

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Larry Honeycutt
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

August 23, 2021

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

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

AMENDED AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Allen Blackmon**
4. **Approval of the Agenda**
[deletion and additions of non-substantive matter]
5. **Special Presentations**
 - a. Recognition of the Coroner's Office for presenting the COVID-19 Protocol project for the South Carolina Association of Counties J. Mitchell Graham award - Presentation by Chairman Steve Harper
 - b. Recognition of Lancaster County as the 2021 Winner of the South Carolina Association of Counties Barrett Lawrimore Memorial Regional Cooperation Award for Operation Significant Impact (Key Partners Lancaster County Sheriff's Office, Sixth Circuit Solicitor's Office, Lancaster County EMS and Lancaster County Coroner's Office) - Presented by Chairman Steve Harper
6. **Citizens Comments**
[Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net 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.]
7. **Consent Agenda**
[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather

than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]

- a. Approval of Minutes from the July 21, 2021 County Council Committee Of The Whole Meeting
- b. Approval of Minutes from the August 9, 2021 County Council Regular Meeting
- c. 3rd Reading of Ordinance 2021-1744 regarding Rezoning Property Located at 10925 Pettus Farm Road from LDR to MDR (Applicant Anthony Haltom, Sr.)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 5.24 Acre Tract Of Property (TMS# 0003-00-051.00), Located At 10925 Pettus Farm Road, Lancaster, South Carolina, From LDR, Low Density Residential District, To MDR, Medium Density Residential District. - ***Planning Department Case Number: RZ-2021-0753. The Planning Commission recommended approval by unanimous vote. Passed 6-0 at the July 19, 2021 County Council Meeting (Billy Mosteller Absent). Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***
- d. 3rd Reading of Ordinance 2021-1748 regarding Rezoning Property Located at 585 Monroe Highway from INS to LDR (Applicant Jacob Meeks)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 1.67 Acre Tract Of Property (TMS# 0061-00-011.00), Located At 585 Monroe Highway, Lancaster, South Carolina, From INS, Institutional District, To LDR, Low Density Residential District. - ***Planning Department Case Number: RZ-2021-0917. The Planning Commission recommended approval by a vote of 5-0. Passed 6-0 at the July 19, 2021 County Council Meeting (Billy Mosteller Absent). Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***
- e. 3rd Reading of Ordinance 2021-1749 regarding Rezoning A Portion of Property Located near the Intersection of Pageland Highway and Rocky River Road from RR to RUB (Applicant WTC of Lancaster, LLC)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A One Acre Portion Of Property (A Portion Of TMS# 0058-00-116.00), Located Near The Intersection Of Pageland Highway And Rocky River Road, Lancaster, South Carolina, From RR, Rural Residential District, To RUB, Rural Business District. - ***Planning Department Case Number: RZ-2021-0959. Planning Commission recommended approval by a vote of 5-0. Passed 6-0 at the July 19, 2021 County Council Meeting (Billy Mosteller Absent). Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***
- f. 3rd Reading of Ordinance 2021-1757 regarding Approval of a Sewer Easement Grant to Lancaster County Water and Sewer District
Ordinance Title: An Ordinance To Approve An Easement Grant To Lancaster County Water And Sewer District Upon Real Property Owned By Lancaster County Bearing Tax Parcel Number 0003-00-041.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easement And To Effectuate The Purposes Of This Ordinance. - ***Passed 6-0 at the July 19, 2021 County Council Meeting (Billy Mosteller Absent). Passed 7-0 at the August 9, 2021 County Council Meeting. - Steve Willis/John DuBose***
- g. 2nd Reading of Ordinance 2021-1753 regarding Rezoning Property from NB to GB (Applicant Melinda Hoopaugh)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A .8 Acre Tract Of Property (TMS# 0006N-0B-005.01) Located At Fort Mill Highway And Kohut Drive, Lancaster, South Carolina, From NB, Neighborhood Business District, To GB, General Business District - ***Planning Department Case Number: RZ-2021-0961. The Planning Commission recommended approval by unanimous vote. Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***
- h. 2nd Reading of Ordinance 2021-1754 regarding Rezoning Property Located at 9839 Kohut Drive from MDR to GB (Applicant Melinda Hoopaugh)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To

Rezone A 1.0 Acre Tract Of Property (TMS# 0006N-0B-008.00) Located At 9839 Kohut Drive, Lancaster, South Carolina, From MDR, Medium Density Residential District, To GB, General Business District - ***Planning Department Case Number: RZ-2021-0962. The Planning Commission recommended approval by a vote of 4-1. Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***

- i. 2nd Reading of Ordinance 2021-1758 regarding Adoption of a Small Area Master Plan Extension to the Southern Panhandle Small Area Plan
Ordinance Title: An Ordinance Adopting Amendments To Elements Of The Comprehensive Plan For Lancaster County, South Carolina, By Adoption Of An Extension Of The Southern Panhandle Small Area Plan - ***The Planning Commission recommended approval by unanimous vote. Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***
- j. 2nd Reading of Ordinance 2021-1760 regarding Amending the Future Land Use Map and Change the Future Land Use Designation for Two Parcels of Property From Rural Living to Special District - Industrial (Applicant Shaun Williams)
Ordinance Title: An Ordinance To Approve The Request Of Williams Fabrication And Industrial To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024 To Change The Future Land Use Designation On The Future Land Use Map For Two Parcels Totaling Approximately 7.06 Acres In Size Located At 8921 & Unaddressed Kershaw Camden Highway From Rural Living To Special District-Industrial (TMS # 0159-00-127.00 & 0159-00-121.01). - ***Planning Department Case Number: CP-2021-1233. The Planning Commission recommended approval by unanimous vote. Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***
- k. 2nd Reading of Ordinance 2021-1759 regarding Rezoning Two Parcels of Property from AR to LI (Applicant Shaun Williams)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Two Parcel Of Property Totaling 7.06 Acres (TMS# 0159-00-127.00 And 0159-00-121.01), Located At 8921 & Unaddressed Kershaw Camden Highway, Kershaw, South Carolina From AR, Agricultural Residential District, To LI, Light Industrial District. - ***Planning Department Case Number: RZ-2021-1233. The Planning Commission recommended approval by unanimous vote. Passed 7-0 at the August 9, 2021 County Council Meeting. - Rox Burhans***

8. Non-Consent Agenda

- a. Resolution 1162-R2021 regarding Request that the General Assembly Allow Counties to Increase the Millage Cap
Resolution Title: A Resolution To Express Lancaster County Council's Request That The General Assembly Allow Counties To Increase The Millage Cap Set By Section 6-1-320 Of The S.C. Code Of Laws In The Limited Manner Set Out In Senate Bill 401. - ***Steve Willis***
- b. Resolution 1163-R2021 regarding Approval of the Pleasant Valley Fire Protection Fee Funding a Design Professional to prepare Schematics for the Harrisburg Station
Resolution Title: A Resolution To Approve Pleasant Valley Fire Protection District Fee Funding Related To Engaging A Design Professional To Prepare Schematics For The Harrisburg Station. - ***Steve Willis***
- c. Public Hearing and 2nd Reading of Ordinance 2021-1761 regarding Adopting a School Development Impact Fee
Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A School Development Impact Fee ("Impact Fee") To Be Imposed On All New Residential Development In The Lancaster County School Panhandle Service Area; To Ensure That School Facility System Improvements Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From The School Children In New Residential Developments In The Panhandle Of Lancaster County School Service Area Based On The School District's Level Of Service Standards And Capital Improvements Plan, And To Assign

The Costs Of Such Public School Facilities On A Proportionate Share Basis To New Residential Development In The Service Area; And Establishment Of An Intergovernmental Agreement Between Lancaster County And The Lancaster County School District, To Ensure Proper Implementation And Administration Of The School Development Impact Fee Ordinance - ***The Planning Commission recommended approval of the fee at 60% of the maximum amount. Passed 7-0 for approval of the fee at 100% of the maximum amount at the August 9, 2021 County Council Meeting. - Steve Willis/John DuBose***

- d. Public Hearing and 2nd Reading of Ordinance 2021-1762 regarding Provision of Guidance in Response to South Carolina's Enactment of the Open Carry With Training Act

Ordinance Title: An Ordinance To Provide Guidance To The Citizens Of Lancaster County In Response To South Carolina's Enactment Of The Open Carry With Training Act, Relating Specifically To The County's Authority To Regulate The Open Carrying Of A Firearm On Public Property During Certain Events - ***Passed 7-0 at the August 9, 2021 County Council Meeting. - Steve Willis/John DuBose***

- e. Public Hearing and 2nd Reading of Ordinance 2021-1763 regarding the Authorization of the Issuance and Sale of Not Exceeding \$7,250,000 Special Obligation Bonds, Series 2021 (for Fire Apparatus)

Ordinance Title: Authorizing The Issuance And Sale Of Not Exceeding \$7,250,000 Special Obligation Bonds, Series 2021, Or Such Other Appropriate Series Designation, And The Execution And Delivery Of An Acquisition, Use And Security Agreement In Connection Therewith Or The Execution And Delivery Of A Direct Placement Acquisition, Use And Security Agreement By Lancaster County, South Carolina; Fixing Certain Of The Details Of The Bonds And The Appropriate Agreement; Authorizing The County Administrator To Determine Certain Matters Relating To The Bonds And The Appropriate Agreement; Providing For The Payment Of The Bonds Or Direct Placement Agreement And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto. - ***Passed 7-0 at the August 9, 2021 County Council Meeting. - Steve Willis/John DuBose***

- f. 3rd Reading of Ordinance 2021-1720 regarding Amending the Lancaster County Code of Ordinances Entitled, "Motor Vehicles And Traffic"

Ordinance Title: An Ordinance To Amend Chapter 21 Of The Lancaster County Code Of Ordinances Entitled, "Motor Vehicles And Traffic," To Provide Necessary Updates To The Chapter Governing The Disposition Of Derelict Or Abandoned Vehicles On Public Or Private Property. - ***Passed 6-0 at the June 14, 2021 County Council Meeting (Charlene McGriff Absent). Public Hearing held but 2nd Reading of Ordinance deferred at the June 28, 2021 County Council Meeting. Passed 6-1 at the August 9, 2021 County Council Meeting (Billy Mosteller Opposed). - John DuBose***

- g. 2nd Reading of Ordinance 2021-1755 regarding Rezoning Property Located at 2329 and 2347 Charlotte Highway from LDR and PB to GB (Applicant S & KB Properties)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 13.25 Acres Of Property (TMS# 0049-00-097.00 & 0049-00-96.00), Located At 2329 & 2347 Charlotte Highway, Lancaster, South Carolina, From LDR, Low Density Residential District, And PB, Professional Business District, To GB, General Business District. - ***Planning Department Case Number: RZ-2021-1687. The Planning Commission recommended approval by unanimous vote. Passed 6-0-1 at the August 9, 2021 County Council Meeting (Allen Blackmon Abstained). - Rox Burhans***

- h. 1st Reading of Ordinance 2021-1764 regarding Approving Amendments to the Assessment Roll 2007 Indenture for the Edgewater II Improvement District

Ordinance Title: An Ordinance To Approve The Updated 2021 Assessment Roll For The Edgewater II Improvement District; To Authorize Certain Modifications To The Assessment Roll Relating To The Edgewater II Improvement District And \$9,229,000 Original Principal Amount Edgewater II Improvement District Assessment Revenue Bonds, Series 2007A And \$19,651,000 Original Principal Amount Edgewater II Improvement District Assessment Revenue Bonds, Series 2007B Issued In

Connection Therewith; To Provide For The Execution Of A Multi-Party Agreement For Development Of Edgewater II, A Second Supplemental Indenture Thereto And Other Related Documents For The Series 2007A Bonds And The Series 2007B Bonds; And To Provide For Other Matters Relating Thereto - ***Steve Willis/John DuBose***

9. Discussion and Action Items

- a. Approval of Appointment to the Health and Wellness Commission
 - Kylie Craig to the Health and Wellness Commission as the District 7 representative to fill a four year term that would end on 06/30/2025 (1st Term)
- b. Public Comment on the Edward Byrne Justice Assistance Grant (JAG) for 2021 - Steve Willis/Sheriff Barry Faile
- c. Group Quarters in 2020 Census - Steve Willis
- d. Information Only regarding Federal Aviation Administration (FAA) Application for Grant - Steve Willis
- e. Potential Discussion on American Rescue Plan (ARP) Items - Steve Willis

10. Status of items tabled, recommitted, deferred or held

- a. DEFERRED - 2nd Reading of Ordinance 2021-1728 regarding Amending the Unified Development Ordinance (UDO) for Outdoor Shooting Ranges/Turkey Shoots
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; And Section 5.12.4, Temporary Uses With Specific Requirements; To Modify Those Zoning Districts In Which An Outdoor Shooting Range Is A Permissible Use And To Modify Those Regulations Concerning How An Outdoor Shooting Range May Be Permitted, As Well As Providing For Turkey Shoots As A Temporary Use In Certain Zoning Districts And The Standards By Which Turkey Shoots May Be Approved. - ***Planning Department Case Number: UDO-TA-2020-2957. Planning Commission recommended approval by a vote of 5-2. Passed 6-0 at the April 12, 2021 County Council Meeting (Terry Graham Abstained).***

11. Miscellaneous Reports and Correspondence

12. Citizens Comments

[If Council delays until end of meeting]

13. Executive Session

[motions from Members may follow]

- a. Six Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):
 - 1. One Legal Briefing on a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***
 - 2. Discussion of Three Separate Contractual Matters. SC Code 30-4-70(a)(2).***
 - 3. Discussion of Two Separate Personnel Matters. SC Code 30-4-70(a)(1).***

14. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council 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 #: N/A

Contact Person / Sponsor: Sherrie Simpson / Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Approve or amend the minutes from the July 21, 2021 County Council Committee Of The Whole meeting.

Points to Consider:

The draft minutes from the July 21, 2021 County Council Committee Of The Whole meeting are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 7-21-2021 Committee of the Whole Meeting	8/17/2021	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Larry Honeycutt
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

July 21, 2021

4:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
COMMITTEE OF THE WHOLE
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

MINUTES

Council Members present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper and Charlene McGriff.

Council Members absent: Larry Honeycutt and Billy Mosteller.

Staff Members/Others present: Steve Willis, County Administrator; Kim Belk, Interim Deputy County Administrator/Budget Director; Chelsea Gardner, Deputy Clerk to Council; John DuBose, County Attorney; Veronica Thompson, Chief Financial Officer; Rox Burhans, Development Services Director; Jeff Catoe, Public Services Director; Scott Edgar, County Engineer; Clay Catoe, EMS Director; Shannon Catoe, Zoning Director; various Department Heads; various staff and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

Call to Order - Chairman Steve Harper

Chairman Steve Harper called the Committee of the Whole meeting to order at approximately 4:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Brian Carnes

Brian Carnes led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of Agenda

Charlene McGriff moved to approve the agenda. Seconded by Brian Carnes. Motion Passed 5-0.; Absent: Honeycutt, Mosteller

Citizens Comments

The following citizens signed up to speak during Citizens Comments: None.

The following citizens submitted written comments for Citizens Comments: None.

Discussion and Action Items

Potential Upgrade of Culvert Work on Henry Harris Road - Steve Willis/Scott Edgar

Steve Willis explained that Lennar was upgrading the culvert on Henry Harris Road as part of their development. He further explained that, because of the potential growth upstream of the basin, the County Engineer is recommending that the County upsize that culvert while Lennar is already working on it.

Scott Edgar, the County Engineer, reviewed a power point presentation explaining why the culvert needed to be upsized and also provided an update on other stormwater projects and that presentation is attached as Schedule A to the written minutes in the Clerk to Council's office.

Steve Willis explained that the proposal will come back before Council in the form of a Resolution once the numbers have been finalized.

Discussion of Ordinance 2021-1720 regarding Amending the Lancaster County Code of Ordinances Entitled, "Motor Vehicles And Traffic"

Ordinance Title: An Ordinance To Amend Chapter 21 Of The Lancaster County Code Of Ordinances Entitled, "Motor Vehicles And Traffic," To Provide Necessary Updates To The Chapter Governing The Disposition Of Derelict Or Abandoned Vehicles On Public Or Private Property. - *Passed 6-0 at the June 14, 2021 County Council Meeting (Charlene McGriff Absent). Deferred at the June 28, 2021 County Council Meeting. - Steve Willis/John DuBose*

Council and staff discussed why this section of the Code of Ordinances needed to be updated, how the Ordinance would be administered, how it might effect citizens and special cases/exemptions from the requirements. Shannon Catoe, Zoning Director, explained how staff would enforce the Ordinance and explained what other Counties were doing in regards to derelict vehicles.

Discussion of Potential Uses for ARP Funding - Steve Willis

Steve Willis discussed possible uses for the American Rescue Plan (ARP) funding. He explained that at the next Council meeting, he would ask Council to determine a process for identifying potential projects. He recommended using an application process similar to the Capital Project Sales Tax.

Council and staff discussed whether the funds should be used for infrastructure that would have long term impacts on the community. Council asked staff to come up with a process for identifying potential projects.

Potential Uses for Excess CPST 2 Funds - Steve Willis

Steve Willis explained that there were two potential projects up for discussion for the use of excess funds from Capital Project Sales Tax (CPST) #2: a proposal for sidewalks from the University of South Carolina at

Lancaster and a proposal for road upgrades for Regent Parkway and Walnut Creek Parkway. He further explained that the funds could be used to help fund the first project for CPST #3 instead, which would be the Detention Center. He noted that Council would have to approve the projects via Ordinance.

Citizen Comments

All citizens were heard during the Citizens Comments held at the beginning of the meeting.

Adjournment

Brian Carnes moved to adjourn the Committee of the Whole meeting. Seconded by Terry Graham. Motion to adjourn Passed 5-0.; Absent: Honeycutt, Mosteller. There being no further business, the Committee of the Whole meeting adjourned at approximately 4:55 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson / Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Approve or amend the minutes from the August 9, 2021 County Council regular meeting.

Points to Consider:

The draft minutes from the August 9, 2021 County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 8-9-2021 County Council Regular Meeting	8/18/2021	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Larry Honeycutt
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

August 9, 2021

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

MINUTES

Council Members present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller.

Council Members absent: None.

Staff Members/Others present: Steve Willis, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Clay Catoe, EMS Director; Jamie Gilbert, Economic Development Director; Katie See, Senior Planner; Robert Tefft, Planner; Suzette Murphy, Auditor; Frannie Heizer, via Conference Call, Attorney with Burr Forman; various Elected Officials; various Department Heads; various staff; the press; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

Call to Order Regular Meeting - Chairman Steve Harper

Chairman Steve Harper called the regular meeting of County Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Billy Mosteller

Billy Mosteller led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff.

Allen Blackmon moved to amend the Non-Consent Agenda to place **Item 8m (1st Reading of Ordinance 2021-1763)** as the 2nd item on the Non-Consent Agenda, to place **Item 8k (1st Reading of Ordinance 2021-1761)** as the 3rd item on the Non-Consent Agenda and to place **Item 8l (1st Reading of Ordinance 2021-1762)** as the 4th item on the Non-Consent Agenda. Seconded by Larry Honeycutt.

Steve Willis requested that **Item 8g (Public Hearing and 1st Reading of Ordinance 2021-1756)** be removed from the agenda because the request was withdrawn by the applicant. Steve Harper asked Allen Blackmon if would be willing to add that information to his motion to amend and he stated that he would. Motion to Amend Passed 7-0.

The motion to approve the agenda as amended Passed 7-0.

Special Presentations

Chairman Steve Harper recognized Clay Catoe and the EMS Department for winning a 2021 Achievement Award from the National Association of Counties for their "EMS Boot Camp" program.

Chairman Steve Harper and EMS' Josh Faulkenberry also recognized Clay Catoe for winning the South Carolina EMS Director of the Year.

Citizens Comments

The following citizens signed up to speak in person during Citizens Comments:

1. Suzette Murphy, Auditor, Lancaster, SC, spoke regarding the need for protective glass in the Auditor's office and the recent tax bills;
2. Melvin Stroble, Indian Land, SC, spoke in support of School Impact Fees;
3. Ken Buck, Indian Land, SC, spoke in support of the School Impact Fees and that they be passed at the full amount;
4. Angela Davis, Indian Land, SC, spoke in support of the School Impact Fees passing at one hundred percent (100%) of the maximum allowable study amount;
5. Bjorn Hansen, Indian Land, SC, spoke in support of the School Impact Fees passing at one hundred percent (100%) of the maximum allowable study amount;
6. Jessie Adams, Lancaster, SC, spoke in regards to Ordinance 2021-1720; and
7. Mike Neese, Indian Land, SC, spoke in support of the School Impact Fees passing at one hundred percent (100%) of the maximum allowable study amount.

The following citizens submitted written comments for Citizens Comments, which were acknowledged during the meeting by the County Administrator and for which each Council Member received a written copy of the comment at their seat:

1. James and Debbie LoPiccolo, Indian Land, SC, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule A to the written minutes in the Clerk to Council's office;
2. Stan Wilson, Jr., Indian Land, SC, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule B to the written minutes in the Clerk to Council's office;
3. Marilyn Ginsberg-Finner, Indian Land, SC, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule C to the written minutes in the Clerk to Council's office;

4. Kathy and John Moellman, Indian Land, SC, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule D to the written minutes in the Clerk to Council's office;
5. Lois Breau, Indian Land, SC, sent in two written comments in support of the School Impact Fees passing at the full allowable amount of the study and those comments are attached as Schedule E to the written minutes in the Clerk to Council's office;
6. Ida V. White, Indian Land, SC, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule F to the written minutes in the Clerk to Council's office;
7. Valerie Amidon, no address given, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule G to the written minutes in the Clerk to Council's office;
8. Stephanie Houser, Indian Land, SC, sent in a written comment in support of the School Impact Fees and that comment is attached as Schedule H to the written minutes in the Clerk to Council's office;
9. Linda Manfre, Indian Land, SC, sent in a written comment in support of the School Impact Fees passing at the full allowable amount of the study and that comment is attached as Schedule I to the written minutes in the Clerk to Council's office; and
10. James and Kimberly Allen, Indian Land, SC, sent in a written comment in support of the School Impact Fees and that comment is attached as Schedule J to the written minutes in the Clerk to Council's office.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a., 7b., 7c. and 7d.** *[as listed in the Agenda packet, which are the same as Item a., Item b., Item c. and Item d. listed below]*. Seconded by Terry Graham. Motion Passed 7-0.

- a. **Approval of Minutes from the July 19, 2021 County Council Regular Meeting**
- b. **2nd Reading of Ordinance 2021-1744 regarding Rezoning Property Located at 10925 Pettus Farm Road from LDR to MDR (Applicant Anthony Haltom, Sr.)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 5.24 Acre Tract Of Property (TMS# 0003-00-051.00), Located At 10925 Pettus Farm Road, Lancaster, South Carolina, From LDR, Low Density Residential District, To MDR, Medium Density Residential District. - ***Planning Department Case Number: RZ-2021-0753.***

- c. **2nd Reading of Ordinance 2021-1748 regarding Rezoning Property Located at 585 Monroe Highway from INS to LDR (Applicant Jacob Meeks)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 1.67 Acre Tract Of Property (TMS# 0061-00-011.00), Located At 585 Monroe Highway, Lancaster, South Carolina, From INS, Institutional District, To LDR, Low Density Residential District. - ***Planning Department Case Number: RZ-2021-0917.***

- d. **2nd Reading of Ordinance 2021-1749 regarding Rezoning A Portion of Property Located near the Intersection of Pageland Highway and Rocky River Road from RR to RUB (Applicant WTC of Lancaster, LLC)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A One Acre Portion Of Property (A Portion Of TMS# 0058-00-116.00), Located Near The Intersection Of Pageland Highway And Rocky River Road, Lancaster, South Carolina, From RR, Rural Residential District, To RUB, Rural Business District. - ***Planning Department Case Number: RZ-2021-0959.***

Non-Consent Agenda

Resolution 1161-R2021 regarding Authorization for the Issuance and Sale of General Obligation Bonds for Reid Pointe Special Tax District

Resolution Title: A Resolution To Authorize The Issuance And Sale Of A Not To Exceed \$650,000 General Obligation Bond Anticipation Note, Series 2021, Of Lancaster County, South Carolina, Or Such Other Appropriate Series Designation (Reid Pointe Special Tax District); To Provide For The Payment Of The Note And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.

Brian Carnes moved to approve Resolution 1161-R2021. Seconded by Charlene McGriff. Motion Passed 7-0.

1st Reading of Ordinance 2021-1763 regarding the Authorization of the Issuance and Sale of Not Exceeding \$7,250,000 Special Obligation Bonds, Series 2021 (for Fire Apparatus)

Ordinance Title: Authorizing The Issuance And Sale Of Not Exceeding \$7,250,000 Special Obligation Bonds, Series 2021, Or Such Other Appropriate Series Designation, And The Execution And Delivery Of An Acquisition, Use And Security Agreement In Connection Therewith Or The Execution And Delivery Of A Direct Placement Acquisition, Use And Security Agreement By Lancaster County, South Carolina; Fixing Certain Of The Details Of The Bonds And The Appropriate Agreement; Authorizing The County Administrator To Determine Certain Matters Relating To The Bonds And The Appropriate Agreement; Providing For The Payment Of The Bonds Or Direct Placement Agreement And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2021-1763. Seconded by Charlene McGriff.

Steve Willis noted for the record that the fire apparatus would include three (3) aerial trucks and a mobile command post at the amount approved by Council. Bond counsel Frannie Heizer, who joined the meeting via phone, answered questions regarding the bond process.

The motion to approve the 1st Reading of Ordinance 2021-1763 Passed 7-0.

1st Reading of Ordinance 2021-1761 regarding Adopting a School Development Impact Fee

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A School Development Impact Fee ("Impact Fee") To Be Imposed On All New Residential Development In The Lancaster County School Panhandle Service Area; To Ensure That School Facility System Improvements Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From The School Children In New Residential Developments In The Panhandle Of Lancaster County School Service Area Based On The School District's Level Of Service Standards And Capital Improvements Plan, And To Assign The Costs Of Such Public School Facilities On A Proportionate Share Basis To New Residential Development In The Service Area; And Establishment Of An Intergovernmental Agreement Between Lancaster County And The Lancaster County School District, To Ensure Proper Implementation And Administration Of The School Development Impact Fee Ordinance

Terry Graham moved to approve the 1st Reading of Ordinance 2021-1761. Seconded by Allen Blackmon.

Brian Carnes moved to amend the motion to substitute the current rates in the Ordinance to the maximum rate proposed by the School District. John DuBose explained, as a point of order, that the current version of the Ordinance did include the full fee amount.

Council and staff discussed the Intergovernmental Agreement that would be needed between the School District and Lancaster County, which would include an administration fee, and they discussed the reasons behind the Planning Commission recommendation to approve the fee at a reduced rate. Brian Carnes withdrew his motion to amend.

Jonathan Phipps, Superintendent of the Lancaster County School District, introduced the speakers that would follow and thanked the citizens who spoke in support of the School Impact Fees.

Carson Bise of TischlerBise provided and reviewed a power point presentation entitled, "Impact Fee Study Overview, Lancaster County School District, SC, August 9th, 2021," and that presentation is attached as Schedule K to the written minutes in the Clerk to Council's office.

Jennifer White, Chief Financial Officer at the Lancaster County School District, provided and reviewed a power point presentation entitled, "Lancaster County School District Impact Fee, Proposal to Address Indian Land Area Student Needs," and that presentation is attached as Schedule L to the written minutes in the Clerk to Council's office.

After discussion, the motion to approve the 1st Reading of Ordinance 2021-1761 Passed 7-0.

Council and staff discussed a possible implementation date for the fee and Council asked that the implementation date be discussed during the 2nd Reading of the Ordinance.

1st Reading of Ordinance 2021-1762 regarding Provision of Guidance in Response to South Carolina's Enactment of the Open Carry With Training Act

Ordinance Title: An Ordinance To Provide Guidance To The Citizens Of Lancaster County In Response To South Carolina's Enactment Of The Open Carry With Training Act, Relating Specifically To The County's Authority To Regulate The Open Carrying Of A Firearm On Public Property During Certain Events

Terry Graham moved to approve the 1st Reading of Ordinance 2021-1762. Seconded by Larry Honeycutt.

Council and staff discussed which staff would be determining who gets the permit, at what events the act would apply, the Sheriff's stance on the Ordinance, what would be the required notice for the permit, the permit process and the costs that would be associated with the permit. Council requested that the actual permit application be provided to them at the next Council meeting.

The motion to approve the 1st Reading of Ordinance 2021-1762 Passed 7-0.

2nd Reading of Ordinance 2021-1720 regarding Amending the Lancaster County Code of Ordinances Entitled, "Motor Vehicles And Traffic"

Ordinance Title: An Ordinance To Amend Chapter 21 Of The Lancaster County Code Of Ordinances Entitled, "Motor Vehicles And Traffic," To Provide Necessary Updates To The Chapter Governing The Disposition Of Derelict Or Abandoned Vehicles On Public Or Private Property.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1720. Seconded by Terry Graham. Motion Passed 6-1. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff; Nays: Mosteller

Public Hearing and 2nd Reading of Ordinance 2021-1757 regarding Approval of a Sewer Easement Grant to Lancaster County Water and Sewer District

Ordinance Title: An Ordinance To Approve An Easement Grant To Lancaster County Water And Sewer District Upon Real Property Owned By Lancaster County Bearing Tax Parcel Number 0003-00-041.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easement And To Effectuate The Purposes Of This Ordinance.

Steve Willis noted, for the record, that no one signed up for the Public Hearing for Ordinance 2021-1757.

Steve Harper opened the Public Hearing for the Ordinance at approximately 8:03 p.m.

There were approximately 16 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:03 p.m.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2021-1757. Seconded by Allen Blackmon.

Motion Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1753 regarding Rezoning Property from NB to GB (Applicant Melinda Hoopaugh)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A .8 Acre Tract Of Property (TMS# 0006N-08-005.01) Located At Fort Mill Highway And Kohut Drive, Lancaster, South Carolina, From NB, Neighborhood Business District, To GB, General Business District - *Planning Department Case Number: RZ-2021-0961.*

Steve Harper opened the Public Hearing for Ordinance 2021-1753 at approximately 8:06 p.m.

Steve Willis noted that one person signed up to speak at the Public Hearing for the Ordinance.

There were approximately 15 citizens in attendance during the Public Hearing for this Ordinance.

The following speaker(s) signed up to make comments or sent in written comments regarding the Public Hearing for this Ordinance:

- Melinda Hoopaugh signed up to speak; however, when the Chairman called her name and asked if she wanted to speak, she declined, as long as she would be allowed to address Council with any questions that they may have regarding the project.

Steve Harper closed the Public Hearing at approximately 8:07 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1753. Seconded by Billy Mosteller.
Motion Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1754 regarding Rezoning Property Located at 9839 Kohut Drive from MDR to GB (Applicant Melinda Hoopaugh)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 1.0 Acre Tract Of Property (TMS# 0006N-08-009.00) Located At 9839 Kohut Drive, Lancaster, South Carolina, From MDR, Medium Density Residential District, To GB, General Business District - *Planning Department Case Number: RZ-2021-0962.*

Steve Harper opened the Public Hearing for Ordinance 2021-1754 at approximately 8:09 p.m.

Steve Willis noted that one person signed up to speak at the Public Hearing for the Ordinance.

There were approximately 15 citizens in attendance during the Public Hearing for this Ordinance.

The following speaker(s) signed up to make comments or sent in written comments regarding the Public Hearing for this Ordinance:

- Melinda Hoopaugh signed up to speak; however, when the Chairman called her name, she did not speak but reserved the right to address Council regarding any questions that they may have about the project.

Steve Harper closed the Public Hearing at approximately 8:09 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1754. Seconded by Larry Honeycutt.
Motion Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1755 regarding Rezoning Property Located at 2329 and 2347 Charlotte Highway from LDR and PB to GB (Applicant S & KB Properties)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 13.25 Acres Of Property (TMS# 0049-00-096.00 & 0049-00-97.00), Located At 2329 & 2347 Charlotte Highway, Lancaster, South Carolina, From LDR, Low Density Residential District, And PB, Professional Business District, To GB, General Business District. - *Planning Department Case Number: RZ-2021-1687.*

Allen Blackmon recused himself from the discussion and vote on the 1st Reading of Ordinance 2021-1755. His Statement of Recusal is on file with the minutes in the Clerk to Council's office and is attached to those minutes as Schedule M. He left chambers at approximately 8:13 p.m.

Steve Harper opened the Public Hearing for Ordinance 2021-1755 at approximately 8:15 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 13 citizens in attendance during the Public Hearing for this Ordinance. The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None. Steve Harper closed the Public Hearing at approximately 8:15 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1755. Seconded by Brian Carnes. Motion Passed 6-0.; Abstain: Blackmon

Allen Blackmon returned to Chambers at approximately 8:18 p.m. and rejoined the Council meeting.

Public Hearing and 1st Reading of Ordinance 2021-1756 regarding Rezoning Four Parcels of Property Totaling Approximately 32.5 Acres from LDR and PB to GB (Applicant Fred and Nancy Brackett)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 32.5 Acres Of Property (TMS # 0049-00-102.00 & 0049-00-103.00 & 0049-00-082.01 & 0049-00-104.02), Located At 2400, 2420, 2440 & Unaddressed Charlotte Highway, Lancaster, South Carolina, From LDR, Low Density Residential District, And PB, Professional Business District, To GB, General Business District. - *Planning Department Case Number: RZ-2021-0942.*

This rezoning request was withdrawn by the applicant and the item was removed from the agenda by unanimous vote during the Approval of the Agenda.

Public Hearing and 1st Reading of Ordinance 2021-1758 regarding Adoption of a Small Area Master Plan Extension to the Southern Panhandle Small Area Plan

Ordinance Title: An Ordinance Adopting Amendments To Elements Of The Comprehensive Plan For Lancaster County, South Carolina, By Adoption Of An Extension Of The Southern Panhandle Small Area Plan

Steve Harper opened the Public Hearing for Ordinance 2021-1758 at approximately 8:34 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 13 citizens in attendance during the Public Hearing for this Ordinance. The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None. Steve Harper closed the Public Hearing at approximately 8:34 p.m.

Terry Graham moved to approve the 1st Reading of Ordinance 2021-1758. Seconded by Brian Carnes. Motion Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1760 regarding Amending the Future Land Use Map and Change the Future Land Use Designation for Two Parcels of Property From Rural Living to Special District - Industrial (Applicant Shaun Williams)

Ordinance Title: An Ordinance To Approve The Request Of Williams Fabrication And Industrial To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024 To Change The Future Land Use Designation On The Future Land Use Map For Two Parcels Totaling Approximately 7.06 Acres In Size Located At 8921 & Unaddressed Kershaw Camden Highway From Rural Living To Special District-Industrial (TMS # 0159-00-127.00 & 0159-00-121.01). - *Planning Department Case Number: CP-2021-1233.*

Steve Harper opened the Public Hearing for Ordinance 2021-1760 at approximately 8:44 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 13 citizens in attendance during the Public Hearing for this Ordinance. The following speakers came forward to make comments or sent in written comments regarding the Public

Hearing for the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:45 p.m.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2021-1760. Seconded by Billy Mosteller. Motion Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1759 regarding Rezoning Two Parcels of Property from AR to LI (Applicant Shaun Williams)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Two Parcel Of Property Totaling 7.06 Acres (TMS# 0159-00-127.00 And 0159-00-121.01), Located At 8921 & Unaddressed Kershaw Camden Highway, Kershaw, South Carolina From AR, Agricultural Residential District, To LI, Light Industrial District. - *Planning Department Case Number: RZ-2021-1233.*

Steve Harper opened the Public Hearing for Ordinance 2021-1759 at approximately 8:46 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 13 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:46 p.m.

Brian Carnes moved to approve the 1st Reading of Ordinance 2021-1759. Seconded by Allen Blackmon. Motion Passed 7-0.

Discussion and Action Items

Approval of Appointments to various Boards or Commissions

- Gregory Scott Edwards to the Accommodations Tax Advisory Committee as the representative from the Food and Beverage Industry
- Dr. Stephen Criswell to the Accommodations Tax Advisory Committee as the representative from a Cultural Organization
- Fred Witherspoon to the Historical Commission as the District 3 representative to fill an unexpired term that would end on 06/30/2025 (1st Term on Commission)
- Ronald Patton to the Historical Commission as an Advisor to fill an unexpired term that would end on 06/30/2024
- Leocadia Francis to the Library Board as the District 5 representative to fill a four year term ending on 06/30/2025 (1st Term)
- Christopher Amodeo to the Recreation Advisory Board as the District 1 representative to fill a four year term ending on 06/30/2025 (1st Term)
- Melissa Belk to the Health and Wellness Commission as the District 3 representative to fill an unexpired term that would end on 06/30/2023

Larry Honeycutt moved to approve all those that have been picked for appointments. Seconded by Charlene McGriff. Motion Passed 7-0.

Request to proceed with Glass Barriers - Steve Willis

Steve Willis explained that he would like to move forward with the glass barriers in the remainder of the County building and that the estimated costs would be approximately seventy-five thousand dollars (\$75,000.00); however, he also noted that the project would be eligible for reimbursement from federal funds. He explained that he would be asking for cost estimates on the glass barriers, air purifiers for EMS and the Coroner's office and for HVAC units.

Suspension of Annual Leave Time Cap - Steve Willis

Steve Willis explained that the County was looking to suspend the annual leave time cap due to COVID.

Charlene McGriff moved that the annual leave cap be amended from two hundred forty (240) hours to three hundred twenty (320) hours for the calendar year 2022. Furthermore, she moved that all employees be notified that the cap will revert to two hundred forty (240) hours on January 1, 2023. Seconded by Larry Honeycutt. Motion Passed 7-0.

Discussion of Constituent Concerns regarding New Indy Paper Mill - Chairman Steve Harper

Chairman Steve Harper explained that Council members were hearing concerns from constituents regarding the odor at the New Indy Paper Mill. He explained that the issue was really a legal question and asked County Attorney John DuBose to explain and review the issue.

John DuBose explained that there was a Consent Motion in place in the federal Courts between New Indy, the Department of Health and Environmental Control (DHEC) and the Environmental Protection Agency (EPA). He also noted, for the record, that in that Consent Motion, New Indy has made no admission of issues or violation of its permit. He further noted that DHEC and the EPA were the agencies tasked with monitoring any complaints regarding New Indy. He also explained that DHEC has a complaint form on its website that citizens should use because it helps them gather data for their investigation and that all citizens should be encouraged to use the DHEC website and forms regarding any complaints. He also noted that DHEC and the EPA were the permitting authorities over the facility and were tasked with environmental enforcement.

Status of items tabled, recommitted, deferred or held

- a. DEFERRED - 2nd Reading of Ordinance 2021-1728 regarding Amending the Unified Development Ordinance (UDO) for Outdoor Shooting Ranges/Turkey Shoots

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; And Section 5.12.4, Temporary Uses With Specific Requirements; To Modify Those Zoning Districts In Which An Outdoor Shooting Range Is A Permissible Use And To Modify Those Regulations Concerning How An Outdoor Shooting Range May Be Permitted, As Well As Providing For Turkey Shoots As A Temporary Use In Certain Zoning Districts And The Standards By Which Turkey Shoots May Be Approved. - *Planning Department Case Number: UDO-TA-2020-2957. Planning Commission recommended approval by a vote of 5-2. Passed 6-0 at the April 12, 2021 County Council Meeting (Terry Graham Abstained).*

This item was not discussed during the Council meeting and was for information only for Council and citizens.

Miscellaneous Reports and Correspondence

- a. Grant Approval from Commerce

Steve Willis noted that the Department of Economic Development had received a three hundred thousand dollar (\$300,000.00) grant from Commerce and another twenty-five thousand dollars (\$25,000.00) from Duke Energy to use for the local match.

- b. Government Finance Officer's Association Distinguished Budget Award

Steve Willis recognized Veronica Thompson, Kim Belk and Graham Shuford for winning the Government Finance Officer's Association Distinguished Budget Award.

Steve Harper noted, for the record, that the Council Committee of the Whole meeting scheduled for August 11, 2021 has been canceled.

Citizens Comments

All citizens were heard during the Citizens Comments held at the beginning of the Council meeting.

Executive Session

Five Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. *Two Economic Development Discussions: Project Dream Gold and Project Robin.*
SC Code 30-4-70(a)(5).

2. *Two Legal Briefings on two Separate Pending or Threatened Litigation Matters.*
SC Code 30-4-70(a)(2).

3. *Discussion of a Contractual Matter. SC Code 30-4-70(a)(2).*

Charlene McGriff moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. At approximately 9:08 p.m., Council went into Executive Session to discuss the following items: (1) two economic development discussions: Project Dream Gold and Project Robin, pursuant to SC Code 30-4-70(a)(5); (2) two legal briefings on two separate pending or threatened litigation matters, pursuant to SC Code 30-4-70(a)(2) and (3) discussion of a contractual matter, pursuant to SC Code 30-4-70(a)(2). Senior Planner Katie See was asked to join Council in Executive Session.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 10:30 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Billy Mosteller. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council had two economic development discussions, Project Dream Gold and Project Robin, had two legal briefings on two separate threatened or pending litigation matters and discussed a contractual matter. He explained that, during Executive Session, no votes were taken and no decisions were made.

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Charlene McGriff. The motion to adjourn passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 10:31 p.m.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1744 / Planning Case Number: RZ-2021-0753

Contact Person / Sponsor: Katie See/Senior Planner

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Application by Anthony Haltom, Sr. to rezone approximately 5.24 acres located at 10925 Pettus Farm Road (TM# 0003-00-051.00) from Low Density Residential (LDR) to Medium Density Residential (MDR) District.

Points to Consider:

Should the rezoning request be approved, the intention of the applicant is to sell the property to enable it to be developed in conjunction with the adjacent parcels owned by the Pettus family, which are zoned MDR.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny request.

Recommendation:

At the June 15, 2021 Planning Commission meeting, the Commission voted unanimously to recommend approval.

Staff recommends approval of the request to rezone.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1744	7/28/2021	Ordinance
Staff Report	6/14/2021	Planning Staff Report
Application	6/2/2021	Exhibit
Plat	6/2/2021	Exhibit
Location Map	6/2/2021	Exhibit
Pettus TIA Conclusion	6/4/2021	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2021-1744

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 5.24 ACRE TRACT OF PROPERTY (TMS# 0003-00-051.00), LOCATED AT 10925 PETTUS FARM ROAD, INDIAN LAND, SOUTH CAROLINA, FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT, TO MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Anthony Haltom, Sr., applied to rezone a 5.24 acre tract, more or less, parcel of property located at 10925 Pettus Farm Road, Indian Land, South Carolina (TMS # 0003-00-051.00) from LDR, Low Density Residential District, to MDR, Medium Density Residential District.

(b) On June 15, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject property 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 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 MDR district is consistent with the Neighborhood Mixed-Use Future Land Use category as defined in the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District, to MDR, Medium Density Residential District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0003-00-051.00

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: July 19, 2021
Public Hearing: July 19, 2021
Second Reading: August 9, 2021
Third Reading: August 23, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 5.24 acres of property
PROPERTY LOCATION: 10925 Pettus Farm Road (TM# 0003-00-051.00)
CURRENT ZONING DISTRICT: Low Density Residential (LDR) District
PROPOSED ZONING DISTRICT: Medium Density Residential (MDR) District
APPLICANT: Anthony Haltom, Sr.
COUNCIL DISTRICT: District 7, Brian Carnes

OVERVIEW:

Proposal

The applicant has requested to rezone one parcel approximately 5.24 acres in size. Should the rezoning request be approved, the intention of the applicant is to sell the property to enable it to be developed in conjunction with the adjacent parcels owned by the Pettus family, which are zoned MDR.

Site Information

The parcel proposed to be rezoned is currently improved with one single-family home and is predominantly wooded.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by LDR and MDR zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	MDR; LDR	Single-Family Residential; Vacant
South	Lancaster County	MDR	Single-Family Residential; Farm
East	Lancaster County	MDR	Single-Family Residential; Vacant
West	Lancaster County	MDR	Single-Family Residential

Recent Projects in Surrounding Area			
Case #	Description	Date	Outcome
MX-2018-002	Sugar Creek IMX Townhomes	6-24-19 (CC)	Approved
SD-2019-001	Patterson Preserve Prelim Plat – 177 Lots	6-18-19 (PC)	Approved
RZ/MX-2020-2650	Redwoods	4-12-21 (CC)	Approved

ANALYSIS & FINDINGS:

Zoning Districts

Current LDR

As previously noted, the subject property is currently zoned LDR District.

Pursuant to UDO Chapter 2.3, the LDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.*

Requested MDR

UDO Chapter 2.3 describes that the requested 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, 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

The subject property is surrounded by the LDR and MDR Districts. The requested MDR District is intended for the same single-family residential and related uses as the LDR District, but with an increased permitted density of 2.5 units per acre (as compared with 1.5 for LDR District). This area is characterized by single-family homes on lots of varying sizes and farmland. The requested zoning district would be consistent with the existing, adjacent MDR-zoned parcels.

The subject parcel is in close proximity to recently approved residential subdivisions, including Sugar Creek, Patterson Preserve, and Redwoods. While the subject parcel is close to major residential developments, the parcel itself can only be accessed by Pettus Farm Road, which is a gravel drive located off of Pettus Farm Road that ultimately connects to Barberville Road. Improvements will be required for Pettus and Pettus Farm Roads in order to accommodate future development. *See Transportation section below.*

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 Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below. The requested MDR district is consistent with the Neighborhood Mixed-Use Future Land Use category.

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

No Traffic Impact Analysis (TIA) or traffic improvements are specifically required for the proposed rezoning request. However, a TIA has been submitted by Kimley-Horn and Associates, Inc. as required by Section 6.8 of the UDO. The applicant intends on selling the subject parcel so it may be included as part of an anticipated single-family residential major preliminary plat. No major subdivision application has been made to the County at this time. The TIA has not been reviewed by the County's engineering consultant but it does propose the improvements listed below (see attached Conclusions):

Intersection	Improvements
Pettus Road & Pettus Farm Road	- Construction of a westbound right-turn lane along Barberville Road at Pettus Road with 100' of storage. - Per SCDOT, improvements to Pettus Road will be necessary to bring the pavement width and asphalt depth to an acceptable standard.

Should this request to rezone be approved, the TIA will be reviewed by the County's engineering consultant and approved prior to preliminary plat approval. A sketch plan is required to be submitted before a preliminary plat could be submitted which would include this parcel.

The subject parcel is located north of Barberville Road which is maintained by SCDOT. Traffic volumes on Barberville Road between Fort Mill Highway (Highway 160) and the SC/NC border are shown below:

STREET	VEHICLES PER DAY		
	2019	2016	2013
Barberville Road	6,300	6,300	4,500
Source: SCDOT Traffic Counts 2009-2019			

Public Utilities

The Sugar Creek residential development has to build the proposed Upper Sugar Creek Pump Station and Forcemain project as well as any other associated dependent offsite infrastructure (i.e. trunk sewer line/waterline) and place the infrastructure in operation before LCWSD can invoice capacity fees and review any other project needing to connect to the downstream dependent infrastructure.

Public Schools

Students in this area will attend Harrisburg Elementary, Indian Land Intermediate, Middle & High Schools.

PHOTOS OF PROJECT AREA:



Looking directly at one subject property



Looking south along driveway – going away from subject house



Looking south along Pettus Road



Looking west along Camp Cox Circle

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone approximately 5.24 acres (TM# 0003-00-051.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel TM# 0003-00-051.00;
 2. That the subject property is currently zoned LDR District and is proposed to be rezoned MDR District;
 3. That the subject property has a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood Community Type; and
 4. That the proposed MDR District is generally consistent with the surrounding area which is comprised of LDR and MDR Districts.
-

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Katie See, AICP, Senior Planner
ksee@lancastersc.net | 803-416-9395

**Planning Department**

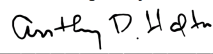
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721

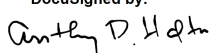
Phone: 803.285.6005, planning@lanastercountysc.netwww.mylanastercsc.org**ZONING MAP AMENDMENT APPLICATION****SUBMITTAL REQUIREMENTS**

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

GENERAL INFORMATIONProperty Address 10925 Pettus Farm RoadCity Indian Land State SC Zip 29707 Tax Parcel ID 0003-00-051.00Current Zoning LDR Current Use Single Family ResidenceProposed Zoning MDR Total Acres 5.24Project Description Seeking rezoning to MDR to be more compatible with surrounding properties and approved developments.Surrounding Property Description Mix of single family homes and newer approved subdivisions.**CONTACT INFORMATION**Applicant Name Anthony D. Haltom, Sr.Address 10925 Pettus Farm RoadCity Indian Land State SC Zip 29707 Phone -704-401-8048Fax N/A Email - panheadtony@yahoo.comProperty Owner Name Anthony D. Haltom, Sr.Address 10925 Pettus Farm RoadCity Indian Land State SC Zip 29707 Phone -Fax N/A 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.

DocuSigned by:

 Applicant **Anthony D. Haltom, Sr.** 3/26/2021
 Date _____

DocuSigned by:

 Property Owner(s) **Anthony D. Haltom, Sr.** 3/26/2021
 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

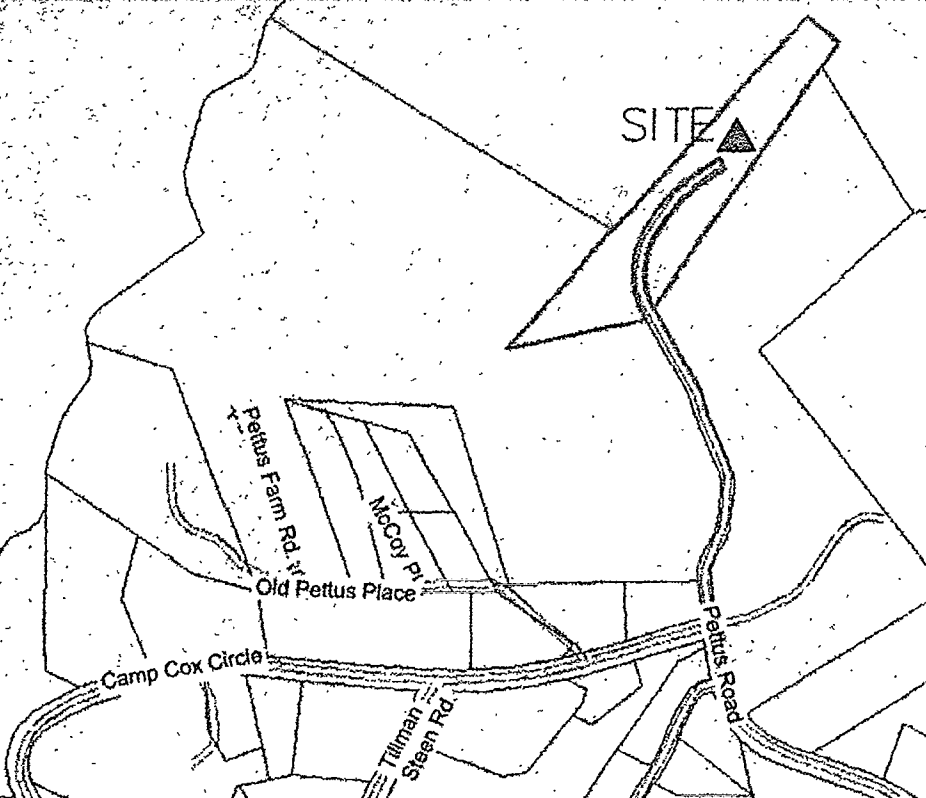
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and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

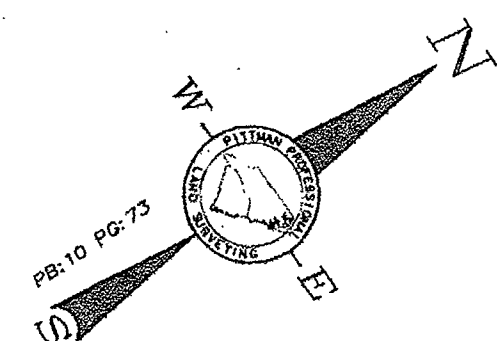
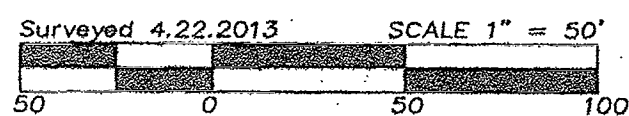
3. County Council

- 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.



