until November 16, 2021, at request of the applicant. Seconded by B. Levine.

Called vote: 6:0. **Motion approved unanimously.**

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

Chairman Deese opened the floor to general comments from the public. None signed in to speak; floor is closed to comment

4. APPROVE MINUTES

a. September 21, 2021 Regular Minutes

Chairman Deese moved to approve September 2, 2021 Workshop Minutes as written. T. Neely abstained as absent from 9/2/2021 meeting.

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

b. October 7, 2021 Workshop Meeting

Chairman Deese called for a motion to approve October 7, 2021 Workshop Minutes as written. A. Patterson abstained as absent from 10/7/2021 workshop.

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

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

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 from 6 to 10; and number of residents per bedroom from 1 to 2.

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

Questions to staff: none.

Comment from applicant(s):

Attorney **Lawrence Shaheen Jr** (Davidson NC) on behalf of House of Pearls (directed by His Perfect Love Ministries). Thanks to the Staff and Commission for their consideration. House of Pearls is a faith-based residential addiction treatment program, with a nearby facility in Monroe NC. Would like to expand the successful program into SC. The accountability structure requires double occupancy of rooms.

Questions from Commissioners: none.

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

Chairman Deese closed Public hearing.

Called for a motion on item **5a: UDO-TA-2021-2121**

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

Discussion:

S. Hinson describes the program as one of the best ministries she has ever seen.

Called vote: 6:0. **Motion is approved unanimously.**

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

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.

*** See amended text provided by R. Tefft attached.**

Staff Presentation: Robert Tefft, Senior Planner presented the application consistent with the staff report. Change would eliminate the option of a lesser setback in the HCO, and setbacks would therefore conform to surrounding zoning requirements.

Staff Recommendations: Approval.

Questions to staff: B. Levine and T. Neely confirm interpretation of reading of new text in section (b), that expansion of existing structures could not increase non-conformity.

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

Chairman Deese closed Public hearing.

Called for a motion on item **5b: UDO-TA-2021-2251**

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

Discussion: B. Levine hopes that this update will help development of intersections needing turn lanes in the Highway Corridor Overlay. T. Neely suggests rewording to clarify part (b).

Called vote: 6:0. **Motion is approved unanimously.**

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

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.

Item deferred to November 16, 2021 meeting by request of applicant.

d. RZ-2021-1951 Andrade

Application by Noel Andrade to rezone 1535 Jordan Street, Lancaster SC (TM 0082M-ON-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 presented the application consistent with the staff report. Staff Recommendations: Approval.

Questions to staff: B. Levine asked about instances where documents refer to LDR; staff confirmed that this was inadvertent. Request is INS to MDR.

Comment from applicant(s): not present.

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

Chairman Deese closed Public hearing.

Called for a motion on item **5d: RZ-2021-1951**

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

Discussion: none.

Called vote: 6:0 **Motion is approved unanimously.**

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

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.

Staff Presentation: Ashley Davis, Senior Planner presented the application consistent with the staff report. Staff Recommendations: Denial; unless part of a policy change concurrent with rezoning the general area.

Questions to staff: none.

Comment from applicant(s):

Edgar Granados (resident of Westwind Lane, Indian Land). The applicant wishes to relocate a mobile home residence for a family member who must vacate a lot that was rezoned to commercial district on Kohut Road **See attached letter and petition with neighbors' signatures.**

Questions from Commissioners: none.

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

Chairman Deese closed Public hearing.

Called for a motion on item **5e: RZ-2021-2015**

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

Discussion:

- **B. Levine** stated that because the homeowner was displaced by Commission's prior action in the Kohut rezoning, [see RZ-2021-0962 Hoopaugh, Planning Commission June 16, 2021 item 5d, approved by Council as County Ordinance 2021-1754] and because the large amount of non-conforming lots in the area contradicts the definition of spot-zoning, he is inclined to approve the application.
- **T. Neely** stated that she would support rezoning if it was part of a larger policy change for the area, but without that context it raises the concern of spot-zoning.
- **Alan Patterson** stated that he understands the applicant's position, but feels that the policy intent to restrict future mobile homes in the area is clear, and he does not support the application.
- **S. Hinson** stated that the Commission has approved similar rezonings and does not consider them a problem.
- **Attorney DuBose** offered clarification that no past rezonings by the Commission have been deemed spot-zoning under the legal definition of the term.