VICINITY MAP (NOT TO SCALE)

NUMBER	DIRECTION	DISTANCE
L1	N 44°40'48" E	28.62'
L2	S 40°20'33" W	67.49'
L3	S 36°44'43" W	12.43'



Tax Map # 3-00-052.00
JOSEPH A & JANE M PETTUS
PETTUS REVOCABLE LIVING TRUST
Db. 301 Pg. 19

Tax Map # 3-00-049.16
ELIZABETH P HOWEY
Db. 6 Pg. 1090
Pg. 2731

Tax Map # 3-00-052.00
JOSEPH A & JANE M PETTUS
PETTUS REVOCABLE LIVING TRUST
Db. 301 Pg. 19

Tax Map # 3-00-051.00
Pg. 10 Pg. 73
5.24 Acres ± Crds.

Tax Map # 3-00-049.16
ELIZABETH P HOWEY
Db. 6 Pg. 1090
Pg. 2731

2013007561
PLAT LARGE
RECORDING FEES \$20.00
PRESENTED & RECORDED:
05-24-2013 11:15 AM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: JOHN LANE REGISTER
BK: PLAT 2013
PG: 247-247



General Notes:
1. Measurements on this map are in feet and decimals thereof.
2. All set corners are #5 (5/8") Rebar unless otherwise noted.
3. This plat is subject to any Easements, Agreements, or Rights of Ways of Record prior to date of this plat, which was not visible at the time of our survey.

References:
1. As Shown.

No new lots or property lines established.

Certification:
I, hereby state to the best of my professional knowledge, information and belief, this survey shown herein was made in accordance with the requirements of the Standards Of Practice Manual for Land Surveying in South Carolina, and meets or exceeds the requirements for a class "A" survey as specified therein; also there are no visible encroachments or projections other than shown.

Signed
Kent Cooper Hudson
Kent@pplsurvey.com
PLS#27451

BOUNDARY & PHYSICAL SURVEY FOR

ANTHONY D. HALTOM SR

10925 PETTUS FARM ROAD
INDIAN LAND TOWNSHIP, SOUTH CAROLINA
LANCASTER COUNTY,

SHEET NO.

S1

REVISION

DATE

PROJECT No:

CAMDEN, SC

FORT MILL, SC

TOPOGRAPHIC MAPS
ROUTE SURVEYS
SUBDIVISIONS
SITE PLANS

PHOTO CONTROL SURVEYS
CONSTRUCTION SURVEYS
BOUNDARY SURVEYS
PHYSICAL SURVEYS

www.pplssurvey.com
2013 BUCK CREEK ROAD, CAMDEN, SC 29020 (803) 423-7889

DR. ICR

CKD. KCH

Proposal:
Request to rezone from
LDR to MDR

Legend:



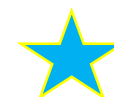
Subject Property



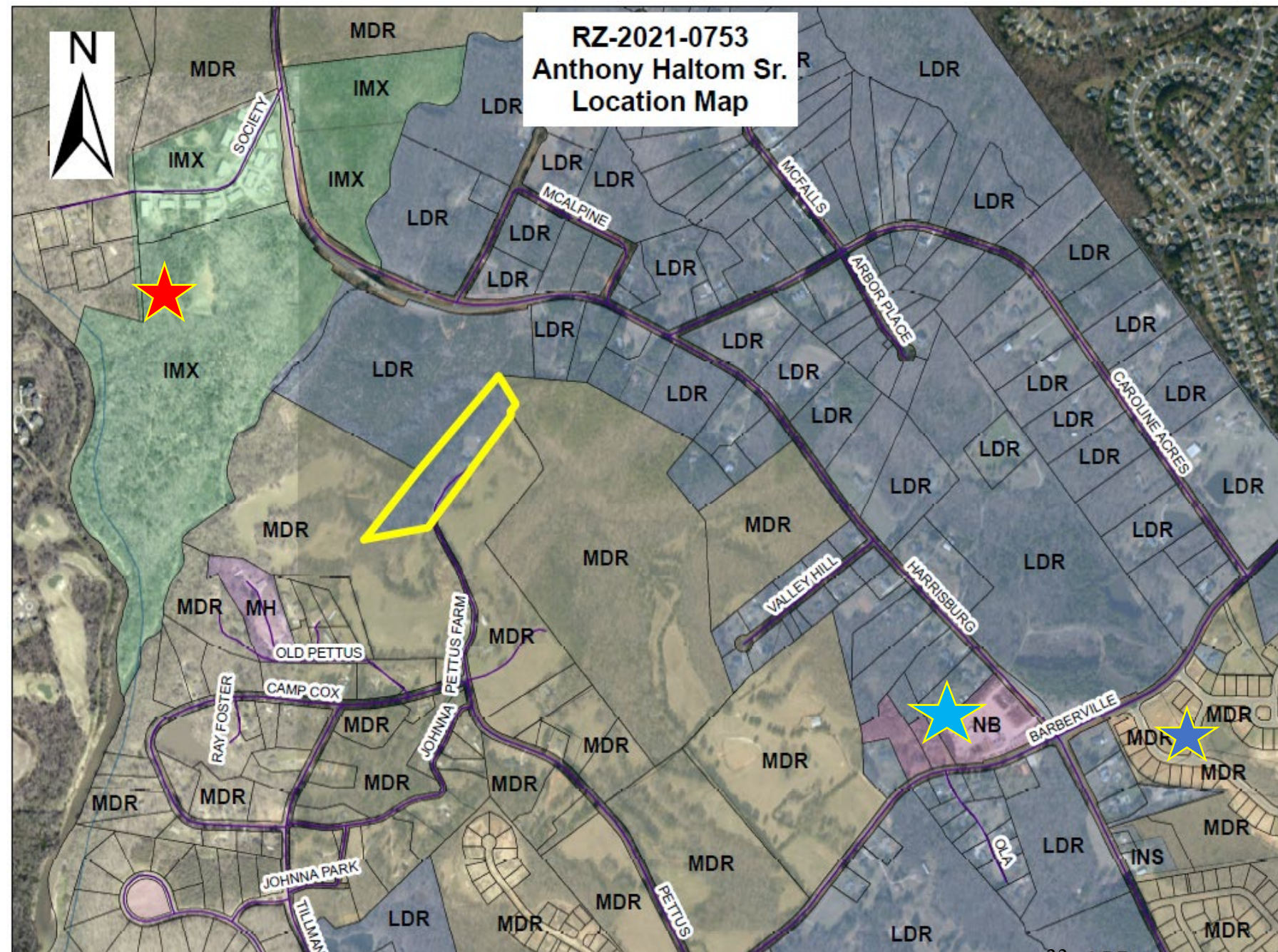
Covington Development



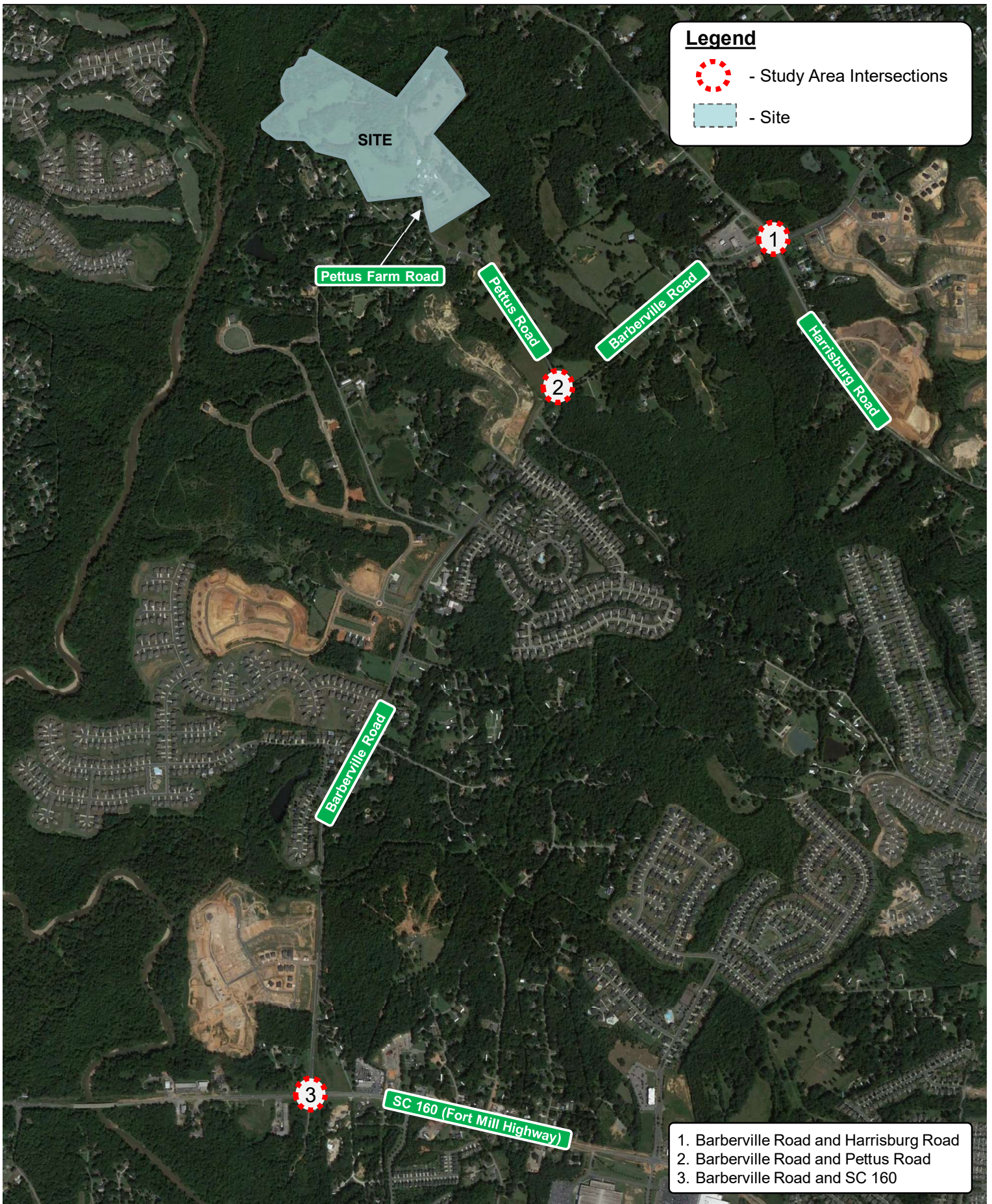
Sugar Creek Development



Shamrock Landscaping



RZ-2021-0753
Anthony Haltom Sr.
Location Map



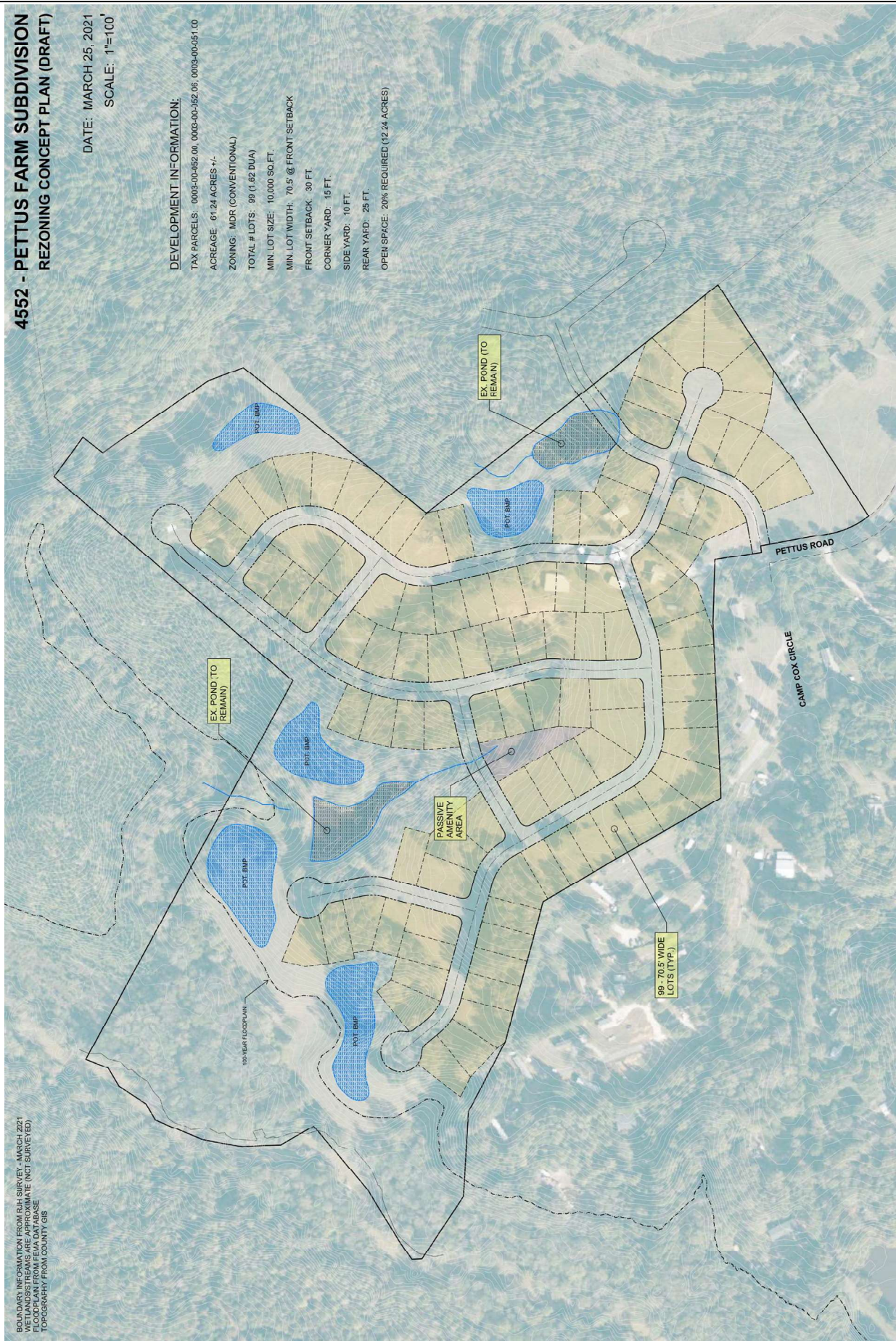
**4552 - PETTUS FARM SUBDIVISION
REZONING CONCEPT PLAN (DRAFT)**

DATE: MARCH 25, 2021
SCALE: 1"=100'

DEVELOPMENT INFORMATION:

TAX PARCELS: 0003-00-052.00, 0003-00-052.01, 0003-00-051.00
ACREAGE: 61.24 ACRES +/-
ZONING: MDR (CONVENTIONAL)
TOTAL # LOTS: 99 (162 DU/A)
MIN. LOT SIZE: 10,000 SQ. FT.
MIN. LOT WIDTH: 70.5' @ FRONT SETBACK
FRONT SETBACK: 30 FT.
CORNER YARD: 15 FT.
SIDE YARD: 10 FT.
REAR YARD: 25 FT.
OPEN SPACE: 20% REQUIRED (12.24 ACRES)

BOUNDARY INFORMATION FROM E.H. SURVEY - MARCH 2021
WETLANDS/STREAMS ARE APPROXIMATE (NOT SURVEYED).
FLOODPLAIN FROM FEMA DATABASE
TOPOGRAPHY FROM COUNTY GIS



8.0 Conclusions

Based on the analyses contained herein, the following transportation improvements are recommended as developer mitigation:

- Construction of a westbound right-turn lane along Barberville Road at Pettus Road with 100 feet of storage.
- Per SCDOT, improvements to Pettus Road will be necessary to bring the pavement width and asphalt depth to an acceptable standard.

The recommended developer mitigation is shown in **Figure 8.1**. The transportation improvements for the study intersections are subject to approval by SCDOT and Lancaster County. All additions and attachments to State and County roadway system shall be properly permitted, designed, and constructed in conformance to standards maintained by the agencies.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1748 / Planning Case Number: RZ-2021-0917

Contact Person / Sponsor: Ashley Davis /Planning

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Application by Jonathan Lee/ Jacob Meeks to rezone approximately 1.67 acres located at 585 Monroe Hwy. (TM# 0061-00-011.00) from Institutional (INS) to Low Density Residential (LDR) District.

The applicant has submitted a request to rezone their property located at 585 Monroe Highway. 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.

Points to Consider:

Site Information

The property was recently purchased by the applicant. Tax records show the brick home on this property was constructed in 1962. There is another structure located on the property which the latest survey notes as a storage shed.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by LDR and INS zoned properties.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the proposed rezoning.

Recommendation:

Planning Commission recommended **Approval** by a vote of 5-0.

Staff also recommended approval of the rezoning.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1748	7/8/2021	Ordinance
Planning Staff Report	6/1/2021	Planning Staff Report
Exhibit 1: Applications	6/1/2021	Exhibit
Exhibit 2: Zoning Map	6/1/2021	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2021-1748

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 1.67 ACRE TRACT OF PROPERTY (TMS# 0061-00-011.00), LOCATED AT 585 MONROE HIGHWAY, LANCASTER, SOUTH CAROLINA, FROM INS, INSTITUTIONAL DISTRICT, TO LDR, LOW DENSITY RESIDENTIAL DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Jacob Meeks, applied to rezone a 1.67 acre tract, more or less, parcel of property located at 585 Monroe Highway, Lancaster, South Carolina (TMS # 0061-00-011.00) from INS, Institutional District, to LDR, Low Density Residential District.

(b) On June 15, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 5-0 vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject properties is Transitional, which corresponds to the Community Type of Suburban Single-Family Neighborhood. The adopted Comprehensive Plan states that the Suburban Single-Family Neighborhood Community Type “*is formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from mobile homes to large lot, low-density single-family homes to denser formats of smaller single-family homes. Homes are oriented interior to the neighborhood and typically buffered from surrounding development by transitional uses or landscaped areas. Suburban single-family neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers.*”

The Transitional Future Land Use Category begins with the Roselyn subdivision near Waxhaw Village Road and extends south to Arrowood Road. The Transitional Future Land Use Category and Suburban Single Family Neighborhood Community Type are, by default, intended to be compatible with the existing suburban character of the area.

The requested LDR district is consistent with the Transitional Future Land Use category.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from INS, Institutional District, to LDR, Low Density Residential District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0061-00-011.00

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: July 19, 2021
Public Hearing: July 19, 2021
Second Reading: August 9, 2021
Third Reading: August 23, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 1.67 acres of property (TM# 0061-00-011.00).

PROPERTY LOCATION: 585 Monroe Highway

CURRENT ZONING DISTRICT: Institutional (INS) District

PROPOSED ZONING DISTRICT: Low Density Residential (LDR) District

APPLICANT: Jacob Meeks

COUNCIL DISTRICT: District 2, Charlene McGriff

OVERVIEW:

Proposal

The applicant has submitted a request to rezone their property located at 585 Monroe Highway. 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.

The original application for rezoning was submitted by the prior property owner Jonathan Lee. A new application from the current owner has been received (both are included in Attachment 1).

Site Information

The property was recently purchased by the applicant. Tax records show the brick home on this property was constructed in 1962. There is another structure located on the property which the latest survey notes as a storage shed.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by LDR and INS zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	LDR	Single-Family Residential
South	Lancaster County	LDR	Single-Family Residential
East	Lancaster County	LDR	Single-Family Residential
West	Lancaster County	INS	SonLight Community Church

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 properties is Transitional, which corresponds to the Community Type of Suburban Single-Family Neighborhood. The adopted Comprehensive Plan states that the Suburban Single-Family Neighborhood Community Type *“is formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from mobile homes to large lot, low-density single-family homes to denser formats of smaller single-family homes. Homes are oriented interior to the neighborhood and typically buffered from surrounding development by transitional uses or landscaped areas. Suburban single-family neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers.”* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Transitional Future Land Use Category begins with the Roselyn subdivision near Waxhaw Village Road and extends south to Arrowood Road. The Transitional Future Land Use Category and Suburban Single-Family Neighborhood Community Type are, by default, intended to be compatible with the existing suburban character of the area.

The requested LDR district is consistent with the Transitional Future Land Use category.

Transitional: Land Use Considerations		
Mobile/Modular Homes	Single-Family Detached Home	Single-Family Attached Home (Townhome/Duplex)
Church	School	Community Park
Community Center/Pool & Recreational Amenities	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 southwest along Monroe Hwy.



Looking northeast along Monroe Hwy.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone, pursuant to the following findings of fact for RZ-2021-0917:

1. That the subject project consists of parcel TM# 0061-00-011.00;
2. That the subject property is currently zoned INS and proposed to be rezoned LDR;
3. That the subject property has a Future Land Use designation of Transitional; and
4. That the proposed LDR District is generally consistent with the surrounding area which is comprised of the LDR and INS Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

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

Lancaster County

South Carolina

Planning Department

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

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

APPLICATION Fee

WAIVED Per Steve Willis

GENERAL INFORMATION

Property Address 585 MONROE HWY
City LANCASTER State SC Zip 29720 Tax Parcel ID 0061-00.011.00
Current Zoning INC Current Use Residential
Proposed Zoning CR Total Acres 1.67
Project Description to rezone parcel to correct
zoning

Surrounding Property Description CHURCH and RR

CONTACT INFORMATION

Applicant Name SALOB MEYERS
Address 585 MONROE HWY
City LANCASTER State SC Zip 29720 Phone (803) 271-5208
Fax _____ Email SJM SPARKY@COMcast-SC
Property Owner Name SALOB MEYERS
Address SAME
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.

[Signature]
Applicant

5.27.21
Date

[Signature]
Property Owner(s)

5.27.21
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 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

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



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

Application fee waived per
Steve Willis

SUBMITTAL REQUIREMENTS

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

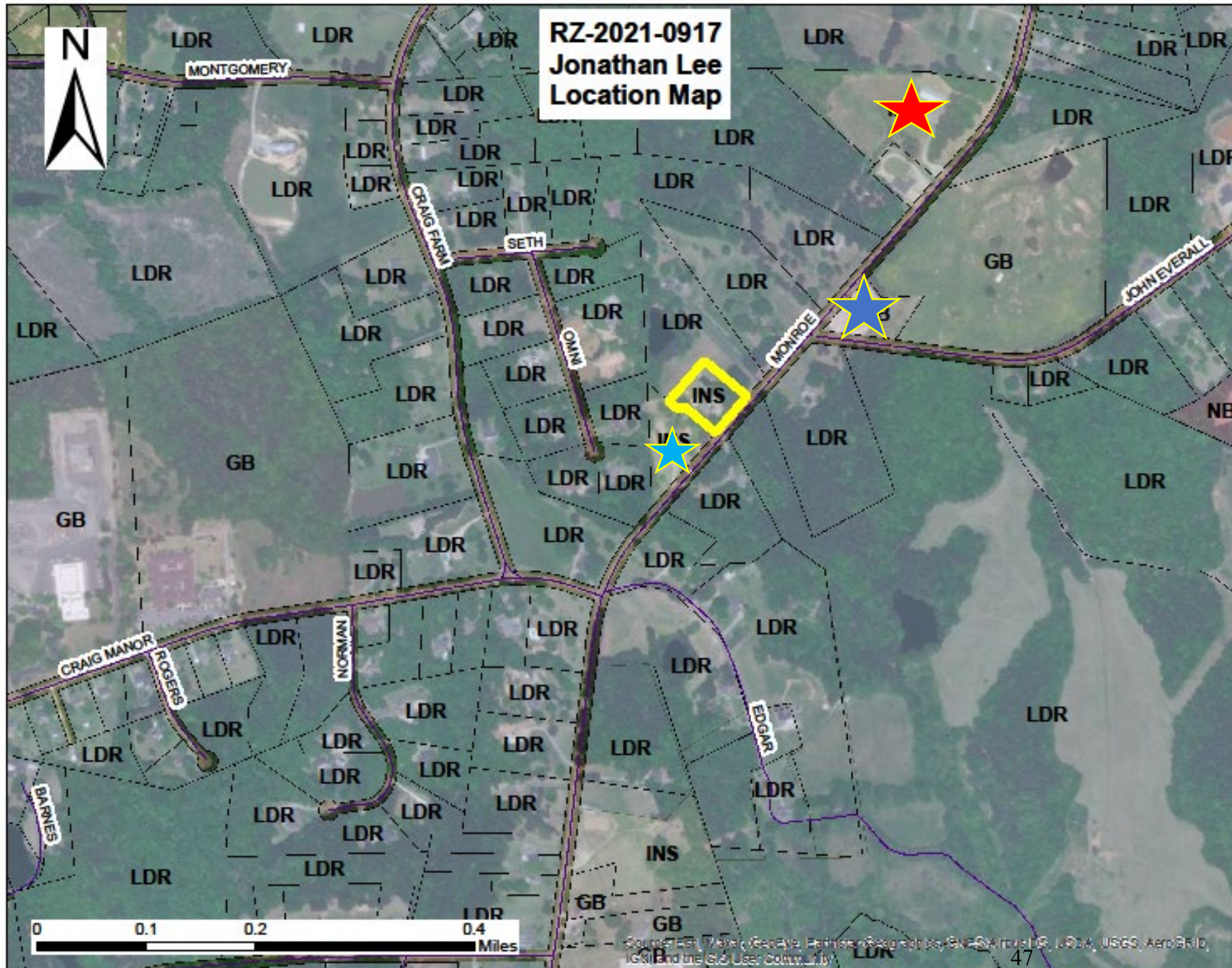
GENERAL INFORMATION

Property Address 585 Monroe Hwy
City Lancaster State SC Zip 29720 Tax Parcel ID 0061-00-011.00
Current Zoning INS Current Use residential
Proposed Zoning LDR Total Acres 1.67
Project Description To rezone parcel to correct zoning

Surrounding Property Description church and QR

CONTACT INFORMATION

Applicant Name Jonathan W. Lee
Address 376 Monroe Hwy (mailing)
City Lancaster State SC Zip 29720 Phone 803-804-0467
Fax _____ Email melanie.lee@allentate.com
Property Owner Name Jonathan W. and Melanie M. Lee
Address 376 Monroe Hwy
City Lancaster State SC Zip 29720 Phone 803-804-0467
Fax _____ Email melanie.lee@allentate.com



Proposal:

Rezone a portion of property from
INS to LDR

Legend:



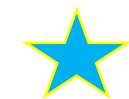
Subject Property



Lloyds Gas Station



Shiloh Zion Fire Station



SonLight Community
Church

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1749 / Planning Case Number: RZ-2021-0959

Contact Person / Sponsor: Ashley Davis / Planning

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Application by WTC of Lancaster, LLC to rezone approximately 1.8 acres located near the intersection of Pageland Hwy and Rocky River Road (a portion of TM# 0058-00-116.00) from Rural Residential (RR) to Rural Business (RUB) District.

The applicant has submitted a request to rezone their property located near the intersection of Pageland Hwy. and Rocky River Road. The request is being made to allow an undisclosed 10,000 sq. ft. retail facility.

Points to Consider:

Lot Reconfiguration and Nonconformance Review

Both TM# 0058-00-116.00 and TM# 0058-00-126.00 are owned by Millstar LLC. TM#0058-00-0126 (the parcel which is already zoned RUB) is currently considered a legally non-conforming parcel as it currently houses two vacant commercial structures (allowed in RUB) and an occupied residential home (not permitted in RUB). The loss of any lot area would further extend the non-conformity as the parcel is currently 1.8 acres in size and both RUB and RR require a minimum lot size of one acre. In order to ensure there is no increase in the level of nonconformance, the owner will offset the land which is being combined into the newly proposed parcel through a land swap which will be tied to this rezoning. The 10,084 square feet already zoned RUB to be combined into the new parcel will be offset by 10,084 square feet currently zoned RR but included in this rezoning request.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the proposed rezoning.

Recommendation:

Staff recommends **Approval** of the request to rezone,

Planning Commission recommended **Approval** by a vote of 5-0.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1749	7/7/2021	Ordinance
Planning Staff Report	6/1/2021	Planning Staff Report
Exhibit 1: Application	6/1/2021	Exhibit
Exhibit 2: Zoning Map	6/1/2021	Exhibit
Exhibit 3: Proposed Plat	6/1/2021	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2021-1749

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A ONE ACRE PORTION OF PROPERTY (A PORTION OF TMS# 0058-00-116.00), LOCATED NEAR THE INTERSECTION OF PAGELAND HIGHWAY AND ROCKY RIVER ROAD, LANCASTER, SOUTH CAROLINA, FROM RR, RURAL RESIDENTIAL DISTRICT, TO RUB, RURAL BUSINESS DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) WTC of Lancaster, LLC, applied to rezone a 1.91 acre portion, more or less, parcel of property located near the intersection of Pageland Highway and Rocky River Road, Lancaster, South Carolina (TMS # 0058-00-116.00) from RR, Rural Residential District, to RUB, Rural Business District.

(b) On June 15, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.*

The Rural Living Future Land Use Category is the dominant future land use category in Lancaster County. It is the category in the southern and eastern-most areas of Lancaster County, with the exception of the Towns of Heath Springs and Kershaw, as well as the Haile Gold Mine. The requested RUB District is consistent with the Rural Living Future Land Use category.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RR, Rural Residential District, to RUB, Rural Business District, for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. (portion of 0058-00-116.00)

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: July 19, 2021
Public Hearing: July 19, 2021
Second Reading: August 9, 2021
Third Reading: August 23, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 1.91 acres of property (A portion of TM# 0058-00-116.00).

PROPERTY LOCATION: Near the intersection of Pageland Highway and Rocky River Road. (A portion of TM# 0058-00-116.00)

CURRENT ZONING DISTRICT: Rural Residential (RR) District

PROPOSED ZONING DISTRICT: Rural Business (RUB) District

APPLICANT: WTC of Lancaster, LLC

COUNCIL DISTRICT: District 3, Billy Mosteller

OVERVIEW:

Proposal

The applicant has submitted a request to rezone their property located near the intersection of Pageland Hwy. and Rocky River Road. The request is being made to allow an undisclosed 10,000 sq. ft. retail facility.

Site Information

The property is currently vacant farm land.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by RUB and RR zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RUB	Vacant
South	Lancaster County	RR	SC Battleground trust
East	Lancaster County	RUB	Vacant Commercial Properties
West	Lancaster County	RR	Farm Land

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently zoned RR District. Pursuant to UDO Chapter 2.3, the RR District *is established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings.*

The requested RUB District *is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the RR and RUB Districts. Currently, this area can be characterized by small commercial structures and vacant farm land. Given the close proximity to property zoned RUB and this size of this parcel staff believes that RUB zoning would be compatible in this area.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

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

The requested RUB District is consistent with the Rural Living Future Land Use category.

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

INFRASTRUCTURE CONSIDERATIONS

Transportation

There are no issues with traffic generated from this request at this time. If a commercial use were to move on to this property which would create more than 50 peak hour trips to or from this location a TIA would be required as part of their site plan submittal.

Public Utilities

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

Public Schools

This request will not result in additional students.

Lot Reconfiguration and Nonconformance Review

Both TM# 0058-00-116.00 and TM# 0058-00-126.00 are owned by Millstar LLC. TM#0058-00-0126 (the parcel which is already zoned RUB) is currently considered a legally non-conforming parcel as it currently houses two vacant commercial structures (allowed in RUB) and an occupied residential home (not permitted in RUB). The loss of any lot area would further extend the non-conformity as the parcel is currently 1.8 acres in size and both RUB and RR require a minimum lot size of one acre. In order to ensure there is no increase in the level of nonconformance, the owner will offset the land which is being combined into the newly proposed parcel through a land swap which will be tied to this rezoning. The 10,084 square feet already zoned RUB to be combined into the new parcel will be offset by 10,084 square feet currently zoned RR but included in this rezoning request.

Figure 1 depicts the area which is to be included in the proposed rezoning. **Figure 2** demonstrates how the newly proposed parcel (Tract "A") and a portion of TM# 0058-00-126.00 will appear following the proposed rezoning and land swap.

Figure 1

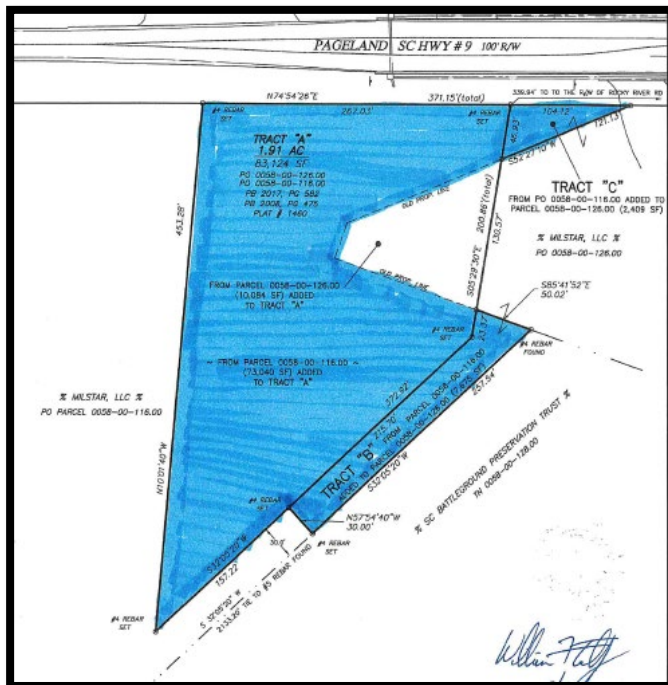
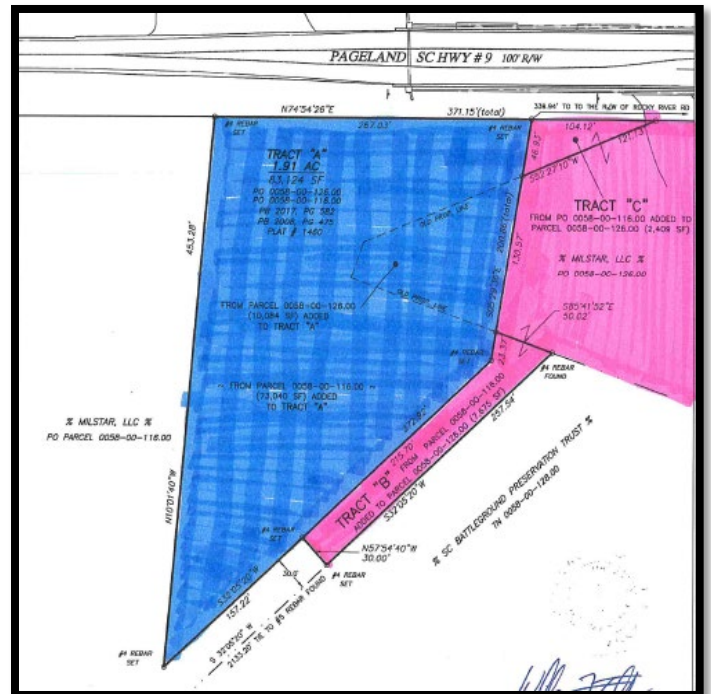


Figure 2



PHOTOS OF PROJECT AREA:



Looking directly at the subject property.



Looking directly across from the subject property.



Looking west along Pageland Hwy.



Looking east along Pageland Hwy.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone, pursuant to the following findings of fact for RZ-2021-0959:

1. That the subject project consists of a portion of TM# 0058-00-116.00;
2. That the subject property is currently zoned RR and proposed to be rezoned RUB;
3. That the subject property has a Future Land Use designation of Rural Living; and
4. That the proposed RUB District is generally consistent with the surrounding area which is comprised of the RUB and RR Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. Proposed Plat

STAFF CONTACT:

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



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@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 Approximately 1.8 acres of parcel: 0058-00-116.00 off of Pageland Hwy
City Lancaster State SC Zip 29720 Tax Parcel ID 1.8 acres of 0058-00-116.00

Current Zoning RR Current Use Vacant Land

Proposed Zoning RUB Total Acres Approximately 1.8 Acres

Project Description _____

WTC of Lancaster, LLC is asking to rezone the approximate 1.8 acres from to RUB zoning in order to build
an approximately 10,500 sf General Retail store.

Surrounding Property Description To the North (across Pageland Hwy), the property is zoned RUB and is currently
being used as a gas station, vacant land, and car wash. To the West, the property is zoned RUB and is currently a vacant
used car lot and rental. To the South, the property is zoned RR and is currently vacant land. To the East, the property is
zoned RR and is vacant land.

CONTACT INFORMATION

Applicant Name Thomas "Chip" Goforth WTC of Lancaster, LLC

Address P.O. Box 249, 2240 Sage Valley Drive

City Graniteville State SC Zip 29829 Phone (803) 634-1305

Fax _____ Email chip@wwtwinvestments.com or chad@wwtwinvestments.com

Property Owner Name Milstar LLC (Pete Milhorn)

Address 2690 Jerry Funderburk Rd

City Lancaster State SC Zip 29720 Phone (803) 320-0395

Fax _____ Email milstarllc01@gmail.com

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

Pete Miller MILSTAR LLC

4-22-2021

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

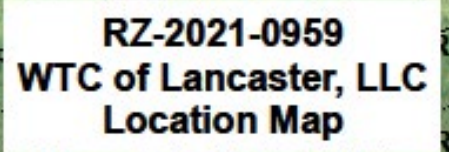
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and 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

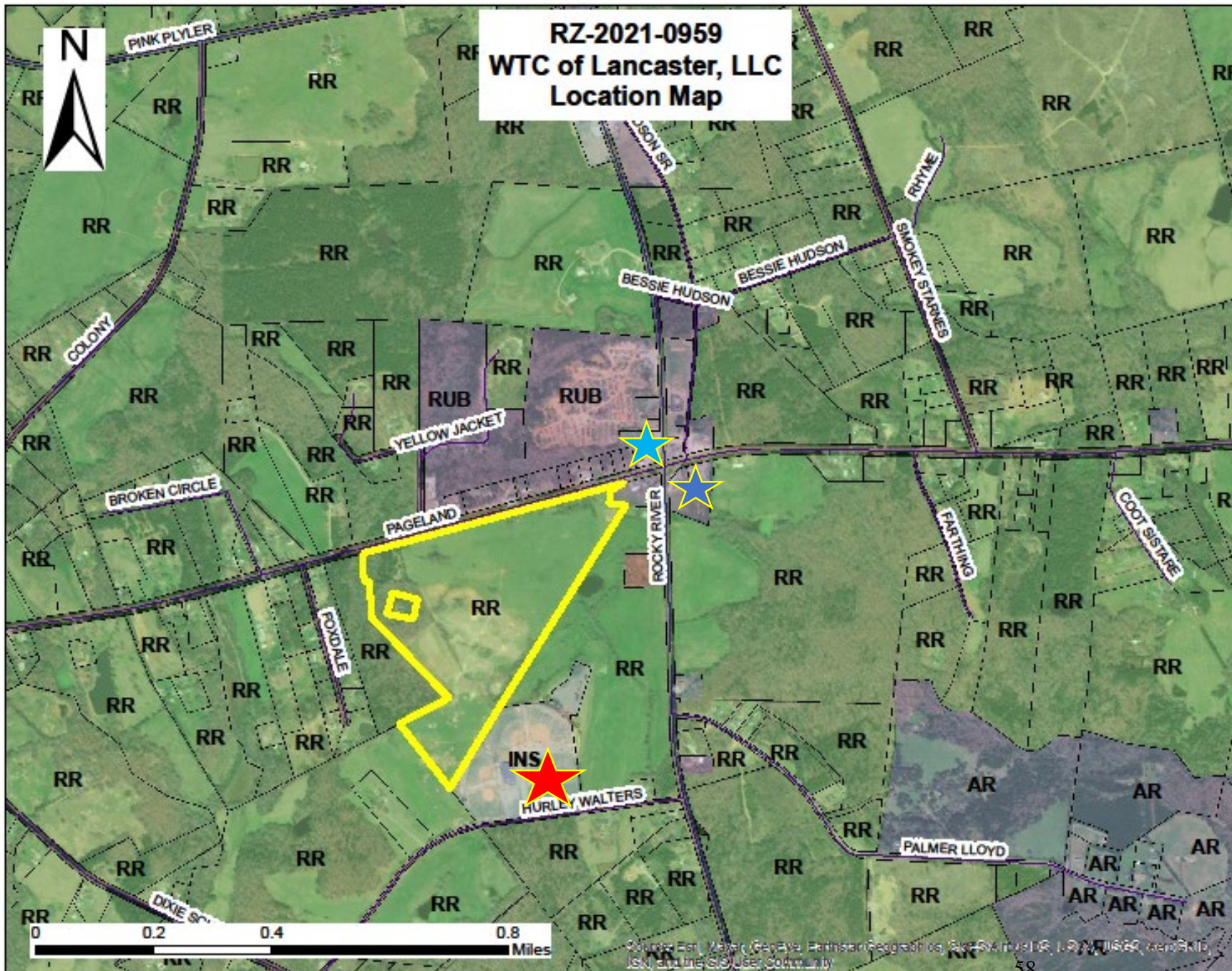
- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

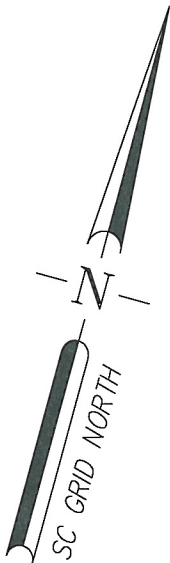
3. County Council

- 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.

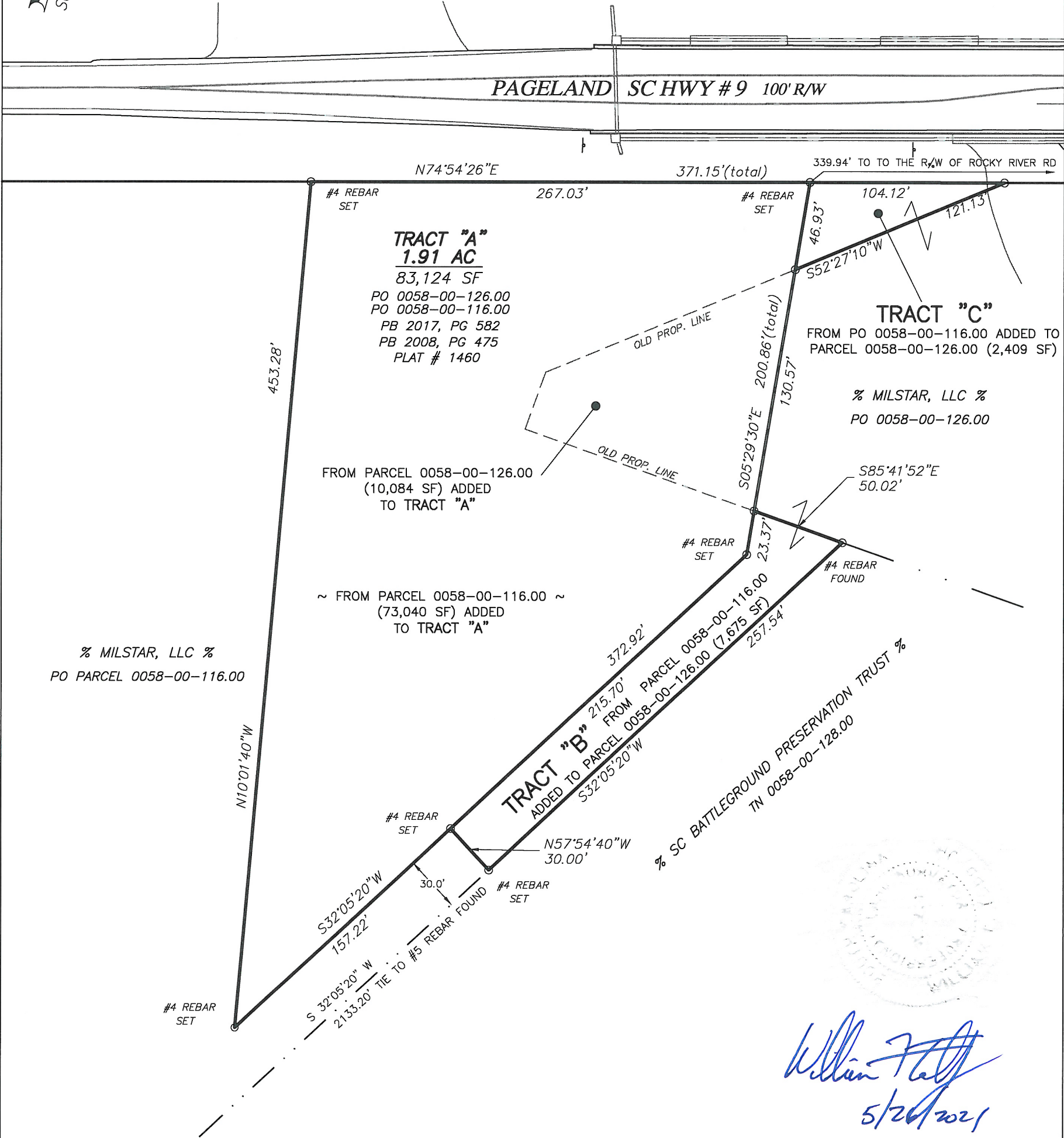


Exxon station





"I hereby state that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein; also there are no visible encroachments or projections other than shown."



William F. Todd, Jr.
5/26/2021

NOTE: THIS PROPERTY MAY ALSO BE SUBJECT TO EASEMENTS, SETBACKS RIGHTS-OF-WAY OR REGULATIONS NOT SHOWN ON THIS PLAT BUT, WHICH MAY BE ON RECORD IN COUNTY R.M.C. OFFICE. NO TITLE REPORT WAS PROVIDED FOR REVIEW.

NOTE: TRACTS B & C ARE NOT TO BE CONSIDERED A SEPARATE TRACT BUT, WILL BECOME A PART OF PARCEL 0058-00-0126.00(MILLSTAR, LLC)

ACCORDING TO THE FLOOD INSURANCE RATE MAPS FOR LANCASTER COUNTY, SC MAP NUMBER 45057C0257E DATED 5-16-17 THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD ZONE.

PLAT	PREPARED FOR:	WTC ENTERPRISES, LLC PO BOX 249 – GRANITEVILLE, SOUTH CAROLINA 29829	SCALE: 1" = 60'	
			DATE: 04–08–2021	
			REV. DATE: 05–26–2021	
			REV. DATE:	
DESCRIPTION:		PROPERTY LOCATED IN BUFORD COMMUNITY 9 MILES EAST OF LANCASTER LANCASTER COUNTY, SOUTH CAROLINA		
Southern Partners, Inc. ENGINEERS – SURVEYORS – PLANNERS 1233 AUGUSTA WEST PARKWAY AUGUSTA, GEORGIA 30909 (706) 855–6000 SP No. 29003–21 29003/SURVEY/29003–LP.5.26.21.DWG				

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1757

Contact Person / Sponsor: John DuBose/County Attorney and Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Granting of an easement in favor of the Lancaster County Water and Sewer District across county property - parcel # 0003-00-041.00.

Points to Consider:

The easement would be to the Lancaster County Water and Sewer District and would consist of approximately 0.02 acres. It is located at the rear of the parcel that will house the Pleasant Valley Fire Rescue substation.

I have verified with Chief Greg Nicholson that Pleasant Valley has no objection to the easement. It is in a rear corner of the parcel that would be part of any required setback.

The sewer would serve a portion of the Covington subdivision.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the Ordinance granting the easement.

Recommendation:

Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1757	8/11/2021	Ordinance
Exhibit 1 to Ordinance 2021-1757 (Easement Agreement)	7/15/2021	Exhibit
Plat of Easement to LCW&SD (Exhibit B to the Easement Agreement)	8/11/2021	Exhibit

ORDINANCE NO. 2021 - 1757

TO APPROVE AN EASEMENT GRANT TO LANCASTER COUNTY WATER AND SEWER DISTRICT UPON REAL PROPERTY OWNED BY LANCASTER COUNTY BEARING TAX PARCEL NUMBER 0003-00-041.00 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENT AND TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

Section 1. Findings and determinations.

(4) The sewer easement is located at the rear of the subject property that will house the Pleasant Valley Fire Rescue substation and is approximately 30 feet in width, encumbering approximately 0.02 acres (750 sf) of the subject property. The sewer easement is attached hereto and incorporated herein by reference as Exhibit 1. Exhibit B to the aforesaid sewer easement is the plat showing the precise location of the sewer easement.

(5) Pleasant Valley Fire Rescue has confirmed that the easement grant will not adversely impact utilization of the subject property for a fire substation.

(6) The easement grant is in furtherance of providing for the public health and safety of the citizens of Lancaster County as the easement is necessary and desirable for the provision of sewer services by LCWSD to Lancaster County residents within the Covington development project.

(7) It is the purpose of this ordinance to approve the easement grant from County to LCWSD.

Section 2. Approval of right-of-way easement.

Council authorizes and approves the grant of an easement (the “Easement”) to LCWSD for the construction maintenance and repair of a 30-foot-wide sewer easement upon Tax Map No. 0003-00-041.00 as described in Section 1. The form of the Easement is attached to this ordinance as Exhibit 1 and all terms, provisions and conditions of the Easement are incorporated herein by reference as if the Easement were set out in this ordinance in its entirety.

The County Administrator is authorized to execute and deliver the Easement on behalf of the County. By adoption of this ordinance, Council approves the Easement and all of its terms, provisions and conditions. The Easement is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the Easement, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Easement attached to this ordinance.

Section 3. Authority to act.

The Council Chair, the Clerk to Council, the County Administrator, the Deputy County Administrator, and County Attorney each are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance.

Section 4. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 6. Effective date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: July 19, 2021
Second Reading: August 9, 2021
Third Reading: August 23, 2021
Public Hearing: August 9, 2021

Approved as to form:

John DuBose, County Attorney

Exhibit 1 to Ordinance No. 2021 - 1757

**Form of Sewer Easement
Lancaster County to Lancaster County Water and Sewer District**

Tax Map No. 0003-00-041.00

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Easement") is made and entered into this ____ day of _____, 2021, by and among **Lancaster County Water and Sewer District**, a special purpose district created under the laws of the state of South Carolina, with an address of 1400 Pageland Hwy, Lancaster, South Carolina, 29720 ("Grantee"), and **LANCASTER COUNTY**, a political subdivision of the State of South Carolina, with an address of _____ ("Grantor").

RECITALS:

A. Grantor is the owner of certain real property in Lancaster County, South Carolina, more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Servient Estate").

B. Grantee is a special purpose district which intends to accept for dedication sewer lines that traverse a portion of the Servient Estate and connect to other infrastructure of Grantee.

C. Grantor has agreed to grant and convey to Grantee, for the benefit of the Grantee, certain easement rights as set forth below in the Easement.

NOW, THEREFORE, for and in consideration of the provision of water and sewer service, the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby covenant and agree as follows:

1. Grant of Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its successors and assigns forever, a perpetual, non-exclusive appurtenant easement over, through, under and across the Easement Area (defined below) for the purpose of laying, constructing, installing, inspecting, operating, using, maintaining, repairing, removing, enlarging, and/or reconstructing the sewer lines and related facilities, including, without limitation, pipes, fixtures, equipment, meters, pumps, connections and other personal property (collectively, "Facilities") for the collection and transfer of sewer, as may be reasonably necessary, appropriate or desirable for Grantee's use of the sewer lines, TOGETHER WITH (i) a perpetual, non-exclusive appurtenant easement and right for access, ingress, and egress over and across the Easement Area for Grantee's exercise of the easement rights herein conveyed; and (ii) a perpetual, non-exclusive appurtenant easement and right to clear and keep the Easement Area free of trees,

structures, buildings, fixtures, wells, septic tanks, underground storage tanks, garbage, or any type of personal property which may interfere in any way with or endanger the water lines and sewer lines, the Facilities or Grantee's rights under this Easement provided, however, Grantor may pave over the Easement Area in connection with the construction of a roadway, driveway or parking lot (if such paving does not interfere with the rights given to Grantee hereunder).

The "Easement Area" consists of that certain strip of land being shown on that certain easement exhibit prepared by W. Glen Dalton, SCPLS #25432, of Metrolina Land Surveying, Inc., entitled "Easement Exhibit at Property Known as 10754 Harrisburg Road, Lancaster County Fire Station" dated June 5, 2021 (the "Exhibit Map") identified as "30 Sewer Easement, 0.02 Acre, 750 SF", with the courses and distances shown on the Exhibit Map, a copy of which is attached hereto as **Exhibit B**. Nothing herein is designed or intended to give Grantee any right, property or interest in or to the storm drainage easements or infrastructure depicted on the Exhibit Map.

2. Covenants and Certifications of Grantor. Grantor hereby covenants to Grantee that (i) to Grantor's knowledge, it is lawfully seized and presently possessed of both the Servient Estate and the Easement Area, (ii) it has a good and lawful right to convey the rights granted to Grantee under this Easement, (iii) both the Servient Estate and the Easement Area are free from encumbrances except for encumbrances and restrictions of record and such other matters as are set forth in this Easement Agreement, (iv) Grantor does hereby bind the Grantor and the Grantor's successors and assigns to warrant and forever defend all and singular the Servient Estate and the Easement Area unto Grantee, and Grantee's successors and assigns, against Grantor and Grantor's successors lawfully claiming, or to claim the same, or any part thereof, but against no others, and (v) Grantor has not done or suffered anything whereby the Servient Estate and the Easement Area have been encumbered by Grantor, except as disclosed in this Easement Agreement.

3. Reservation by Grantor. Subject to the rights of Grantee hereunder, Grantor reserves the right to use the Easement Area for any purposes not inconsistent with or detrimental to Grantee's rights under this Easement; provided, however, no buildings or similar structures may be constructed on or within the Easement Area.

4. Covenants and Duties of Grantee. Grantee agrees to: 1) restore all areas within the Easement Area that are disturbed as a result of construction or maintenance activities to a manageable condition, including grading such areas to a smooth surface free of ruts, with uniform slope to prevent ponding, but such restoration shall not be required to result in adequate compaction for paving or require repair and / or replacement of areas that may be paved after installation of the water lines and sewer lines and other related facilities; and 2) comply with all applicable federal, state and other governmental laws and regulations regarding wetlands, hazardous materials, endangered species, navigable streams, and potential burial and other archaeological sites (collectively, the "Applicable Laws") in the installation and maintenance of the water lines and sewer lines.

5. Miscellaneous.

(a) Binding Effect. The rights granted herein shall be non-exclusive and shall run with title to the Servient Estate, and shall be binding upon and inure to the benefit of and be enforceable by the heirs, legal representatives, successors and assigns of Grantor and Grantee.

(b) Remedies; Attorneys' Fees. If either Grantor or Grantee breaches any of its obligations under this Easement, the non-breaching party will have available to it all remedies available at law or equity, including the right to recover reasonable costs and expenses of suit, including, without limitation, reasonable attorneys' fees.

(c) Severability. The invalidity of any one of the covenants, agreements, conditions or provisions of this Easement or any portion thereof shall not affect the remaining portions thereof and this Easement shall be construed as if such covenant, agreement, condition or provision had not been inserted herein.

(d) Entire Agreement. This Easement constitutes the entire agreement and understanding between Grantor and Grantee relating to the subject matter hereof and may not be amended, waived or discharged, except by instrument in writing executed by the party against which enforcement of such amendment, waiver or discharge is sought.

(e) Authority. Each party hereto represents and warrants to the other parties that the execution of this Easement and any other documents required or necessary to be executed pursuant to the provisions hereof are valid, binding obligations and are enforceable in accordance with their terms.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, Grantor and Grantee have caused this Easement to be executed and delivered by their respective undersigned officer(s) and/or representative(s), they being duly authorized, effective as of the date first above written.

GRANTOR:

LANCASTER COUNTY,
a political subdivision of the State of South Carolina

Witness #1

By: _____

Name: _____

Title: _____

Witness #2

State of _____
County of _____

ACKNOWLEDGEMENT

On this ____ day of _____, 20____, before me personally appeared _____, who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument and he acknowledged that he executed the foregoing instrument by his signature here.

[Name of signatory]

Sworn to (or affirmed) and subscribed before me this the ____ day of _____, 20____.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

_____, County, _____
My commission expires: _____

Signed, sealed and delivered
in the presence of:

GRANTEE:

**LANCASTER COUNTY WATER AND
SEWER DISTRICT**

Witness #1

By: _____
Bradley H. Bucy, Manager

Witness #2

State of South Carolina
County of Lancaster

ACKNOWLEDGEMENT

On this ____ day of _____, 2021, before me personally appeared
Bradley H. Bucy, who provided satisfactory evidence of his identification to be the person whose
name is subscribed to this instrument and he acknowledged that he executed the foregoing
instrument by his signature here.

Bradley H. Bucy

Sworn to (or affirmed) and subscribed before me this the ____ day of _____, 2021.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

Lancaster County, South Carolina
My commission expires: _____

EXHIBIT A

Description/Depiction of the Servient Estate

BEING the property conveyed to Lancaster County by deed from VK Covington LLC recorded on October 26, 2018, in Book 1181 at Page 134, in the public records for Lancaster County, South Carolina, further identified as 3.119 acres (135,892 square feet) as shown on plat of survey entitled, "Final Plat at Property known as 10754 Harrisburg Road, Parcel #0003.00-041.00 DB 509, PG 239, Town of Indian Land, Lancaster County, SC for Lancaster County" prepared by Metrolina Engineering & Surveying Associates, dated June 18, 2018 and recorded September 26, 2018 in Plat Book 2018, Page 579, Lancaster County Register of Deeds, and having the metes and bounds, courses and distances, buttings and boundings as upon said plat appear.

EXHIBIT B

Description / Depiction of Easement Area

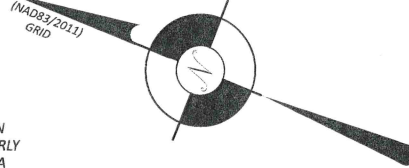
[SEE ATTACHED]

EXHIBIT "B"

I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown. Witness my original signature, registration number and seal this _____ day of _____, 2021.


Professional Land Surveyor

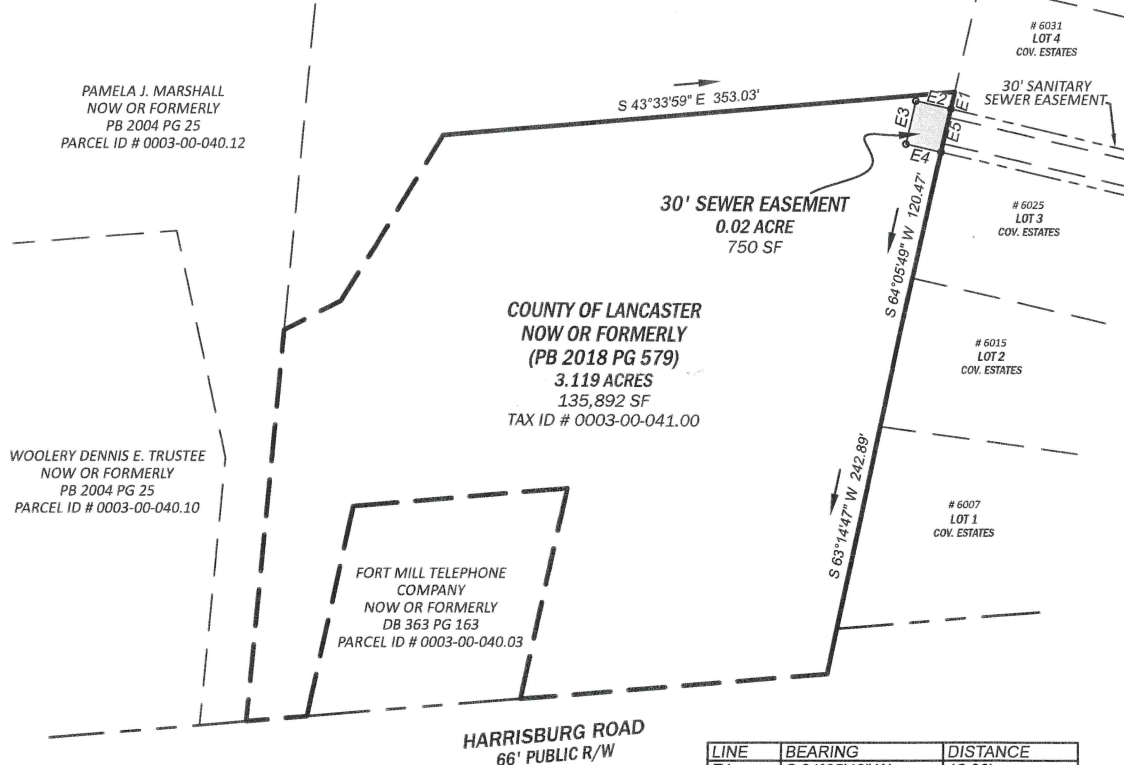
L-25432
Registration Number



NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM LANCASTER COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
3. THIS SURVEY IS INTENDED TO BE USED FOR A 30' SEWER EASEMENT, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.

VK COVINGTON
NOW OR FORMERLY
COMMON AREA
PB 9035 PG 0000
PARCEL ID # 0004-00-001.01



SCALE: 1" = 100'

LEGEND

R/W	RIGHT-OF-WAY
SF	SQUARE FOOT
PB	PLAT BOOK
DB	DEED BOOK
PG	PAGE
---	LINES SURVEYED
---	LINES NOT SURVEYED
---	RIGHT-OF-WAY
---	EASEMENT

LINE	BEARING	DISTANCE
E1	S 64°05'49" W	12.00'
E2	N 25°54'11" W	25.00'
E3	S 64°05'49" W	30.00'
E4	S 25°54'11" E	25.00'
E5	N 64°05'49" E	30.00'

FLOOD NOTE:

NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP. COMMUNITY PANEL 45057C0040E, DATED: MAY 16, 2017.

VICINITY MAP (Not to Scale)



OWNER:
COUNTY OF LANCASTER
101 N. MAIN
LANCASTER, SC 29720

EASEMENT EXHIBIT

AT PROPERTY KNOWN AS
10754 HARRISBURG ROAD
LANCASTER COUNTY FIRE STATION
PARCEL ID # 0003-00-041.00, PB 2018 PG 579
TOWN OF INDIAN LAND, LANCASTER COUNTY, SC
FOR: LANCASTER COUNTY

METRO-LINA

LAND SURVEYING, INC.
SURVEYING • MAPPING • PLANNING

4121-C ROSE LAKE DRIVE
CHARLOTTE, NC 28217

P (704) 741-1700
C (980) 721-2353

NC #C-4584 & SC #C-6106

Job No.	27-17-001
Date	6/5/21
Proj. Mgr.	WGD
Drawn	CDF

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1753 / Planning Case Number: RZ-2021-0961

Contact Person / Sponsor: Ashley Davis /Planning

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Application by Melinda Hoopaugh to rezone approximately 0.789 acres located at the intersection of Fort Mill Hwy and Kohut Dr. (TM# 0006N-0B-005.01) from Neighborhood Business (NB) to General Business (GB) District. This case is a companion case to Ord. 2021-1754 (RZ-2021-0962).

The applicant has requested to rezone two parcels (a total of 1.8 acres) from NB and MDR District to GB District. The intent is to sell the properties to be utilized for its highest and best use.

Points to Consider:

Looking Forward

Given the recently approved Joyce Brooks rezoning (923 Hamstead Circle) to GB along with the current proposals (Ord. 2021-1753 and 2021-1754) the Planning Department has started to take a deeper look at what the future of this area may look like. At this time, the Department believes that commercial rezonings should be limited to the west side of Kohut Drive and south of the intersection of Kohut and Woodville Court.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the proposed rezoning.

Recommendation:

Planning Commission unanimously recommended **approval**.

Staff recommends approval of the request to rezone.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1753	8/12/2021	Ordinance
Planning Staff Report	6/1/2021	Planning Staff Report
Exhibit 1: Applications	6/1/2021	Exhibit
Exhibit 2: Zoning Map	6/1/2021	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2021-1753

COUNTY OF LANCASTER

(

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A .8 ACRE TRACT OF PROPERTY (TMS# 0006N-0B-005.01) LOCATED AT FORT MILL HIGHWAY AND KOHUT DRIVE, LANCASTER, SOUTH CAROLINA, FROM NB, NEIGHBORHOOD BUSINESS DISTRICT, TO GB, GENERAL BUSINESS DISTRICT

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Melinda Hoopaugh, applied to rezone a .8 acre, more or less, parcel of property located at Fort Mill Highway and Kohut Drive, Lancaster, South Carolina (TMS # 0006N-0B-005.01) from NB, Neighborhood Business District to GB, General Business District.

(b) On June 15, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning request.

(c) The requested GB District is consistent with the Neighborhood Mixed-Use Future Land Use Category in the Comprehensive Plan and generally consistent with the surrounding area.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from NB, Neighborhood Business District, to GB, General Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0006N-0B-005.01

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 9, 2021
Second Reading: August 23, 2021
Third Reading: September 13, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone a total of 1.8 acres (RZ-2021-0961: 0.8 acres, RZ-2021-0962: 1 Acre)

PROPERTY LOCATIONS: RZ-2021-0961: Fort Mill Hwy and Kohut Dr (TM # 0006N-0B-005.01)
RZ-2021-0962: 9839 Kohut Drive (TM # 0006N-0B-008.00)

CURRENT ZONING DISTRICT: RZ-2021-0961: Neighborhood Business (NB)
RZ-2021-0962: Medium Density Residential (MDR)

PROPOSED ZONING DISTRICT: General Business (GB) District

APPLICANT: Melinda Hoopaugh

COUNCIL DISTRICT: District 7, Brian Carnes

OVERVIEW:

Proposal

The applicant has requested to rezone two parcels (a total of 1.8 acres) from NB and MDR District to GB District. The intent is to sell the properties to be utilized for its highest and best use.

Site Information

RZ-2021-0961: Subject Parcel is vacant.

RZ-2021-0962: Subject parcel is currently residential and there is a mobile home on the property.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by NB, MDR and GB zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	NB, GB	Gas Station and Landscaping Material Supplier
South	Lancaster County	MDR	Single-Family Residential
East	Lancaster County	NB, MDR	Used Car Sales, Manufactured Housing
West	Lancaster County	GB, Proposed Rezoning	Gas Station, Joyce Brooks Rezoning

ANALYSIS & FINDINGS:

Zoning Districts

RZ-2021-0961: The subject property is currently in the NB District. Pursuant to UDO Chapter 2.3, the NB District *is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.*

RZ-2021-0962: The subject property is currently in the 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, 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.

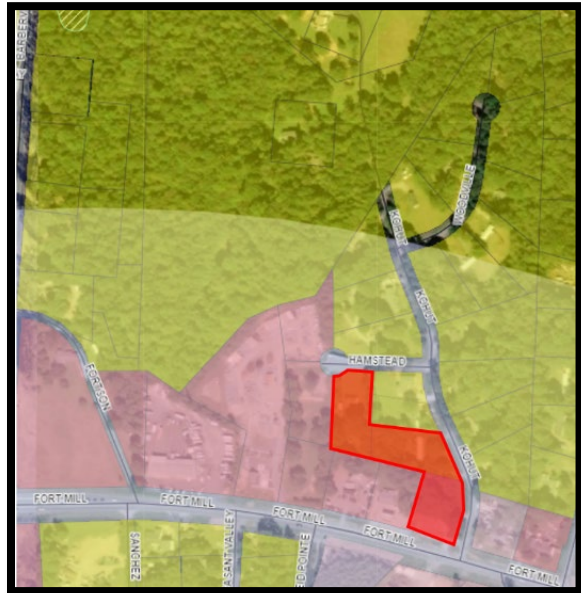
Requested GB

UDO Chapter 2.3 describes the requested GB District *as is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the NB, MDR, and GB Districts. The surrounding uses are primarily commercial in nature (used car sales, gas station, and landscaping material sales).

At the time of publishing for this report the Joyce Brooks rezoning (TM# 0006N-0B-010.00) had received unanimous approval through two of the three required readings at County Council to rezone from MDR to GB. For reference, if the Joyce Brooks rezoning and the subject rezonings were to be approved, the zoning map would appear as shown on the right with the shades of red representing commercially zoned districts and yellow representing residential districts.

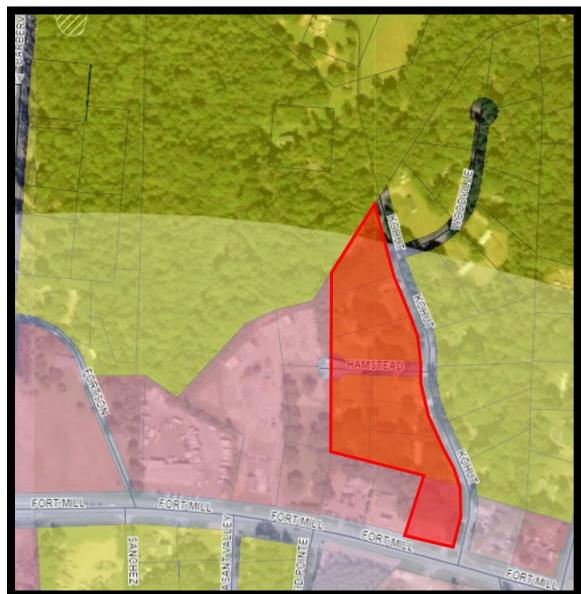


Looking Forward

Given the recent rezonings to commercial districts (primarily GB) in this area, the Planning Department has started to take a deeper look at what the future of this area may look like. At this time, the Department believes that commercial rezonings should be limited to the west side of Kohut Drive and south of the intersection of Kohut and Woodville Court (see bottom right).

Non-Conformance Status

RZ-2021-0962: The use of the property is currently residential in nature. If the rezoning to GB were to be approved, the home on the property would become legal non-conforming if it remains on the site as a residence. This legal non-conforming status means that no major changes can occur to the residence or parcel which would further expand its non-conformance. Also, any new business moving



on to the property would be required to improve the site and building to meet current UDO and Building Code standards.

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category guiding 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 GB District is consistent with the Neighborhood Mixed-Use Future Land Use Category.

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. If a commercial use or uses were to move on to these properties which would create more than 50 peak hour trips to or from this location a TIA would be required as part of their site plan submittal.

Public Utilities

Public water is currently serving these sites, currently there is a septic tank on the property for RZ-2021-0962.

Public Schools

There are no capacity concerns for the schools within this area pertaining to this change.

PHOTOS OF PROJECT AREA:



Subject Properties are visible on the right hand side of the photo above.



Aerial view of intersection of Kohut Drive and Fort Mill Hwy: Subject parcel can be seen in the lower left hand corner.



Aerial view from Hwy 160: Subject parcel can be seen in the upper center.

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone both properties for a total of 1.8 acres (TM # 0006N-0B-005.01 and 0006N-0B-008.00) from Neighborhood Business (NB) and Medium Density Residential (MDR) Districts to General Business (GB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcels: TM# 0006N-0B-005.01 and 0006N-0B-008.00;
2. That the subject properties are currently zoned NB and MDR District and proposed to be rezoned GB District;
3. That the subject properties have a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood Community Type;
4. That the requested GB District is consistent with the Neighborhood Mixed-Use Future Land Use Category; and
5. That the proposed GB District is generally consistent with the surrounding area which is comprised of NB, MDR, and GB Districts.

ATTACHMENTS:

1. Rezoning Applications
2. Location Map/ Zoning Map

STAFF CONTACT:

Ashley Davis, Planner

adavis@lancastersc.net | 803-416-9433



Planning Department

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

Phone: 803.285.6005, planning@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 _____

City Indian Land State SC Zip 29707 Tax Parcel ID 0006N-DB-005.01

Current Zoning NB Current Use raw acreage

Proposed Zoning GB Total Acres .798 AC

Project Description _____

Surrounding Property Description _____

CONTACT INFORMATION

Applicant Name Melinda Earnheart Hoopangh

Address 960 Halsenille Road

City Chester State SC Zip 29706 Phone (704) 497-9041

Fax _____ Email mkearnheart@aol.com

Property Owner Name Pinerille Investments, Inc.

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.

Nicole Burkhardt Hopewell
Applicant

April 26, 2021
Date

Private Investments, LLC. Nicole Burkhardt Hopewell
Property Owner(s) President

April 26, 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.
- 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.



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 9839 Kohut Drive (South Winds)
City Indian Land State SC Zip 29107 Tax Parcel ID 0006N-03-008.00-1601
Current Zoning HDR Current Use rented lot
Proposed Zoning GB Total Acres 1
Project Description _____

Surrounding Property Description GB / NB

CONTACT INFORMATION

Applicant Name Melinda Earnheart Hoopaugh
Address 960 Halseville Road
City Chester State SC Zip 29706 Phone (704) 497-9041
Fax _____ Email mKearnheart@aol.com
Property Owner Name Pinerille Investments, Inc.
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.

Heidi DeLoe
Applicant

April 26, 2021
Date

Presidential Investments LLC Heidi DeLoe
Property Owner(s)

April 26, 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.
- Rezoning Application Fee – single parcel \$435.00
- Rezoning Application Fee – multi parcel \$610.00

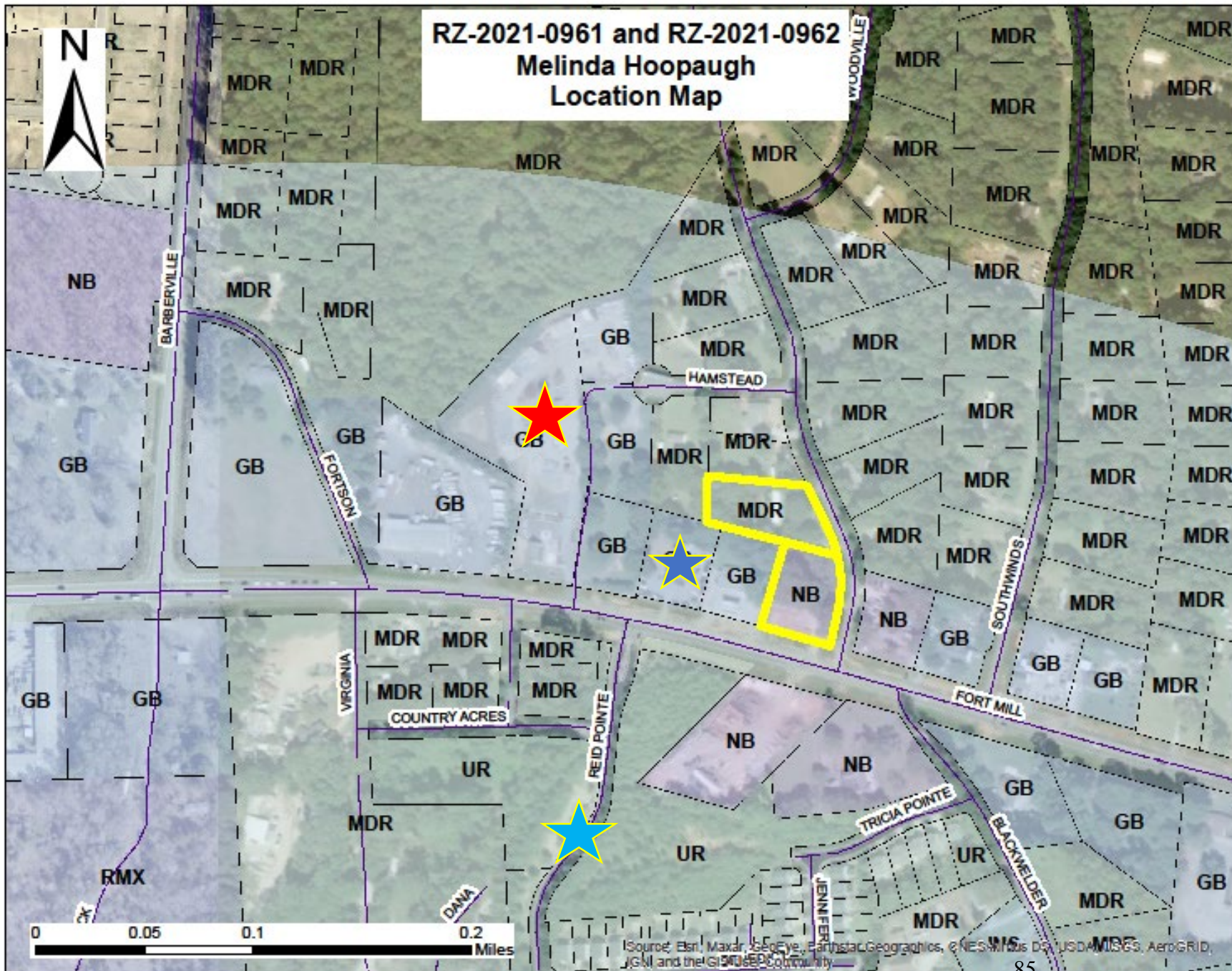
2. Planning Commission

- 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.

RZ-2021-0961 and RZ-2021-0962
Melinda Hoopaugh
Location Map



Proposal:
Rezone two properties from
MDR and NB to GB

Legend:



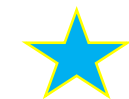
Subject Property



Best Deals Used Car
Sales



Markham Landscape
Products



Reid Pointe
Neighborhood

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1754 / Planning Case Number: RZ-2021-0962

Contact Person / Sponsor: Ashley Davis /Planning

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Application by Melinda Hoopaugh to rezone approximately 1 acre located at 9839 Kohut Dr. (TM# 0006N-0B-008.00) from Medium Density Residential (MDR) to General Business (GB) District. This case is a companion case to Ord. 2021-1753 (RZ-2021-0961).

The applicant has requested to rezone two parcels (a total of 1.8 acres) from NB and MDR District to GB District. The intent is to sell the properties to be utilized for its highest and best use.

Points to Consider:

Looking Forward

Given the recently approved Joyce Brooks rezoning (923 Hamstead Circle) to GB along with the current proposals (Ord. 2021-1753 and 2021-1754) the Planning Department has started to take a deeper look at what the future of this area may look like. At this time, the Department believes that commercial rezonings should be limited to the west side of Kohut Drive and south of the intersection of Kohut and Woodville Court.

Non-Conformance Status

RZ-2021-0962: The use of the property is currently residential in nature. If the rezoning to GB were to be approved, the home on the property would become legal non-conforming if it remains on the site as a residence. This legal non-conforming status means that no major changes can occur to the residence or parcel which would further expand its non-conformance. Also, any new business moving on to the property would be required to improve the site and building to meet current UDO and Building Code standards.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning.

Recommendation:

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

Planning Commission recommended **approval** by a vote of 4-1.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1754	8/13/2021	Ordinance
Planning Staff Report	6/1/2021	Planning Staff Report
Exhibit 1: Applications	6/1/2021	Exhibit
Exhibit 2: Zoning Map	6/1/2021	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2021-1754

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 1.0 ACRE TRACT OF PROPERTY (TMS# 0006N-0B-008.00) LOCATED AT 9839 KOHUT DRIVE, LANCASTER, SOUTH CAROLINA, FROM MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO GB, GENERAL BUSINESS DISTRICT

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Melinda Hoopaugh, applied to rezone a 1.0 acre, more or less, parcel of property located at 9839 Kohut Drive, Lancaster, South Carolina (TMS # 0006N-0B-008.00) from MDR, Medium Density Residential District, to GB, General Business District.

(b) On June 15, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 4-1 vote, recommended approval of the rezoning request.

(c) The requested GB District is consistent with the Lancaster County Comprehensive Plan and is generally consistent with properties in the area.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from MDR, Medium Density Residential District, to GB, General Business District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0006N-0B-008.00

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 9, 2021
Second Reading: August 23, 2021
Third Reading: September 13, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone a total of 1.8 acres (RZ-2021-0961: 0.8 acres, RZ-2021-0962: 1 Acre)

PROPERTY LOCATIONS: RZ-2021-0961: Fort Mill Hwy and Kohut Dr (TM # 0006N-0B-005.01)
RZ-2021-0962: 9839 Kohut Drive (TM # 0006N-0B-008.00)

CURRENT ZONING DISTRICT: RZ-2021-0961: Neighborhood Business (NB)
RZ-2021-0962: Medium Density Residential (MDR)

PROPOSED ZONING DISTRICT: General Business (GB) District

APPLICANT: Melinda Hoopaugh

COUNCIL DISTRICT: District 7, Brian Carnes

OVERVIEW:

Proposal

The applicant has requested to rezone two parcels (a total of 1.8 acres) from NB and MDR District to GB District. The intent is to sell the properties to be utilized for its highest and best use.

Site Information

RZ-2021-0961: Subject Parcel is vacant.

RZ-2021-0962: Subject parcel is currently residential and there is a mobile home on the property.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by NB, MDR and GB zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	NB, GB	Gas Station and Landscaping Material Supplier
South	Lancaster County	MDR	Single-Family Residential
East	Lancaster County	NB, MDR	Used Car Sales, Manufactured Housing
West	Lancaster County	GB, Proposed Rezoning	Gas Station, Joyce Brooks Rezoning

ANALYSIS & FINDINGS:

Zoning Districts

RZ-2021-0961: The subject property is currently in the NB District. Pursuant to UDO Chapter 2.3, the NB District *is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.*

RZ-2021-0962: The subject property is currently in the 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, 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.

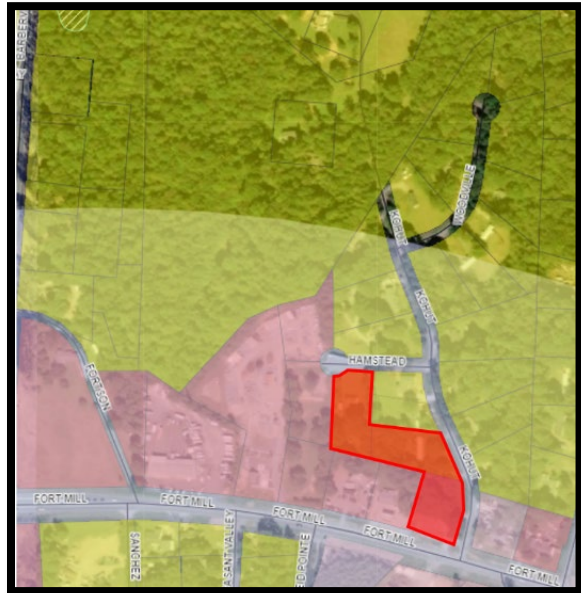
Requested GB

UDO Chapter 2.3 describes the requested GB District *as is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.*

Compatibility with Surrounding Area

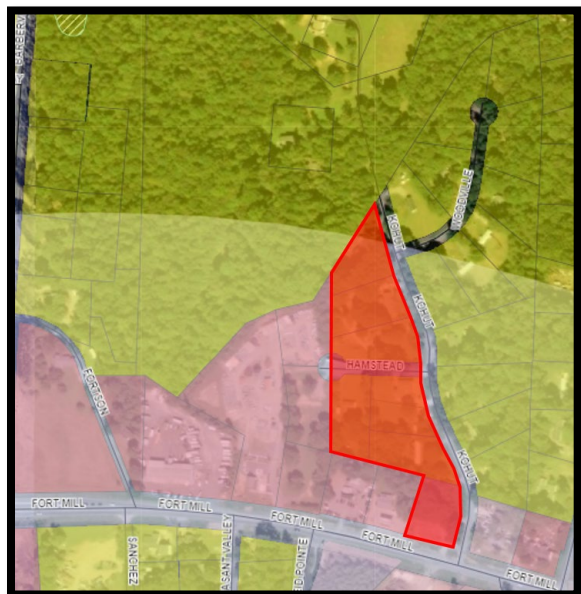
As noted previously, the subject property is predominately surrounded by the NB, MDR, and GB Districts. The surrounding uses are primarily commercial in nature (used car sales, gas station, and landscaping material sales).

At the time of publishing for this report the Joyce Brooks rezoning (TM# 0006N-0B-010.00) had received unanimous approval through two of the three required readings at County Council to rezone from MDR to GB. For reference, if the Joyce Brooks rezoning and the subject rezonings were to be approved, the zoning map would appear as shown on the right with the shades of red representing commercially zoned districts and yellow representing residential districts.



Looking Forward

Given the recent rezonings to commercial districts (primarily GB) in this area, the Planning Department has started to take a deeper look at what the future of this area may look like. At this time, the Department believes that commercial rezonings should be limited to the west side of Kohut Drive and south of the intersection of Kohut and Woodville Court (see bottom right).



Non-Conformance Status

RZ-2021-0962: The use of the property is currently residential in nature. If the rezoning to GB were to be approved, the home on the property would become legal non-conforming if it remains on the site as a residence. This legal non-conforming status means that no major changes can occur to the residence or parcel which would further expand its non-conformance. Also, any new business moving

on to the property would be required to improve the site and building to meet current UDO and Building Code standards.

RELATIONSHIP TO PUBLIC PLANS

The Future Land Use Category guiding 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 GB District is consistent with the Neighborhood Mixed-Use Future Land Use Category.

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. If a commercial use or uses were to move on to these properties which would create more than 50 peak hour trips to or from this location a TIA would be required as part of their site plan submittal.

Public Utilities

Public water is currently serving these sites, currently there is a septic tank on the property for RZ-2021-0962.

Public Schools

There are no capacity concerns for the schools within this area pertaining to this change.

PHOTOS OF PROJECT AREA:



Subject Properties are visible on the right hand side of the photo above.



Aerial view of intersection of Kohut Drive and Fort Mill Hwy: Subject parcel can be seen in the lower left hand corner.



Aerial view from Hwy 160: Subject parcel can be seen in the upper center.

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone both properties for a total of 1.8 acres (TM # 0006N-0B-005.01 and 0006N-0B-008.00) from Neighborhood Business (NB) and Medium Density Residential (MDR) Districts to General Business (GB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcels: TM# 0006N-0B-005.01 and 0006N-0B-008.00;
2. That the subject properties are currently zoned NB and MDR District and proposed to be rezoned GB District;
3. That the subject properties have a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood Community Type;
4. That the requested GB District is consistent with the Neighborhood Mixed-Use Future Land Use Category; and
5. That the proposed GB District is generally consistent with the surrounding area which is comprised of NB, MDR, and GB Districts.

ATTACHMENTS:

1. Rezoning Applications
2. Location Map/ Zoning Map

STAFF CONTACT:

Ashley Davis, Planner

adavis@lancastersc.net | 803-416-9433



Planning Department

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

Phone: 803.285.6005, planning@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 _____

City Indian Land State SC Zip 29707 Tax Parcel ID 0006N-0B-005.01

Current Zoning NB Current Use raw acreage

Proposed Zoning GB Total Acres .798 AC

Project Description _____

Surrounding Property Description _____

CONTACT INFORMATION

Applicant Name Melinda Earnheart Hoopangh

Address 960 Halsenille Road

City Chester State SC Zip 29706 Phone (704) 497-9041

Fax _____ Email mkearnheart@aol.com

Property Owner Name Pinerille Investments, Inc.

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.

Nicole Burkhardt Hopewell
Applicant

April 26, 2021
Date

Private Investments, LLC. Nicole Burkhardt Hopewell
Property Owner(s) President

April 26, 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.
- 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.



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 9839 Kohut Drive (South Winds)
City Indian Land State SC Zip 29107 Tax Parcel ID 0006N-03-008.00-1601
Current Zoning HDR Current Use rented lot
Proposed Zoning GB Total Acres 1
Project Description _____

Surrounding Property Description GB / NB

CONTACT INFORMATION

Applicant Name Melinda Earnheart Hoopaugh
Address 960 Halseville Road
City Chester State SC Zip 29706 Phone (704) 497-9041
Fax _____ Email mKearnheart@aol.com
Property Owner Name Pinerille Investments, Inc.
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.

Heidi DeLoach
Applicant

April 26, 2021
Date

Deville Investments LLC Heidi DeLoach
Property Owner(s)

April 26, 2021
Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

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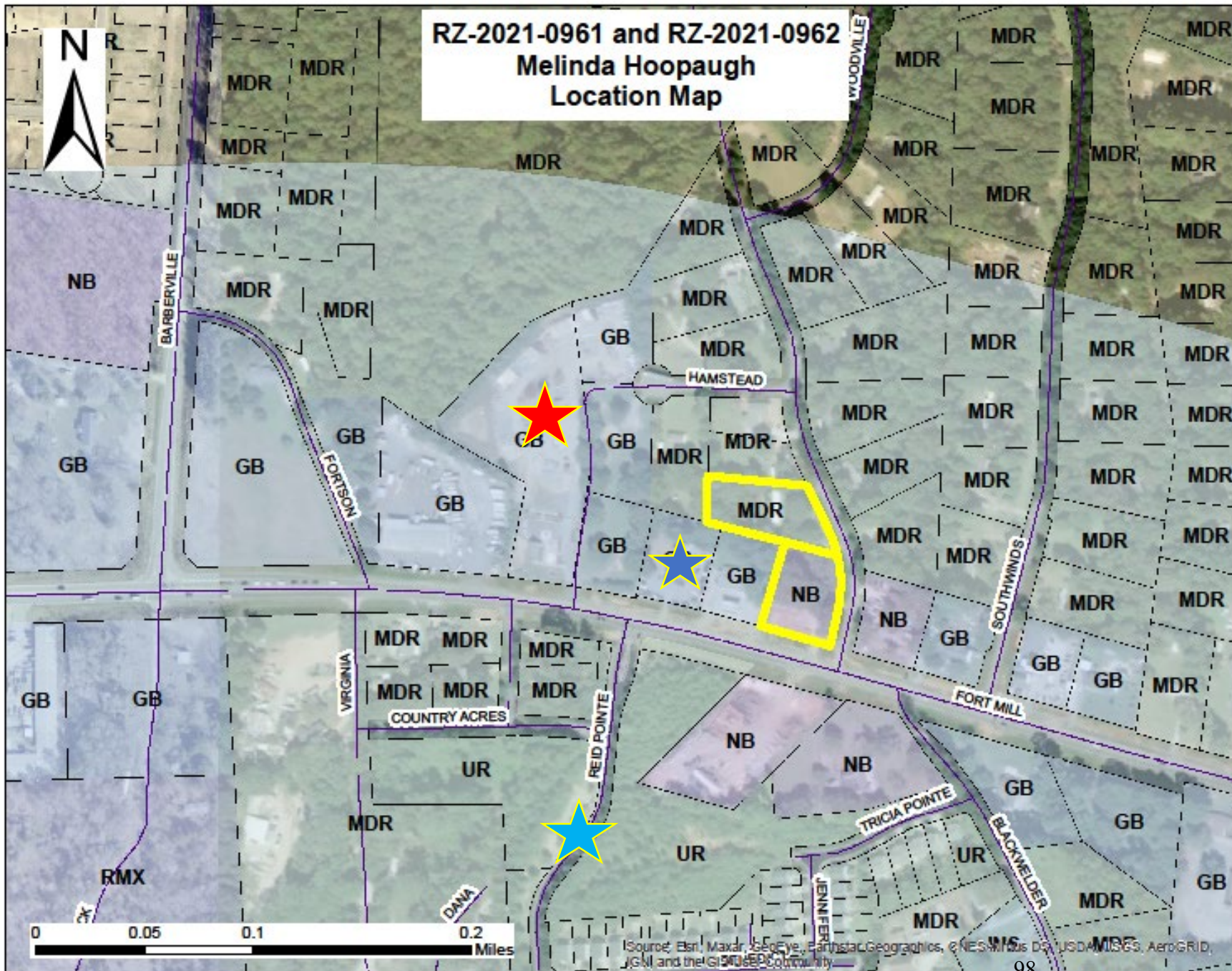
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RZ-2021-0961 and RZ-2021-0962
Melinda Hoopaugh
Location Map



Proposal:
Rezone two properties from
MDR and NB to GB

Legend:



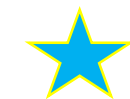
Subject Property



Best Deals Used Car
Sales



Markham Landscape
Products



Reid Pointe
Neighborhood

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1758
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Comprehensive Plan Amendment - Southern Panhandle Small Area Plan Extension

Points to Consider:

Highlights of the Small Area Plan Extension include:

1. Designating future land use of property within study area in order to facilitate better planned future growth as shown on Recommended Future Land Use Map. The study area is located along US-521 between Walnut Creek to Van Wyck Road (generally);
2. Identifying general locations of collector and frontage roads to alleviate traffic on US-521;
3. Goals, objectives and implementation strategies; and
4. Rezoning request criteria to encourage larger, master planned projects.

Funding and Liability Factors:

NA

Council Options:

Approve or deny request

Recommendation:

The Planning Commission unanimously voted to recommend **approval** at the July 20, 2021 meeting.

Two citizens spoke during the public hearing. Both expressed concern with the proposed collector roads. See attached memo for additional information.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1758	8/12/2021	Ordinance
Draft Southern Panhandle Small Area Plan including Appendix D: Southern Panhandle Extension (Exhibit 1 to Ordinance 2021-1758)	8/5/2021	Exhibit
Staff Report	7/30/2021	Planning Staff Report

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2021-1758

COUNTY OF LANCASTER

)

)

AN ORDINANCE

ADOPTING AMENDMENTS TO ELEMENTS OF THE COMPREHENSIVE PLAN FOR LANCASTER COUNTY, SOUTH CAROLINA, BY ADOPTION OF AN EXTENSION OF THE SOUTHERN PANHANDLE SMALL AREA PLAN

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

- 1) the General Assembly of South Carolina enacted in 1994 an amendment to the Code of Laws of South Carolina by adding Chapter 29 to Title 6, "South Carolina Local Government Comprehensive Planning Enabling Act of 1994" (the Planning Enabling Act), and repealing all previously enacted planning Acts and Codes; and
- 2) the Planning Enabling Act requires that the local planning commission develop and maintain a planning process which will result in the systematic preparation and continued reevaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction; and
- 3) The planning process shall include the development of a Comprehensive Plan which shall consist of a population element, an economic element, a natural resource element, a cultural resource element, a community facilities element, a housing element, and a land use element, a transportation element, a priority investment element, and a resiliency element; and
- 4) Upon recommendation of the Lancaster County Planning Department the Lancaster County Planning Commission has undertaken the continued reevaluation and updating of said Comprehensive Plan; and
- 5) After Completion of the Southern Panhandle Small Area Plan and adoption of same by Amendment of Elements of the Comprehensive Plan by County Council (Ordinance 2021-1704), County staff began to consider further study of the land to the north of the original study area. The geographic area bears many similarities to the original study area; and
- 6) The area north of the Southern Panhandle Small Area Plan should be included in the plan as an extension of the Southern Panhandle Small Area Plan; and

- 7) The inclusion of the area north of the original study area and designating future land uses of property within the expanded study area will facilitate better planned future growth, identify general location of collector roads and frontage roads to alleviate traffic of US Highway 521, and is intended to encourage larger, master planned development projects; and
- 8) On July 20, 2021, the Lancaster County Planning Commission held a public hearing and by a unanimous vote recommended approval and adoption by the Lancaster County Council of the geographic extension of the Southern Panhandle Small Area Plan amendment to the Comprehensive Plan for Lancaster County 2014-2024; and

Section 2. Amendment of Ordinance 2014-1318

Ordinance 2014-1318 (Lancaster County Comprehensive Plan 2014-2024) is amended by the addition and inclusion of the extension of the Southern Panhandle Small Area Plan “Exhibit 1” attached hereto and incorporated herein by reference.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

<signature page follows>

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 9, 2021
Second Reading: August 23, 2021
Third Reading: September 13, 2021

Approved as to form:

John DuBose, County Attorney



LANCASTER COUNTY

SOUTH CAROLINA

DRAFT
2/2/21

ACKNOWLEDGMENTS

Lancaster County Council

Terry Graham, District 1
Charlene McGriff, Vice-Chair, District 2
Billy Mosteller, District 3
Larry Honeycutt, District 4
Steve Harper, Chair, District 5
Allen Blackmon, District 6
Brian Carnes, District 7

Lancaster County Planning Commission

Rosa Sansbury, District 1
Tamecca Neely, District 2
Charles Keith Deese, District 3
James Barnett, District 4
Matthew Jones, District 5
Shelia Hinson, District 6
Ben Levine, District 7

Lancaster County Staff

Steve Willis, Lancaster County Administrator
Alison Alexander, Deputy County Administrator
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Katie See, AICP, Senior Planner
Robert Tefft, Senior Planner
Ashley Davis, Planner
Jamie Gilbert, Economic Development Director
Jim Kiley, GIS Director

Southern Panhandle Steering Committee

Bret Baronak, Carolina Thread Trail
Jeff Pilon, John M. Belk Endowment
Kristen E. Blanchard, Economic Dev. Board
Brad Bucy, Lancaster County Water & Sewer District
Dick Christie, Katawba Valley Land Trust
Sean Corcoran, Town of Van Wyck Mayor
Kendrick Cunningham, Duke Energy
John Dillard, CSX Transportation
Jamie Gilbert, Economic Development Director
Terry Graham, Lancaster County Council, District 1
Kevin Hall, Property Owner
Daniel Hopkins, SC Dept. of Transportation
Natalie Jackson, Our Lady of Grace Catholic Church
Kirk Johnston, Andrew Jackson State Park Ranger
Eric Lengers, Property Owner
Hans L. Lengers, Property Owner
Barrie Marsh, Osceola United Methodist Church
Sandy Martin, Duke Energy
Joe McCain, Founders Federal Credit Union
Johnny Parker, Duke Energy
Dr. Jonathan Phipps, Lancaster County School District Superintendent
Athena Rivera, Economic Development Board
Tim Thornton, Lancaster County Natural Gas Authority
Berma Tims, Resident/Business Owner
Stephen White, Lancaster County Water & Sewer District
Steve Willis, Lancaster County Administrator
Fred Witherspoon, Steele Hill AME Zion Church

Special thanks to the staff and members of Our Lady of Grace Catholic Church for hosting the Visioning Week event and Steering Committee Meetings. Thanks to Andrew Jackson State Park, the Town of Van Wyck, and Steele Hill AME Zion Church for also hosting Steering Committee meetings.

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INTRODUCTION & BACKGROUND

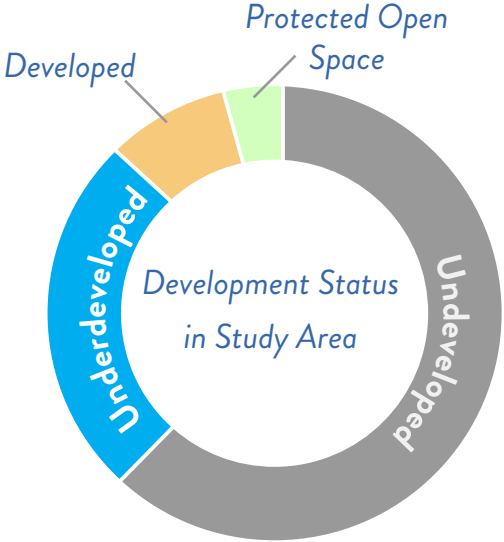


PROJECT OVERVIEW

The population of Lancaster County has grown by approximately 20% since the 2010 Census. Much of this growth has been in the Indian Land area, immediately north of the study area, but the areas of growth are expanding. In 2019, the County approved the Roselyn subdivision, an 1,850-home project on 1,800 acres—the largest residential project in Lancaster County. The site—located just south of the study area—is expected to include a County park. While the Southern Panhandle is currently dominated by low density, single-family residential homes and a rural landscape, development pressure is growing. Current zoning is primarily Rural Neighborhood, Rural Residential, and Open Space Preservation, with limited non-residential pockets. The area has many assets that make it attractive for future development, including Van Wyck Elementary School, Indian Land High School, the key US 521 and SC Highway 5 corridors, and Andrew Jackson State Park. With significant undeveloped land, County staff expects rezoning requests in the study area to continue to increase.

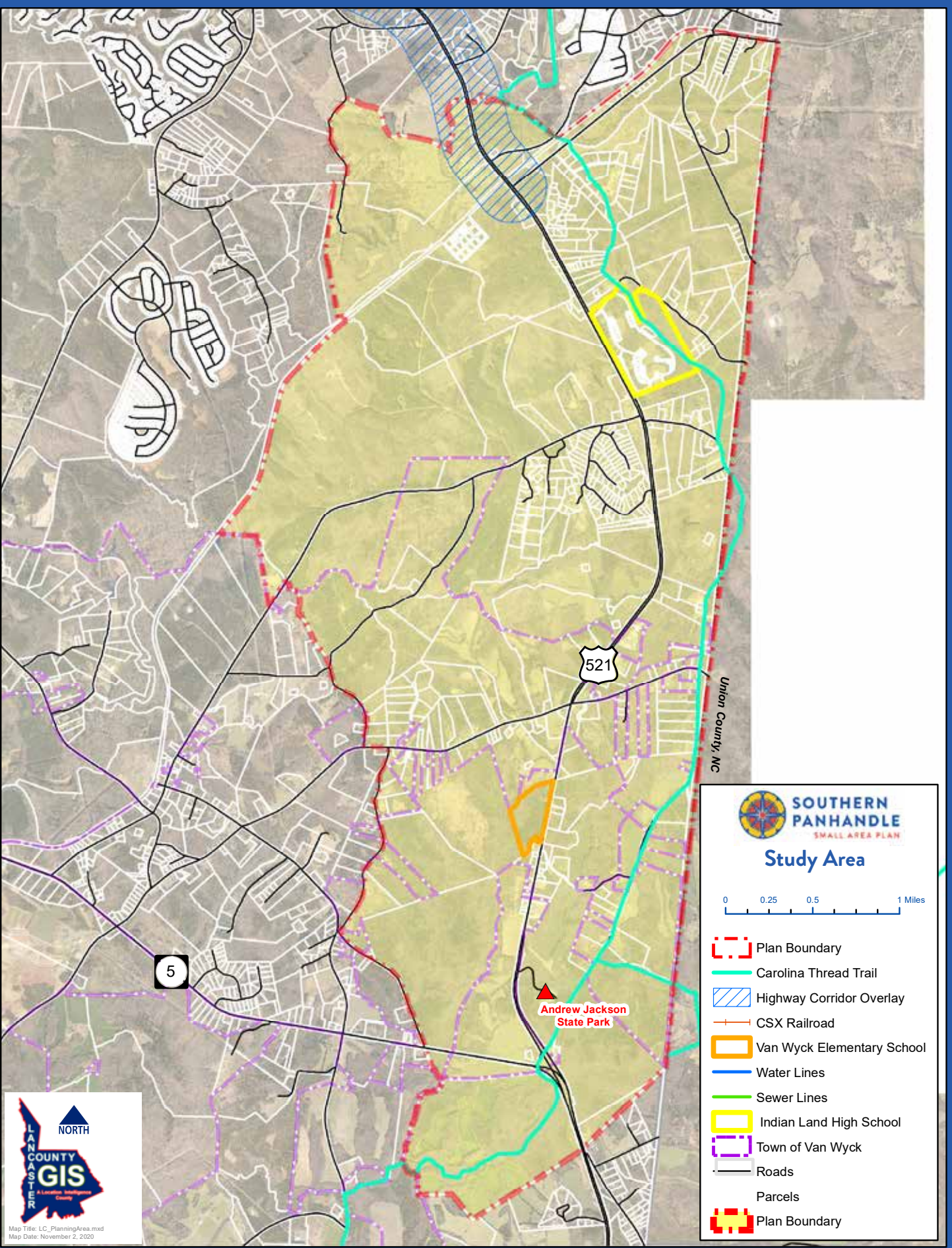
County leaders recognized a need for a Southern Panhandle Small Area Plan in order to develop a consistent vision for land use and transportation as the area grows. This plan provides the County with a guide for future growth, as well as an assessment of infrastructure needed to serve that growth. While looking to the future, the plan upholds current County goals and policies, such as maintaining a strong economy and managed growth and keeping the environment safe and healthy.