Called vote: B. Levine: Affirm

A. Patterson: Deny

T. Neely: Deny

S. Hinson: Affirm

J. Barnett: Affirm

C. Deese: Affirm

Vote is 4:2 in favor. **Motion is approved.**

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. Overview of Next Month's Agenda

(Rox Burhans, Development Services Director)

Items currently slated for 11/16/2021 agenda (and November 4 workshop):

- RZ-2021-2235 Ostendorff/Yarborough Living Trust
- RZ-2021-1921 Panhandle Partners
- RZ-2021-2327 Cox
- SD-2021-0528 Pineview Drive (Arbor Meadows)
- SD-2021-1251 Collins Road Townhomes
- UDO-TA-2021-2261 Adam Thomas (deferred from this agenda)

b. Other:

RZ-2021-1321 McCarthy Development was denied by Council; therefore associated item SD-2019-083 Taylor Morrison/Barber Rock Amendment has no reason to proceed and has been withdrawn.

Discussion: B. Levine asked what concerns Council expressed in its denial of the McCarthy rezoning. Burhans responded that it was not an overall rejection of MDR for that area, but criteria more specific to the project as proposed: lot size compatibility, road width on Tillman Steen Road and the lack of SCDOT input on improvements, and the level of resistance and concern expressed by neighborhood residents.

7. ADJOURN

Call for motion to adjourn. Motion by B. Levine; 2nd by J. Barnett. Unanimous assent.

Meeting adjourned at 6:40 pm



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 3: CITIZENS' COMMENTS (General)

A handwritten signature in blue ink, appearing to be "A".

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, October 19, 2021

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

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5a: **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.

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5b: **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.

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5c **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.

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DEFERRED TO NOV. 16, 2021 MEETING



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5d: **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.

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5e: **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.

Council Chambers
101 N. Main Street, Lancaster South Carolina
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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. Notwithstanding any other provisions of the UDO, existing buildings not in conformity with the 50-foot front setback shall not be precluded from expanding in size based on the setback nonconformity, provided the expansion does not result in further reduction of the 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.

October 18, 2021

RE: Request to Rezone

Honorable Planning Commissioners and County Council Members:

I am writing to you regarding the request made from Mr. Edgar Granados, to rezone the property located at 9923 Southwinds Dr. Indian Land, SC 29707 (TN #0006N-0B-035.00).

As a resident of Southwinds Dr. Community, I would like to express my support to this proposal, so that in this way Mr. Granados can install his parents' mobile home, who have lived and in Lancaster County for more than 15 years.

They have been renting at 9839 Kohut Rd., but now this property has been rezoned to General Business, therefore they must move their mobile home to another place in less than 3 months.

Please find the enclosed list of residents that have signed this letter in favor of the Rezoning.

Thank you for your consideration.

Sincerely.

Southwinds Dr. Residents.

NAME	SIGNATURE	ADDRESS
Michelle Epley	Michelle Epley	10160 Southwinds Dr Indian Land, SC 29707
Cameron	Cameron	10196 Southwinds Dr Indian Land, SC 29707
Dennis Henke	Dennis Henke	10159 Southwinds Dr. Indian Land, SC 29707
Debra	Debra	10161 Southwinds Dr. Indian Land, SC 29707
Melvin Asht	Melvin Asht	10090 Southwinds Dr Indian Land SC 29707
Nancy Mendoza	Nancy Mendoza	10090 Southwinds Dr Indian Land SC 29707
Doan McAuliffe	Doan McAuliffe	10031 Southwinds Dr Indian Land SC 29707
Mami McAuliffe	Mami McAuliffe	10032 Southwinds Indian Land SC 29707
Rafael	Rafael	9969 Southwinds Drive
ATYDE YADIA	Atyde Yadia	9969 Southwinds
Janet Smelser	Janet Smelser	R12 Southwinds Dr 9966 Southwinds Dr Indian Land SC 29707
DALE P SHELLEY	Dale P. Shelley	9958 SOUTHWINDS DR. INDIAN LAND, S.C. 29707
David W Barwick	David Barwick	9847 Southwinds
Luke Rathbun	Luke Rathbun	9881 Southwinds Dr
Don Schmitt	Don Schmitt	9860 SOUTHWINDS DR
Charles Berry	Charles Berry	9845 Southwinds Dr
Marco	Galvez	9844 Southwind Dr

NAME	SIGNATURE	ADDRESS
Elizabeth Danna Eliza Danna		9953 Southwinds Dr
George Brown		851 WESTWIND LANE
KESPA GOMEZ		851 WEST WIND LANE
Ken Christenbury		848 West Wind Lane
RICHARD LESKODY		829 WESTWINDS LANE
Chase Jones		1011 Southwinds Dr
Leonard Broom	Leonard Broome	9987 Southwinds DR.
LEWIS KNOPP	Lewis Knapp	10143 Southwinds Dr
Laura Hershelman		9836 Southwinds Dr
Sherry Caskey	Sherry L. Caskey	9941 Southwinds Drive Fort Mill, SC 29707
Sharon Lingerfelt	Sharon Lingerfelt	839 Westwind LN Indian Land 29707
James Lingerfelt		839 Westwind LN Indian Land SC 29707
Edgar Brancado	Edgar Brancado	818 Westwind LN Indian Land SC 29707