PLANNING CONTEXT



The Southern Panhandle Small Area Plan includes approximately 8,500 acres of primarily rural living. The area is located in Lancaster County south of Indian Land; west of Union County, NC; east of York County, SC; and north of the City of Lancaster. The area includes Van Wyck Elementary School, Indian Land High School, Andrew Jackson State Park, Millstone Creek Neighborhood, sections of the Carolina Thread Trail, significant undeveloped assets, and abundant natural and cultural resources. Almost 23% of the study area is within the Town of Van Wyck.

The Southern Panhandle planning area has extensive opportunities for development and redevelopment. Approximately 88% of the land is considered to be either Undeveloped or Underdeveloped. Land was considered to be underdeveloped if the parcel was not fully developed or not considered to be used to the best potential. (See Appendix B for a map of development status.)



RELATIONSHIP TO OTHER PLANS

This plan builds on a number of previous County and regional plans. The most relevant plans are shown below. Additional plans can be found in Appendix A.

Lancaster County Comprehensive Plan 2014-2024

The Plan identifies the majority of the Southern Panhandle Planning Area as Rural Living on the Future Land Use map. Rural Living includes a variety of residential types that include farmhouses, large acreage rural family dwellings, and conservation subdivisions that preserve open landscape and traditional buildings.

Carolina Thread Trail Master Plan, 2011

The Carolina Thread Trail is a 15-county bi-state program to create an interconnected trail system with major regional trails. A guiding principle of the Carolina Thread Trail is “respect for the land and respect for the landowner.” The Plan includes 182 miles of trails and 41 miles of blueways. The Lancaster Panhandle Greenway segment of the trail system is 20.4 miles long and 8.3 miles of it runs through the study area. Connection and access opportunities are located at Andrew Jackson State Park, Twelve Mile Creek, and the historic Old Waxhaw Presbyterian Church / Cemetery in Union County, NC.

Recreation Needs Assessment and Strategic Recommendations, 2015

The Recreation Needs Assessment and Strategic Recommendations was completed by Clemson University to evaluate park and recreation needs in Lancaster County. The study determined a broad support for improved recreation facilities, programs, and services from a large cross-section of the community including gender, age, and ethnicity. A 100-acre multi-purpose recreation center was recommended south of the Southern Panhandle and north of the City of Lancaster next to the intersection of US 521 and Shiloh Unity Road.



Town of Van Wyck

Lancaster County coordinates regularly with jurisdictions within the County. As noted previously, almost a quarter of the study area is within the Town of Van Wyck. Currently, Lancaster County staff is responsible for processing land use applications within the Town. Major applications are reviewed and approved by the Van Wyck Planning Commission and Town Council. The Town is in the process adopting their first Comprehensive Plan and will be incorporating applicable sections of the Southern Panhandle Small Area Plan.

PUBLIC OUTREACH

In keeping with the County’s policy of transparency in the planning process, recommendations contained in this plan are grounded in an extensive public engagement process. The vision and planning themes reflect the values of residents from the study area and surrounding communities. A steering committee made up of key stakeholders in the area met throughout the process and helped to guide the development of the plan.

The central event of the planning process was the four-day Visioning Week at Our Lady of Grace Catholic Church. The week included a hands-on workshop where residents, property owners, and other stakeholders participated in a visual preference survey and small-group discussions about the future of the Southern Panhandle. During the week, County representatives also held one-on-one stakeholder interviews with major property owners, business owners, and relevant agency representatives. The public was invited to drop in any time during the week to share ideas and to ask questions. Common themes identified during Vision Week included the importance of preserving the area’s rural lifestyle, protecting natural resources and community heritage, planning for infrastructure needs, developing trails, and establishing mixed use centers and employment areas in designated locations.

Among the area’s **strengths** identified throughout the planning process were the schools, the abundant undeveloped land, location within the region, and nature trails. **Weaknesses** and **threats** included traffic conditions, infrastructure, unknowns such as the Dave Lyle Boulevard Extension, the aging population, affordability, and rapid development. The major **opportunity** identified was the ability to plan ahead for growth, as the area is currently a blank canvas.

(A more detailed description of the public engagement process and the results of a SWOT analysis can be found in Appendix C.)



EXISTING CONDITIONS

To understand the context for growth in the area, an assessment of existing conditions was conducted. The existing conditions assessment consisted of a physical analysis of the area and determination of available infrastructure and transportation needs.

Utilities

The Lancaster Water & Sewer District (LCWSD) is the utility provider in the study area. Sewer service is not yet available in most of the area though it will become available as development occurs. Capacity fees, which provide funding for facility improvements, are paid by development prior to construction.

Infrastructure, particularly sewer, is a limiting factor for development in the study area. The pipe sizes necessary for improvements within the area are dependent upon the density of proposed residential developments, how much land within a project area is improved, and the intensity of non-residential development. According to the Lancaster County Water & Sewer District (LCWSD), the most important sewer need for this study area is an equalization basin, which would allow the LCWSD to control how much sewer flow goes into the sewer station, thereby avoiding spikes in flow. The location has been identified for this basin, slightly northwest of the planning area boundary. A study was completed in 2019, but the project completion date is unknown at this time.

A pump station will be needed north of the intersection of Highway 5 and US 521. The LCWSD recently completed a sewer project that will facilitate future expansion. They coordinated with CSX and the SCDOT to extend an 18” sewer line under the railroad and Highway 75/Waxhaw Highway, which will be an advantage for development in the northern portion of the study area.

Transportation

The main transportation corridor in the Southern Panhandle is US 521, a four-lane divided highway. US 521 includes north and south bound traffic volumes and has multiple roads that intersect, including Highway 75, Steele Hill Road, Rebound Road, and Highway 5. These crossroads provide access points along US 521 for routes north to Indian Land and to NC and south to the City of Lancaster. At these intersection locations, transportation enhancements are needed such as traffic signals, geometric design changes, realignments, accessibility, and safety.

The Rock Hill-Fort Mill Area Transportation Study (RFATS) is the local Metropolitan Planning Organization (MPO). The Lancaster County northern panhandle is located within the northeast section of the RFATS area, whose boundaries consist of North Carolina to the north and east and the Catawba River to the west. US 521, which runs north-south, is a major arterial within the RFATS area.

The Rock Hill-Fort Mill Area Transportation Study (RFATS) region initiated a Collector Street Plan in 2017 to reduce long-term traffic congestion as additional development occurs by outlining a network of supporting streets to expand driver choice, provide alternative routes, and guide the construction of a more fully developed network of interconnected streets (RFATS Collector Street Plan, 2017). Dave Lyle Boulevard currently stretches from west of Main Street in Rock Hill to Waterford Park Drive, connecting to I-77 and US-21, and an extension of Dave Lyle Boulevard is planned within Lancaster County and the Planning Area; however it is listed on the Long Range Transportation Plan unfunded project list.

A traffic signal was recently installed at the intersection of US 521 and Highway 75/Waxhaw Highway. The second traffic signal will be located at the intersection of US 521 and Witherspoon Drive for Indian Land High School.

The Carolina Thread Trail (CT Trail) is proposed to run through the study area predominately on the eastern side of US 521 and southwest of the intersection of US

521 and Highway 5. The CT Trail should be installed as the project area develops over time, and in accordance with the Carolina Thread Trail Master Plan and Lancaster County Unified Development Ordinance. It should connect to the existing portion currently located in the Walnut Creek residential community and park, just north of the study area boundary.

RFATS commissioned the Bike Walk plan in 2016 to guide short and long-term transportation and land use planning decisions for a safer, more accessible bicycling and walking environment (Bike Walk, 2016). The plan identified proposed network maps which include primary routes for active transportation. While the RFATS boundary limit ends at Highway 75/Waxhaw Highway, it shows the southern portion of the Carolina Thread Trail – within this study area boundary – connecting to the existing portion of the CT Trail at Highway 75/Waxhaw Highway, coming from the existing Walnut Creek CT Trail segment. This segment of the trail is proposed to be a shared use path.

CSX Rail

A CSX Railroad line is located along the northern boundary of the Planning Area. The line, which carries between five and ten trains per day, includes double stack containers and provides rail service of inbound and outbound consumer goods to adjacent properties.

CSX Rail will be constructing approximately 4,000 feet of rail siding from east of Hancock Road to west of Hector Road as part of a project intended to consolidate rail crossings, eliminate rail-highway conflicts and improve emergency response time by eliminating delays due to blocked crossings by constructing a grade separated crossing along Highway 75/Waxhaw Highway. The portion of this project located within the study area consists of a siding extension for trains to dwell at a safe distance from rail-highway crossings by providing an additional track. This will accommodate the anticipated increase in train frequency and length.

Duke Energy

Duke Energy serves the Planning Area with a distribution system that meets the service needs. Major distribution system enhancements that may be

necessary can be accomplished within the timelines of customer projects. Duke Energy plans to add capacity along US 521 upgrading 12kV lines to 24kV lines. These upgrades will be completed as new developments occur. The initial phases of the distribution enhancements will occur in the northern portion of the Planning Area and are anticipated to be completed in 2021. As the Planning Area continues to grow and develop, Duke Energy has the capacity to meet the energy demands within their stations across the region.

Natural Gas

Lancaster County Natural Gas Authority serves customers across the Planning Area. Gas main and service line extension projects are accomplished at the request of and within the timelines of customer projects. No major natural gas system upgrades or enhancements are anticipated for the Planning Area, and Lancaster County Natural Gas Authority has the capacity to meet the gas needs as growth occurs within the Planning Area.

Additional information about the study area, as well as detailed maps, can be found in Appendices A and B.



PLAN THEMES & RECOMMENDED LAND USE PLAN



VISION STATEMENT:

The Southern Panhandle Small Area Plan seeks to preserve the rural lifestyle and values of residents by ensuring that developments conserve the natural landscape, cultivate employment centers, and create efficient infrastructure through enhanced connectivity, safety, and mobility.

PLAN THEMES WITH RECOMMENDED LAND USE PLAN

RECOMMENDED LAND USE PLAN

The Recommended Land Use Plan reflects input from residents, property owners, and stakeholders from the Visioning Week held in November, 2019. Participation included drop-in discussions, one-on-one interviews, and a community evening workshop. The evening Hands-On Workshop included a diverse group of 54 individuals from the community who participated in a Visual Preference Survey and developed seven group scenarios. The consensus on the feedback received was specific on intentional growth in the Southern Panhandle that adds value and maintains the rural lifestyle of the area. The common threads heard across all the engagement opportunities are noted below.

- Maintain Rural Character and Support Local Heritage
- Focus Employment and Suburban Development in Key Areas
- Protect and Manage Tree Canopy
- Ensure Growth Does Not Detract from Andrew Jackson State Park
- Encourage Sewer and Other Infrastructure Investment in Key Growth Areas
- Protect the Natural Environment as a Key Identity Element

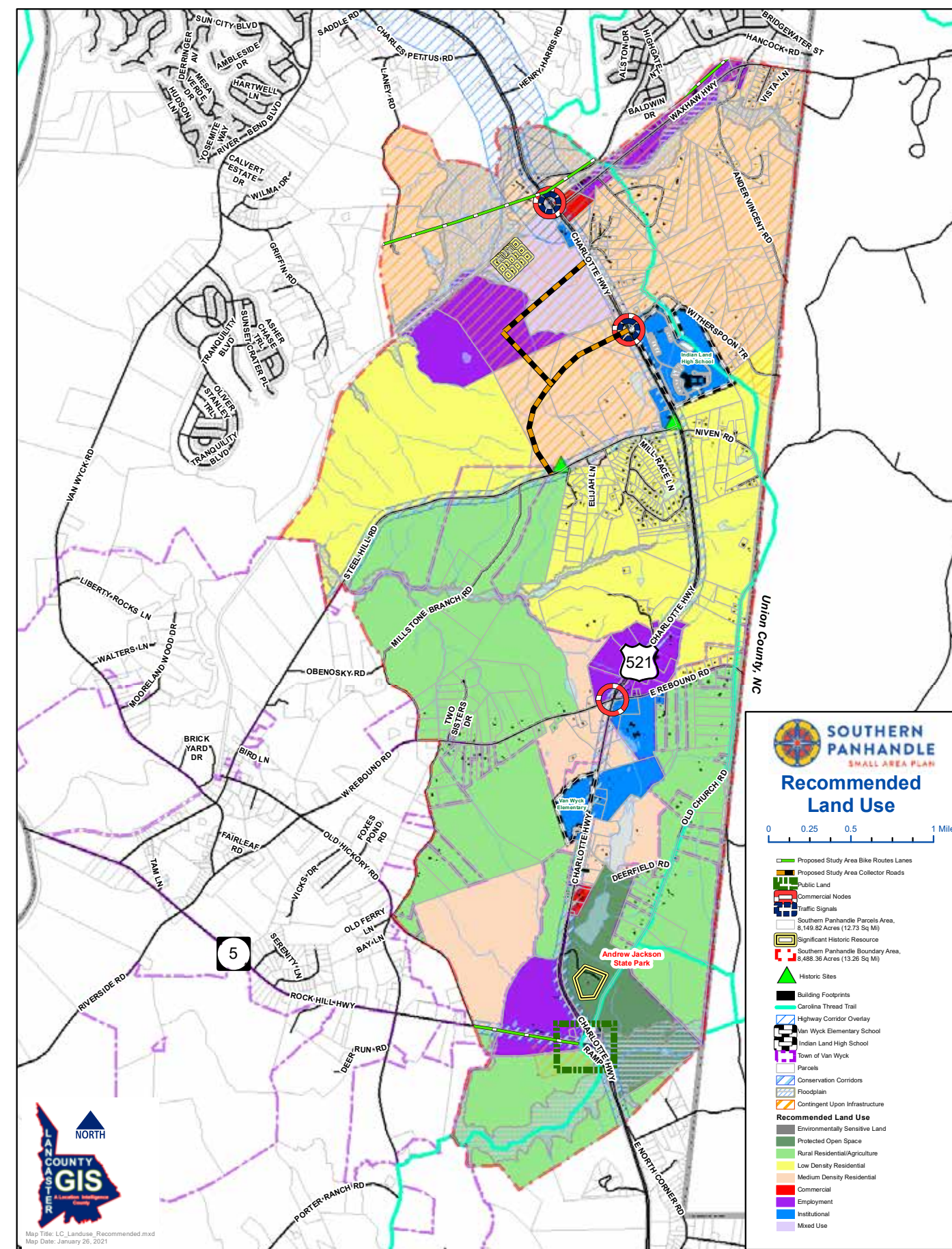
PLAN THEMES

From these common threads, four plan themes were developed and incorporated into the Recommended Land Use Plan.

- Preserve Natural Landscape
- Celebrate Rural Lifestyle
- Cultivate Employment Centers
- Create Efficient Infrastructure



Source: Uptown 101



FUTURE LAND USE CATEGORIES



Environmentally Sensitive Lands

Areas designated for protection and preservation of floodplains and wetlands.



Protected Open Space

These areas are designated for the protection of properties under public ownership, such as parks, trails, greenways, and/or properties otherwise restricted for use for passive or active recreation.



Rural Residential/Agricultural

Large tracts of property with rural living that provide an abundance of open space and forested lands. Limited to a density of one dwelling unit per acre.



Low Density Residential

Land for single-family residential subdivisions and supporting recreational, religious, and educational uses at a density of 1.5 dwelling units per acre. Conservation subdivisions are encouraged here.



Medium Density Residential

Single-family residential subdivisions and supporting recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Conservation subdivisions are encouraged here.



Commercial

Opportunities for shopping, professional services, and entertainment. These areas do not typically allow auto-oriented developments.



Employment

Employment-oriented development such as office, medical, light industrial, and service centers that are clean, quiet, and compatible with adjacent residential or business districts.



Institutional

Intended for educational facilities, government facilities, healthcare institutions, places of worship, and other similar uses.



Mixed Use

Designed for pedestrian walkability and as an economic activity center incorporating daily shopping, community, entertainment, housing needs, and public spaces. This can include multi-story buildings surrounded with compact moderate density housing options such as detached and attached residential uses and is connected to adjacent areas by trails and walking paths.



Conservation Corridors

Transportation corridors will be identified for the preservation of natural resources such as tree canopies, topography, and rolling hills to protect the natural beauty of the Southern Panhandle.

The design of developments must include building materials and site placement along the corridor that reflects development that is incorporated in the natural landscape and uses the rural environment as an amenity to add value and beauty. Signage and lighting for development should be discreet and attractive.

Recommended Land Use Distribution

Recommended Land Use	Acres	Sq Miles	Percentages	Total Developable Acres	Sq. Miles	Percentages
Protected Open Space	344	0.54	4%	-	0.00	4%
Rural Residential / Agriculture	2,896	4.53	34%	2,827	4.42	37%
Low Density Residential	2,094	3.27	25%	2,090	3.27	27%
Medium Density Residential	2,120	3.31	25%	1,741	2.72	23%
Commercial	34	0.05	0.4%	34	0.05	0.4%
Employment	430	0.67	5%	416	0.65	5%
Institutional	339	0.53	4%	339	0.53	4%
Mixed Use	232	0.36	3%	228	0.36	3%
Totals	8,489	13.26	100%	7,675	11.99	100%

Source: Catawba Regional Council of Governments

PLAN GOALS & IMPLEMENTATION

GOAL: RETAIN THE SOUTHERN PANHANDLE RURAL CHARACTER

Objective: Retain Significant Areas for Low-Density Residential Development and Agricultural Uses

Implementation Items:

- Cultivate development of a farmers market, local farms stands, and other agricultural supporting uses to provide an opportunity to sell local produce, bring visitors to the area, and meet the commerce needs of local farmers. **LT**
- Require rural identifying elements along major roadways with new development such as 3/4 board and post fencing, distinct signage design, and similar identifying elements. **MT**
- Encourage the establishment of community gardens within subdivision open space areas and other common areas. **ST**
- Support use of zoning districts that are consistent with the Rural Residential/Agriculture future land use classification as a means to continue the existing rural character and agricultural production in area. **C**
- Support development of agritourism uses in the Rural Residential/Agricultural future land use classification to help entertain and educate the local and regional community on the importance of agriculture. **C**

Timing Key:
C = Continuous
ST = Short Term (0 to 5-Years)
MT = Mid Term (6 to 10-Years)
LT = Long Term (Over 10-Years)

Objective: Preserve and Enhance the Southern Panhandle Culture and Heritage

Implementation Items:

- Examine opportunity for a historical marker or other remembrance tools to preserve the history of the Osceola community. **MT**
- Include the study area within any future county or state cultural resources inventories. **LT**
- Encourage the designation of historic structures in the local register. **C**
- Provide support to owners of historic structures in obtaining formal federal or state recognition of those structures. **C**

GOAL: HELP DEVELOP ANDREW JACKSON STATE PARK INTO A MAJOR REGIONAL DESTINATION

Objective: Grow the Park into a 7-Days a Week Activity Center

Implementation Items:

- Undertake joint recreation programing between Andrew Jackson State Park and the Lancaster County Parks and Recreation Department. **C**
- Take advantage of the park’s centralized location in the region and abundance of natural resources to help cultivate regular use of the park by local and regional outdoor clubs for meetings and activities. These may include geocaching, archery, hiking/ running, birding, biking, photography, fishing, radio controlled (RC) watercrafting, environmental activism groups, etc. **C**
- Promote adoption of the park as the home base for recreation clubs, clubs associated with Indian Land High School, and regional Girl Scout and Cub/Boy Scout troops, etc. **C**

Objective: Encourage Land Uses near Andrew Jackson State Park that Provide Supporting Goods and Services to Park Guests

Implementation Items:

- Create supplementary site and building design standards to minimize the visual obtrusiveness of commercial uses and require architectural design elements complimentary to the park and its natural features. **ST**
- Support small-scale rezonings to institutional or low-intensity commercial districts in the immediate vicinity of US-521 and SC-5 that will provide supporting goods and services such as food service, private campgrounds, fuel, etc. **C**

GOAL: CREATE A BALANCED SOUTHERN PANHANDLE LAND USE PATTERN

Objective: Develop Employment and Shopping Opportunities in Targeted Segments of the Study Area

Implementation Items:

- Create opportunities for small-scale retail development that can help provide goods and services for the local community. **MT**
- Non-residential development along US-521 and SC-5 should incorporate rural building design elements such as pitched roofs, non-masonry or EIFS building materials, and similar elements. **ST**
- Focus long-term economic development near the intersections of US-521 and SC-5 and US-521 and SC-75. **LT**
- A master planned, regional mixed-use town center and/or employment center should be considered in the far northwest portion of the Southern Panhandle study area. **LT**
- Rezoning to non-residential districts should be generally consistent with the Future Land Use Map. The timing of rezonings to non-residential districts should be contingent on the availability of public water and sewer infrastructure. **C**

Objective: Residential Densities Should be Appropriate for their Location

Implementation Items:

- Rezoning to higher-density residential districts should be generally consistent with the Future Land Use Map. Medium-density residential development should be encouraged in the vicinity of the two schools within the study area, with the exception of property located within the town limits of Van Wyck. The timing of rezonings to higher-density residential districts should be contingent on the availability of public water and sewer infrastructure. **C**
- Low/rural density residential development should occur in residential areas located away from the two schools within the study area, and should be achieved through large lot subdivisions or conservation subdivision design with an abundance of open space. **C**
- Townhomes, apartments, condominiums, and similar higher-density residential uses are appropriate when part of a master planned development within the mixed-use areas. **C**

GOAL: ESTABLISH THE NATURAL ENVIRONMENT AS AN IDENTIFYING ELEMENT OF THE SOUTHERN PANHANDLE

Objective: Protect Natural Resources

Implementation Items:

- Establish policies for minimum tree retention in association with new development projects. **ST**
- Require the use of native tree and shrub species in association with required landscaping for new development. **ST**
- Establish a min. 50-ft conservation corridor along US-521 and Rebound Road to retain existing trees and natural features. Integrate cultural and heritage features within these corridors in a manner that minimizes vegetation disturbance. **ST**
- Improve the existing Lancaster County Cluster Subdivision Overlay District to retain higher quantities of useable open space. **ST**
- Evaluate existing Lancaster County environmentally sensitive area buffer standards to ensure adequate protection of critical resources. **ST**
- Incentivize the use of low-impact development techniques for stormwater management. **ST**
- For non-mixed use commercial and rural residential areas, minimize the use of curb and gutter on new roads and within parking lots. **C**
- Coordinate with the Katawba Valley Land Trust and the State of South Carolina to protect areas critical for clean water, endangered/threatened species protection, and recreational opportunities. **C**

Objective: Create and Promote Nature Based Recreation Opportunities

Implementation Items:

- Encourage the marketing and branding of the Southern Panhandle area as being a nature-based destination. **LT**
- Support implementation of the Carolina Thread Trail and the Walk-Bike RFATS Pedestrian plan for the US-521 and SC-75 corridors. **C**
- Require new major residential subdivisions, institutional uses, and larger employment

developments to create private trail systems that interlink with the Carolina Thread Trail and Andrew Jackson State Park. **C**

GOAL: SUPPORT TRANSPORTATION AND OTHER INFRASTRUCTURE INVESTMENT

Objective: Support Transportation and Utility Investment in a Manner that is Consistent with the Southern Panhandle Vision

Implementation Items:

- Implement the RFATS Collector Road Study. **LT**
- Develop a collector/minor arterial road system in the western section of the study area as the Southern Panhandle develops over time. Right-of-Way dedication and road construction (as appropriate) for the proposed Southern Panhandle study collector/minor arterial roads should be undertaken as part of development projects occurring within the general alignment areas. **LT**
- Coordinate with SCDOT on needed intersection improvements for safety and functionality as growth occurs within the Southern Panhandle. **LT**
- Support extension of public water, sewer, natural gas, and other utility infrastructure in areas of the Southern Panhandle designated for non-residential uses and medium-density residential development. **LT**
- Coordinate with Comporium Communications, the Town of Van Wyck, and other partners on developing strategies to integrate a rural broadband network within the Southern Panhandle area. **LT**
- Above-ground utility infrastructure should be constructed, sited, and/or screened in a manner that ensures it blends in with the natural landscape. **C**



APPENDIX A: EXISTING CONDITIONS



PAST PLANNING INITIATIVES

Comprehensive Economic Development Strategies for the Catawba Region, 2019

The Comprehensive Economic Development Strategies (CEDS) is an area-wide assessment of economic trends and infrastructure needs within the Catawba Region. The CEDS is a program developed by the US Economic Development Administration (US EDA) that receives activities and programs of the Catawba Regional Council of Governments in promoting economic progress within the district.

Catawba Regional Housing Assessment, 2018

The Catawba Regional Housing Assessment is an evaluation of the economic conditions and general housing affordability within each county of the region. The Housing Assessment also considers the burden of housing costs of residents including goals and new steps to address housing affordability within the Catawba Region. Initiatives include identifying potential funding sources; evaluating property options available within the region; analyzing neighborhoods; and collaborating with construction, development, and financing partners in the region.

CONNECT Our Future, 2015

The CONNECT Our Future planning process was a three-year project covering fourteen counties in North and South Carolina that developed a vision for future growth at the local and regional levels. The project included a \$4.9 million US Housing and Urban Development Sustainable Communities Grant Program and \$3 million in local in-kind public and private matching funds. From 2000 to 2008, the bi-state area was the fastest-growing area in the country. The population was projected to increase by 74% by 2050 with 1.2 million additional people and 860,000 additional jobs.

Six core values were generated by community input during the project: a strong, diverse economy; sustainable, well-managed growth; a safe and healthy environment; increased collaboration; enhanced social equity; and high-quality educational opportunities. The

top ten priorities for the CONNECT planning area were:

- Support our communities
- Maximize return on investment
- Support local farms
- Improve access to parks and open space
- Increase transportation choices
- Improve water quality
- Improve air quality
- Grow jobs closer to home
- Increase housing choices
- Reduce commuting costs

Recreation Needs Assessment and Strategic Recommendations, 2015

The Recreation Needs Assessment and Strategic Recommendations was completed by Clemson University to evaluate park and recreation needs in Lancaster County. The study determined a broad support for improved recreation facilities, programs, and services from a large cross-section of the community including gender, age, and ethnicity. A 100-acre multi-purpose recreation center was recommended south of the Southern Panhandle and north of the City of Lancaster next to the intersection of US 521 and Shiloh Unity Road.

Comprehensive Plan, 2014

The Comprehensive Plan was adopted in December 2014 and identifies the majority of the Southern Panhandle Planning Area as Rural Living on the Future Land Use Map. Rural Living includes a variety of residential types that include farmhouses, large acreage rural family dwellings, and conservation subdivisions that preserve open landscape and traditional buildings. Along the northern boundary, a new conceptual transportation corridor is shown along with the Neighborhood Mixed Use land use. The Lancaster County Comprehensive Plan also notes some areas in the Southern Panhandle planning area as Special District – Industrial use.

Carolina Thread Trail Master Plan, 2011

The Carolina Thread Trail is a 15-county bi-state program to create an interconnected trail system with major regional trails. The Carolina Thread Trail Master Plan integrates all trails and greenway areas into a comprehensive multi-use network for connecting people, places, and destinations. The plan includes benefits of trails on health, the economy, the environment, culture, and transportation. A guiding principle of the Carolina Thread Trail is “respect for the land and respect for the landowner.”

The Master Plan includes 182 miles of trails and 41 miles of blueways. The segment of the trails in the Southern Panhandle planning area is the Lancaster Panhandle Greenway segment which is 20.4 miles in length. The portion of that Greenway within the planning area is 8.3 miles in length. Connection and access opportunities are located at Andrew Jackson State Park, Twelve Mile Creek, and the historic Old Waxhaw Presbyterian Church / Cemetery in Union County, NC.



CAROLINA THREAD TRAIL AND CORRIDOR STUDY
Twelve Mile Creek Trail at Walnut Creek (upper image) and Reconfiguration options for SC 5 and US 521 from US 521 / SC 9 Corridor Study (middle and lower images)

PHYSICAL ANALYSIS

The Southern Panhandle planning area has many assets that serve as catalysts for future development. The planning area includes Van Wyck Elementary School and Indian Land High School, as well as US 521 and SC Highway 5—key corridors within the region. Also within the planning area are abundant natural resources such as the Andrew Jackson State Park. This section covers the existing conditions and the opportunities for development.

Location / Economy

The Southern Panhandle is strategically located near high growth areas of Indian Land to the north and Union County, NC to the east. The planning area is also east of York County and north of the City of Lancaster, which is experiencing relatively moderate development. The area is home to multiple industries, businesses, health facilities, and places of worship.

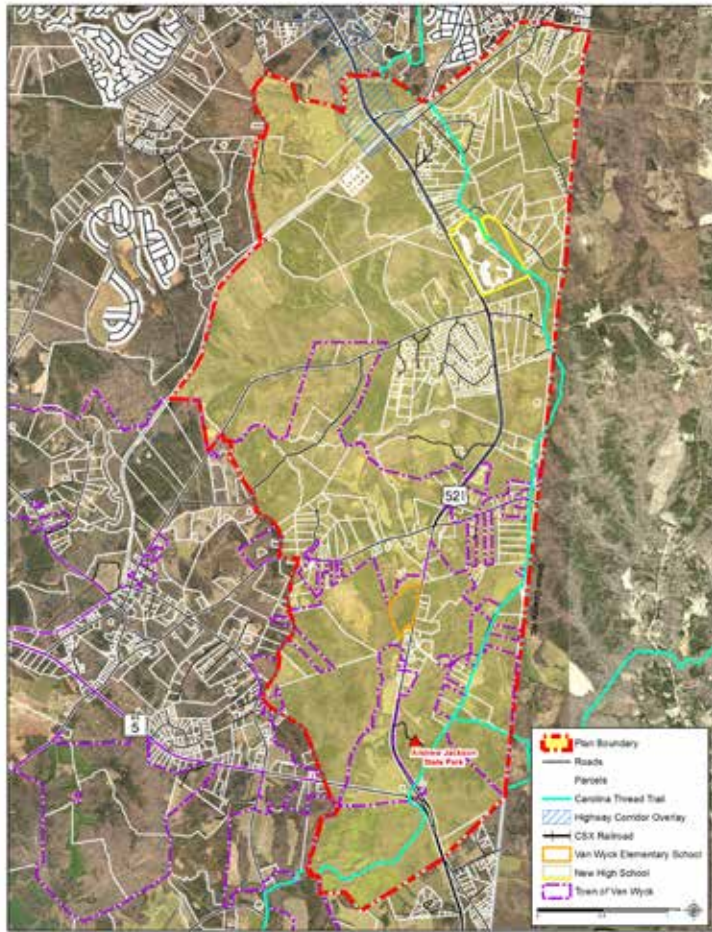
The area has been experiencing development pressures in recent years. In 2019, the County approved the Roselyn subdivision, an 1850-home project on 1,800 acres—the largest residential project in Lancaster County. The site—located just south of the study area—is expected to include a County park.

PLANNING AREA

The Southern Panhandle planning area is reflected in the aerial view to the right and includes approximately 8,200 acres and 611 parcels with 473 property owners. The planning area is centered around US 521 and is bordered to the east by Union County, NC and bordered to the west by CSX Railroad and the Town of Van Wyck. The northern boundary is the area north of Highway 75 and the southern boundary is Andrew Jackson State Park and the intersection of SC Highway 5 and US 521.

A map showing the location of existing homes in the planning area can be found in Appendix B. The US Census Bureau estimates for 2018 that 947 residents live in 353 households within the planning area. The median household income is \$44,943 and the median household value is \$250,000.

Aerial View of the Study Area



Existing Land Use Distribution

Land Use	Acres	Sq Miles	Percentages
Park / Open Space	327.54	0.51	3.88%
Working Farm	669.75	1.05	10.09%
Rural Living	7,182.03	11.22	80.23%
Large Lot Residential	109.97	0.17	1.38%
Medium Density Residential	77.39	0.12	0.74%
Civic / Institutional	66.99	0.10	2.67%
Commercial	43.70	0.07	0.42%
Industrial	49.42	0.08	0.59%
Totals	8,526.79	13.32	

Note: Right-of-way included in totals.

Traffic Counts

The Average Daily Traffic Counts in the planning area reflect the following volume of traffic for 2018:

- US 521 between SC 75 to SC 5 – 11,400
- SC 75 – 6,000
- Steele Hill Road (East) – 1,000
- Steele Hill Road (West) – 350
- West Rebound Road – 1,050

Existing Land Use

The current land use is reflected in Figure 8, Land Use and the distribution is reflected in Table 4, Existing Land Use Distribution. The planning area is predominately rural with 84% of the acres categorized as Rural Living, 8% Working Farms, and 4% Permanent Open Space. The remaining 4% of land uses are a mix of large lot and mixed density residential, professional, retail, commercial, and industrial uses. Land with some limitations is reflected in Figure 11, Environmental Constraints.

Existing Zoning Map

The existing zoning for the Southern Panhandle Planning Area can be found in Appendix B. The majority of the planning area is zoned for Rural Neighborhood, Rural Residential, and Open Space Preservation. Other zoning districts in the planning area include Low Density Residential, several types of Commercial districts, Light Industrial, and a Legacy Planned Development District.

Infrastructure

Lancaster County Water and Sewer District (LCWSD) serves the Planning Area. The entirety of the Planning Area has the potential to be served with public water; however service is generally limited to those areas along major road corridors. The Catawba River Water Treatment Plant, located west of Andrew Jackson State Park in Lancaster County, is a joint venture between LCWSD and Union County, NC with a 50/50 ownership. A 500,000 gallon water tank is located on US 521 north of Steele Hill AME Zion Church. Currently, sewer is available only at the northeast and southeast portions of the intersection of US 521 and Highway 75. Sewer system enhancements by LCWSD are development-driven and performed supplementary to LCWSD’s Wastewater Extension Guidelines outlined in their Water & Wastewater Developer Policy.

The Conceptual Sewer Master Plan for the US 521 and Highway 5 area includes a proposed Equalization Facility on approximately ten acres to the west of the Planning Area. The addition of an Equalization Facility will reduce the potential for overflows in the system or at the treatment facility, mitigate environmental damage, improve the efficiency of the treatment facility, and maximize the infrastructure sizing by equalizing peak flows. Several locations are identified for potential gravity sewer lines with sewer lift stations. LCWSD will evaluate their infrastructure sizing needs as the proposed land use plans and zoning are updated. The LCWSD sewer discharge permit for the Catawba River is 15 MGD. LCWSD’s Indian Land Wastewater Treatment Facility is currently under construction for an upgrade to 5 MGD and the hydraulic capacity at the treatment facility can be increased as needed to meet the water and sewer needs as development occurs within the Planning Area.

Cultural Resources

The Southern Panhandle has many significant cultural resources that should be preserved and protected as well as celebrated and shared for future generations.

The County has not completed a historic inventory since the 1986. As of that time, the Steele Hill AME Zion Church Arbor (built in 1885) was the only structure identified as eligible to be nominated for the National Register of Historic Places. The Steele Hill Rosenwald School Building has not yet been evaluated for potential National Register eligibility. These historic African American sites should be considered for historic preservation programs provided by the South Carolina Department of Archives and History and the National Trust for Historic Preservation's African American Cultural Heritage Action Fund program.

The Steele Hill Rosenwald School was built as part of the Julius Rosenwald Building Fund, established in the early 1900s to address educational inadequacies and establish better primary schools for African Americans. Three of the seven South Carolina Rosenwald Schools are still standing. The Steel Hill School was used until the 1950s and is currently a single-family home.

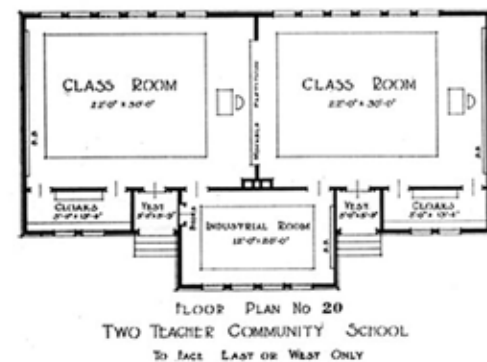
Other cultural resources include the Village of Osceola, located approximately one-half mile on the west side of US 521 at the Highway 75 intersection south of the CSX Railroad. The Village was first surveyed in 1888. Today the historic village is grown over and many of the structures are gone. The 1986 Lancaster County historic survey did not identify any National Register-eligible properties in the Osceola Community area.



STEELE HILL ROSENWALD SCHOOL

Source: Fisk University Rosenwald Fund Card File Database.

Rosenwald Two Teacher Community School Plan



Natural Resources

The Southern Panhandle has abundant natural resources that contribute to the rural living lifestyle of the area. Andrew Jackson State Park is 360 acres and has an 18-acre lake for boating and fishing, a pair of one-mile loop trails for walking and hiking, 25 campsites, two picnic sites, a museum, a meeting house, and an amphitheater. The park is located the southeast portion of the Southern Panhandle.

The planning area is located within the Santee River Basin. According to the SC Department of Natural Resources (SCDNR), many State Wildlife Action Plan freshwater fish species are found within the planning area.

While SCDNR does not indicate Carolina Heelsplitter in the planning area, the US Fish and Wildlife Service has identified Waxhaw Creek as a current and previous location for the endangered species, and it is still considered significant habitat. (The critical habitat is located upstream in NC). It is also a possibility that the endangered Schweinitz's Sunflower could found here. While the plan area is not currently designated as a habitat, the flower has been identified nearby.

Floodplain and wetlands may be found across the northern and southern portions of the planning area and along Millstone Branch, south of the Millstone subdivision. The Twelve Mile Creek Trail at Walnut Creek Park is located at the northern portion of the Southern Panhandle and is a part of the Carolina Thread Trail.

The **South Atlantic Conservation Blueprint** is a spatial plan that identifies priority areas for conservation across parts of six states, from southern Virginia to northern Florida. Data from the plan was considered for identification of natural resources.

A map of environmental constraints can be found in Appendix B.



ENDANGERED SPECIES

Schweinitz's Sunflower, Source: Gary Kaufmann

Carolina Heelsplitter, Source: Katawba Valley Land Trust

Collision Data

The following table includes data on number of fatal collisions, number of injury collisions, property damage only collisions, total collisions, persons killed, and persons injured at the four locations in the Southern Panhandle at the four major corridor intersections as located on pages 38 - 41. In addition, data is provided depicting the average per year for each of these categories, as well as comparative data for the entirety of US 521 in Lancaster County for 2018.

Collision Data, 2005 - 2019

Intersection Collision Summary Data 2005 - 2019	Fatal Collision	Injury Collision	Property Damage Only Collision	Total Collisions	Persons Killed	Persons Injured
US 521 and SC 75	1	29	92	122	3	51
US 521 and Steele Hill Road	0	7	17	24	0	7
US 521 and W. Rebound Road	1	17	69	87	2	23
US 521 and SC 5	1	18	58	77	1	31
Total	3	71	236	310	6	112
Average per Year	0.2	4.7	15.7	20.6	0.4	7.4
Total 2018 (all of US 521)	3	5	378	516	3	8

Source: South Carolina Department of Public Safety
Note: 2018 and 2019 Data is Preliminary

MAJOR CORRIDORS



Northern area, US 521, view West of CSX Railroad and Highway 75



US 521 at East Rebound Road, view North



Northern Area, Intersection of US 521 and Highway 75 and Osceola United Methodist Church



Intersection of US 521 and East and West Rebound Roads, view Northeast



Intersection area of US 521 and Steele Hill Road and Nivens Road, view North



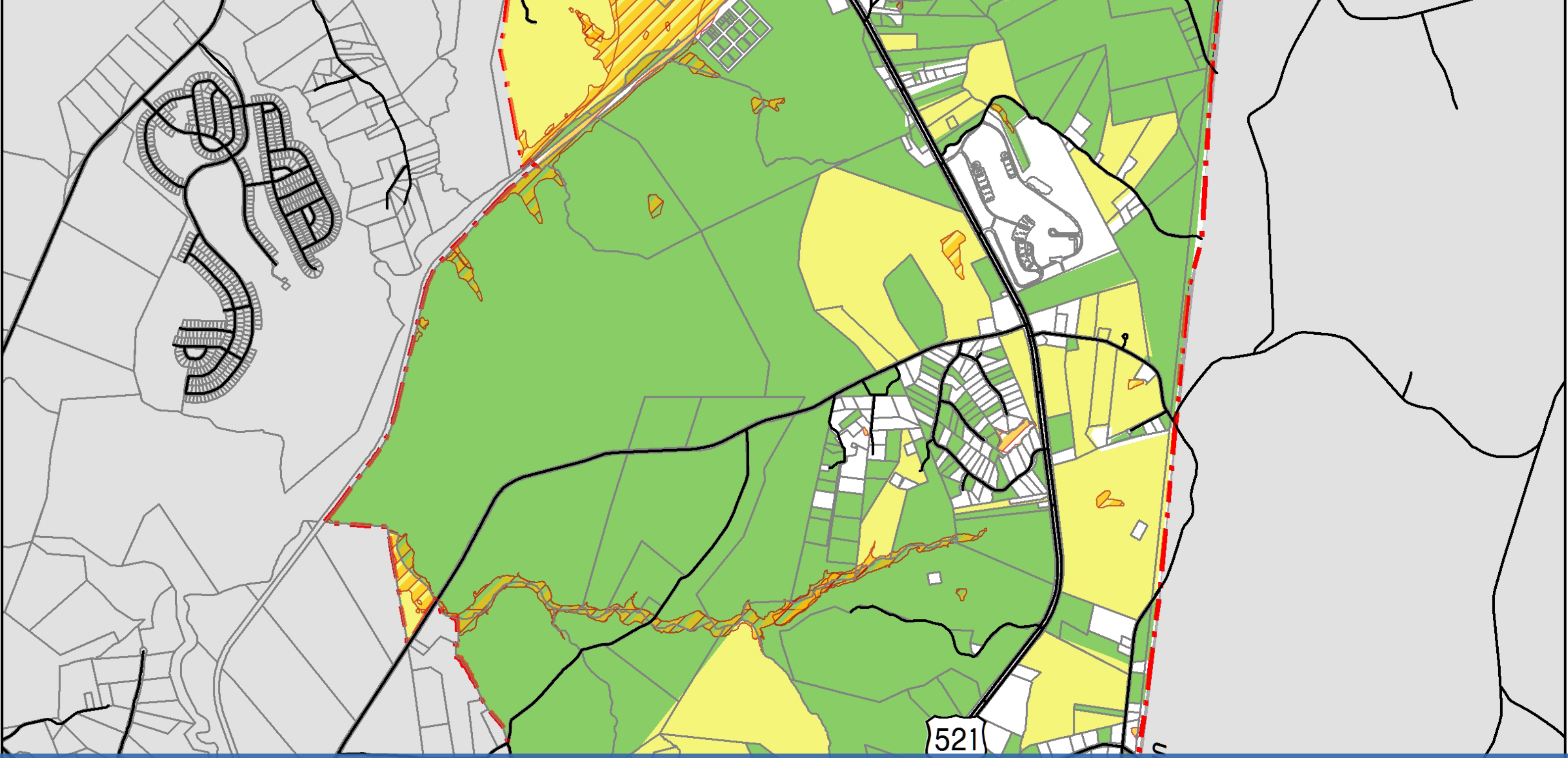
US 521, view North at Van Wyck Elementary School



Intersection area of US 521 and Steele Hill Road and Nivens Road, view South



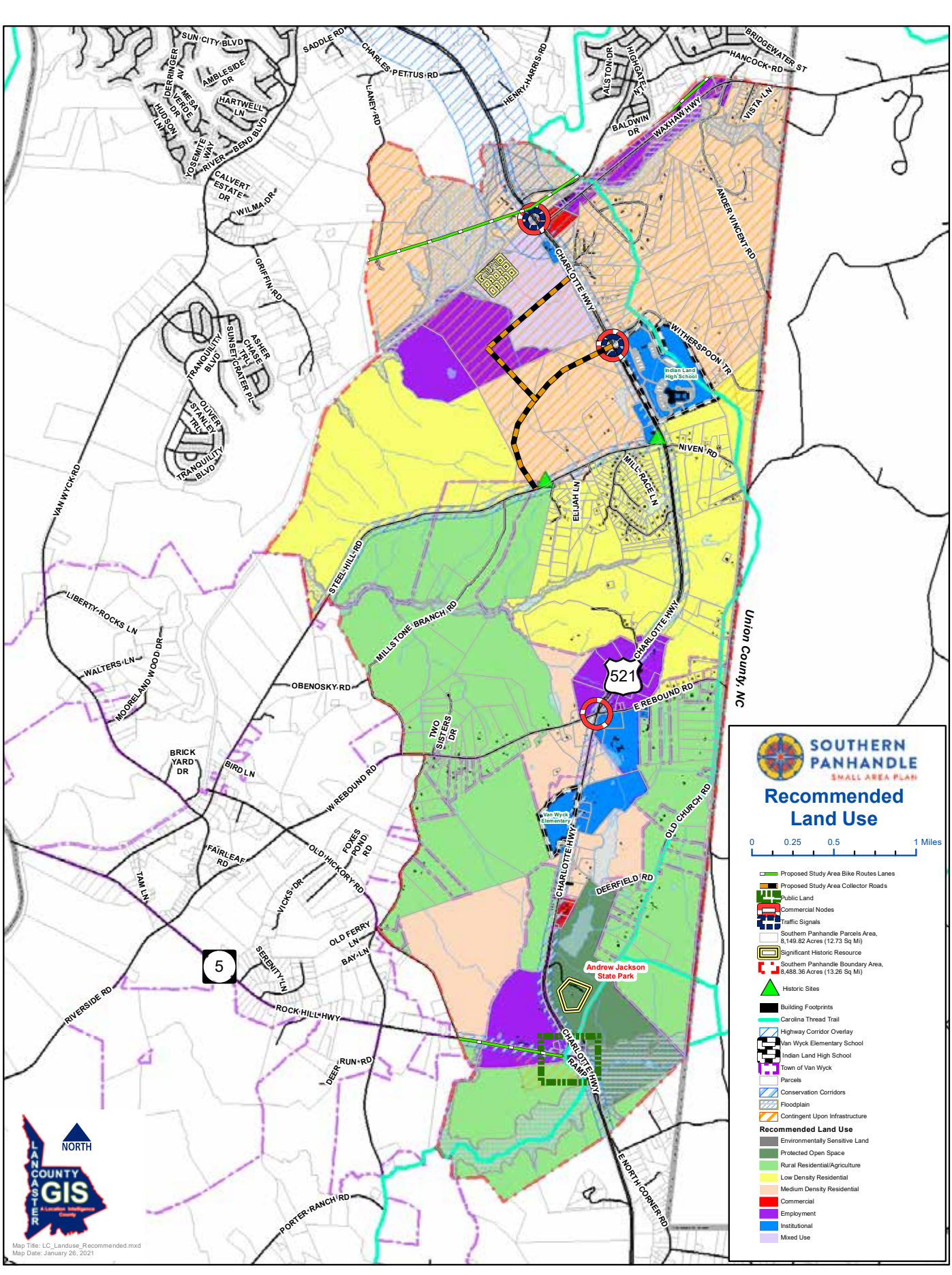
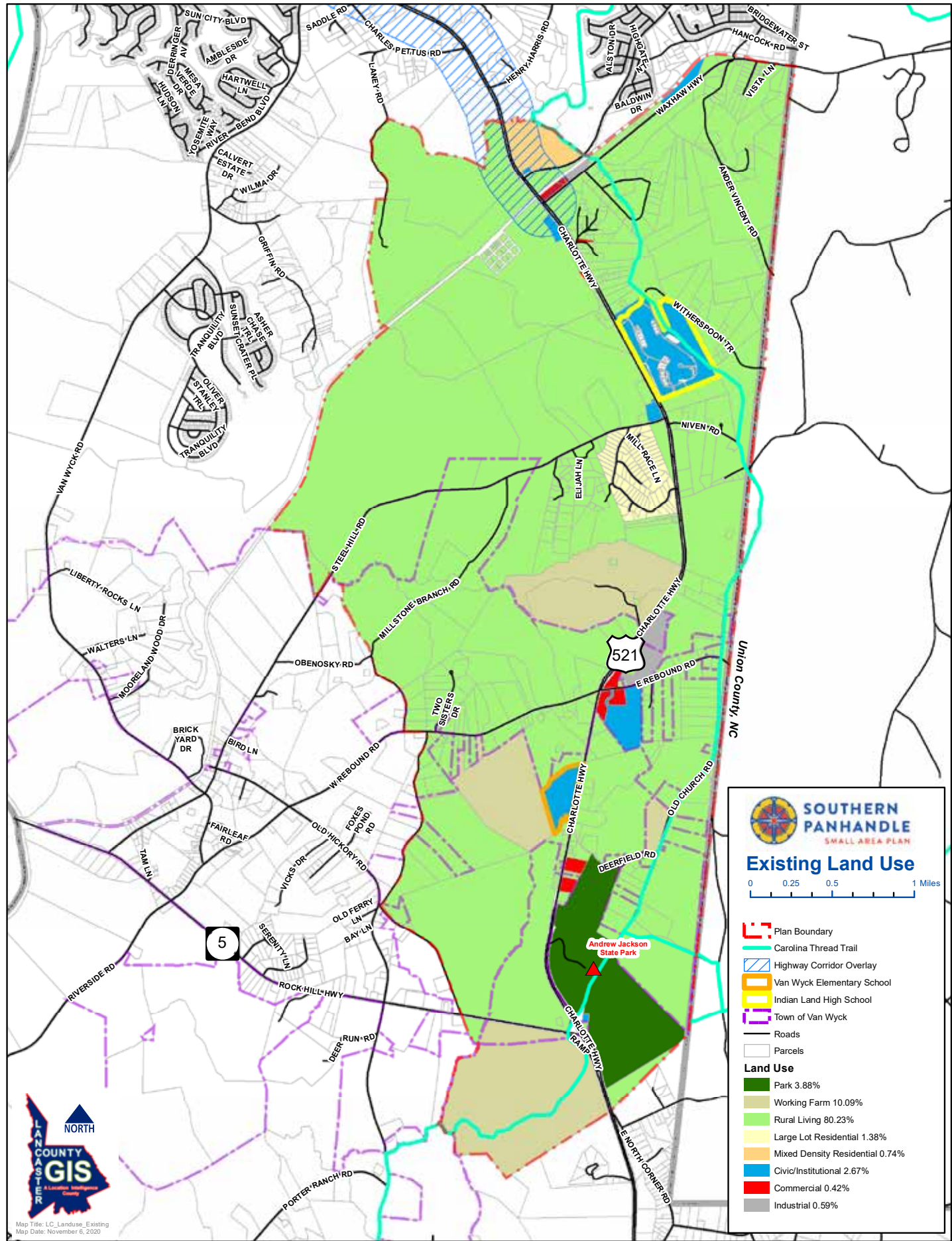
Southern area, intersection of US 521 and Highway 5, view Northwest

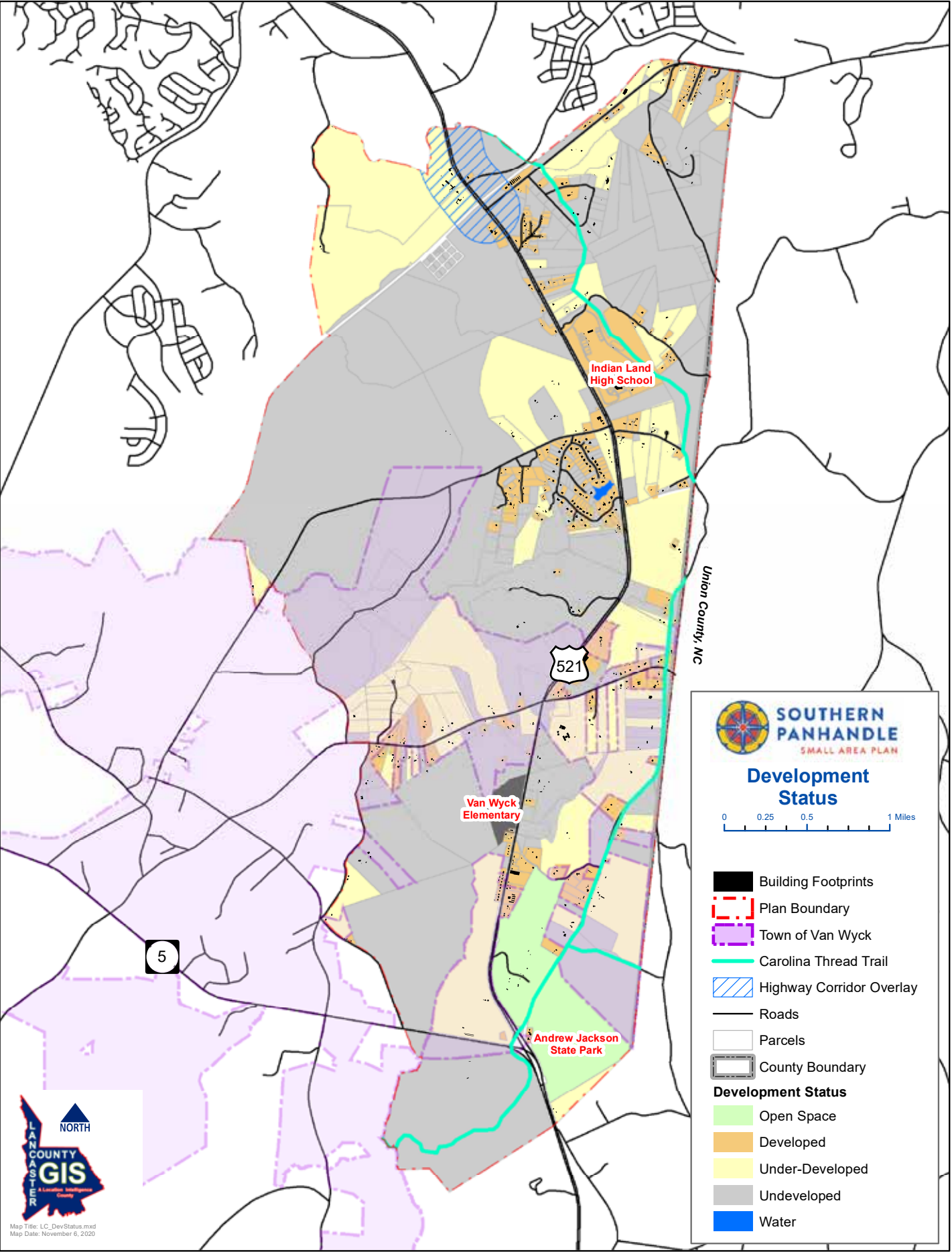
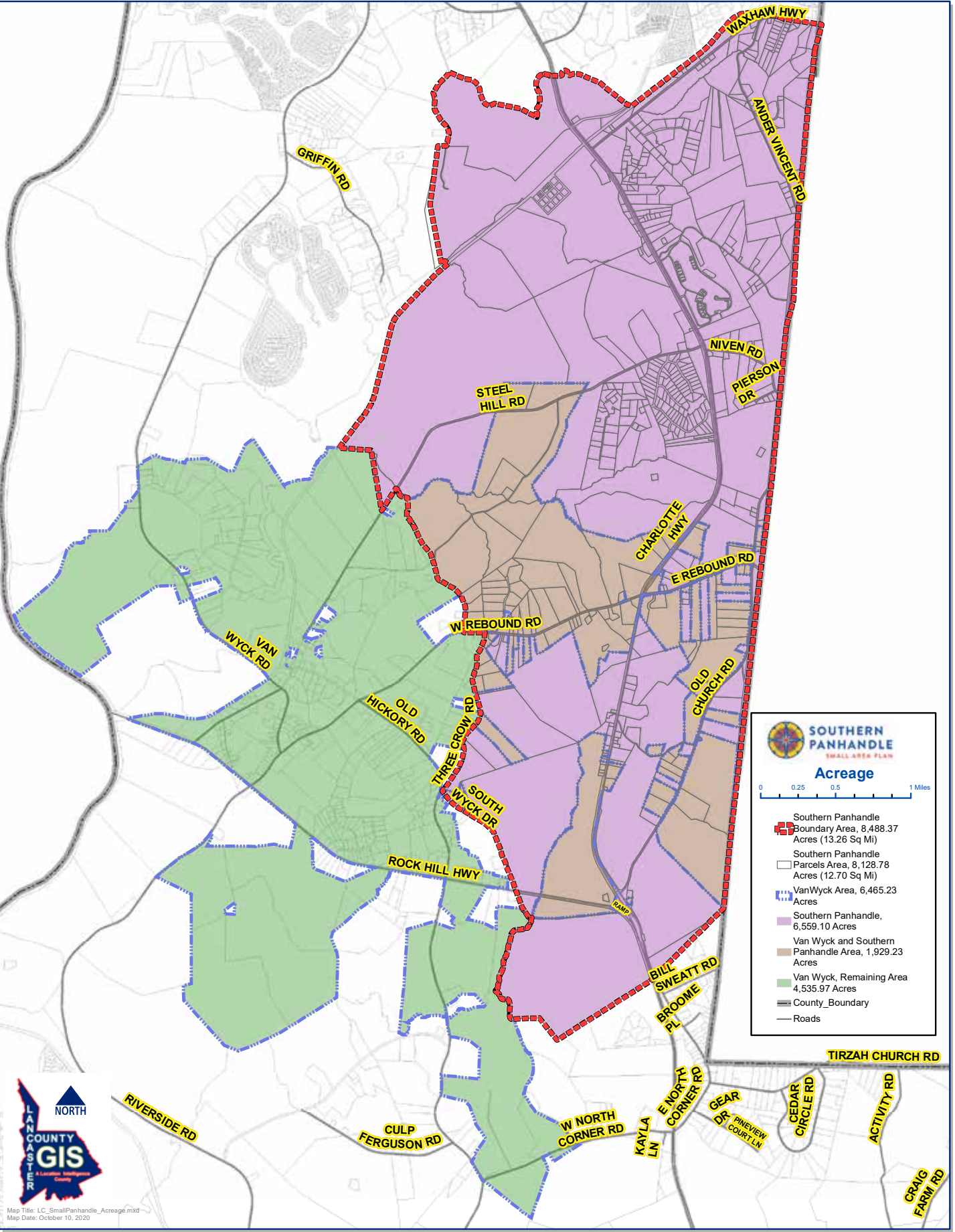


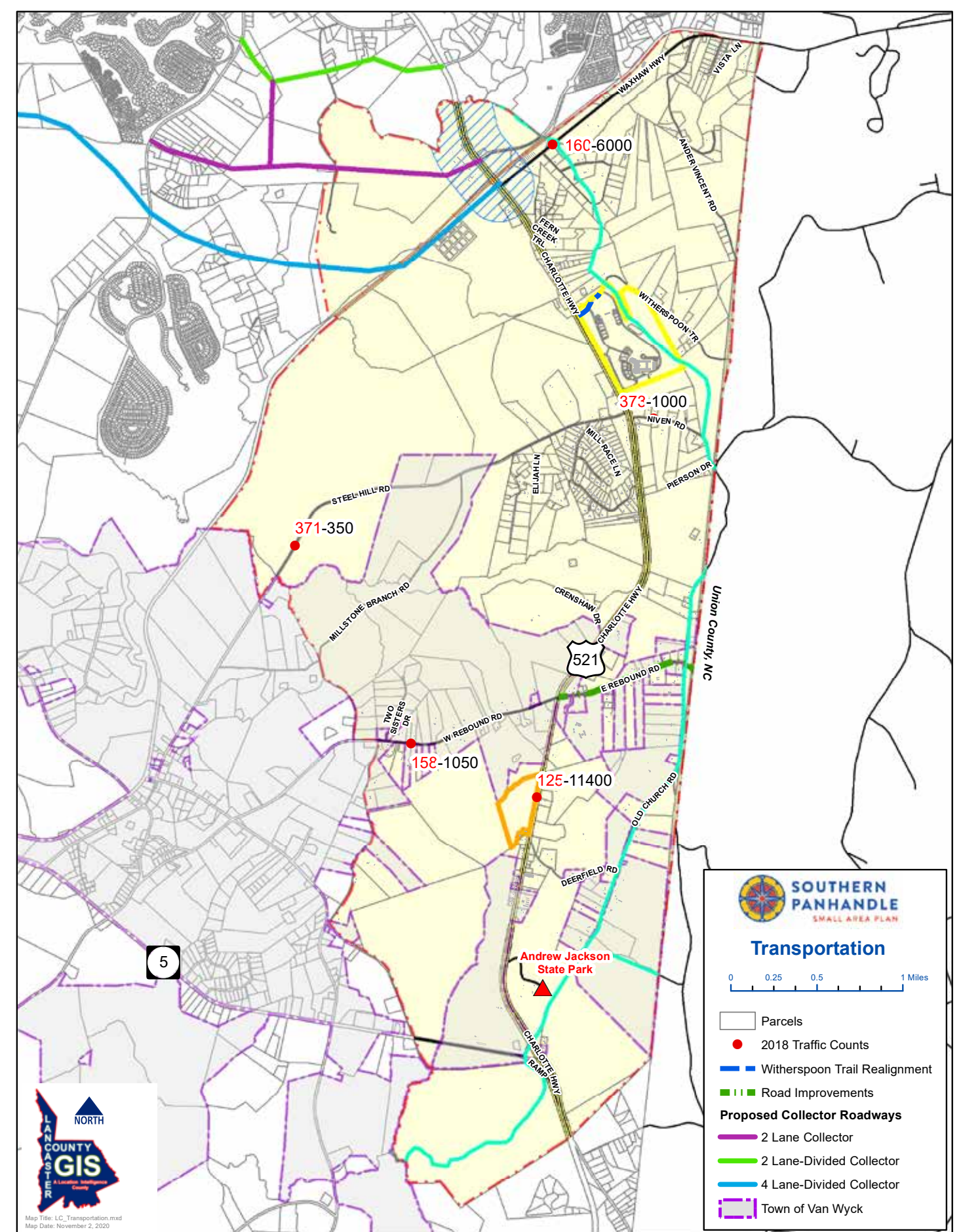
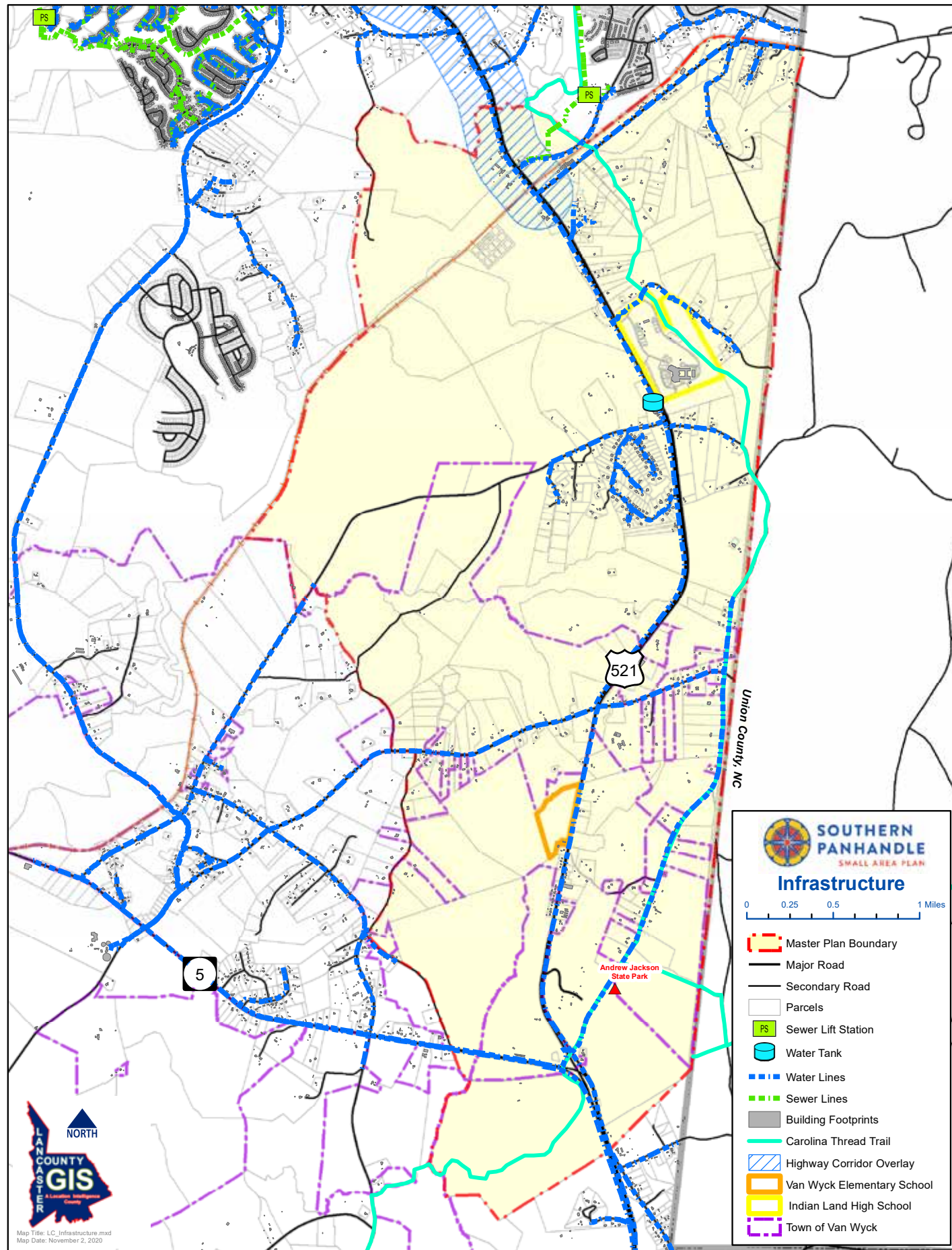
APPENDIX B: MAPS

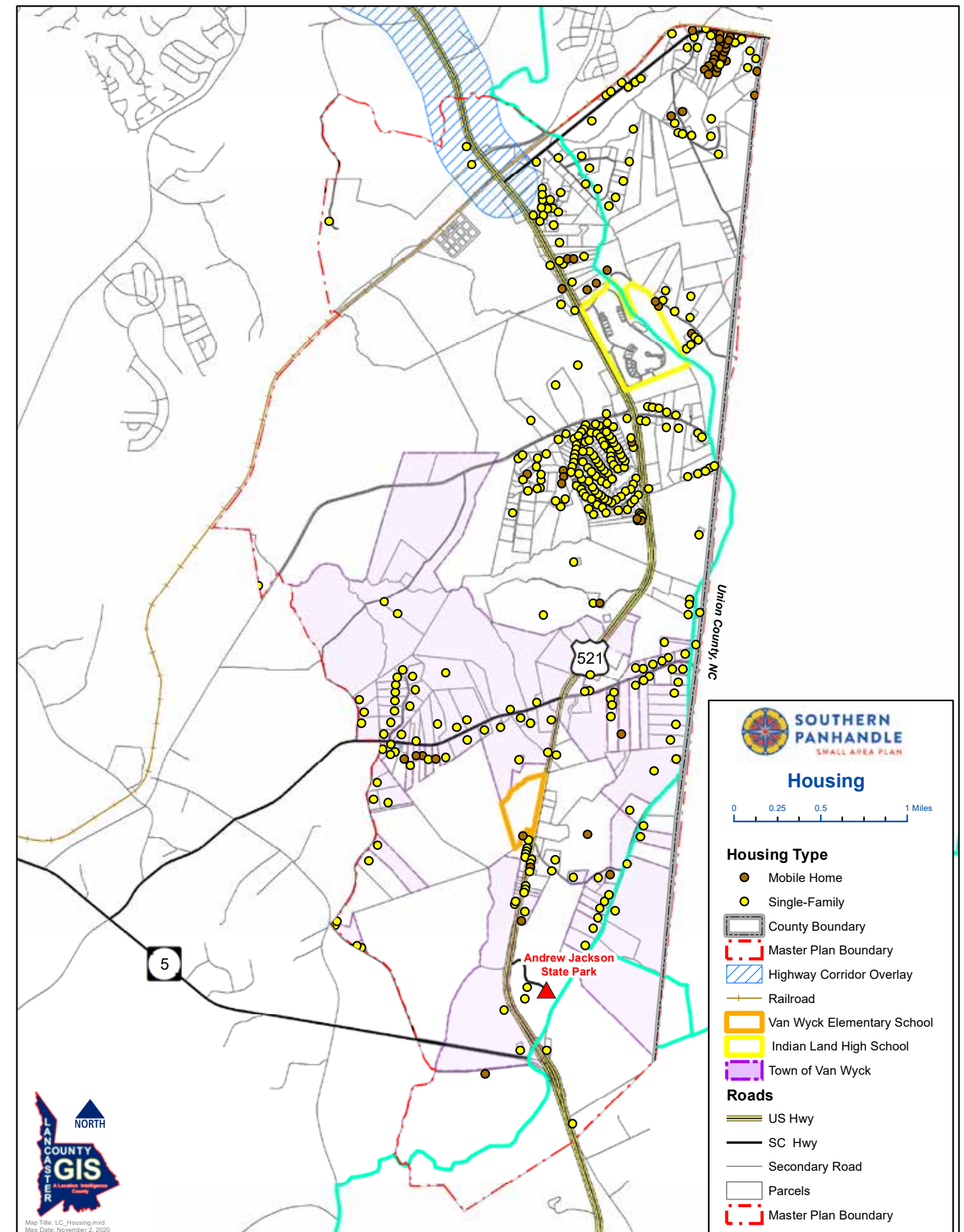
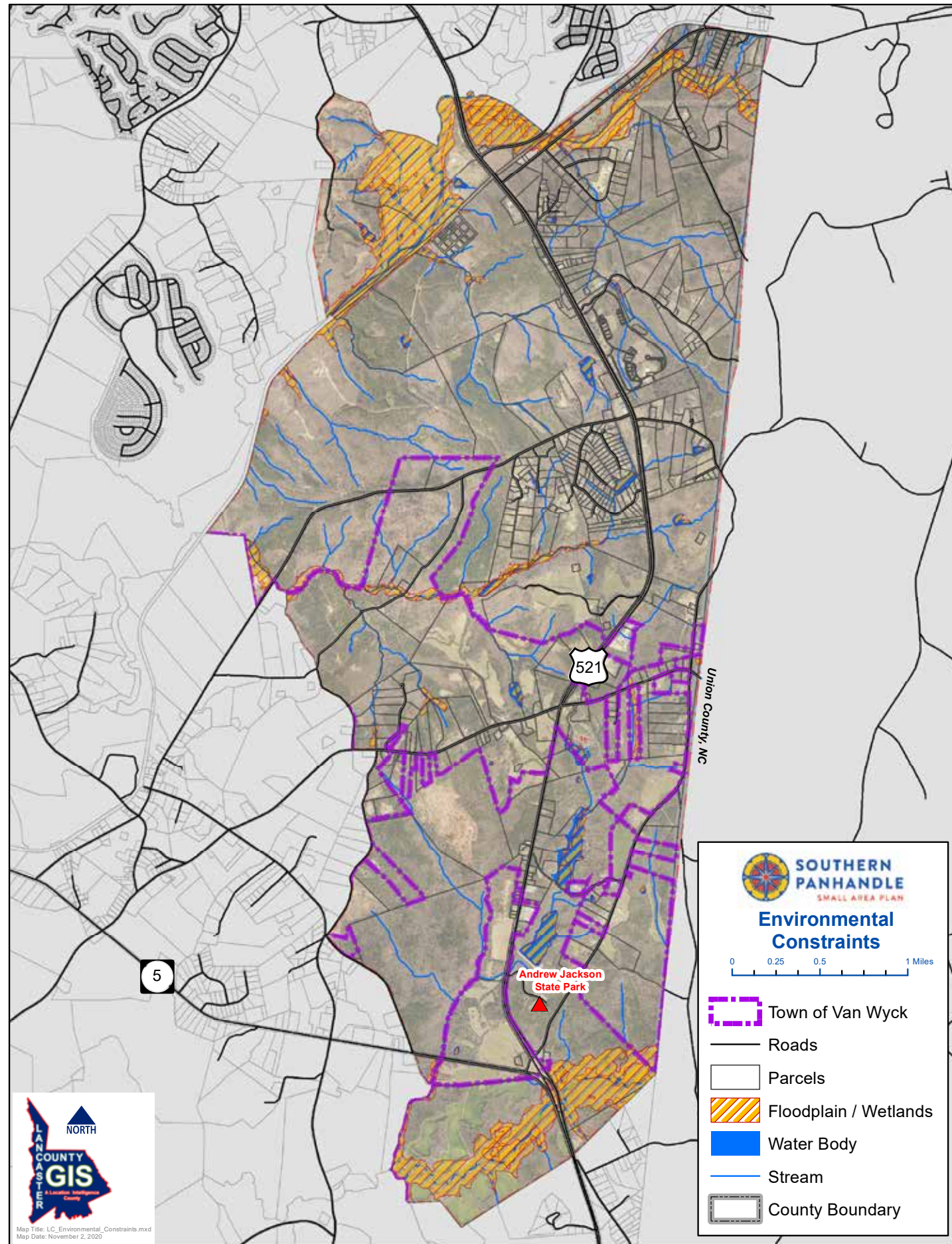


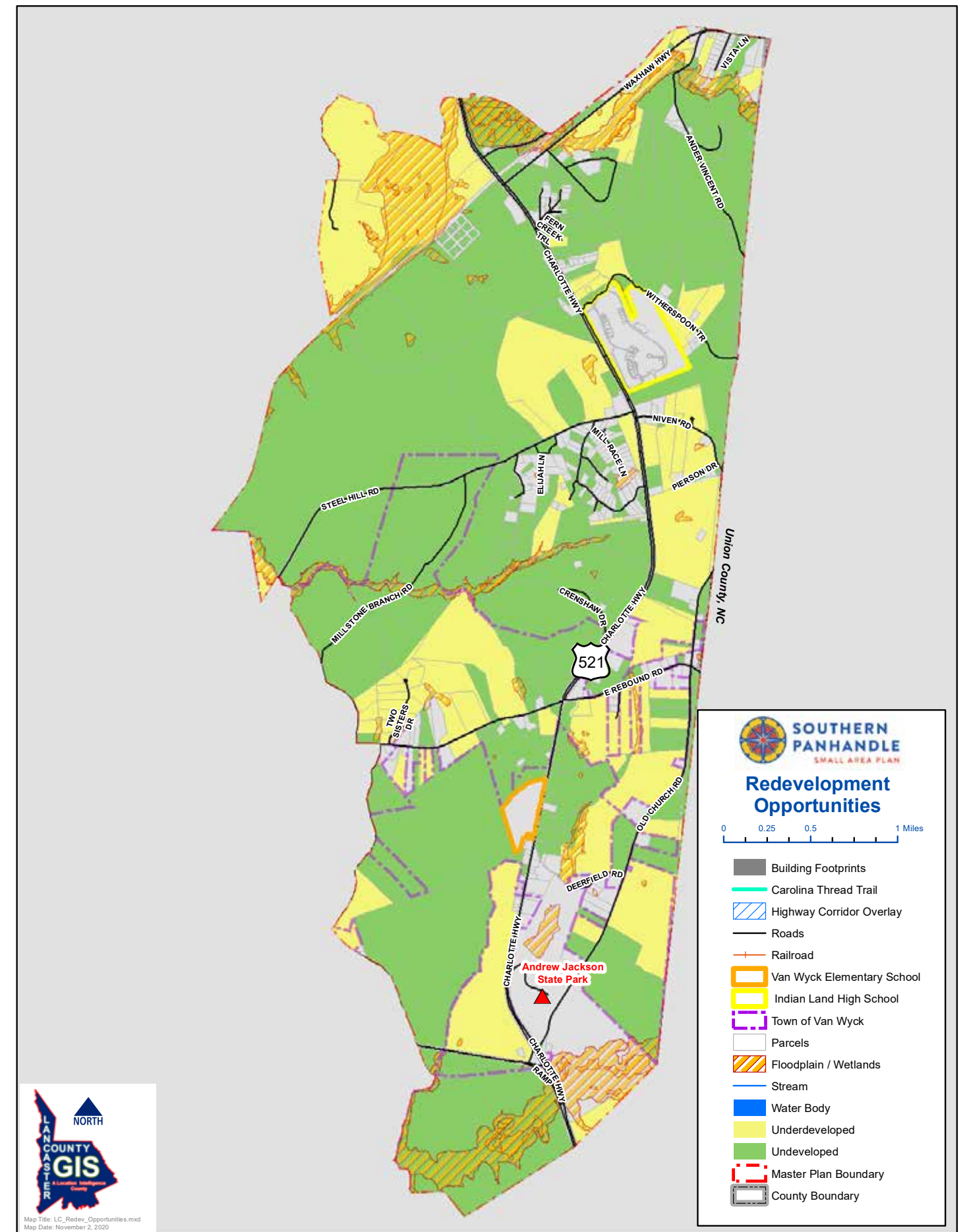
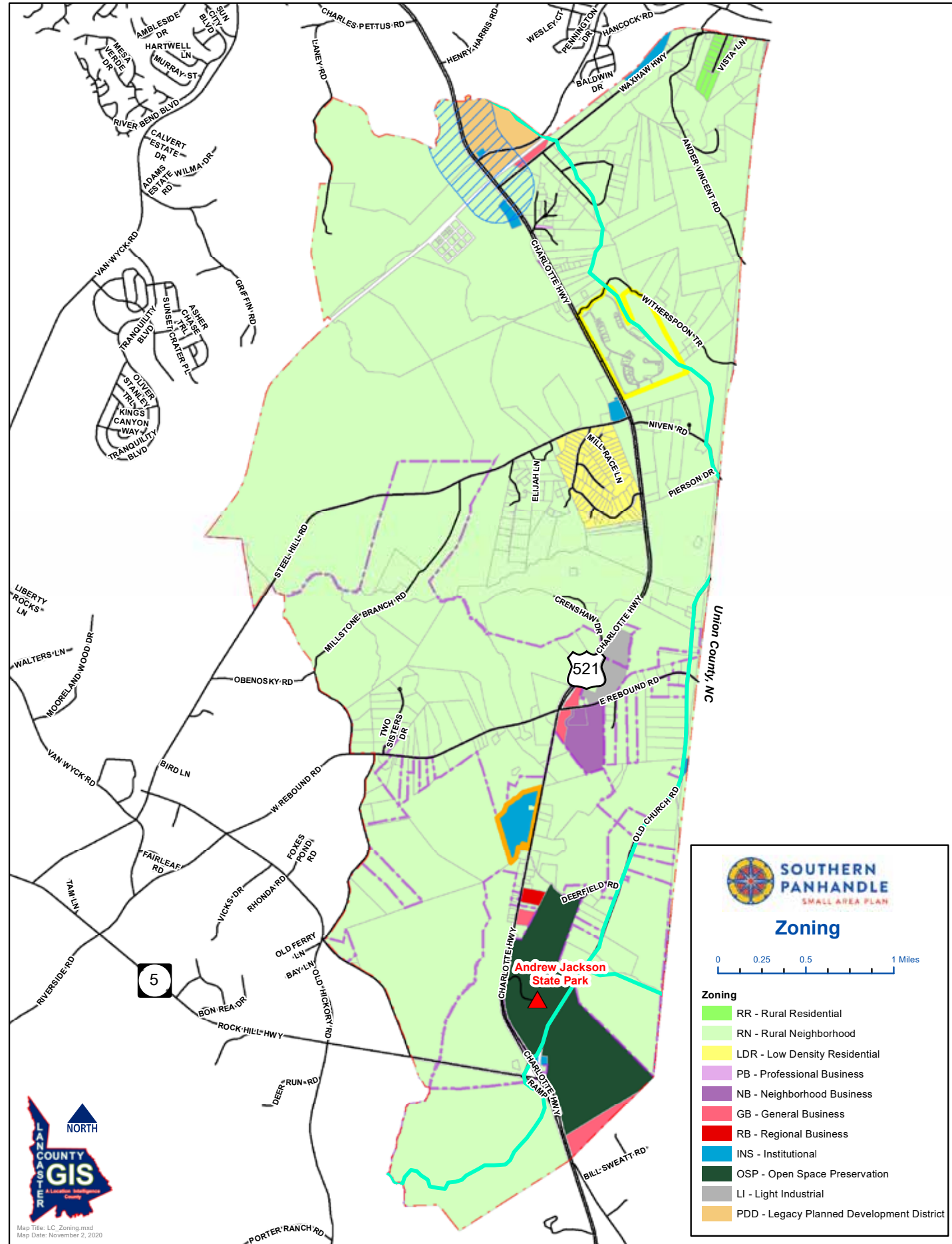
Union County, NC













APPENDIX C: PUBLIC ENGAGEMENT



APPENDIX C
PUBLIC ENGAGEMENT

Public Participation

The Southern Panhandle Small Area Plan was developed with the participation and input from stakeholders from the planning area and the surrounding communities. The Southern Panhandle vision and planning themes reflect the values of the residents and stakeholders. Staff from the Lancaster County Planning Department and Catawba Regional Council of Governments met with residents and property owners from the Southern Panhandle. Visioning Week was held November 4 - 7, 2019 at Our Lady of Grace Catholic Church. Events included a hands-on workshop, property owner and stakeholder interviews, drop-in visits, and a Steering Committee meeting.

Steering Committee

The Steering Committee was comprised of representatives from Lancaster County, Lancaster County Economic Development, Town of Van Wyck, Andrew Jackson State Park, Lancaster County School District, Lancaster County Water and Sewer District, Lancaster County Gas Authority, CSX Transportation, SCDOT, Duke Energy, John M. Belk Endowment, Our Lady of Grace Catholic Church, Osceola United Methodist Church, Steele Hill AME Zion Church, Katawba Valley Land Trust, Carolina Thread Trail, business and property owners, and residents.

The Steering Committee met throughout the process of developing the Southern Panhandle Small Area Plan. Meetings were held throughout the planning area that included Andrew Jackson State Park, Van Wyck Community Center, Our Lady of Grace Catholic Church, and Steele Hill AME Zion Church. The Steering Committee provided direction for the development of the Small Area Plan.

Southern Panhandle Steering Committee Meeting Schedule

Meeting Date	Location	Purpose of Meeting
June 5, 2018	Andrew Jackson State Park, Meeting House	Small Area Plan Purpose and Overview, SWOT Analysis, and Vision Exercise
August 15, 2018	Town of Van Wyck Community Center	SWOT Analysis / Vision Exercise Outcomes, Planning Area Boundary, and Existing Conditions Maps
December 13, 2018	Our Lady of Grace Catholic Church, Parish Hall	Existing Conditions Report, District Name / Logo, and Planning Charrette
August 27, 2019	Steele Hill AME Zion Church, Fellowship Hall	Existing Conditions Draft Document Review and Visioning Week Schedule / Public Participation
November 7, 2019 Promotional Materials	Our Lady of Grace Catholic Church, Parish Hall	Visioning Week Outcomes, Big Ideas, Plan Themes, Vision, and Next Steps

Time	Monday Nov 4th		Tuesday Nov 5th		Wednesday Nov 6th		Thursday Nov 7th
8:00 AM			Open Planning Studio	Stakeholder Interviews	Open Planning Studio	Stakeholder Interviews	Open Planning Studio
9:00 am							Steering Committee 10:00 am
10:00 am							
11:00 am							
12:00 pm			Lunch		Lunch		Lunch
1:00 pm	Team Arrives / Studio Setup		Open Planning Studio	Major Landowners	Open Planning Studio	Major Landowners	Studio Breakdown
2:00 pm							
3:00 pm							
4:00 pm	Open Planning Studio	Major Landowners	Hands-On Visioning Workshop 5:30 pm - 8:00 pm		Open Planning Studio	Major Landowners	
5:00 pm							
6:00 pm							
7:00 pm					Closed Planning Studio		

Visioning Week Schedule

The Southern Panhandle Small Area Plan incorporated various types of community participation promotions. Postcards were mailed to all property owners within the Planning Area listing all events and opportunities for residents to participate. Letters were sent to 26 property owners with property acreage totaling 50 acres or more and providing information about the study and inviting the property owner(s) to meet with staff. The chart below lists other opportunities for residents and property owners to participate in the community engagement activities during Visioning Week.

Visioning Week Community Outreach

2019	Type of Community Outreach
Week of October 14th	Lancaster County and Catawba Regional COG Websites
October 15th	Letters Mailed to Property Owners with >50 Acres
October 16th	Press Release
October 17th	Postcard Mailed to All Property Owners
October 17th	Emails Sent to All Agencies / Organizations
Week of October 21st	Schools and Places of Worship Social Media / Websites
October 23rd	Newspaper Ad in the Carolina Gateway

VISIONING WEEK

Hands-On Workshop

The Southern Panhandle Hands-On Workshop was held on the evening of Tuesday, November 5, 2019 from 5:30 pm to 8:00 pm. Residents, property owners, and other stakeholders received information about the planning area and participated in a visual preference survey and small group discussion to brainstorm about the future of the Southern Panhandle.

Rox Burhans, AICP, Lancaster County Development Services Division Director, welcomed the 54 participants to Visioning Week and thanked them for sharing their ideas for the Southern Panhandle Small Area Plan. Cole McKinney, Catawba Regional Council of Governments, presented an overview of the project objectives. Mr. McKinney explained the importance to ensure the future integrity and economic vitality and to develop place-making strategies through proactive planning.

Kara W. Drane, AICP, Catawba Regional Council of Governments provided examples of place-making techniques, highlighted the Visioning Week schedule, and introduced the breakout session portion of the Hands-On Workshop. Participants were divided randomly by name tag “dot” color and assigned one of seven groups. Each group developed a vision documented on maps and descriptions of the future Southern Panhandle. The feedback provided by the groups were incorporated into the Southern Panhandle Small Area Plan Recommended Land Use Map. The big ideas that the groups reported included:

- Maintain Rural Community
- Protect Local Heritage
- Ensure Growth is Well-Planned
- Prevent Loss of Tree Canopy
- Protect Andrew Jackson State Park
- Plan for Transportation Enhancements
- Provide for Sewer Enhancements as Needed
- Be a Natural Retreat Destination



Visioning Week Postcard Invitation



HANDS-ON WORKSHOP

Lancaster County invites you to brainstorm with residents, property owners, and community stakeholders about the future of the Southern Panhandle!

TUESDAY, NOVEMBER 5, 2019
5:30 PM - 8:00 PM
REFRESHMENTS PROVIDED

IF YOU ARE PLANNING TO ATTEND, PLEASE
RSVP TO: CRCOG@CATAWBACOG.ORG
OR 803.327.9041

Drop by Our Lady of Grace to discuss your ideas, on any of the dates below, if you cannot attend the hands-on workshop.

NOV 4: 4:00 PM - 7:00 PM
NOV 5: 8:00 AM - 4:00 PM
NOV 6: 8:00 AM - 6:00 PM
NOV 7: 8:00 AM - 10:00 AM



Stakeholder Interviews

Staff from Lancaster County Planning Department and Catawba Regional Council of Governments held stakeholder interviews with major property owners, business owners, and agency representatives during Visioning Week. The purpose of the interviews was to gather information and compile different perspectives from stakeholders throughout the Southern Panhandle. The feedback provided to planners included opportunities for future growth, and all of the property owners shared personal ties and connections to the Southern Panhandle planning area.

Drop-In Visits

The public was invited to drop-in and talk with the Lancaster County Planning Department and Catawba Regional Council of Governments staff during Visioning Week to share ideas and ask questions about the Southern Panhandle Small Area Plan Project. The drop-in visits provided residents the opportunity to stop by Our Lady of Grace Catholic Church at their convenience to participate in the process and development of the small area plan. Times were available during the day and early evening.

Through Wednesday evening, a total of 95 residents engaged in the Southern Panhandle Small Area Plan Visioning Week activities:

- November 4th / Interviews and Drop-ins – 12 participants
- November 5th / Interviews and Drop-ins – 13 participants
- November 5th / Hands-On Workshop – 54 participants
- November 6th / Interviews and Drop-ins – 16 participants



Visioning Week Work Groups Report Out

SWOT ANALYSIS & VISIONING

The Steering Committee met on June 5, 2018 and the members developed a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis. The Steering Committee also provided one word(s) descriptions of how they envision the future Southern Panhandle planning area.

Strengths

- Schools (noted 5 times)
- Undeveloped land (noted 5 times)
- Proximity to Charlotte/Waxhaw/Rock Hill (noted 4 times)
- Capacity in water and sewer (noted 4 times)
- Highways, two major transportation arteries and proposed Dave Lyle Extension (noted 3 times)
- Access to US 521 (noted 3 times)
- Nature trails (noted 2 times)
- Rural living (noted 2 times)
- Area is strategic connection for trail from Andrew Jackson to Walnut Creek; New UDO guidelines can help facilitate trail development
- Connective roads to other communities
- CSX Rail Line for industry
- Distance to I-77
- Good park land
- Great growth – increase in land values
- Growing population and work force that is moving south
- Help shape development
- Highway 75 – Monroe Highway 5 – I-77
- Lack of negative industrial sites
- Limited curb cuts
- Location and proximity to retail and shopping



STEERING COMMITTEE MEETING, JUNE 2018
Andrew Jackson State Park



STEERING COMMITTEE MEETING, AUGUST 2018
Van Wyck Community Center

- Long-time family landowners
- Low density
- Natural beauty
- New schools
- Quality of life for active living
- State Park
- Two creeks that feed into the Catawba and water system
- Vacant properties with motivated sellers
- Working with stakeholders upfront

Weaknesses

- Traffic conditions (noted 6 times)
- Sewer limitations (noted 5 times)
- Unknowns that could impact the area – Dave Lyle Extension (noted 2 times)
- Connective road intersections could easily be overdeveloped
- Constraints with river on west and state line on east
- Current zoning and Future Land Use Map
- Difficult to get consensus
- Electric capacity
- Greenspaces being reduced
- US 521 only north/south route
- Infrastructure
- Insufficient roads – need for additional lanes and “deceleration lanes”
- Knowledge about trails/trail systems not there
- Knowledge for different modes of transportation
- Lack of services south of Rebound
- Many property owners may not be aware of CTT
- No identification of defined town – no neighborhood businesses – need to balance for existing homes
- No Master Plan – only Comprehensive Plan



STEERING COMMITTEE MEETING, AUGUST 2018
Town of Van Wyck Community Center.



STEERING COMMITTEE MEETING, DECEMBER 2018
Our Lady of Grace Catholic Church.

- Poorly maintained roads
- Road network (all residential)
- Several sewer sheds cross the region – complications
- Should be looking at the entire US 521 corridor to City of Lancaster
- Small, pocket communities
- Traffic north of Waxhaw Highway
- Transportation
- Two main roads heading north, 5 and US 521
- Utilities
- Very few residents in the area
- Vision discrepancies between various stakeholders

Opportunities

- Blank canvas (noted 3 times)
- Ability to get ahead of the growth/plan for it
- Additional opportunity for retail/commercial
- Being able to design superstreets ahead of time
- Better communication
- Create plan to support future growth for schools and community
- Creation of deceleration lanes – other road improvements to assist in traffic flow
- More industrial parcels
- Opportunity to be a conduit of growth that extends from panhandle to City of Lancaster
- Reduce curb cuts
- Relationship with Van Wyck community
- Smart, planned development and growth
- Structuring taxes to help pay for growth
- Super street
- Trails, recreational opportunities for Town of Van Wyck
- Use this plan as a template for other areas of the county
- We can learn from mistakes made from north part of county

Threats

- Aging population (noted 3 times)
- Affordability – small business owners (noted 2 times)
- Rapid development (noted 2 times)
- Balance needs of existing versus new residents (noted 2 times)
- Traffic flow and design (noted 2 times)
- Overcrowded schools – we only build schools after growth (noted 2 times)
- Andrew Jackson State Park (threat to facility)
- Congestion if we don’t plan for collector road study – type of infrastructure improvements
- Cost involved
- Dense development
- Financial impact on county and property owners
- Highway 5
- Lack of balance – will not adequately plan for business development and it will be all one big chain of subdivisions with retailers mixed in – that doesn’t pay the bills
- No design standards for US 521
- Not enough connections to Trail
- Preserving natural assets while being sensitive to property owners
- Repeat of a common theme of urban sprawl pitfalls
- Rezoning of property by county council
- Tax base - will taxes help support growth
- The growth is coming, like it or not
- Threats to natural areas
- Work together to prevent incorporation threats

VISIONING WORDS:



Visual Preference Exercise Board 1

Southern Panhandle's Future Look

Below are various images from other communities. The images include open space, parks, trails, rural living, residential homes, town homes, and multi-family homes. Which places would you like to see in the Southern Panhandle? For each image, indicate whether you would like to see it in the Southern Panhandle or not.

Open Space and Rural Living		Residential Homes, Town Homes, and Multi-Family	
Mostly Like	Mostly Do Not Like	Mostly Like	Mostly Do Not Like
33	0	14	10
26	0	1	20
23	0	7	14
24	2	11	10
25	0	8	13
29	0	10	14
21	2	3	22
27	0	2	21

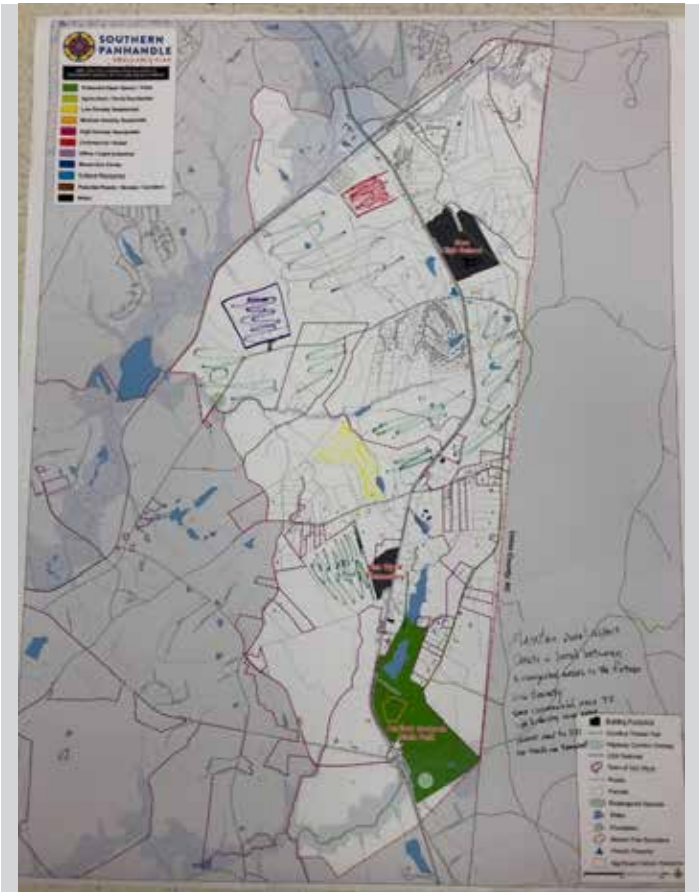
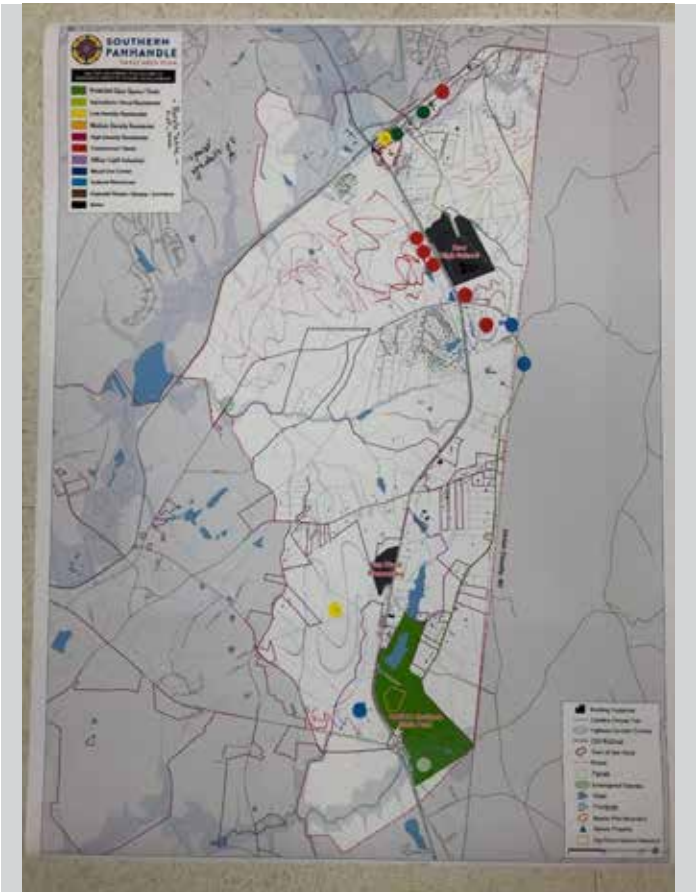
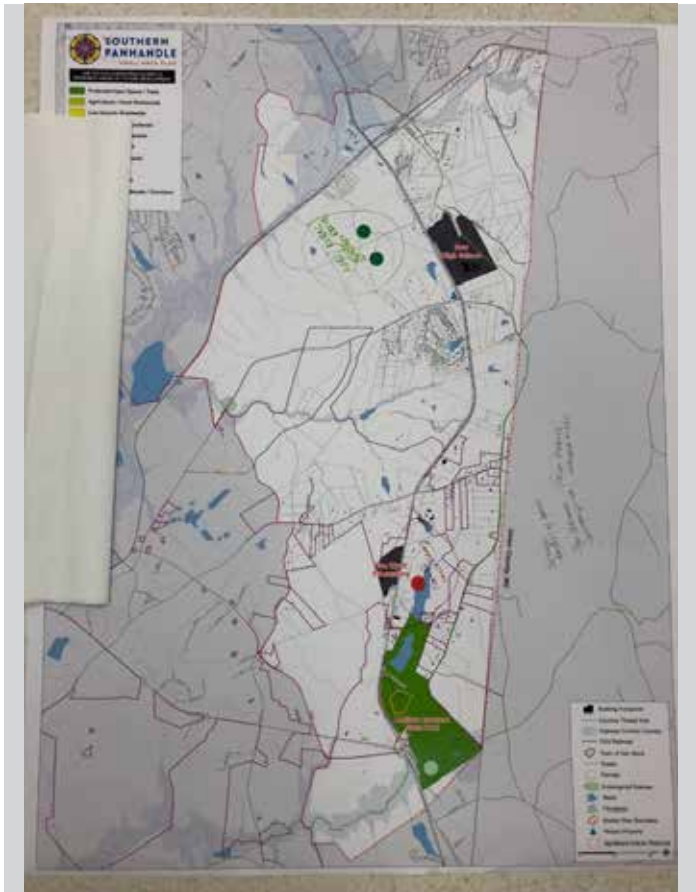
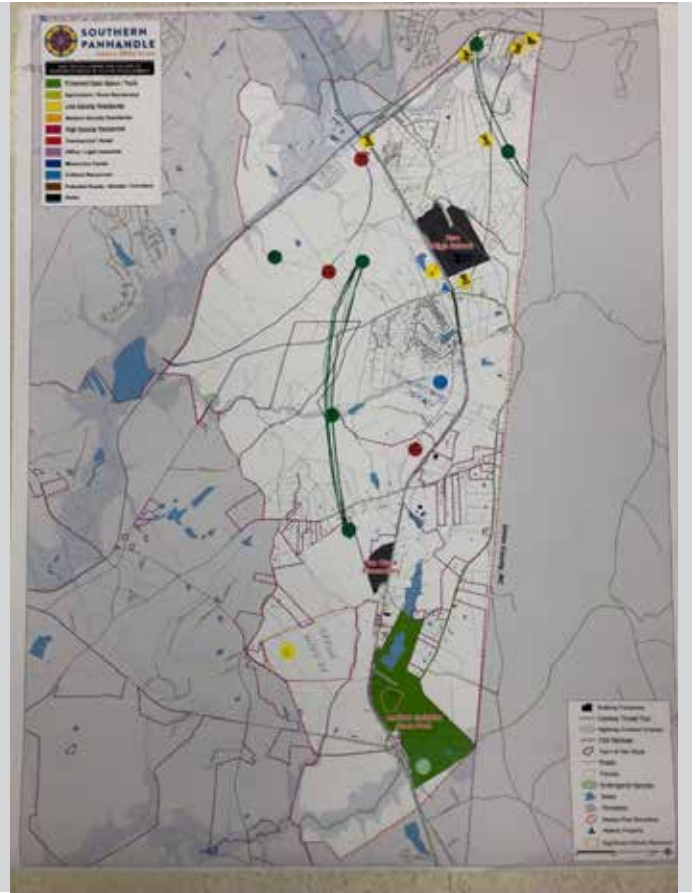
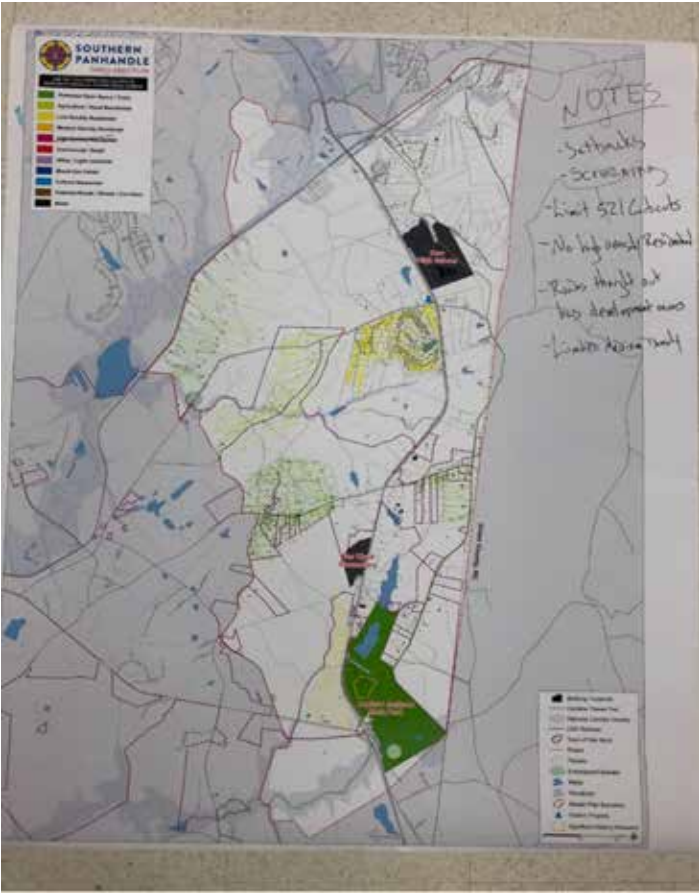
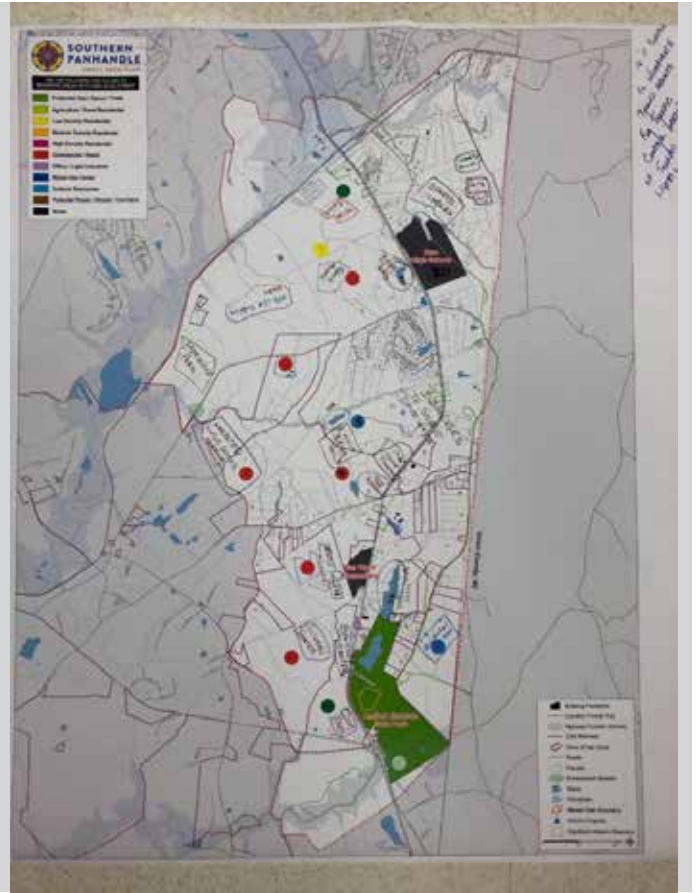
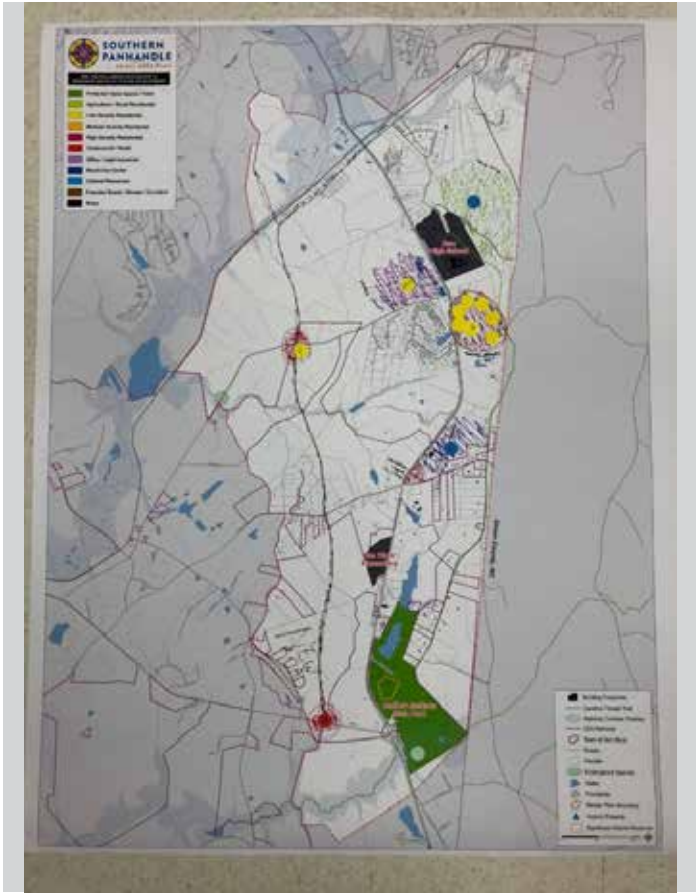
Visual Preference Exercise Board 2

Southern Panhandle's Future Look

Below are various images from other communities. The images include commercial, retail, mixed-use, and employment. Which places would you like to see in the Southern Panhandle? For each image, indicate whether you would like to see it in the Southern Panhandle or not.

Commercial and Mixed-Use		Employment Areas			
Mostly Like	Mostly Do Not Like	Mostly Like	Mostly Do Not Like		
2	16	 17	 25	0	30
19	3	 18	 26	12	14
17	2	 19	 27	8	17
6	17	 20	 28	15	13
24	0	 21	 29	4	14
5	18	 22	 30	6	14
18	5	 23	 31	8	12
14	7	 24	 32	7	17

WORK GROUP MAPS





APPENDIX D: SOUTHERN PANHANDLE EXTENSION



PROJECT OVERVIEW

After the completion of the Southern Panhandle Small Area Plan, the County began to consider further study of the land to the north of the original study area. The area bears many similarities to the original study area, so the County has determined that it should be considered an extension of the Southern Panhandle Small Area Plan and included as an appendix to that plan. Lancaster County began the study of the extended area in February of 2021, and the plan was adopted in ___, 2021. The extension study area (p. 63) encompasses 848 acres or 1.3 square miles as shown. The entire study area is designated as Neighborhood Mixed Use in the Lancaster County Comprehensive Plan.

The Original Southern Panhandle Small Area Plan and Extension Plan will be incorporated into the new Lancaster County Comprehensive Plan which commenced in 2021. The integration of both plans into the Comprehensive Plan will ensure that the recommended land use maps and implementation strategies prepared with the community will be retained.

RECOMMENDED LAND USE PLAN

The Recommended Land Use Plan on Page 67 reflects input from residents, property owners, and stakeholders within the study area. Staff conducted one-on-one interviews and held a community meeting in order to receive comments and feedback on the Plan. A Technical Advisory Committee worked with staff to provide input for land use, transportation, and utility planning. Information gathered from public outreach and the Committee guided the creation of the Plan.

PUBLIC OUTREACH

Small Group & Individual Property Owner Meetings
Staff met with individual property owners to provide an overview of the intent of the project. Each property owner was asked to state their vision for their property as well as the study area.

Community Meeting

The Planning Department hosted a community meeting on June 10, 2021 from 5:00 – 7:00 pm at the Faith Presbyterian Church, which is located within the study area. Approximately 50 people, consisting of property owners, residents and other stakeholders, attended the meeting to learn about the plan and provide input. Staff kicked off the meeting by welcoming attendants and encouraging them to view the draft recommended future land use map and provide staff with comments and feedback.

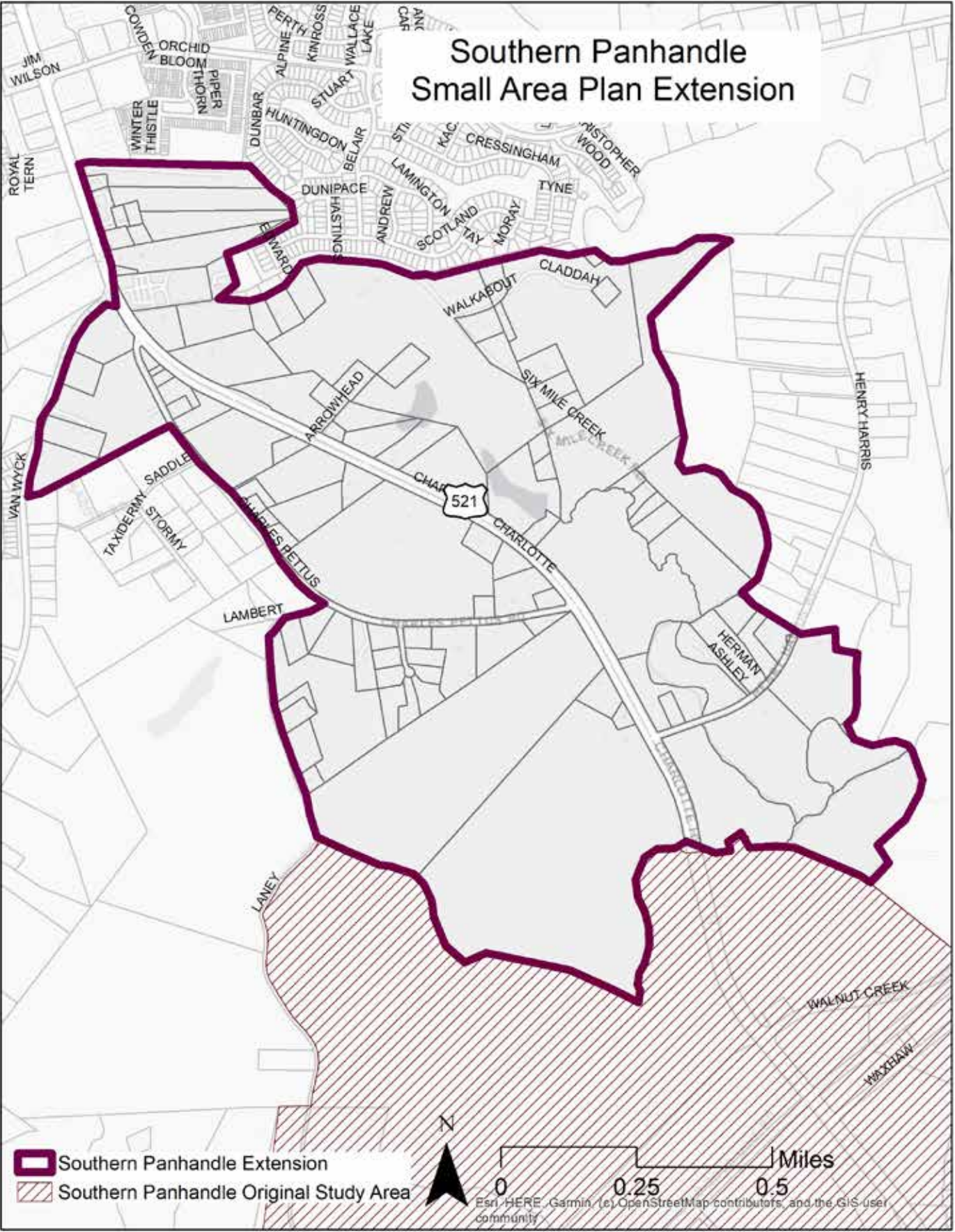
Questions and comments received during the meeting included, were not limited to:

Transportation:

- US-521: Need to examine more creative approaches to address it beyond a conventional widening, such as superstreets and traffic circles (like in Europe, etc.). Collector roads should also be considered.
- US-521 capacity is very important. Public transportation should be considered.
- Van Wyck Road: How will traffic be impacted on Van Wyck Road & US-521?
- Charles Pettus Road & US-521 Intersection: This intersection is dangerous (blind).
- Collector Road Alignments: The alignment needs to be more refined. Proposed roads should generally be located where such development is feasible.
- Safety: Speed limit(s) should be reduced.
- Concerned with size of proposed east-west collector roads, and how they would impinge upon residents’ lots.
- Need to manage increased traffic at Six-Mile Creek Road and US-521 intersection, which already has long delays.

Development Consideration:

- Sewer Extension: What is the District’s plan for sewer extension? Where will pump stations be located? Provide more information to clarify.
- Carolina Heelsplitter Overlay: The Heelsplitter Overlay is an issue affecting development. Should consider modifying in the study area.



- Large Rezoning Sites Policy (Master Planned Sites): Questions were raised asking for clarification on this policy regarding how it will be applied. Additional information on this policy can be found in Goal # 4, Support Development of Larger, Master Planned Sites on page 71.
- Whether residential areas outside the western boundary would see conversion to commercial zoning in the near future due to this proposal.

General Comments & Questions:

- The Mixed Use FLU category needs to be more explicitly explained.
- The Employment FLU category needs to be more explicitly explained.
- Provide Clarification Regarding Zoning: Staff provided overview of the impact future land use designation change would have on parcels.
- Will impact fees be charged?
- What benefits will there be for existing residents who currently deal with traffic and higher taxes?
- Concern that this plan would fuel commercial growth in areas they would prefer to remain residential, and/or change the rural residential feel of surrounding neighborhoods.

EXISTING CONDITIONS

Geography

Topography in the area is primarily buildable with some areas having challenging contours. Careful planning and quality construction practices will be necessary, particularly in the steeper area. These areas tend to be closer to the streams and creeks which exacerbates the need for stringent environmental controls when disturbing those land masses. The need for collector road locations and interconnectivity between parcels within the study area must be balanced with the challenging topography.

Current Land Use

The current land use is reflected in Figure ___, Land Use, while the distribution is reflected in Table ___, Existing Land Use Distribution. The planning area is predominately rural with ___% of the acreage categorized as ___, ___% ___, and ___% as _____. The remaining ___% of land uses are a mix of ___ and ____.



Faith Church



Southend Plaza

Existing Zoning

The existing zoning for the study area is shown on p. 67. The majority of the study area is zoned Low Density Residential and Rural Residential. Other zoning districts include Rural Neighborhood, Institutional, Neighborhood Business, and General Business as well as the Highway Corridor and Heelsplitter Overlay Districts.

Water & Sewer

The Lancaster County Water & Sewer District (LCWSD) is the utility provider in the study area. Water lines currently extend along US-521 through the entire project boundary, as well as Charles Pettus Road,

Henry Harris Road, and Six Mile Creek Road. A sewer forcemain runs parallel to US-521 but it is not available for connection.

Lancaster County Water and Sewer District (LCWSD) has prepared a master plan which encourages gravity sewer in an effort to avoid a proliferation of wastewater pump stations. Gravity sewer reduces the potential for sanitary sewer overflows (SSOs) and line breaks associated with pump station malfunctions and pressurized sewer. Minimizing pump stations reduces electrical requirements and operation and maintenance costs to rate payers.

The Small Area Plan study area encompasses several drainage sub-basins which are dissected by US-521. The area is defined by an abundance of small tracts in addition to some steep topography (see map on page 77). The LCWSD master plan shown on p. 75 promotes a sustainable and reliable sewer system for the area.

Electricity & Natural Gas

Duke Energy and York Electric are the electricity providers and Lancaster County Natural Gas Authority is the natural gas provider within the study area. There are no concerns for availability as both service providers have capacity to meet the needs as growth continues in the study area.

Transportation

The main transportation corridor in the study area is US-521, a four-lane divided highway. US-521 includes north and south bound traffic and is intersected by Van Wyck Road, Charles Pettus Road, and Henry Harris Road. Traffic congestion from Indian Land encroaches into the northern boundary of the study area, which will continue to extend south along US-521 as development continues. The Average Daily Traffic Counts in 2019 for the segment of US-521 from Shelley Mullis Road to Waxhaw Highway was 19,500. SCDOT has no improvements planned within the area. A regional improvement plan could be considered in order to mitigate traffic concerns. A key area of concern is the Van Wyck Road left turn lane which turns onto US-521. Recently approved development projects will result in improvements to US-521 and Van Wyck Road which will include turn lanes, extension of existing turn lanes and additional pavement markings.

A small segment of the Carolina Thread Trail is proposed within the southeastern corner of the study area, connecting to the existing Twelve Mile Creek Trail at the Walnut Creek neighborhood.

The Rock Hill-Fort Mill Area Transportation Study (RFATS) region Bike Ped route originates at the northern and southern boundaries and extends west toward Van Wyck Road.

Environmental Considerations

The planning area is located within the Santee River Basin. According to the SC Department of Natural Resources (SCDNR), many State Wildlife Action Plan freshwater fish species are found within the planning area.

Flood Zone

The confluence of Six Mile Creek and Twelve Mile Creek creates a sizable portion of the study zone in the Flood Zone. This is mostly south of Henry Harris Road on the east side of US-521, a small section just west of US-521, and the areas in close proximity to Six Mile Creek which run along the eastern border of the study area. (See p.74)

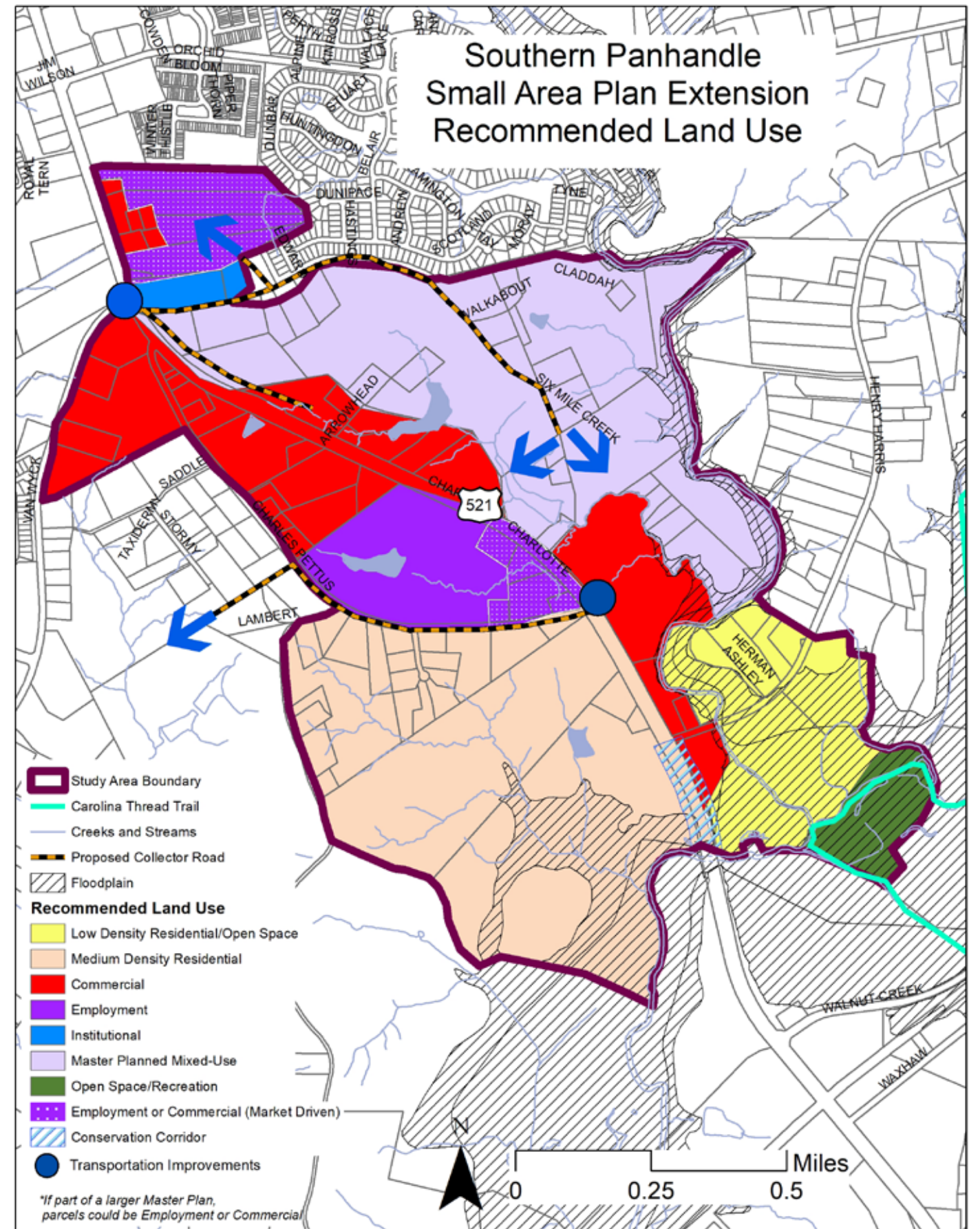
Carolina Heelsplitter

While SCDNR does not indicate the presence of the Carolina Heelsplitter in the planning area, the US Fish and Wildlife Service has identified Waxhaw Creek as a current and previous location for the endangered species, and it is still considered significant habitat. Most of the study area is included in the Carolina Heelsplitter Overlay District, created to protect this endangered mussel. The basin of Six Mile Creek is one of its known habitats. Building in this area is possible, but mitigation credits must be purchased based on many factors, including the amount of impervious surface added to the basin and the proximity of the disturbance of the buffer zones to streams. Project design engineers determine the credits required. The determination is then verified by the Lancaster County Stormwater Department. Applicants coordinate payment directly with US Fish & Wildlife to the mitigation bank.

The Southern Panhandle Extension study area is located at the southern edge of the Indian Land high growth area and west of Union County, NC. It is also located east of York County, SC and north of Waxhaw Highway. Multiple industries, businesses, schools, and places of worship are located in the immediate vicinity. The Southern Panhandle Small Area Plan Extension is a strategically important area for business development. The location is just south of one of the fastest growing office, light industrial and retail areas in the Charlotte Region. Situated on US-521, the area provides significant economic opportunities due to its location within Indian Land, as well as close proximity to the Ballantyne, Waxhaw and Weddington, North Carolina communities. The area is well positioned to capture the aforementioned uses as development pressure and scarcity of US-521 frontage sites to the north pushes development south and into the area.

The US-521 Corridor has seen a lot of economic change in the past decade, most of which has been extremely positive. The Southern Panhandle Small Area Plan Extension Plan is critical to ensuring this trend continues, while taking the planning and design of new development in the area to the next level.

The Southern Panhandle Small Area Plan Extension seeks to preserve the values of residents by ensuring that developments conserve the natural landscape, cultivate employment centers, provide master planned commercial and residential development, and establish efficient infrastructure through enhanced connectivity, safety and mobility.



FUTURE LAND USE CATEGORIES

The future land use categories for the recommended land use plan are listed below. The majority of the future land use categories for the Small Area Plan Extension are the same as those for the Original Small Area Plan, with the exception of the Environmentally Sensitive Lands and Rural Residential/ Agricultural categories, both of which have been excluded.



Low Density Residential/Open Space

Land for single-family residential subdivisions and supporting recreational, religious, and educational uses at a density of 1.5 dwelling units per acre. Conservation subdivisions are encouraged here.



Medium Density Residential

Single-family residential subdivisions and supporting recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Conservation subdivisions are encouraged here.



Commercial

Opportunities for shopping, professional services, and entertainment. These areas do not typically allow auto-oriented developments.



Employment

Employment-oriented development such as office, medical, light industrial, and service centers that are clean, quiet, and compatible with adjacent residential or business districts.



Institutional

Intended for educational facilities, government facilities, healthcare institutions, places of worship, and other similar uses.



Master Planned Mixed Use

Designed for pedestrian walkability and as an economic activity center incorporating daily shopping, community, entertainment, housing needs, and public spaces. This can include multi-story buildings surrounded with compact moderate density housing options such as detached and attached residential uses and is connected to adjacent areas by trails and walking paths.



Open Space/Recreation

These areas are designated for the protection of properties under public ownership, such as parks, trails, greenways, and/or properties otherwise restricted for use for passive or active recreation



Conservation Corridor

A portion of the US-521 transportation corridor will be identified for the preservation of natural resources such as tree canopies, topography, and rolling hills to protect the natural beauty of the Southern Panhandle Extension.

PLAN GOALS & IMPLEMENTATION

Specific goals and objectives were developed based on the analysis, outreach, research, and planning efforts for the Southern Panhandle Small Area Plan Extension. These are intended to guide development within the study area. The Plan Goals & Implementation Strategies from the Original Small Area Plan (p. 19-21) shall also be referenced, as applicable. Each goal is prioritized with timeframes within which implementation is to occur.

GOAL 1: SUPPORT TRANSPORTATION, UTILITY, AND OTHER INFRASTRUCTURE INVESTMENT

Objective: Improve accessibility and safety of US-521 and Van Wyck Road

Implementation Items:

- Support innovative transportation improvements to be made from a regional approach in coordination with SCDOT. Include this section of US-521 in future US-521 corridor study for potential innovative transportation improvements. C, LT
- Develop a collector/minor arterial road and frontage system in the study area. The acquisition of right-of-way (public or private) and/or road construction (as appropriate) within the proposed study area for collector/minor arterial and frontage roads should be undertaken in coordination with land development projects occurring within the general alignment areas identified in the study. Corrective realignments may be necessary in order to facilitate new collector roads. C, LT
- Accommodate future improvements to Van Wyck Road by requiring right-of-way for future widening and a potential realignment at the intersection of US-521. C, LT
- Require a 50-foot building setback along US-521 and Van Wyck Road to better accommodate future widening and improvements. ST
- Encourage interconnectivity within master planned developments to foster connectivity and improved traffic flow. Examples include shared driveways and identifying locations for frontage roads. C

- Require connectivity for all modes of transportation within developments, as well as to adjacent properties. C

Objective: Support water and sewer utility investment in a manner that is consistent with the Small Area Plan Vision.

Implementation Items:

- Support provision of necessary utility infrastructure such as pump stations and upgraded lines as part of the land development process. This should be done proactively with the LCWSD Master Plan and with each development project. C, ST, LT

GOAL 2: ESTABLISH THE NATURAL ENVIRONMENT AS AN IDENTIFYING ELEMENT OF THE SOUTHERN PANHANDLE – INCLUDING THE EXTENSION AREA

Objective: Optimize environmentally sensitive lands by incorporating them into design and development.

Implementation Items:

- Extend Conservation Corridor designation from Original Southern Panhandle Small Area Plan north to Henry Harris Road by establishing a minimum 50-foot conservation corridor along US-521 to retain existing trees and natural features. C, ST
- Conservation residential developments shall be encouraged in order to preserve land quality and quantity, while also providing a unique opportunity for residential development. ST, MT, LT
- Support implementation of the Carolina Thread Trail and the Walk-Bike RFATS Pedestrian plan for the US-521 and Van Wyck Road corridors. C, LT
- Establish a trail head and associated open space in the southeastern section of project boundary for the Carolina Thread Trail. LT

GOAL 3: CREATE A BALANCED SOUTHERN PANHANDLE LAND USE PATTERN

Objective: Develop employment and shopping opportunities in targeted segments of the study area.

Implementation Items:

- Focus long-term economic development at the northernmost portion of the project boundary and also near the intersection of US-521 and the southern segment of Charles Pettus Road. LT
- Employment land uses shall consist of indoor operations with no outside storage or operations. The development shall be suitably buffered from residential, mixed-use and commercial developments. C
- A master planned, regional, mixed-use development should be encouraged between Six Mile Creek Road and Henry Harris Road. This may consist of between one and three master planned projects over time which connect to one another, any associated collector or frontage roads, and compliment adjacent uses. LT

Objective: Provide well-planned development for all land uses by utilizing best planning practices.

Implementation Items:

- Rezonings shall be generally consistent with the Future Land Use Map for the benefit of planning for land uses and in order to facilitate master planned projects, water/sewer, utilities and transportation improvements. C
- Master planned mixed-use development shall include vertical mixed-use as well as well-integrated multi-use development. C
- Employment uses shall be compatible with commercial and mixed-use development and complement one another in design and uses, in addition to having road connectivity. Impacts to adjacent residential districts shall be mitigated. C

GOAL 4: SUPPORT DEVELOPMENT OF LARGER, MASTER PLANNED SITES

Objective: Implement criteria to ensure quality development within study area.

Implementation Items:

- It shall be a priority to support development of larger master planned sites that are served by public water and sewer and utilize shared/ consolidated driveways along the US-521 Corridor within the non-residential and mixed-use portions of the study area. C, LT
- Develop larger, master planned projects served by public utilities which will help protect the Six and Twelve Mile Creek watersheds, ensure each site is utilized for its highest and best use, have planned collector roads within them and feature interconnected building placement, landscaping, and architectural design. C, LT
- Priority consideration should be given to rezoning requests which consist of the following: 1) consistent with the Future Land Use Map, 2) include the extension of or access to public water and sewer, and 3) are accompanied by a Development Agreement (requiring a minimum 25-highland acres), unless an alternative master planning tool is adopted with the upcoming comprehensive update to the Lancaster County UDO. Criteria to determine when consideration should be given to non-priority rezoning requests are provided below under Parcel Rezoning Criteria. C, LT

Timing Key:

C = Continuous
ST = Short Term (0 – 5 Years)
MT = Mid Term (6 – 10 Years)
LT = Long Term (Over 10 Years)

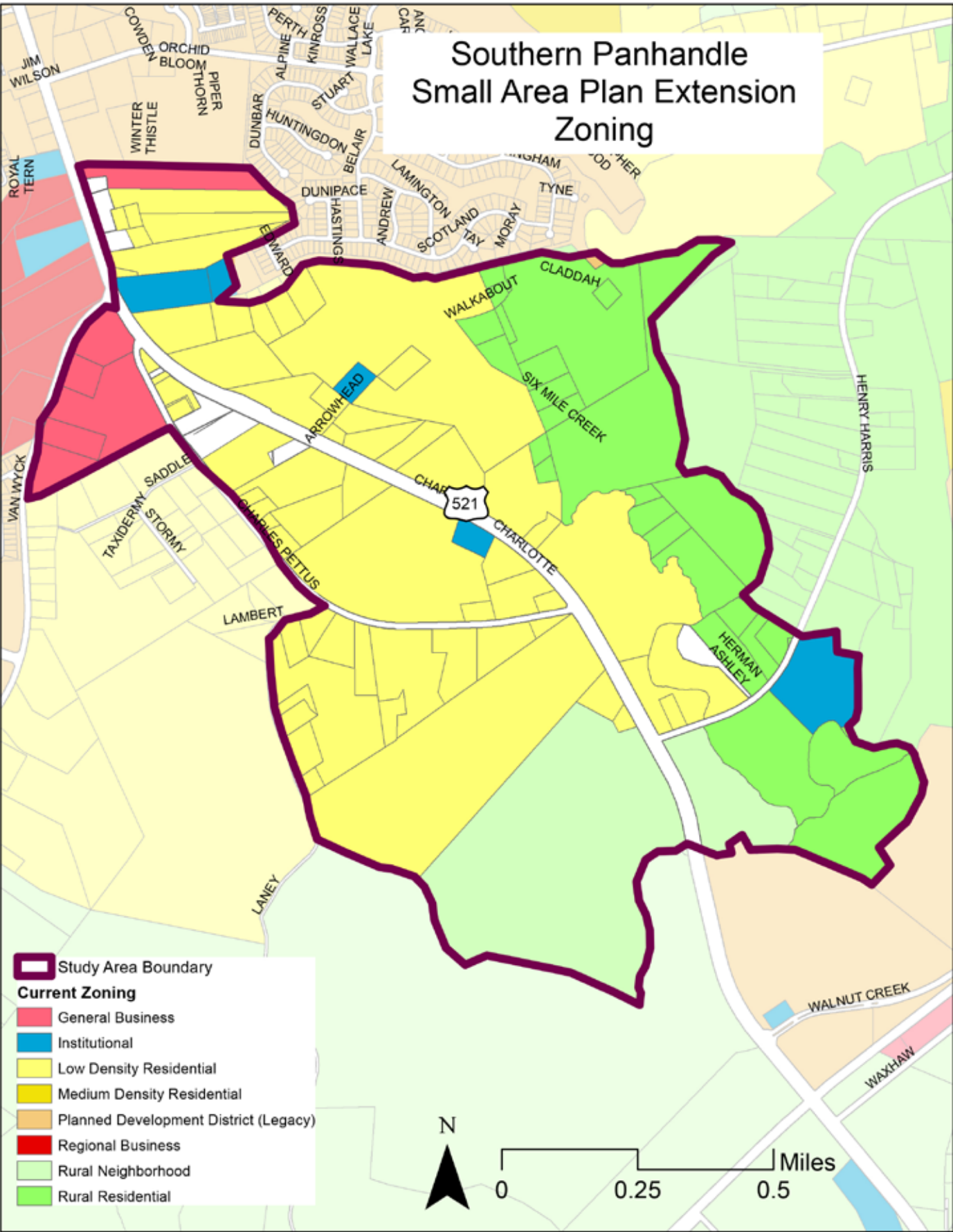
PARCEL REZONING CRITERIA

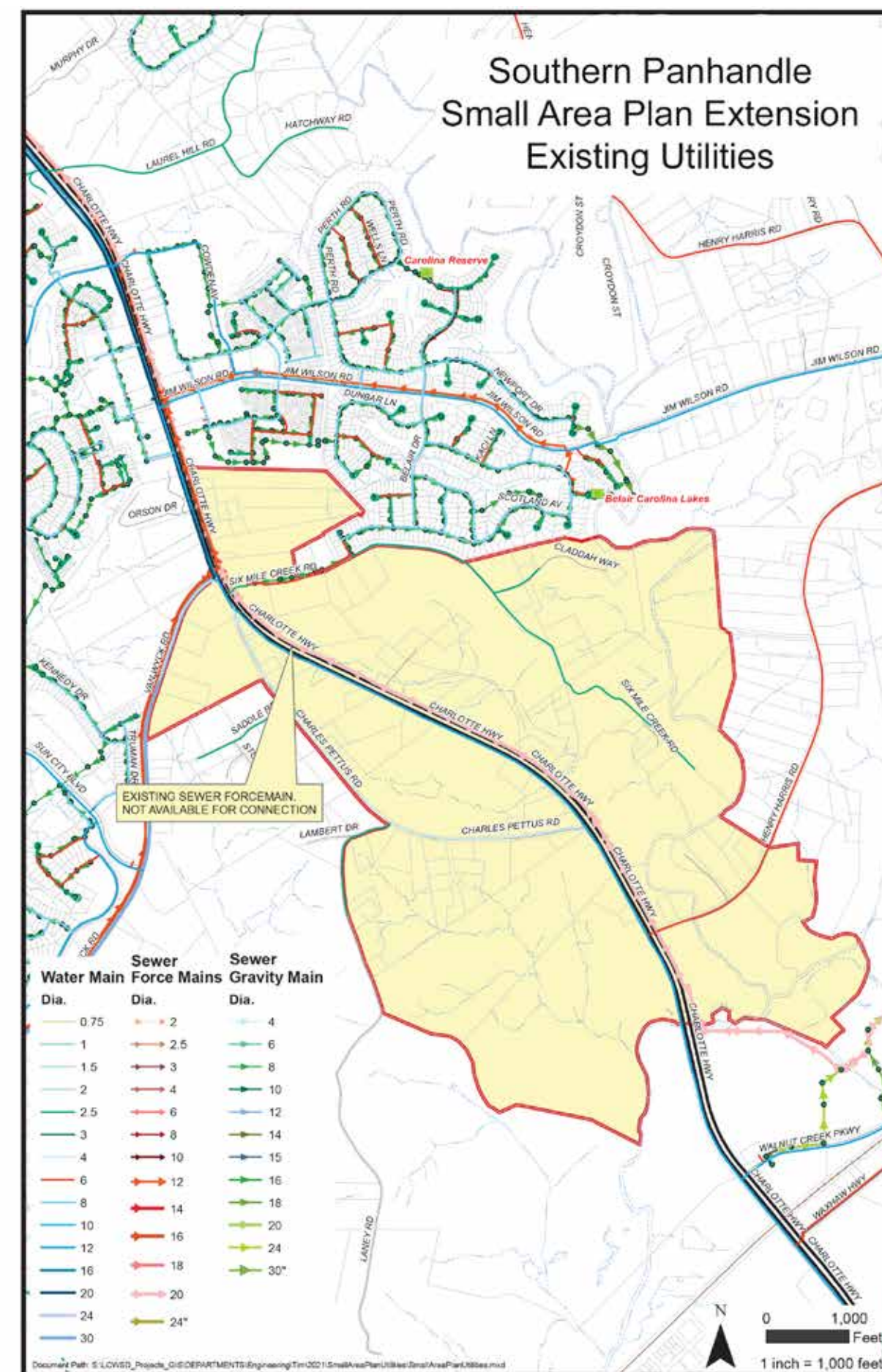
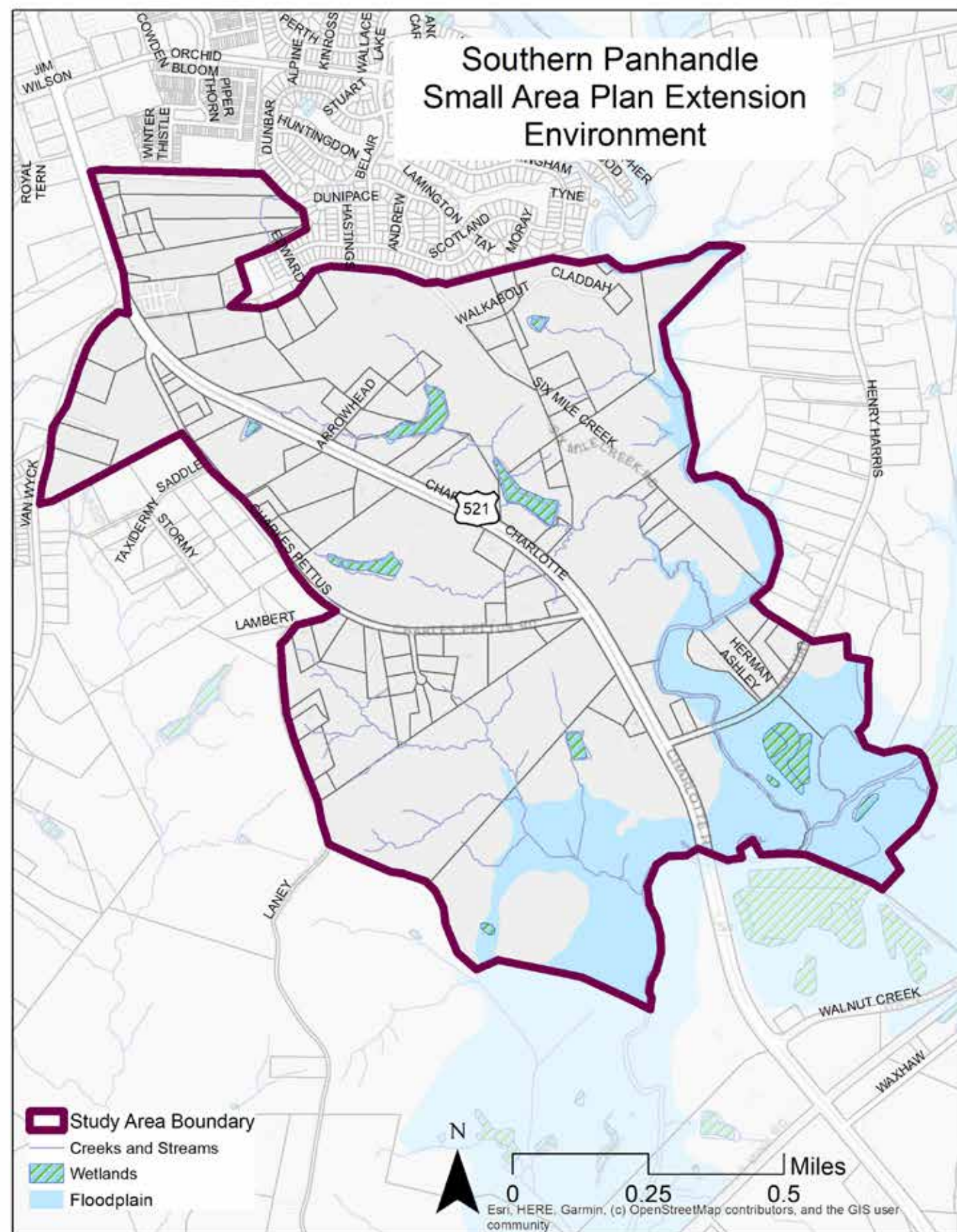
It is recognized that there will be instances where it is impractical or undesirable to have parcels combined with one another to achieve a large master planned site. Examples of this may include sites that are separated from adjacent properties by major environmental features such as large perennial streams and steep topographic slopes. Smaller commercial sites can also help shape the character of an area and provide smaller, local entrepreneurs an opportunity to develop or own commercial property. There are also unique land uses that may not be compatible within a master planned environment. Examples of such land uses include, but are not limited to: automotive dealerships, public safety or government facilities, and schools.

Non-residential or mixed-use rezoning requests along the US-521 Corridor that are not part of a larger master planned project should include a justification statement with an associated concept plan indicating the rationale for the smaller rezoning area and how the rezoning and/or future development project will implement the objectives of the Southern Panhandle Small Area Plan Extension. Such objectives may include, but are not limited to: accessing or extending public water and sewer infrastructure and utilizing or creating shared/ cross access ways. As previously noted, future updates to the UDO may create binding master planning opportunities in association with rezonings for both small and large sites.

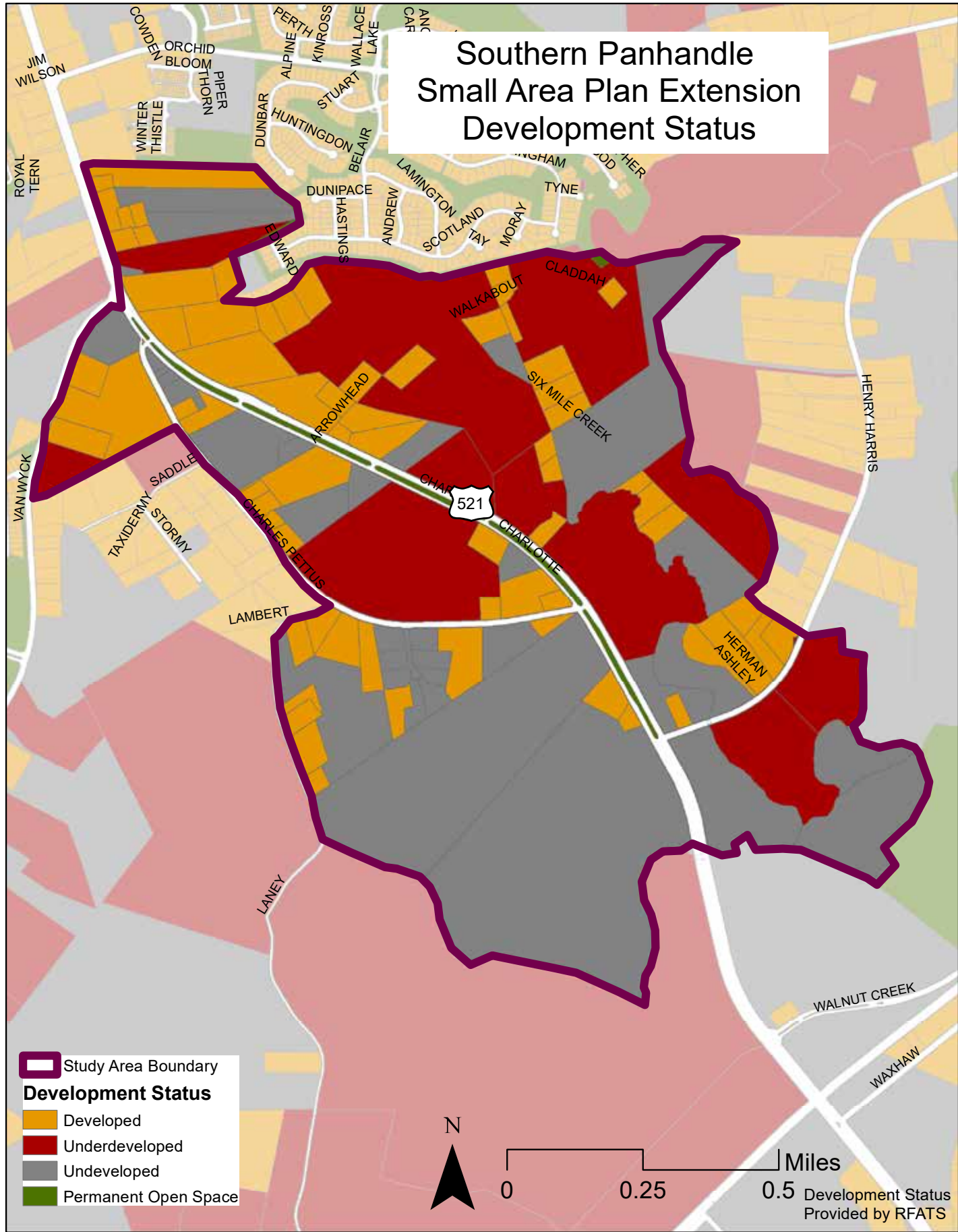
CONCLUSION

The Southern Panhandle Small Area Plan Extension will guide future growth in the area. The plan goals and implementation strategies will accomplish the following: 1) compliment the Southern Panhandle Small Area Plan approved in February, 2021, 2) establish a sense of place with master planned development, 3) support a more balanced tax base with employment and retail uses, 4) provide opportunities to support the local economy with employment and retail, and 5) provide open space for the benefit of the community.

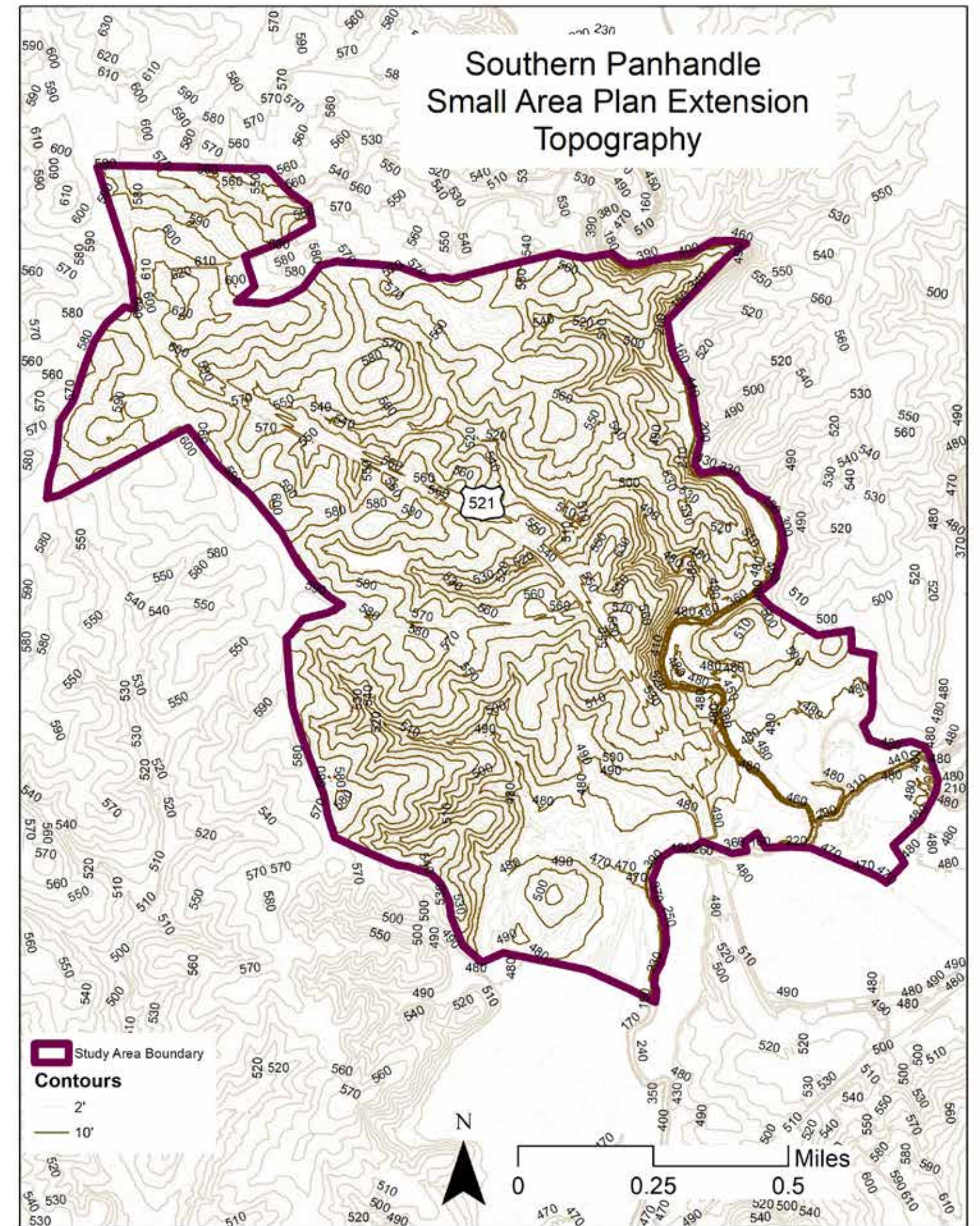




Southern Panhandle Small Area Plan Extension Development Status



Southern Panhandle Small Area Plan Extension Topography



TO: County Council

FROM: Katie See, AICP, Senior Planner

DATE: July 27, 2021

SUBJECT: Southern Panhandle Small Area Plan Extension

PROJECT OVERVIEW

After the completion of the Southern Panhandle Small Area Plan, the County began to consider further study of the land to the north of the original study area. The area bears many similarities to the original study area, so the County has determined that it should be considered an extension of the Southern Panhandle Small Area Plan.

A community meeting was held on June 10, 2021 at the Faith Presbyterian Church in Indian Land to let the community know about the project, present a draft recommended future land use (FLU) map, and receive input and feedback. The meeting was a drop-in format from 5:00-7:00 pm and approximately 50 people attended. Attendees were asked to review the draft recommended FLU and provide comments to staff on the map or comments card. Planning and Engineering staff were on hand to answer questions about the plan as well as the area in general.

The Recommended Land Use Map represents the future land use designation of properties within the study area. This does not result in rezoning property. Property owners will need to submit a request to rezone if their intended use is not permitted in their current zoning district. A Future Land Use Map amendment will also be required if the property owners wish to do something that is not consistent with the future land use designation shown on the final map.

Highlights of the Small Area Plan Extension include:

1. Designating future land use of property within study area in order to facilitate better planned future growth as shown on Recommended Future Land Use Map;
2. Identifying general locations of collector and frontage roads to alleviate traffic on US-521;
3. Goals, objectives and implementation strategies; and
4. Rezoning request criteria to encourage larger, master planned projects.

The Original Southern Panhandle Small Area Plan and Extension Plan will be incorporated into the new Lancaster County Comprehensive Plan which will commence in late summer/early fall 2021. The integration of both plans into the Comprehensive Plan will ensure that the recommended land use maps and implementation strategies prepared with the community will be retained.

PLANNING COMMISSION MEETING

Staff presented the draft Southern Panhandle Small Area Plan Extension at the July 20, 2021 Planning Commission meeting. Two members of the public, both residents within the study area, spoke during the public hearing about the proposed collector roads shown on the draft recommended land use map. One resident recommends providing a collector road connection across from Henry Harris Road rather than through the residential area of the proposed location of Lambert Road with its proximity to the intersection of Van Wyck Road and US-521. He is also concerned about the blind curve at the southern entrance of Charles Pettus Road onto US-521. The second resident is disappointed to see a collector road proposed to be located along their two-lane road. Both residents support growth and understand that the area is growing.

The proposed collector road locations will remain and will not be modified from what is shown in the Plan. The proposed roads consist of utilizing existing roads and improving them to required standards, as well as constructing new segments. The County will have the opportunity to evaluate the exact collector road locations through the upcoming Comprehensive Plan process and also through specific project development.

RECOMMENDATION

The Planning Commission expressed their support for the draft Southern Panhandle Small Area Plan Extension and voted unanimously to recommend approval of the draft Plan Extension.

Staff recommends approval of the draft Plan Extension which will serve as an addendum to the original Small Area Plan.

Please feel free to contact me at 416-9395 or ksee@lancastersc.net should you have any questions before the meeting.

Enclosed: Draft Small Area Plan Extension

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1760 / Planning Case Number: CP-2021-1233

Contact Person / Sponsor: Katie See/Senior Planner

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

CP-2021-1233: Application by Shaun Williams to amend the future land use designation of two parcels totaling approximately 7.06 acres located at 8921 and Unaddressed Kershaw Camden Highway (TM# 0159-00-127.00 & 0159-00-121.01) from Rural Living to Special District – Industrial.

Points to Consider:

Staff is unaware of any changing trends in land use, housing, transportation, or the economy in the area that would warrant a future land use map amendment at this time. No proposed development projects been put forth that would warrant serving as a catalyst to support said change at this time.

Funding and Liability Factors:

NA

Council Options:

Approve or deny request

Recommendation:

The Planning Commission unanimously voted to recommend **approval** at the July 20, 2021 meeting.

If the proposed future land use map amendment to Special District – Industrial Community Type is intended to be a placeholder solution to permit a longstanding business to expand until a more comprehensive UDO/Comprehensive Plan update can be prepared addressing service/industrial uses in the rural areas, staff would have no objection to the request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1760	8/2/2021	Ordinance
Staff Report	7/12/2021	Planning Staff Report
Application	6/21/2021	Exhibit
FLU Map	6/22/2021	Exhibit
Rural Living	6/25/2021	Exhibit
Industrial Center	6/25/2021	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO.: 2021-1760

AN ORDINANCE

TO APPROVE THE REQUEST OF WILLIAMS FABRICATION AND INDUSTRIAL TO AMEND THE FUTURE LAND USE MAP CONTAINED IN THE LANCASTER COUNTY, SOUTH CAROLINA COMPREHENSIVE PLAN 2014-2024 TO CHANGE THE FUTURE LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR TWO PARCELS TOTALING APPROXIMATELY 7.06 ACRES IN SIZE LOCATED AT 8921 & UNADDRESSED KERSHAW CAMDEN HIGHWAY FROM RURAL LIVING TO SPECIAL DISTRICT-INDUSTRIAL (TMS # 0159-00-127.00 & 0159-00-121.01).

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Lancaster County Council finds that:

- (a) the Comprehensive Plan divides the areas of the county into a variety of categories.
- (b) Shaun Williams (Williams Fabrication & Industrial) (hereafter “applicant”) has submitted an amendment to the future land use (FLU) designation from Rural Living to Special District – Industrial for two parcels totaling approximately 7.06 acres contemporaneous with the application to rezone the parcels (proposed Ordinance 2021-1759 / RZ-2021-1233).
- (c) the adopted Future Land Use Map contained in the Land Use Element of the Comprehensive Plan shows that the proposed rezoning of the parcels is inconsistent with the Future Land Use Map
- (d) the applicant’s business operations upon the parcels are a grandfathered non-conforming use but the applicant desires to expand operations.

(e) Accordingly, if Lancaster County Council is to favorably consider the rezoning request of applicant and its plans to expand its operations, Council must adopt an amendment to the Future Land Use Map, changing the area from Rural Living to Special District -Industrial.

Section 2. Amendment of the Future Land Use Map.

The Future Land Use Map contained in the Land Use Element of the *Lancaster County Comprehensive Plan 2014-2024* is amended by changing the area containing the following properties as identified by tax map number or other appropriate identifier from Rural Living to Special District-Industrial:

Tax Map # 0159-00-127.00

Tax Map # 0159-00-121.01

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

<SIGNATURE PAGE FOLLOWS>

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Second Reading: August 23, 2021
Public Hearing: August 9, 2021
Third Reading: September 13, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL:	Request to amend the future land use designation of two parcels totaling approximately 7.06 acres in size. The purpose of this request is to ensure Comprehensive Plan consistency with a proposed Light Industrial (LI) District rezoning request (RZ-2021-1233) for the same properties.
PROPERTY LOCATION:	8921 & Unaddressed Kershaw Camden Highway (TM# 0159-00-127.00 & 0159-00-121.01)
CURRENT FLU CATEGORY:	Rural Living
PROPOSED FLU CATEGORY:	Special District – Industrial
APPLICANT:	Shaun Williams (Williams Fabrication & Industrial)
COUNCIL DISTRICT:	District 6, Alan Blackmon

OVERVIEW:

Site Information / Proposal

The applicant has requested an amendment to the future land use (FLU) designation from Rural Living to Special District – Industrial for the subject properties contemplated in RZ-2021-1233. The intent of the amendment is to add a 5,000 sf² addition to the existing building which is used for Williams Fabrication. Currently, the fabrication business is a nonconforming use.

According to Section 9.3.5, Nonconforming Uses & Structures, no building can be enlarged which would result in expanding the use. Therefore, the applicant has requested to rezone the property so the existing use could be permitted, subject to review. The requested LI Zoning District is not consistent with the existing Rural Living future land use designation. Therefore, the applicant has requested an amendment to the future land use map of the Comprehensive Plan in order to accommodate the fabrication business and make the requested LI District consistent with the FLU.

One parcel is improved with the Williams Fabrication business, while one parcel is vacant. The parcels are entirely surrounded by properties designated Rural Living (*see Figure 1 below*).

ANALYSIS & FINDINGS:

Future Land Use Categories

Rural Living

The existing future land use designation of this property is Rural Living (see *Appendix A of Comp Plan*). The Comprehensive Plan defines this Community Type as including a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open space, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

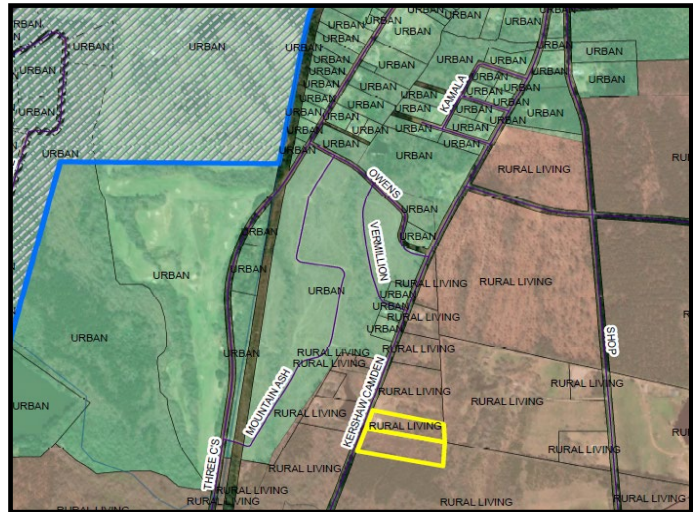


Figure 1

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

Special District – Industrial

The applicant has requested the future land use designation of Special District – Industrial (see *Appendix A of Comp Plan*). The Community Type “Industrial Center” includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow. Some allowable uses in the Industrial Center Community Type are listed in the table below.

Industrial Center: Land Use Considerations		
Factory	Heavy Assembly Plant	Regional Warehouse/ Trucking Distribution
Landfill/Quarry	Lighting Manufacturing and Assembly	Laboratory
Data Handling Plant	Natural Area	

Compatibility with Surrounding Area

The current future land use category for the surrounding area is Rural Living.

Staff is unaware of any changing trends in land use, housing, transportation, or the economy in the area that would warrant a future land use map amendment at this time. No proposed development projects been put forth that would warrant serving as a catalyst to support said change at this time.

PHOTOS OF PROJECT AREA:



Looking directly at subject property



*Looking west across Kershaw Camden Highway
from subject property*



Looking north along Kershaw Camden Highway



Looking south along Kershaw Camden Highway

STAFF RECOMMENDATION:

If the proposed future land use map amendment to Special District – Industrial Community Type is intended to be a placeholder solution to permit a longstanding business to expand until a more comprehensive UDO update can be prepared addressing service/industrial uses in the rural areas, staff would have no objection to the request.

ATTACHMENTS:

1. Comprehensive Plan Amendment Request
2. Future Land Use Map
3. Rural Living Community Type
4. Special District – Industrial Community Type

STAFF CONTACT:

Katie See, AICP, Senior Planner ksee@lancastersc.net | 803-416-9395

FUTURE LAND USE MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- ✓ Completed Application
- ✓ Signatures of Applicant and Property Owner(s)
 - Deed and survey plat or boundary survey
 - Fees associated with review

8921 Kershaw Camden Highway (KS)

GENERAL INFORMATION

Property Address 8901 Kershaw Camden Hwy
City Kershaw State SC Zip 29067 Tax Parcel ID 0159-00-127.00 & 0159-00-121.01
Current Zoning Agricultural/Residential Current FLU Light Industrial (grandfathered)
Proposed FLU: Light Industrial
Total Acres 7.06 Surrounding Property Description North: Grandfathered Light Industrial. East: Wooded lot/AE South: Wooded lot/AE West: Residence
Is there a Rezoning Application associated with this request? Yes
Intended Use/Reason for change in use Expansion plans for current business. Add on to the current steel building to be approx. 5,000 sq. ft.

CONTACT INFORMATION

Applicant Name Shawn Williams DBA Williams Fabrication & Industrial Services
Address 8901 Kershaw Camden Hwy
City Kershaw State SC Zip 29067 Phone 803-416-3740
Email shawn.williamsfabrication@gmail.com
Property Owner Name Shawn Williams
Address 387 Barrett Rd
City Heath Springs State SC Zip 29058 Phone 803-416-3740
Email shawntravis99@gmail.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.

May Wilson
Applicant

June 10, 2021
Date

May Wilson
Property Owner(s)

June 10, 2021
Date

ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION WITH PROPERTY
INFORMATION IF THE APPLICANT IS NOT THE OWNER

SCHEDULE/PROCESS

Submission of Application

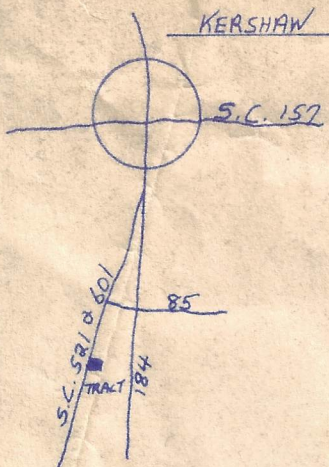
- Please schedule a pre-submittal meeting with planning staff to answer questions and prevent delays.
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month. Once an application is submitted, it is placed on an upcoming Planning Commission agenda.
- If the application is intended to amend the use of only a portion of an existing parcel then a survey subdividing the lot will need to be approved by staff prior to the Planning Commission hearing. This survey, and a deed for the newly created parcel, will need to be recorded no later than the second reading at County Council.
- An application withdrawal should be made in writing and received PRIOR TO PUBLIC NOTICE in order to receive a refund. If notice has been published, fee cannot be refunded.

Planning Commission

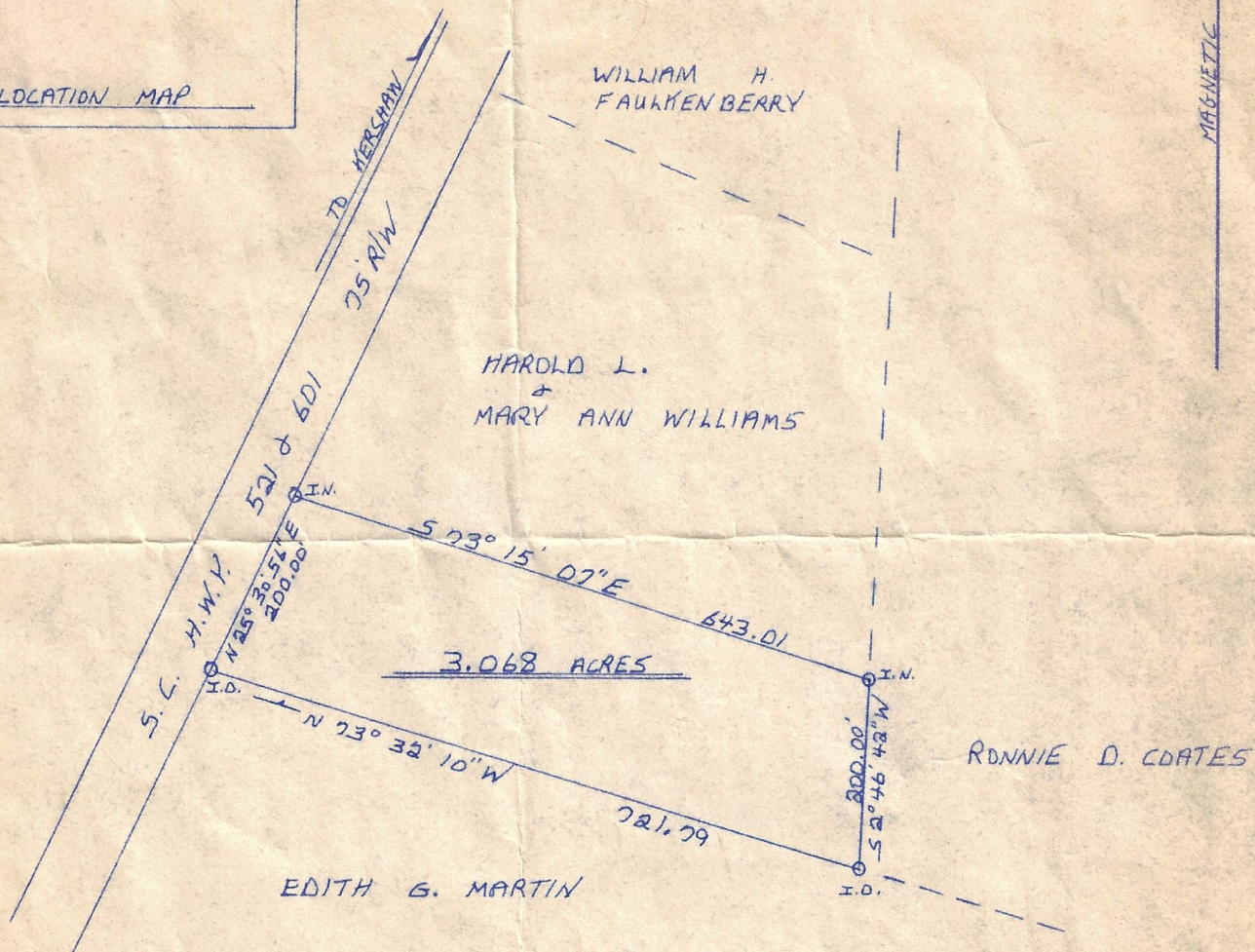
- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

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 amending FLU, 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 5:00 pm on the first Monday of the month to make arrangements.



LOCATION MAP



PROPERTY OF SANDY MITCHELL WILLIAMS

STATE OF SOUTH CAROLINA, COUNTY OF LANCASTER

PROPERTY LOCATED 1 MILE ± SOUTH OF KERSHAW

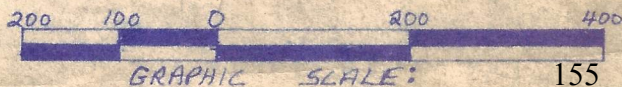
DATE: MARCH 13, 1985 SCALE: 1 INCH = 200 FEET

BY: KENNETH A. JOHNSON R.L.S. NO. 7879

JEFFERSON S.C. 29718

Kenneth A. Johnson

I hereby certify that the ratio of precision of the field survey is 1:10,000 as shown hereon and the area was determined by DMD Method of area calculations.



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS C SURVEY AS SPECIFIED THEREIN.



U.S. 521 & U.S. 601

(66' R/W)

Now or Formerly
STEPHEN G. CRAWFORD
& MARIE M. CRAWFORD
(D.B. C-8, P. 346)

Now or Formerly
HAROLD L. WILLIAMS
(D.B. J-12, P. 191)

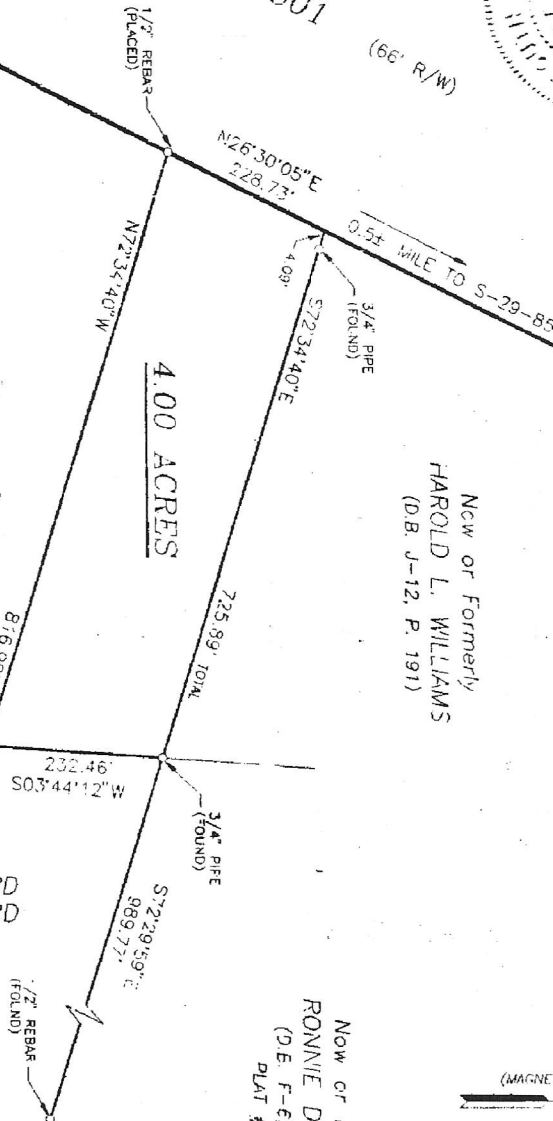
APPROVED FOR RECORDING
Planning Official 8-10-99
Date
This plat must be recorded by the
following date: 10-10-99

Now or Formerly
STEPHEN G. CRAWFORD
& MARIE M. CRAWFORD
(D.B. C-8, P. 348)

Now or Formerly
RONNIE D. COLE
(D.E. F-6, P. 94)
PLAT #6774

0018703
Doc# 9900 0558
Filed and Recorded
08/10/1999 11:24A
LANCASTER COUNTY, SC
Clerk of Court

(MAGNETIC NORTH)



SURVEY OF
4.00 ACRES (D.B. C-8, P. 343)
LANCASTER COUNTY, SOUTH CAROLINA
FOR

HAROLD L. WILLIAMS

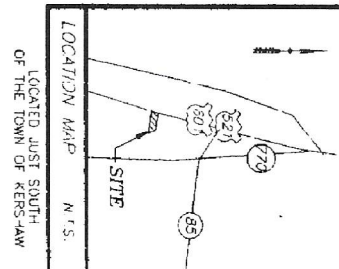
SCALE: 1"=200' JULY 21, 1999

EARL W. HORTON, PLS.
3209 BAKERS MILL POND ROAD
BETHUNE, SOUTH CAROLINA 29009
PHONE: 1-843-534-6657

GRAPHIC SCALE

23-3-7520

TM#159-121



NOTES:
1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THIS SURVEY IS NOT INTENDED TO SHOW PHYSICAL IMPROVEMENTS NOR EASEMENTS THAT MAY AFFECT THE PROPERTY

STATE OF SOUTH CAROLINA,

COUNTY OF LANCASTER.

TITLE TO REAL ESTATE

Know All Men by These Presents:

That We, Sandy Mitchell Williams and Carolyn Y. Williams,

in the State aforesaid,

in consideration of the sum of **Five and No/100 (\$5.00) Dollars, Love and Affection for our Son**-----, to the grantor(s) in hand paid at and before the sealing of these presents by the grantee(s) (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

SHAUN T. WILLIAMS, his heirs and assigns forever, the following described property, to wit:

"ALL that certain piece, parcel or tract of land, containing 3.068 acres, lying, being and situate South of the Town of Kershaw, Lancaster County, formerly Kershaw County, South Carolina, and being more particularly bounded and described as follows, to wit: WEST by S. C. Highway #521/#601, for a distance of 200.00'; NORTH by other property now or formerly of Harold L. and Mary Ann H. Williams, for a distance of 643.01'; EAST by property now or formerly of Ronnie D. Coates, for a distance of 200.00'; and, SOUTH by property now or formerly of Edith G. Martin, for a distance of 721.79'. The above described property is more particularly shown and described on a Plat prepared for Sandy Mitchell Williams by Kenneth A. Johnson, RLS, dated March 13, 1985 and recorded July 31, 1985 as Plat Number #7187 in the Office of the RMC for Lancaster County, SC."

Being the identical property conveyed to Sandy Mitchell Williams and Carolyn Y. Williams by the Deed of Harold L. Williams, dated July 27, 2004 and recorded July 27, 2004 in Deed Book 245, at Page 278 in the Office of the RMC for Lancaster County, SC.

Tax Map Number: #0159-00-127.00

Grantee's Mailing Address:

103 North Rollins Drive
Kershaw, SC 29067

2018007206

DEED	
RECORDING FEES	\$10.00
STATE TAX	\$0.00
COUNTY TAX	\$0.00

PRESENTED & RECORDED:

05-21-2018 02:49 PM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC

By: CANDICE PHILLIPS DEPUTY

BK: DEED 1142

PG: 1-2

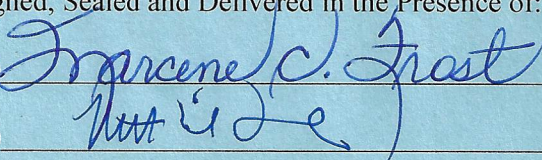
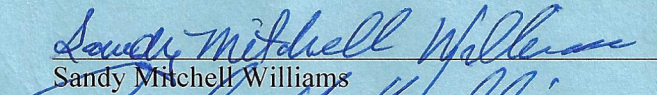
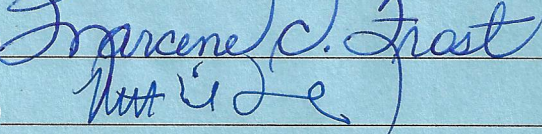
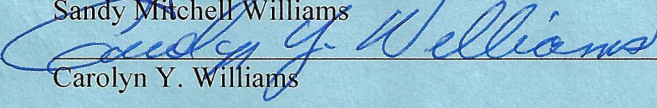
TOGETHER with all and Singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said Premises before mentioned unto the grantee(s) hereinabove named, and grantee's(s') Heirs and Assigns forever.

And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and the grantee's(s') Heirs and Assigns against the grantor(s) Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor's(s') hands and seals this 18th day of May, in the year of our Lord Two Thousand Eighteen (2018).

Signed, Sealed and Delivered in the Presence of:

(1)			L.S.
		Sandy Mitchell Williams	
(2)			L.S.
		Carolyn Y. Williams	
(2)			L.S.

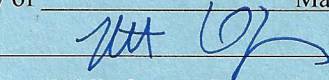
STATE OF SOUTH CAROLINA,)
COUNTY OF LANCASTER.)

Personally appeared before me (1)

who being sworn, says that s/he saw the within named grantor(s) sign, seal and as his/her act and deed, deliver the within written deed, and that s/he, with the other witnessed the execution thereof.

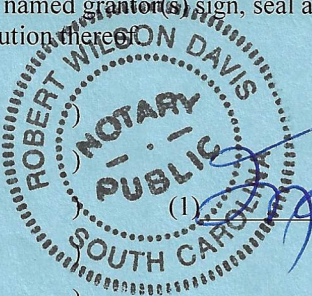
Sworn to before me this 18th

day of May, 2018.

(2) 

Notary Public for South Carolina

My Commission Expires: 06-17-2025



ASSESSOR'S OFFICE

Received

Tax Map Code 159-127.00

Or Portion Of 157

✓ ROBERT WILSON DAVIS
ATTORNEY AT LAW
P.O. BOX 356
KERSHAW, SC 29067-0356

THE STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER.

SANDY MITCHELL WILLIAMS AND
CAROLYN Y. WILLIAMS

Examined -

TO

Title -- Not examined - XX
File: # R-1288

SHAUN T. WILLIAMS

Address: 103 North Rollins Drive
Kershaw, SC 29067

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed
for record in my office at M. o'clock on
the day of
20 , and was immediately entered upon the
proper indexes and duly recorded in Book
of Deeds , Page
Clerk of Court for County.

I hereby certify that the within Deed has been
this day of
A.D. 20 , recorded in Book of
Deeds, Page Auditor for
County.

STATE OF SOUTH CAROLINA,

COUNTY OF LANCASTER.

TITLE TO REAL ESTATE
Know All Men by These Presents:

That **I, Teresa Ann W. Robinson,**

in the State aforesaid,

in consideration of the sum of **Sixteen Thousand and 00/100 (\$ 16,000.00)** ----- **DOLLARS,**

to the grantor(s) in hand paid at and before the sealing of these presents by the grantee(s) (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

SHAUN T. WILLIAMS, his heirs and assigns forever, the following described property, to wit:

"ALL that piece, parcel or tract of land lying and being situate in the State of South Carolina, County of Kershaw, just South of the Town of Kershaw, in Lancaster County, formerly Kershaw County, containing 4 acres, more or less, and being bounded as follows: NORTH by property now or formerly of Harold L. Williams; EAST by property now or formerly of Ronnie D. Coates and Stephen G. Crawford and Marie M. Crawford; SOUTH by property now or formerly of Stephen G. Crawford and Marie M. Crawford; and, WEST by US 521 & US 601. Particularly shown on that plat prepared for Harold L. Williams by Earl W. Horton, RLS, dated July 21, 1999 and recorded in the Office of the Clerk of Court for Lancaster County as plat 99-558.

Being the identical property conveyed to Harold L. Williams by deed of Young Forest Products, Inc., recorded August 10, 1999 in Deed Book 55 at Page 56 with the Lancaster County Register of Deeds, Lancaster, South Carolina.

The above described property was conveyed to Teresa Ann W. Robinson by deed of distribution of the Estate of Harold Lester Williams, recorded June 14, 2012 in Deed Book 672, at Page 277, Office of the Register of Deeds for Lancaster County, SC.

Tax Map Number: #0159-00-121.01

Grantee's Mailing Address:

8901 Kershaw Camden Hwy.
Kershaw, SC 29067

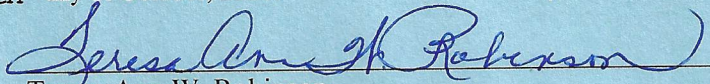
TOGETHER with all and Singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

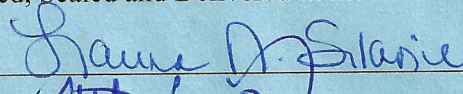
TO HAVE AND TO HOLD all and singular the said Premises before mentioned unto the grantee(s) hereinabove named, and grantee's(s') Heirs and Assigns forever.

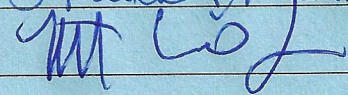
And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and the grantee's(s') Heirs and Assigns against the grantor(s) Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor's(s') hand and seal this 15th day of October, 2020.

Signed, Sealed and Delivered in the Presence of:


Teresa Ann W. Robinson L.S.

(1)  L.S.

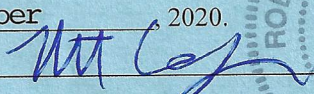
(2)  L.S.

STATE OF SOUTH CAROLINA,)
COUNTY OF LANCASTER)

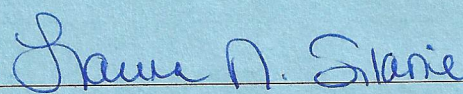
Personally appeared before me (1)

who being sworn, says that s/he saw the within named grantor(s) sign, seal and as his/her act and deed, deliver the within written deed, and that s/he, with the other witnessed the execution thereof.

Sworn to before me this 15th
day of October, 2020.

(2) 
Notary Public for South Carolina

My Commission Expires: 06/17/2025

(1) 

ROBERT WILSON DAVIS
ATTORNEY AT LAW
P.O. BOX 356
KERSHAW, SC 29067-0356

Attorney:

Examined
Title -- Not examined -

File: #R-7541

THE STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

TERESA ANN W. ROBINSON

TO

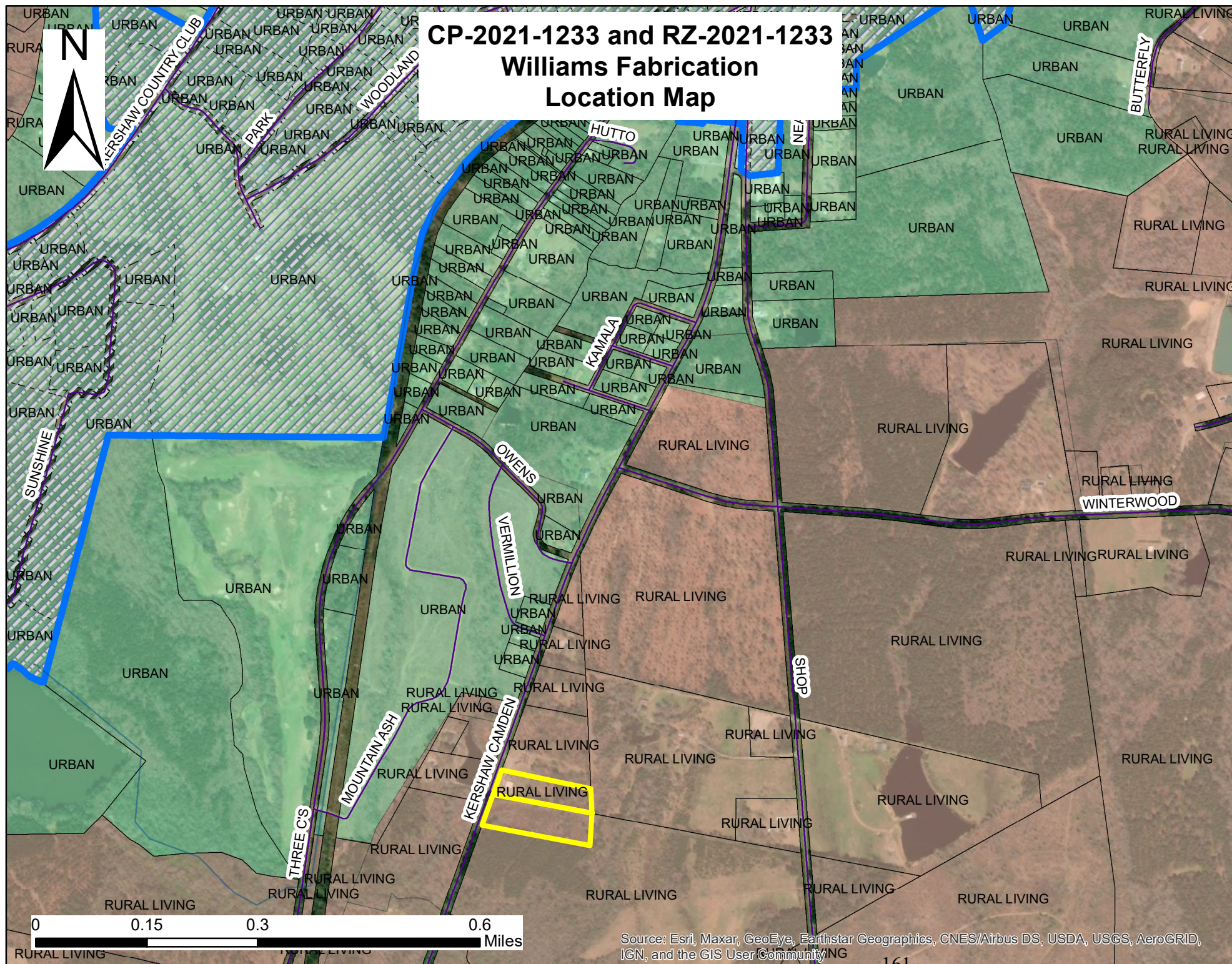
SHAUN T. WILLIAMS

Address: 8901 Kershaw Camden Hwy.
Kershaw, SC 29067

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed
for record in my office at M. o'clock on
the day of
20, and was immediately entered upon the
proper indexes and duly recorded in Book
of Deeds, Page
Clerk of Court for County.

I hereby certify that the within Deed has been
this day of
A.D. 20, recorded in Book of
Deeds, Page Auditor for
County.



Rural Living

The Community Type “Rural Living” includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

Place Types Included:

- Working Farm (WF)
- Rural Living (RL)
- Conservation-based Subdivision (CBS)
- Rural Crossroads (RC)

Form & Pattern

The form and pattern table displays generalized development characteristics associated with the place type. Working together, these elements reinforce a sense of place and community brand important to distinguishing development in this category from others in the region.

Land Use Considerations

Land uses listed for the community type represent typical development in the category. They are not meant to be an exhaustive list of all permitted or conditional uses that would be allowed in the place type.

- Cultivated Farmland
- Woodlands / Timber Harvesting
- Livestock / Arable
- Natural Area
- Single-Family Detached Home
- Smaller-lot Single Family and Town Homes
- Mobile Home
- Barns / Storage
- Light Industrial (ancillary to farming)
- Church
- Gas Station
- Convenience Store / Hardware Store / Restaurant

Form & Pattern		
General Development Pattern		Separate Uses
Residential Density		.05-.25 DU ¹ /A
Non-Residential Intensity		.05-.20 FAR ²
Prevailing Building Height		1-2 Stories
Transportation Choices		Auto
Typical Block Length		N/A
Open Space Elements	Natural Areas/Stream Corridors	
Street Pattern		Curvilinear
Street Connectivity		Low
Parking Provisions		Private Drive
Typical Street Cross Section		Rural/Suburban

¹(D.U.) - Dwelling Unit ²(FAR) - Floor Area Ratio
³(S.F.) - Square Feet ⁴(LF) - Linear Feet



Rural Crossroads



Working Farms



Rural Living

Industrial Center

The Community Type “Industrial Center” includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow.

Place Types Included:

- Heavy Industrial Center (HIC)
- Light Industrial Center (LIC)

Form & Pattern

The form and pattern table displays generalized development characteristics associated with the place type. Working together, these elements reinforce a sense of place and community brand important to distinguishing development in this category from others in the region.

Land Use Considerations

Land uses listed for the community type represent typical development in the category. They are not meant to be an exhaustive list of all permitted or conditional uses that would be allowed in the place type.

- Factory
- Heavy Assembly Plant
- Regional Warehouse / Trucking Distribution
- Landfill / Quarry
- Light Manufacturing and Assembly
- Laboratory
- Data Handling Plant
- Natural Area

Form & Pattern	
General Development Pattern	Separate Uses
Residential Density	N/A
Non-Residential Intensity	.10-.20 FAR ²
Prevailing Building Height	1-2 Stories
Transportation Choices	Auto/Trucks/Rail
Typical Block Length	N/A
Open Space Elements	Natural Areas
Street Pattern	Curvilinear
Street Connectivity	Low
Parking Provisions	Surface Lot
Typical Street Cross Section	Suburban

¹(D.U.) - Dwelling Unit

²(FAR) - Floor Area Ratio

³(S.F.) - Square Feet

⁴(LF) - Linear Feet



Heavy Industrial Center



Light Industrial Center



Heavy Industrial Center

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1759 / Planning Case Number: RZ-2021-1233

Contact Person / Sponsor: Katie See/Senior Planner

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

RZ-2021-1233: Application by Shaun Williams to rezone two parcels totaling approximately 7.06 acres located at 8921 and Unaddressed Kershaw Camden Highway (TM# 0159-00-127.00 & 0159-00-121.01) from Agricultural Residential (AR) to Light Industrial (LI) District. The intent is to make an addition to the existing building for the Williams Fabrication business.

Points to Consider:

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

Funding and Liability Factors:

N/A

Council Options:

Approve or deny request

Recommendation:

The Planning Commission voted unanimously to recommend **approval** at the July 20, 2021 meeting.

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

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1759	8/12/2021	Ordinance
Staff Report	7/12/2021	Planning Staff Report
Application	6/21/2021	Exhibit
Location Map	6/21/2021	Exhibit
LI District Use Table	6/25/2021	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2021-1759

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE TWO PARCEL OF PROPERTY TOTALING 7.06 ACRES (TMS# 0159-00-127.00 AND 0159-00-121.01), LOCATED AT 8921 & UNADDRESSED KERSHAW CAMDEN HIGHWAY, KERSHAW, SOUTH CAROLINA FROM AR, AGRICULTURAL RESIDENTIAL DISTRICT, TO LI, LIGHT INDUSTRIAL DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Shaun Williams (Williams Fabrication & Industrial), applied to rezone two parcels of property totaling 7.06 acres, more or less, located at 8921 & unaddressed Kershaw Camden Highway, Kershaw, South Carolina (TMS # 0159-00-127.00 and 0159-00-121.01) from AR, Agricultural Residential District, to LI, Light Industrial District. A companion ordinance (Ordinance 2021-1760) seeks to amend the future land use map for the subject parcels to change their Future Land Use Designation to Special District - Industrial.

(b) On July 20, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 5-0 vote, recommended approval of the rezoning request.

(c) The proposed rezoning is consistent with the Lancaster County Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from AR, Agricultural Residential District, to LI, Light Industrial District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0159-00-127.00

Tax Map No. 0159-00-121.01

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 9, 2021
Second Reading: August 23, 2021
Third Reading: September 13, 2021

Approved as to form:

John DuBose, County Attorney

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

OVERVIEW:

Proposal

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

Site Information

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

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

Summary of Adjacent Zoning and Uses

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

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

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
	None		

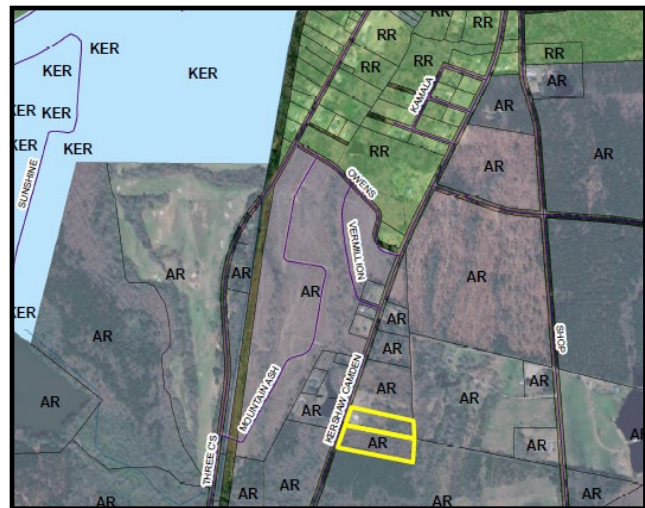


Figure 1

ANALYSIS & FINDINGS:

Zoning Districts

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

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

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

Compatibility with Surrounding Area

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

Analysis

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

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

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

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

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

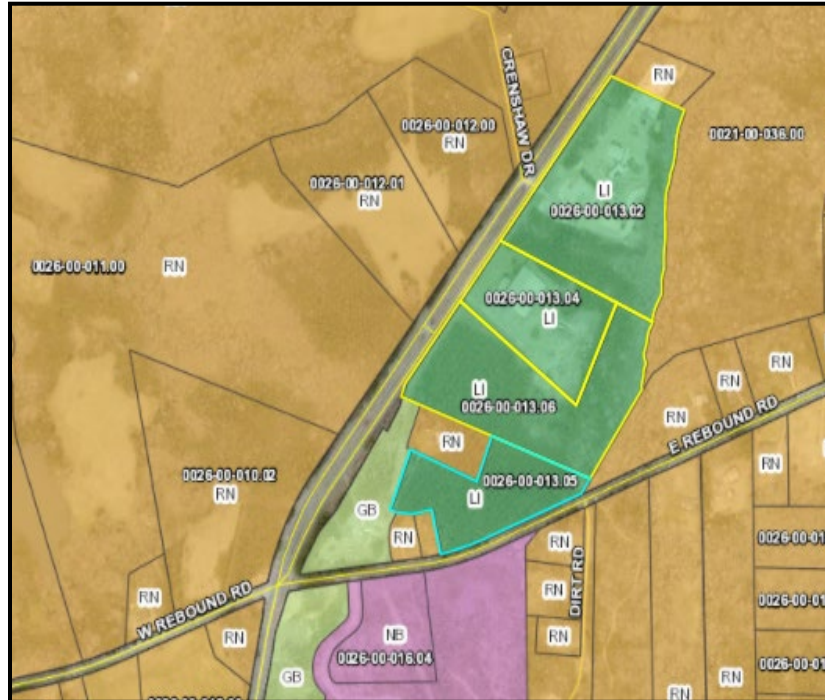


Figure 2

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

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

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

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

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations. The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

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

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

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

INFRASTRUCTURE CONSIDERATIONS

Transportation

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

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

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

Source: SCDOT Traffic Counts 2009-2020

Public Utilities

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

Public Schools

No residential uses are proposed as part of this request.

PHOTOS OF PROJECT AREA:



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



*Looking west across Kershaw Camden Highway
from subject property*



Looking north along Kershaw Camden Highway



Looking south along Kershaw Camden Highway

STAFF RECOMMENDATION:

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

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

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

ATTACHMENTS:

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

STAFF CONTACT:

Katie See, AICP, Senior Planner
ksee@lancastersc.net | 803-416-9395

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

8921 Kershaw Camden Highway (KS)

Property Address 8901 Kershaw Camden Hwy.
City Kershaw State SC Zip 29067 Tax Parcel ID 0159-00-127.00 & 0159-00-121.01
Current Zoning Agricultural/Residential Current Use Light Industrial (grandfathered)
Proposed Zoning Light Industrial Total Acres 7.06 (3.06 & 4)
Project Description Re-zone both properties to Light Industrial. Add 5,000 sq. feet of steel building to the current steel building on 0159-00-127.00.

Surrounding Property Description Agricultural/Residential (2) Residences across Hwy. 521.

CONTACT INFORMATION

Applicant Name Shaun Williams DBA William Fab & Industrial
Address 8901 Kershaw Camden Hwy
City Kershaw State SC Zip 29067 Phone 803-416-3740
Fax NA Email shaun.williamsfabrication@gmail.com
Property Owner Name Shaun Williams
Address 387 Barrett Rd.
City Healy Springs State SC Zip 29058 Phone 803-416-3740
Fax NA Email shauntravis99@gmail.com

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.

Mary Miller
Applicant

May 25, 2021
Date

Shawn Williams
Property Owner(s)

May 25, 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 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

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

Proposal:
Request to rezone from
AR to LI

Legend:



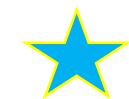
Subject Properties



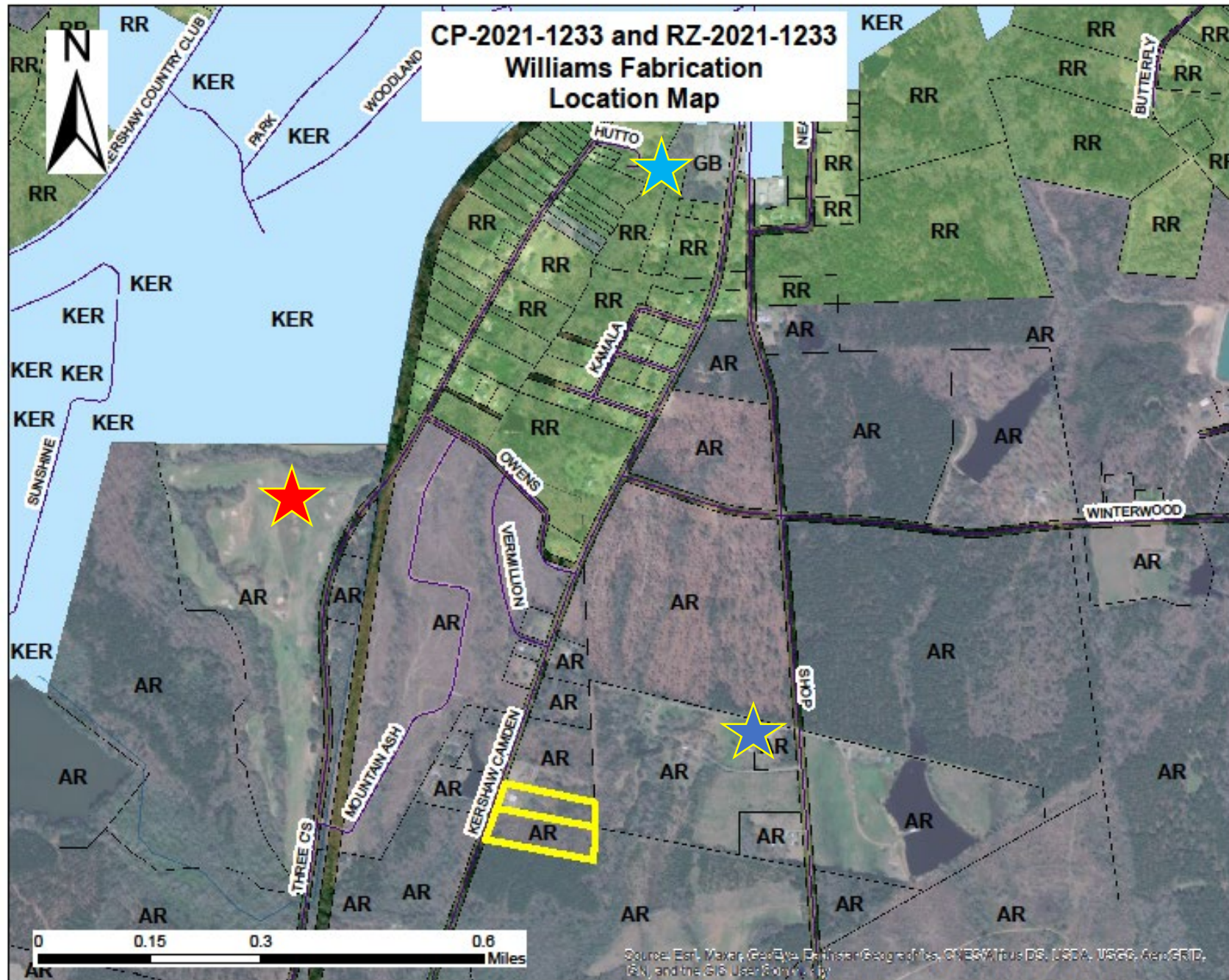
Coates Billiards



Kershaw Golf Club



521 Filling Station



Use Table - Light Industrial District

Use Type	LI
ATM	P
Banks, Credit Unions, Financial Services	P
Business Support Services	P
Crematoria	CU
Dry Cleaning and Laundry Services	P
Kennels, Indoor	PR
Kennels, Outdoor	CU
Personal Services	P
Professional Services	P
Small Equipment Repair/Rental	P
Veterinary Clinic	P
Amusements, Indoor	P
Amusements, Outdoor	CU
Distillery	P
Food Truck	PR
Shooting Range, Indoor	PR
Shooting Range, Outdoor	SE
Places of Assembly	PR
Public Safety Station	P
Sports Arena/Stadium (4,000 or more seats)	CU
Correctional Institution	SE
Day Treatment Center	PR
Hospital	P
Operations, Maint., and Fleet Service Facility	PR
Schools – Vocational/Technical	P
Drive-Thru/Drive-In Facility	PR
Electric Vehicle Charging Stations	PR
Heavy Equipment/Manufactured Home	PR
Rental/Sales/Repair	PR
Parking Lot/Structure – Principal Use	PR
Vehicle Services – Minor Maintenance/Repair	PR
Vehicle Services – Major Repair/Body Work	PR
Artist Studio/Light Manufacturing Workshops	P
Industry, Light	P

Use Type	LI
Landfill – Class Two	SE
Mining - Minor Surface Resource Extraction	PR
Private Recycling Collection Stations	PR
Public Recycling and Waste Collection Facilities	PR
Research and Development Facilities	P
Storage – Outdoor Storage Yard	PR
Storage – Self Service (Mini)	PR
Storage – Warehouse Indoor	PR
Storage – Warehouse Indoor, Restricted	PR
Wholesaling and Distribution	P
Wholesaling and Distribution, Restricted	PR
Agriculture and Crop Production/Harvesting	P
Agricultural Support Services/Nurseries	P
Farmer's Markets and Roadside Stands	PR
Forestry	P
Gardens (Community & Private)	P
Geothermal Energy Systems	PR
Solar Energy Systems	PR
Utilities – Class 1	P
Utilities – Class 2	P
Utilities – Class 3	P
Wireless Communication Facility (Concealed)	PR
Wireless Communication Facility (Up to 60.00')	PR
Wireless Communication Facility (60.01'to 199.99')	PR
Wireless Communication Facility (200' and Over)	SE
Temporary Uses	PR

P = Permitted

PR = Permitted with Review

CU = Conditional Use

SE = Special Exception

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1162-R2021
Contact Person / Sponsor: Steve Willis / Administration
Department: Administration
Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Adoption of a Resolution in Support of Senate Bill S.401.

Points to Consider:

This Resolution has been requested by the SC Association of Counties.

Senate Bill 401 would allow a County Council to adopt an Ordinance for a one time exemption to the tax cap for the purpose of enhanced fire protection services. It is anticipated most counties would utilize this to transition to career firefighters.

Currently this bill is pending 3rd reading in the Senate.

Funding and Liability Factors:

This would depend on the desires of County Council.

Council Options:

Approve or reject the Resolution.

Recommendation:

Approve the Resolution and direct staff to send a copy to each Delegation member.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1162-R2021	8/11/2021	Resolution
Senate Bill 401 - April 6, 2021 version	8/10/2021	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION 1162-R2021

A RESOLUTION

TO EXPRESS LANCASTER COUNTY COUNCIL’S REQUEST THAT THE GENERAL ASSEMBLY ALLOW COUNTIES TO INCREASE THE MILLAGE CAP SET BY SECTION 6-1-320 OF THE S.C. CODE OF LAWS IN THE LIMITED MANNER SET OUT IN SENATE BILL 401.

WHEREAS, Lancaster County, along with the vast majority of citizens, acknowledge that South Carolina counties’ abilities to raise revenue are limited due to the passage of Act 388 in 2006; and

WHEREAS, it is widely recognized that many counties have not raised their millage over the past couple of years due to the ongoing COVID-19 pandemic; and

WHEREAS, many fire districts are shifting from volunteer to career (paid) firefighters and do not have the necessary revenue due to the millage cap restrictions mentioned below; and

WHEREAS, many counties are using outdated equipment and do not have the personnel to effectively provide critical and life-saving fire protection needs to the citizens of their county; and

WHEREAS, many counties are already close to their millage cap while others could potential raise millage, but the slight increase in revenue would not pay for the services needed; and

WHEREAS, S.401 would allow counties to adopt an ordinance or resolution to suspend the millage rate limitation set out in §6-1-320 for the sole purpose of supporting a fire protection district created pursuant to Chapter 19 of Title 4 or those fire districts created pursuant to Title 6; and

WHEREAS, S. 401 would provide a short-term solution by allowing for a one-time millage increase above the caps for fire protection within two years of the effective date of the legislation; and

WHEREAS, S. 401 is not a statewide tax increase but merely provides those counties in need with a resource to combat their already strained budgets caused by loss of revenue during the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the County Council that it is in support of S. 401 and requests that all members of the South Carolina General Assembly take action to ensure the enactment of this critical piece of legislation during the 124th Session of the General Assembly.

IT IS SO RESOLVED

by County Council this _____ day of August, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John K. DuBose, III, County Attorney

1 COMMITTEE AMENDMENT ADOPTED

2 April 6, 2021

3

4

S. 401

5

6 Introduced by Senators Gustafson, Hembree and Fanning

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8 S. Printed 4/6/21--S.

9 Read the first time January 12, 2021.

10 _____

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[401-1]

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A BILL

TO AMEND SECTION 6-1-320 OF THE 1976 CODE,
RELATING TO THE LIMITATION ON MILLAGE INCREASES,
TO ALLOW THE GOVERNING BODY OF A COUNTY TO
SUSPEND THE LIMITATION FOR THE PURPOSE OF
SUPPORTING A FIRE PROTECTION DISTRICT.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South
Carolina:

SECTION 1. Section 6-1-320 of the 1976 Code is amended by
adding an appropriately lettered new subsection at the end to read:

“() Notwithstanding the limitation upon millage rate increases
contained in subsection (A), the governing body of a county, by a
positive majority vote, may adopt an ordinance or resolution to
suspend the millage rate limitation for the purpose of supporting a
fire protection district created pursuant to Chapter 19, Title 4, or
Chapter 11, Title 6. However, the positive majority vote must occur
no later than the second anniversary of the effective date of this
subsection.”

SECTION 2. This act takes effect upon approval by the Governor.

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Agenda Item Summary

Ordinance # / Resolution #: Resolution 1163-R2021
Contact Person / Sponsor: Steve Willis / Administration
Department: Administration
Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

To approve the Resolution related to engaging a design professional to prepare schematic drawings.

Points to Consider:

The funding in question is from the Pleasant Valley Fire Protection Fee.

The Fee Board voted to allocate forty thousand dollars (\$40,000) in fee funds to engage a design consultant to prepare schematic drawings for a new Harrisburg Road station.

This is not in the budget at this time but funding for such is available. This is over the \$20,000 threshold for staff approval so we are bringing this to Council for approval.

This will be included in the next budget amendment.

Funding and Liability Factors:

Forty thousand dollars (\$40,000) from the Pleasant Valley Fire Protection District Fee fund.

Council Options:

Approve or reject the Resolution.

Recommendation:

Approve the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1163-R2021	8/12/2021	Resolution

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION 1163-R2021

A RESOLUTION

**TO APPROVE PLEASANT VALLEY FIRE PROTECTION DISTRICT FEE FUNDING
RELATED TO ENGAGING A DESIGN PROFESSIONAL TO PREPARE
SCHEMATICS FOR THE HARRISBURG STATION.**

WHEREAS, the Pleasant Valley Fire Protection District desires to utilize forty thousand dollars (\$40,000) in fee district funds to engage the services of a design professional; and

WHEREAS, the design professional would prepare schematic plans for the proposed Harrisburg Road fire station; and

WHEREAS, it is recommended that we allow the Fee Board to proceed and include this budget change in an upcoming fall Budget Amendment; and

WHEREAS, by way of this Resolution County Council consents to this proposal with funding to come from the Pleasant Valley Fire Protection Fee Fund in a future budget amendment.

NOW, THEREFORE, BE IT RESOLVED by the County Council that the County Administrator, Interim County Deputy Administrator/ Budget Director, Chief Financial Officer/ Director of Financial Services Division, and County Attorney are authorized to take such actions as may be necessary and convenient to carry out the proposed engagement of a design professional and to prepare a future budget amendment for actual costs incurred in an amount not to exceed forty thousand dollars (\$40,000).

IT IS SO RESOLVED

by County Council this _____ day of August, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John K. DuBose, III, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1761

Contact Person / Sponsor: Steve Willis/Administration and John DuBose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Whether to impose a School District Development Impact Fee.

Points to Consider:

The Lancaster County School District retained Tischler-Bise to prepare a Capital Improvement Plan and Development Impact Fee Study. The District may use the development impact fees as either cash payments to fund future land purchases and K-8 school construction, or contribute toward principal payments for debt used to purchase land and/or construct additional K-8 school construction. A development impact fee represents new growth's proportionate share of capital facility needs.

The Lancaster County School District has seen significant residential growth in the Indian Land attendance area over the past several years and with it increased enrollment. This growth is expected to continue in the future. A development impact fee for high schools is not recommended at this time.

The approach used to derive the fees allowed determines current level-of service standards for school buildings (i.e., elementary and middle schools) and land for school sites. Level of-service standards are derived using 2020-2021 permanent capacity and are expressed as follows: 1. School buildings: 1. Square feet per student by type of school and 2. Land: Acres per student by type of school

A credit is included in the development impact fee to account for outstanding debt on existing and future school facilities.

Based on projected growth and available school capacity over the next ten years, Tischler-Bise is only recommending school development impact fees for the Indian Land school attendance area. There are no capacity needs projected in the school attendance areas elsewhere in Lancaster County over the next ten years.

The maximum allowable impact fee is as follows:

Development Type	K-8 Allowable Fee
Single Family	\$8,202
Multifamily	\$8,701

Please note the following items highlighted in the proposed ordinance at 2nd reading that will require consideration and decision by County Council:

1. Section 18 requires input as to the effective date of the proposed ordinance.

It will be necessary for County Council to make a motion to amend the proposed ordinance to comport with its decisions on the aforesaid item.

Funding and Liability Factors:

Impact fees are proposed to be paid at issuance of a building permit, like the recently passed County fees.

Impact fees must be paid within three (3) years of their scheduled expenditure date on a first in first out basis or they must be

refunded.

Additionally, an intergovernmental agreement (IGA) will be required with the IGA establishing an appropriate annual payment by LCSD to Lancaster County staff to reimburse the County for collection and administration of the impact fees, to address more granular details of the the collection and administration of the school impact fees, and covering other matters incidental to County collection and of the school impact fees. A draft IGA has been provided to LCSD for consideration. Agreement and execution of an IGA is a prerequisite to the ordinance becoming effective (see Section 18 a of the proposed Ordinance).

Council Options:

Approve or disapprove imposition of the school district development impact fee.

Recommendation:

Planning Commission recommended approving the fee at 60% of the maximum amount. The school district recommended imposing the maximum allowable amount.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1761	8/16/2021	Ordinance
Notice of Public Hearing for Ordinance 2021-1761	8/11/2021	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1761

AN ORDINANCE OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A SCHOOL DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW RESIDENTIAL DEVELOPMENT IN THE LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA; TO ENSURE THAT SCHOOL FACILITY SYSTEM IMPROVEMENTS WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM THE SCHOOL CHILDREN IN NEW RESIDENTIAL DEVELOPMENTS IN THE PANHANDLE OF LANCASTER COUNTY SCHOOL SERVICE AREA BASED ON THE SCHOOL DISTRICT'S LEVEL OF SERVICE STANDARDS AND CAPITAL IMPROVEMENTS PLAN, AND TO ASSIGN THE COSTS OF SUCH PUBLIC SCHOOL FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW RESIDENTIAL DEVELOPMENT IN THE SERVICE AREA; AND ESTABLISHMENT OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN LANCASTER COUNTY AND THE LANCASTER COUNTY SCHOOL DISTRICT, TO ENSURE PROPER IMPLEMENTATION AND ADMINISTRATION OF THE SCHOOL DEVELOPMENT IMPACT FEE ORDINANCE

WHEREAS, Lancaster County ("County") has experienced population growth in the Greater Panhandle area and projections indicate that population growth and development will continue at a reasonable rate into the future; and

WHEREAS, the County has experienced the impacts on public facilities resulting from this population growth and development; and

WHEREAS, Lancaster County is served by the Lancaster County Board of Education ("School Board"); and

WHEREAS, population and growth estimates for the School District over the next 10 years for the Panhandle area indicate there will be a need for additional classrooms and other school facilities due to population growth and development in that area; and

WHEREAS, the School Board has defined level of service standards for the Panhandle for kindergarten through eighth grade, minimum square feet for school buildings and land (by acres) per student; and

WHEREAS, these level of service standards and the projected residential development and student generation rates identify these school system improvement needs over the next 10 years; and

WHEREAS, the cost of these school system improvement needs (school buildings and land) is significant and expensive; and

WHEREAS, if bonds, backed only by property taxes, are used to finance these new school facility system improvements (school buildings and land) needed to accommodate the demand generated by new residential development in the Panhandle area of Lancaster County, they would be largely paid for by

existing residents who have already paid for much of the school facility system improvements needed to serve their school age children; and

WHEREAS, the County Council finds that it is fair and equitable for new residential development in Lancaster County Panhandle Service Area to fund new school facility system improvements, in part, through a proportionate share school development impact fee; and

WHEREAS, because all new residential development (single-family and multifamily dwelling units) in the Panhandle Service Area generates a demand for school facility system improvements based on the same student generation rate (K-8th grade – 0.263 students per single-family dwelling unit and 0.279 students per multifamily dwelling unit), the school development impact fee shall be imposed uniformly within that area on all new dwelling units (single-family and multifamily), as established by the student generation rates, regardless of size or density; and

WHEREAS, because non-residential development does not directly generate school children, the school development impact fee shall not be imposed on such development; and

WHEREAS, the County Council has given ample consideration to the provision and financing of school facility system improvements in the Panhandle, and has consulted with the School Board, it hereby finds and declares that the establishment and adoption of the school development impact fee imposed on new residential development is proportionate, and based on the School Board capital improvement plan for that Panhandle area that is based on the system improvements needed to provide school facilities to accommodate new residential development in that area, and current costs to provide the system improvements; and

WHEREAS, the County and the School Board is empowered to execute an intergovernmental agreement on the subject of school development impact fees; and

WHEREAS, the intergovernmental agreements, this Ordinance, and the impact fee procedures as set forth in the Development Impact Fee Procedures in Chapter 17 of the Code of Ordinances, Lancaster County, ensure that the school development impact fee monies collected and transferred to the School Board are spent for school facility system improvements identified in the School Board capital improvement plan for the Panhandle Service Area that are designed to serve the school age children of new residential development in that area; and

NOW, THEREFORE, BE IT ORDAINED by the County Council of Lancaster County, South Carolina that:

SECTION 1. ADOPTION AND IMPOSITION OF SCHOOL DEVELOPMENT IMPACT FEES.

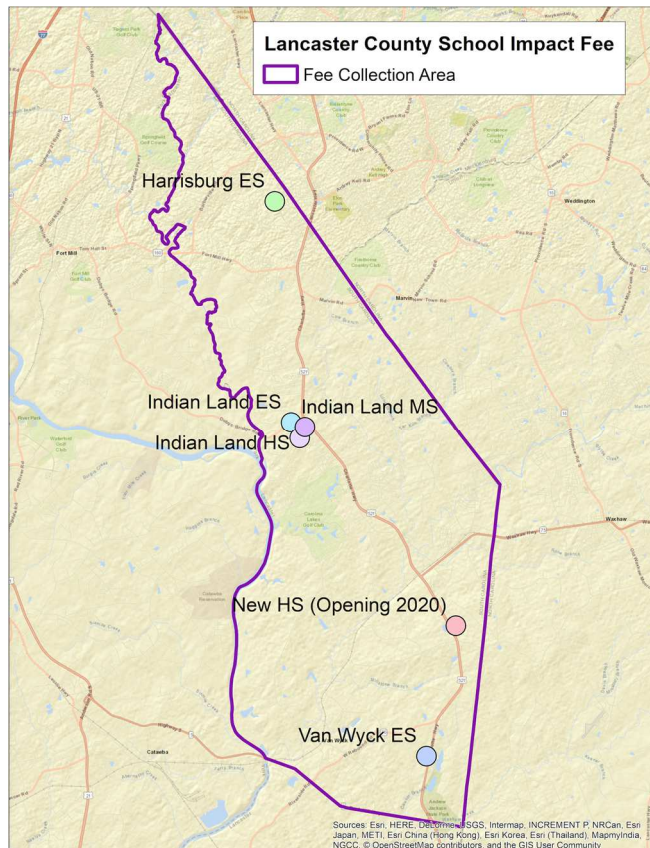
Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in Chapter 17 of the Code of Ordinances, Lancaster County, this School development impact fee shall be adopted and imposed on all new development in the Panhandle Service Area, and the intergovernmental agreement between the County and the Lancaster County Board of Education (“School Board”), and other applicable provisions of the County Code, this school development impact fee shall be adopted and imposed on all new residential development (single-family and multifamily dwelling units) in the Panhandle Service Area, in accordance with the procedures and requirements of this Ordinance.

SECTION 2. ESTABLISHMENT OF LANCASTER COUNTY SCHOOL SERVICE AREA.

- (a) The school development impact fee shall be calculated and imposed within the Lancaster County School Panhandle Service Area,

- (b) The boundaries of the Lancaster County School Panhandle Service Area are identified in Figure 1: Lancaster County School Panhandle Service Area.

FIGURE 1: LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA



SECTION 3. INCORPORATION OF SUPPORT STUDY

The County relies on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for School development impact fees, and the capital improvement plan (CIP) for School facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 18, 2021 (hereinafter "School development impact fee study"). The School development impact fee study sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on School facility system improvement needs.

SECTION 4. IMPOSITION OF SCHOOL DEVELOPMENT IMPACT FEES

- (a) The School development impact fee shall be imposed on all new development in the School Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Sec.17-9 of the County Code. If an exception or waiver is granted, the development impact fees which otherwise would have been due shall be provided by the School Board, using funds available for new residential growth needs from sources other than school development impact fees.
- (b) The School development impact fee shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.

SECTION 5. DEVELOPMENT IMPACT FEE SCHEDULE

- (a) Pursuant to this Ordinance and in accordance with the impact fee procedures in Chapter 17 of the County Code, the State Development Impact Fee Act, and the School development impact fee study and CIP, School impact development fees shall be imposed in the School Service Area service.
- (b) The following general procedure shall be followed upon receipt of an application for a building permit for new development:
 - 1) For residential development, identify the type of housing development and number of dwelling units, and then calculate the fee based on the School Development Impact Fee Schedule;
- (1) School Development Impact Fee Schedule Panhandle Service Area

TABLE 1: SCHOOL DEVELOPMENT IMPACT FEE SCHEDULE, LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA	
DWELLING UNIT TYPE	FEE
Single Family	\$8,202
Multifamily	\$8,701

- (c) Development Impact Fee Schedule Annual Update. The development impact fees shall be adjusted annually to reflect the effects of inflation on the costs for facilities set forth in the Development Impact Fee Study and CIP dated March 18, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering News-Record (ENR). For each such adjustment, the development impact fees shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator. The impact fee schedule annual adjustment will become effective on July 1st of each year. If July 1st falls on a weekend or county holiday, the fee adjustment will become effective on the next business day thereafter

SECTION 6. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT

- (a) In-lieu of calculating the School development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required School development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a feepayer requests the use of an Individual Assessment of Development Impact, the feepayer shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the feepayer's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the level of service standard and the same system improvement costs for School facility system improvements used in the School development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the School development impact fee study and CIP, and shall document the relevant methodologies and assumptions used (no adjustments in the assumption of credits shall be made). The burden shall be on the feepayer requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the School development impact fee study and CIP and reflected in the School Development

Impact Fee Schedule, is less accurate than the results of the Individual Assessment of Development Impact.

- (d) Each Individual Assessment of Development Impact shall be submitted to the Director or a designee, and may be accepted, rejected, or accepted with modifications by the Director or a designee as the basis for calculating School development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for School facility system improvements created by the proposed new development than the applicable fees in the School Development Impact School Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION 7. CREDITS

- (a) Any developer/fee payor obligated to pay a school development impact fee under this section may apply for credit against school development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any construction or dedication of land for school facility system improvements that are accepted by the County Council and the School Board for systems improvements identified in the CIP.
- (b) Valuation of Credits
 - 1) Credit for land dedication for a school, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council and School Board in an appraisal paid for by the fee payor.
 - 2) Credit for construction of a school building shall be valued by the County Council and School Board based on construction costs estimates submitted by the fee payor. The County Council, after consultation with the School Board, shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council and School Board.
- (c) When Credits Become Effective
 - 1) Credits for land dedication for schools shall become effective after the credit is approved by County Council and the School Board pursuant to this section and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the School Board in a form established by the School Board at no cost to the School Board, and (b) the dedication of land has been accepted by the School Board.
 - 2) Credits for construction of school buildings shall become effective after the credit is approved by County Council and School Board pursuant to this section, a Credit Agreement/Development Agreement is entered into, and (a) all required construction has been completed and has been accepted by the School Board, (b) a suitable maintenance and warranty bond has been received and approved by the School Board, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable School Board requirements.
 - 3) Credits for construction or dedication of land for school facility system improvements shall be transferable within the same development for school development impact fee purposes, but

shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council and School Board for registration.

- 4) The total amount of the credit shall not exceed the amount of the school development impact fees due and payable for the project.
- 5) The County and School Board may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to construct school facility system improvements in the CIP, to the extent the fair market value of the construction of those school facility system improvements exceed the obligation to pay school development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the school facility system improvements constructed.
- 6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council and School Board. The Credit Agreement/Development Agreement shall specifically outline the construction of school buildings or land dedication for schools, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the school development impact fees the fee payor shall receive for the construction of school buildings or the dedication of land.

SECTION 8. TRUST FUND FOR SCHOOL DEVELOPMENT IMPACT FEES

The County hereby establish segregated School Development Impact Fee Trust Fund Accounts. All school development impact fees collected by the County for school development impact fees shall be placed in their respective Trust Fund Account. Prior to December 1 of each year, the County shall transfer all school development impact fees received and collected to the School Board. The Trust Fund shall be an interest-bearing account and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to school development impact fee funds.

SECTION 9. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS

School development impact fee funds transferred to the School Board by the County shall be used by the District in accordance with the County impact fee procedures in Chapter 17 of the County Code, solely and exclusively for school facility system improvements as set forth in the school support study and CIP. System improvements generally include the following: school buildings and land for public kindergarten through eighth grade schools that are designed to expand school system capacity.

SECTION 10. DEVELOPMENT AGREEMENT OPTION

- (a) A developer may pay the school facilities development impact fee as calculated pursuant to Section 5. Development Impact Fee Schedule, as the proposed development project's proportionate share of school facility system improvement costs and as full and complete payment of such obligations, or in the alternative, the developer may enter into an agreement with the County pursuant to the State Local Government Development Agreement Act, and provide for dedication of land or

construction of school buildings or for payments in-lieu of school development impact fees for school facility system improvements.

- (b) A school development impact fee may not be imposed on a developer who has entered into a development agreement with the County who provides for the school facility system improvement needs of the developer's development project that is subject to the development agreement.
- (c) A development agreement for school facility system improvements in accordance with this section may only be entered into with the authorization and approval of both the County and the developer, and after consultation with the School Board.

SECTION 11. DEVELOPER RIGHTS

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures as set forth in Chapter 17 of the County Code, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures as set forth in Section 17-8, of the County Code

- (a) Administrative Appeal. The developer/applicant may file an administrative appeal with the County Administrator with respect to a County decision related to the imposition, calculation, collection, processing, or expenditure of a school development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures in Section 17-7, of the County Code. If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County.
- (b) Payment under Protest. The developer/applicant may pay the County-calculated school development impact fees under protest, pursuant to the County impact fee procedures as set forth in Section 17-7, of the County Code. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures as set forth in Section 17-7.
- (c) Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County and only to address a disagreement related to the school development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures as set forth in Section 17-7, of the County Code, or other remedies available by law.

SECTION 12. COUNTY REMEDIES

- (a) The County, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Chapter 17 of the County Code shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures as set forth in Section 17-8 of the County Code.
 - 1) Interest and Penalties. The County may, at its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated school development impact fees due, pursuant to the impact fee procedures as set forth in Section 17-8 of the County Code.

- 2) Withholding Building or Development Permit or Development Approval or Certificate of Occupancy. The County may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the school development impact fees due.
 - 3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures as set forth in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required school development impact fees in full.
- (b) The County may pursue any one or all of the remedies described in subsection (a) of this section at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

SECTION 13. INTERGOVERNMENTAL AGREEMENTS

Prior to imposition of a school development impact fee pursuant to this Ordinance, the County and the School Board shall enter into an intergovernmental agreement, and the County and participating municipalities shall enter into intergovernmental agreements, which intergovernmental agreements shall:

- (a) Specify the reasonable share of funding of joint system improvements for school facility system improvements by each governmental unit;
- (b) Provide for the collection of the school development impact fee by the municipality within its corporate limits and by the County within the unincorporated area;
- (c) Provide for the timely transfer of school development impact fee revenues from the municipality to the County, and then the transfer of the fees collected by the participating municipalities and the County to the School Board; and
- (d) Provide for the timely expenditure of the school development impact fee revenues by the School Board, in accordance with the CIP.

SECTION 14. TERMINATION OF THE SCHOOL DEVELOPMENT IMPACT FEES.

The school development impact fees shall be terminated upon the completion/conclusion of all of the school development impact fee-funded school facility system improvements, as set forth in the CIP, unless:

- (a) The School Board adopts a capital improvements plan for a subsequent time period for the Lancaster County School Panhandle Service Area; or
- (b) The County adopts an updated school development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION 15. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of furthering, promoting, and protecting the public health, safety, and welfare.

SECTION 16. CONFLICT.

To the extent of any conflict between other County ordinances and this ordinance, this Ordinance shall be deemed controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing County Ordinance, resolution, or regulation.

SECTION 17. SEVERABILITY.

- (a) If any section, subsection, sentence, clause, phrase, or portion of these Procedures is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of these Procedures shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of these Procedures nor impair or nullify the remainder of such Procedures which shall continue in full force and effect.
- (b) If the application of any provision of these Procedures to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Council is that such decision shall be limited to the specific new development immediately involved in the controversy, action, or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify these Procedures as a whole or the application of any provision of these Procedures to any other new development.

SECTION 18. EFFECTIVE DATE.

- (a) This Ordinance shall become effective on , 2022, provided, however, that the school development impact fee for new development within the Panhandle Service Area shall only be effective upon the date that the County and School Board have entered into the intergovernmental agreement required by Section 13.
- (b) Applications for new residential development filed after the effective date as set forth in this section shall be subject to the school development impact fee.
- (c) If a development project has received approval of a site-specific development plan, as defined in S.C. Code §6-29-1520, prior to the effective date of this ordinance, the development is not subject to the school development impact fee.

<SIGNATURE PAGE FOLLOWS>

ADOPTED this __ day of _____, 2021

COUNTY COUNCIL OF LANCASTER
COUNTY

By: _____
Steve Harper, Chairman

By: _____
Billy Mosteller, Secretary

ATTEST:

Sherrie Simson, Clerk to Council

First Reading:	August 9, 2021
Second Reading	August 23, 2021
Third and Final Reading	September 13, 2021
Public Hearing	August 23, 2021

Approved as to form:

John DuBose, County Attorney

The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, August 23, 2021, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2021-1761, an ordinance titled "AN ORDINANCE OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A SCHOOL DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW RESIDENTIAL DEVELOPMENT IN THE LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA; TO ENSURE THAT SCHOOL FACILITY SYSTEM IMPROVEMENTS WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM THE SCHOOL CHILDREN IN NEW RESIDENTIAL DEVELOPMENTS IN THE PANHANDLE OF LANCASTER COUNTY SCHOOL SERVICE AREA BASED ON THE SCHOOL DISTRICT'S LEVEL OF SERVICE STANDARDS AND CAPITAL IMPROVEMENTS PLAN, AND TO ASSIGN THE COSTS OF SUCH PUBLIC SCHOOL FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW RESIDENTIAL DEVELOPMENT IN THE SERVICE AREA; AND ESTABLISHMENT OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN LANCASTER COUNTY AND THE LANCASTER COUNTY SCHOOL DISTRICT, TO ENSURE PROPER IMPLEMENTATION AND ADMINISTRATION OF THE SCHOOL DEVELOPMENT IMPACT FEE ORDINANCE."

Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

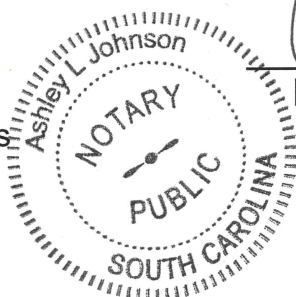
This
News

Notice was published in The Lancaster
2021.


Notary Public of South Carolina

My Commission Expires

01/20/2027



The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING Lancaster County Council

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wife; three sons, Robert Steven Catoe (Janet) of Morre, La., Sam Catoe (Krystal) and Shawn Catoe (Tabitha), both of Lancaster; four grandchildren, Kaitlin, Alexa, Ava, and Clara; a sister, Ann Baston of Columbia; and two brothers, Tim Catoe (Paula) of Pendleton and Joel Catoe of Ker-
She was the daughter Sunday, Aug. 1, 2021.
84, of Bethel, Conn., died (Faulkenberry) Nichols
Lancaster County na-
tive Margaret Caroline
Nichols, 84
Margaret
Caroline
Nichols, 84
is in charge.

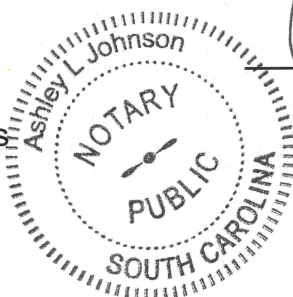
This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of August 7th 2021.

Ashley L. Johnson

Notary Public of South Carolina

My Commission Expires

01/20/2027



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1762

Contact Person / Sponsor: Steve Willis/Administration and John DuBose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Whether to enact an Ordinance that will allow Lancaster County to temporarily restrict the otherwise lawful open carry of a firearm on public property when issuing a permit to allow for a public protest, rally, fair, parade, festival, or other organized event.

Points to Consider:

The Open Carry With Training Act allows for individuals with a Concealed Weapons Permit (CWP) to open carry firearms in the State of South Carolina. The law goes into effect on August 15, 2021.

The law does not allow open carry for non-CWP holders. The law does not change where a CWP holder can carry in South Carolina nor does it change the right of a public or private business or employer to post signs prohibiting or allowing the carrying of a concealable weapon by a valid CWP holder.

The proposed ordinance allows for Lancaster County to issue permits to certain events and restrict open carry by CWP permit holders at those public events on public property and provides for the posting of those events with signage notifying CWP holders if open carry is prohibited or allowed at the event.

Funding and Liability Factors:

Not applicable.

Council Options:

Approve or disapprove of the proposed ordinance.

Recommendation:

Passage of the ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1762	8/16/2021	Ordinance
SLED Guidance on the Open Carry With Training Act	8/3/2021	Backup Material
Notice of Public Hearing for Ordinance 2021-1762	8/11/2021	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021- 1762

AN ORDINANCE

**TO PROVIDE GUIDANCE TO THE CITIZENS OF LANCASTER COUNTY IN RESPONSE TO
SOUTH CAROLINA’S ENACTMENT OF THE OPEN CARRY WITH TRAINING ACT,
RELATING SPECIFICALLY TO THE COUNTY’S AUTHORITY TO REGULATE THE OPEN
CARRYING OF A FIREARM ON PUBLIC PROPERTY DURING CERTAIN EVENTS**

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The County Council (the “Council”) of Lancaster County, South Carolina (the “County”), hereby finds and determines:

- (A) The South Carolina General Assembly passed the Open Carry With Training Act (hereinafter, “the Act”), and Governor Henry D. McMaster signed the Act into law on May 17, 2021; and
- (B) Due to the Act’s 90-day implementation delay, the law will not go into effect until August 15, 2021; and
- (C) The Act will allow for a person to carry a handgun openly on or about his person so long as the person has received a valid concealed weapons permit from the South Carolina Law Enforcement Division pursuant to the provisions set forth in Article 4, Chapter 31, Title 23 of the South Carolina Code; and
- (D) Pursuant to amended Section 23-31-520 of the South Carolina Code, counties and other local governments throughout the state may temporarily restrict the otherwise lawful open carrying of a firearm on public property during certain events; and
- (E) Lancaster County Council wishes to provide guidance to the citizens of Lancaster County in response to the Act and to provide for the public health and safety for the citizens of Lancaster County by its regulation of the open carrying of a firearm on public property during certain events.

Section 2. Temporary Restriction of Open Carry On Public Property With Permit.

- (A) Notwithstanding another provision of law, Lancaster County may temporarily restrict the otherwise lawful open carrying of a firearm on public property when issuing a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and

issued prior to an event as described in this subsection, Lancaster County may not exercise the provisions of this subsection.

(B) Permits shall be required of any person or entity hosting a protest, rally, fair, festival, or other organized event on public property.

(C) A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event pursuant to the terms of the issued permit.

(D) Lancaster County, when exercising the authority granted to them by amended Section 23-31-520 of the South Carolina Code, must be specific in the area, duration, and manner in which the restriction upon open carry is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event.

(E) The duration of an event may not be scheduled for such a length of time as to frustrate the intent of this Ordinance.

(F) Lancaster County may not confiscate a firearm or ammunition for a violation of this Ordinance unless incident to an otherwise lawful arrest.

Section 2. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to take such actions and do any and all things necessary or desirable in connection with implementing this ordinance and effectuating the intent of this ordinance.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 23, 2021 (tentative)
Second Reading: August 23, 2021 (tentative)
Third Reading: September 13, 2021 (tentative)

Approved as to form:

John DuBose, County Attorney



South Carolina Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

SLED GUIDANCE ON THE OPEN CARRY WITH TRAINING ACT

On May 17th, 2021 Governor Henry D. McMaster signed the Open Carry with Training Act (formerly House Bill 3094) into law. This Act has a 90-day implementation delay, so this law does not go into effect until August 15, 2021.

THEREFORE, CURRENT VALID CONCEALED WEAPON PERMIT HOLDERS ARE NOT AUTHORIZED TO OPENLY CARRY A HANDGUN IN SOUTH CAROLINA UNTIL AUGUST 15, 2021.

In addition, the Open Carry with Training Act does not change the law that applies to non-CWP holders. Rather, it merely changes the way a CWP holder can carry a handgun in public in South Carolina.

The Open Carry with Training Act also does not change where a CWP holder can carry in South Carolina nor does it change the right of a public or private business or employer to post a sign prohibiting or allowing the carrying of a concealable weapon by a valid CWP holder.

RELEVANT DATES

May 17, 2021 – August 14, 2021 → NO CHANGE TO SOUTH CAROLINA CARRY LAWS

On or after August 15, 2021 → VALID CWP HOLDERS CAN CARRY HANDGUNS OPENLY OR CONCEALED IN ACCORDANCE WITH SOUTH CAROLINA LAW

The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING

Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, August 23, 2021, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance.

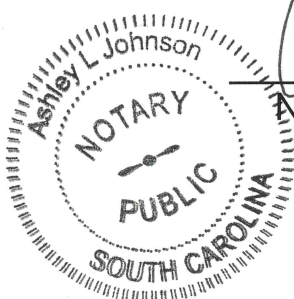
The purpose of the public hearing is to receive public comment on Ordinance No. 2021-1762, an ordinance titled **"AN ORDINANCE TO PROVIDE GUIDANCE TO THE CITIZENS OF LANCASTER COUNTY IN RESPONSE TO SOUTH CAROLINA'S ENACTMENT OF THE OPEN CARRY WITH TRAINING ACT, RELATING SPECIFICALLY TO THE COUNTY'S AUTHORITY TO REGULATE THE OPEN CARRYING OF A FIREARM ON PUBLIC PROPERTY DURING CERTAIN EVENTS."**

Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of August 7th 2021.

My Commission Expires

01/20/2027



Ashley L. Johnson
Notary Public of South Carolina

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1763

Contact Person / Sponsor: Steve Willis/Administration, John DuBose/County Attorney, Bond Counsel/ Burr Foreman Law Firm

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Whether to authorize issuance of Special Obligation Bonds for the purchase of fire apparatus.

Points to Consider:

Pursuant to Resolution 1156-R2021 County Council has determined that it would be in the County's best interest to acquire certain fire apparatus.

County staff and bond counsel believe that it would be in its best interest to finance the cost of the acquisition and installation of the Equipment by issuing special obligation bonds in an amount not exceeding \$ 7,250,000 (the "Bonds") secured by an Acquisition, Use and Security Agreement (the "Agreement") with a trustee to be named (the "Trustee") or to enter into an Acquisition, Use and Security Agreement (the "Direct Placement Agreement") with a bank or third party at the recommendation of the County's Financial Advisor and Bond Counsel.

Funding and Liability Factors:

In the event it is the recommendation of the County's Financial Advisor and Bond Counsel that the Equipment should be financed with the Direct Placement Agreement rather than issuing the Bonds, there is hereby authorized the execution and delivery of the Direct Placement Agreement. The County Administrator is authorized to make all determinations required and necessary for such structure.

Council Options:

Approve or disapprove of the proposed Ordinance.

Recommendation:

Approval of the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1763	8/3/2021	Ordinance
Notice of Public Hearing for Ordinance 2021-1763	8/11/2021	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **ORDINANCE NO. 2021-1763**

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$7,250,000 SPECIAL OBLIGATION BONDS, SERIES 2021, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, AND THE EXECUTION AND DELIVERY OF AN ACQUISITION, USE AND SECURITY AGREEMENT IN CONNECTION THEREWITH OR THE EXECUTION AND DELIVERY OF A DIRECT PLACEMENT ACQUISITION, USE AND SECURITY AGREEMENT BY LANCASTER COUNTY, SOUTH CAROLINA; FIXING CERTAIN OF THE DETAILS OF THE BONDS AND THE APPROPRIATE AGREEMENT; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS AND THE APPROPRIATE AGREEMENT; PROVIDING FOR THE PAYMENT OF THE BONDS OR DIRECT PLACEMENT AGREEMENT AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. **Findings and Determinations.** The County Council (the “Council”) of Lancaster County, South Carolina (the “County”), hereby finds and determines:

- (a) Pursuant to Section 4-9-10 of the Code of Laws of South Carolina 1976, as amended (the “Code”) and the results of a referendum held in accordance therewith, the Council-Administrator form of government was adopted and the County Council constitutes the governing body of the County.
- (b) The County is a body politic and corporate under the laws of the State of South Carolina (the “State”), and pursuant to Section 4-9-30(2) of the S. C. Code empowers the County to acquire, lease, sell, or otherwise dispose of real and personal property.
- (c) Pursuant to Resolution No. 1156-R2021 adopted by Council on June 14, 2021, the County has determined it would be in its best interest to acquire certain fire apparatus (the “Equipment”).
- (d) The County believes that it would be in its best interest to finance the cost of the acquisition and installation of the Equipment by issuing special obligation bonds in an amount not exceeding \$7,250,000 (the “Bonds”) secured by an Acquisition, Use and Security Agreement (the “Agreement”) with a trustee to be named (the “Trustee”) or to enter into an Acquisition, Use and Security Agreement (the “Direct Placement Agreement”) with a bank or third party.
- (e) To the extent that the proceeds of the Bonds or Direct Placement Agreement are used to acquire equipment, the Bonds or Direct Placement Agreement will not constitute a “financing agreement” and the Equipment does not constitute an “asset,” as such terms are defined in Section 11-27-110 of the Code. Thus, the amount of the Bonds or Direct Placement Agreement will not be included when calculating the County’s constitutional debt limit.
- (f) The County will have the option of making annual Acquisition Payments (as defined in the Agreement or Direct Placement Agreement) from its general fund revenue or from the proceeds of general

obligation debt. The Agreement and Direct Placement Agreement will be subject to annual appropriation by the Council.

(g) Pursuant to Ordinance No. 2015-1335 duly enacted by Council on February 23, 2015, the County adopted Written Procedures related to Tax-Exempt Debt.

(h) It is in the best interest of the County to finance the Equipment by issuing the Bonds and entering into the Agreement or by entering into the Direct Placement Agreement.

Section 2. Authorization of Equipment Acquisition Transaction and Delegation of Approval of Agreement and Direct Placement Agreement. The Council hereby authorizes the acquisition and financing of the Equipment through the issuance of the Bonds and execution and delivery of the Agreement as security therefor, or the execution and delivery of the Direct Placement Agreement, each in the principal amount of not exceeding \$7,250,000, subject to and in accordance with the provisions of this Ordinance. The Agreement or the Direct Placement Agreement shall be in the form approved by the County Administrator of the County (the "County Administrator"), with advice of the County's Bond Counsel and Financial Advisor, with the execution and delivery thereof constituting approval of the Agreement or the Direct Placement Agreement.

Section 3. Authorization and Details of Bonds. Pursuant to the laws of the State, there is hereby authorized to be issued special obligation bonds of the County in an amount not exceeding \$7,250,000 to obtain funds for the purposes mentioned in Section 1(h) above designated "[amount issued] Special Obligation Bonds, Series 2021, of Lancaster County, South Carolina."

The Bonds shall be issued as fully-registered Bonds; shall be dated their date of delivery; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall be book-entry bonds; shall bear interest at such times as hereafter designated by the County Administrator at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in annual installments as determined by the County Administrator.

Section 4. Delegation of Authority to Determine Certain Matters Relating to the Bonds. The Council hereby delegates to the County Administrator the authority, upon the advice of the County's Bond Counsel and Financial Advisor, to: (a) determine the final par amount of the Bonds; (b) determine the maturity dates of the Bonds, and the respective principal amounts maturing on such dates; (c) determine the interest payment dates of the Bonds; (d) appoint the Trustee and Registrar/Paying Agent for the Bonds; (e) determine the redemption provisions, if any, for the Bonds; and (f) approve the terms of the sale of the Bonds, including whether the Bonds shall be underwritten or competitively sold.

In the event the Bonds are underwritten, the County Administrator is further authorized to negotiate the terms of, with the advice of the County's Financial Advisor and Bond Counsel, and execute a bond purchase agreement between the County and an underwriter to be named.

Section 5. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond, the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the County shall execute and the Registrar/Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

Section 6. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day (whether or not a business day) preceding an interest payment date on such Bond or, in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day (whether or not a business day) prior to the mailing of notice of redemption of Bonds.

Section 7. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly-destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

Section 8. Execution of Bonds and Agreement. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair or Vice Chair of the Council attested by the manual or facsimile signature of the Secretary of the Council under the seal of the County which shall be impressed, imprinted or reproduced thereon. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. The Bonds shall bear a certificate of authentication manually executed by the Registrar in the substantially the form set forth herein. The Agreement shall be executed in the name of the County with the manual or facsimile signature of the Chair or Vice Chair of the Council attested by the manual or facsimile signature of the Clerk to Council under the seal of the County which shall be impressed, imprinted or reproduced thereon

Section 9. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) may be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and if issued in book-entry form (the “Book-Entry Bonds”), transfers of beneficial ownership of the Book-Entry Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Book-Entry Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal or interest on the Book-Entry Bonds becomes due, the County shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Book-Entry Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County of the Book-Entry Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Book-Entry Bonds, together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form and in the denominations of \$5,000 or any integral multiple thereof.

Section 10. Security for the Bonds. The Bonds are special obligation bonds of the County, payable solely from and secured by amounts pledged under the Agreement which obligates the County to make Acquisition Payments to the Trustee in amounts calculated to be sufficient to enable the Trustee to pay, when due, the principal of and interest on the Bonds. The financial obligations of the County under

the Agreement do not constitute general obligations of the County to which its full faith, credit, resources or taxing power are pledged, but are subject to and dependent upon lawful appropriations of funds being made by the Council to pay Acquisition Payments due in each fiscal year under the Agreement. The County's obligations under the Agreement are from year to year only and do not constitute a mandatory payment obligation of the County in any fiscal year in which funds are not appropriated by the County to pay the Acquisition Payments due in such fiscal year. The County has no continuing obligation to appropriate funds to pay Acquisition Payments due under the Agreement and may terminate its obligations under the Agreement on an annual basis without any penalty.

Section 11. Direct Placement Acquisition, Use and Security Agreement. In the event it is the recommendation of the County's Financial Advisor and Bond Counsel that the Equipment should be financed with the Direct Placement Agreement rather than issuing the Bonds, there is hereby authorized the execution and delivery of the Direct Placement Agreement. The County Administrator is authorized to make all determinations required and necessary for such structure.

Section 12. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and Agreement of the County therein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds or the Direct Placement Agreement, and such Bonds or Direct Placement Agreement shall no longer be deemed to be outstanding when:

(a) such Bonds or Direct Placement Agreement shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds or the Direct Placement Agreement either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment (1) moneys sufficient to make such payment, or (2) Government Obligations (as defined below) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds or the Direct Placement Agreement shall no longer be deemed to be outstanding thereunder, such Bonds or the Direct Placement Agreement shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of the Ordinance.

"Government Obligations" means any of the following:

(a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America; and

(b) non-callable, U. S. Treasury Securities - State and Local Government Series ("SLGS").

Section 13. Exemption from State Taxes. Both the principal of and interest on the Bonds and the Direct Placement Agreement shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code, from all State, County, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

Section 14. Investment Contracts. The Council hereby authorizes the County Administrator to execute such investment contracts and related documents as he determines to be in the best interest of the County; provided that all such investments shall be permitted investments of public funds as provided in Sections 6-5-10 and 11-1-60 of the Code.

Section 15. Preliminary and Official Statement. If the County Administrator determines that the Bonds should be issued, the Council hereby authorizes the County Administrator and the Chief Financial Officer, cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds. The Council authorizes the County Administrator to designate the Preliminary Official Statement as “final” for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the “Rule”). The County Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

Section 16. Filings with Central Repository. In compliance with Section 11-1-85 of the Code, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County’s receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which adversely affects more than five (5%) percent of the revenues of the County or the County’s tax base.

Section 17. Continuing Disclosure. If the County Administrator determines that the Bonds should be issued, in compliance with the Rule, the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of, a continuing disclosure undertaking. In the event of a failure of the County to comply with any of the provisions of a continuing disclosure undertaking, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the County.

Section 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds or the Direct Placement Agreement shall be deposited in accordance with the terms and provisions of the appropriate agreement.

Section 19. Reimbursement of Certain Expenditures. The Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 to reimburse the County from the proceeds of the Bonds or the Direct Placement Agreement, if any, for expenditures with respect to the capital improvements (the “Expenditures”). The County anticipates incurring Expenditures with respect to the capital improvements prior to the issuance by the County of the Bonds or delivery of the Direct Placement Agreement for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Equipment was placed in service, but in no event more than three (3) years after the original Expenditures. The

Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the capital improvements will be the County's general reserve funds or other legally-available funds.

Section 20. Federal Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds or the Direct Placement Agreement that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds or the Direct Placement Agreement to become includable in the gross income of the holders for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder in effect on the date of original issuance of the Bonds or delivery of the Direct Placement Agreement. The County further covenants and agrees with the holders of the Bonds or the Direct Placement Agreement that no use of the proceeds of the Bonds or the Direct Placement Agreement shall be made which, if such use had been reasonably expected on the date of issue of the Bonds or the Direct Placement Agreement would have caused the Bonds or the Direct Placement Agreement to be "arbitrage bonds," as defined in Section 148 of the Code, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are or the Direct Placement Agreement is outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the Code.

Section 21. Miscellaneous. The Council hereby authorizes the Chair, the Clerk to Council, the County Administrator, and the Chief Financial Officer to execute such documents and instruments as may be necessary to effect the issuance of the Bonds or the Direct Placement Agreement.

Section 22. Professionals. The Council hereby retains Burr & Forman LLP as Bond Counsel and Disclosure Counsel, if necessary, and Compass Municipal Advisors, LLC, as Financial Advisor, in connection with the issuance of the Bonds or delivery of the Direct Placement Agreement. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements. The County Administrator, with advice from the Financial Advisor and Bond Counsel, is authorized to engage other professionals, including but not limited to underwriter(s), underwriter(s) counsel, and trustee who will be required to accomplish the purposes of this Ordinance.

All rules, regulations, ordinances, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds or the Direct Placement Agreement are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

This ordinance is effective upon third reading.

AND IT SO ORDAINED.

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Second Reading: August 23, 2021
Public Hearing: August 23, 2021
Third Reading: September 13, 2021

Approved as to form:

John K. DuBose III, County Attorney

The Lancaster News

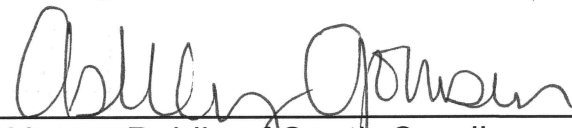
701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING

Lancaster County Council

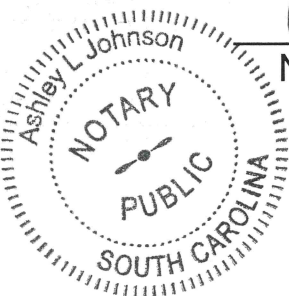
A public hearing has been scheduled by the Lancaster County Council for Monday, August 23, 2021, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2021-1763, an ordinance titled **"AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$7,250,000 SPECIAL OBLIGATION BONDS, SERIES 2021, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, AND THE EXECUTION AND DELIVERY OF AN ACQUISITION, USE AND SECURITY AGREEMENT IN CONNECTION THEREWITH OR THE EXECUTION AND DELIVERY OF A DIRECT PLACEMENT ACQUISITION, USE AND SECURITY AGREEMENT BY LANCASTER COUNTY, SOUTH CAROLINA; FIXING CERTAIN OF THE DETAILS OF THE BONDS AND THE APPROPRIATE AGREEMENT; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS AND THE APPROPRIATE AGREEMENT; PROVIDING FOR THE PAYMENT OF THE BONDS OR DIRECT PLACEMENT AGREEMENT AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of August 7th 2021.


Notary Public of South Carolina

My Commission Expires

01/20/2027



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1720

Contact Person / Sponsor: Steve Willis/Administration and John Dubose/County Attorney

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

A technical and substantive update to the County Code and to clarify that Lancaster County may contract with a private company for derelict vehicle services and to allow for the auction of unclaimed vehicles.

Points to Consider:

Changes include:

- (1) Correcting the reference to the State Code citation; and
- (2) Correcting references from Zoning and Building Official to Zoning Official; and
- (3) Changing the reference to reflect the state now has a Department of Motor Vehicles; and
- (4) Clarifying that Lancaster County may contract with a private company to handle derelict motor vehicles pursuant to this County Code section.
- (5) Adoption of notice provisions from State Code for vehicle towing, the storage lien process, and the judicial auction process.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the ordinance.

Recommendation:

Approve the ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1720	8/2/2021	Ordinance

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **ORDINANCE NO. 2021- 1720**

AN ORDINANCE

TO AMEND CHAPTER 21 OF THE LANCASTER COUNTY CODE OF ORDINANCES ENTITLED, “MOTOR VEHICLES AND TRAFFIC,” TO PROVIDE NECESSARY UPDATES TO THE CHAPTER GOVERNING THE DISPOSITION OF DERELICT OR ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

WHEREAS, South Carolina Code Ann. § 4-9-25 confers upon counties the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of the State of South Carolina, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, South Carolina Code Ann. § 56-5-5820 provides, “Abandoned and derelict vehicles constitute a hazard to the health and welfare of the people in the State in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. It is, therefore, in the public interest that the present accumulation of abandoned and derelict vehicles be eliminated, and that the future abandonment of such vehicles be prevented.”; and

WHEREAS, Lancaster County Council wishes to provide for the public health and safety by regulating abandoned and derelict vehicles;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

Section 1. Chapter 21, of the Lancaster County Code of Ordinances is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

ARTICLE I. - IN GENERAL

Sec. 21-1. - Authority.

This chapter is enacted pursuant to South Carolina Code of Laws 1976, Section ~~56-5-5610~~ 56-5-5820, relevant to declaration as public nuisances all abandoned or derelict motor vehicles which provides for the enactment of ordinance for the implementation and enforcement of the powers of the county in regards to public health, safety and welfare, and sanitation. This chapter is enacted to promote the general health, safety, and welfare of the citizens of the county.

(Ord. No. 284, 6-24-96)

Sec. 21-2. - Declaration of public interest.

The accumulation and storage of abandoned and derelict motor vehicles is hereby declared to constitute an undue and unnecessary hazard to the health and welfare of the citizens of the county in that such motor vehicles, when on public streets or thoroughfares, create traffic hazards and, when on private property, tend to reduce property values, invite plundering, fire hazards, harbor noxious diseases, furnish shelter for vermin, present physical dangers to minors and other citizens and constitute an unattractive nuisance. It is, therefore, in the public interest that the accumulation and storage of abandoned and derelict motor vehicles on public streets or thoroughfares or on private property be eliminated and prevented by declaring such a public nuisance, which may be adopted as such, which remedy shall be cumulative and in addition to any other remedies provided by law.

(Ord. No. 284, 6-24-96)

Sec. 21-3. - Exemptions

- (a) The provisions of this article shall not apply to authorized auto salvage yards duly operated and regulated under other county ordinances.
- (b) The provisions of this article shall not apply to vehicles which bear a current "Antique" vehicle license as issued by the South Carolina Department of ~~Highways and Public Motor Vehicles~~.
- (c) Motor vehicles which are in relatively good condition and capable of being moved under their own power ~~and able to pass a vehicle safety inspection~~, yet do not present current license plates due to ~~owners~~ owner's illness or other reasonable verifiable causes as determined by the ~~building and county~~ zoning official or his designated agent.
- (d) Motor vehicles properly stored within an enclosed building as not to be visible or no more than five (5) motor vehicles properly stored behind an opaque fence or enclosure, as not to

be visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back from any street or road right-of-way and maintained free of any unsafe, unsanitary, or unsightly conditions, as determined by the building county zoning official or his designated agent.

- (e) No more than two (2) motor vehicles that are not enclosed within an opaque fence or enclosure, provided those vehicles are not visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back from any street or road right-of-way and maintained free of any unsafe, unsanitary, or unsightly conditions, as determined by the county zoning official or his designated agent.
- ~~(f) — Where an authorization has been attained from the building and county zoning department for vehicles for sale, when vehicle is operable yet does not bear a current license plate and not to exceed one hundred twenty (120) days.~~
- (f) Authentic and verifiable stock race cars, dirt track race cars, drag race cars or other relevant race cars which are being used on a regular basis and able to move under their own power as determined by the ~~building and~~ county zoning official or his designated agent as a true race car.

(Ord. No. 284, 6-24-96)

ARTICLE II. - OFFENSES

Sec. 21-4. - Parking or storage on public streets, thoroughfares or private property – Prohibited.

No person or property owner, or occupant shall park, store or leave, or permit the parking, storage or leaving of any abandoned or derelict motor vehicle(s) as defined in section 21-10, Definitions, upon public or private streets or thoroughfares within the county for a period in excess of forty-eight (48) hours, or on any private property within the county for a period in excess of seven (7) days unless such vehicle(s) located on private property is properly stored pursuant to the requirements set forth in Sec. 21-3(d).~~is located in such a manner as not to be visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back from any street or road right of way and maintained free of any unsafe conditions.~~ No derelict or abandoned vehicles may be stored or placed for any length of time on nonresidential properties unless derelict or abandoned vehicles are considered customarily accessory to the use of such property. In addition, no derelict or abandoned vehicles may be stored or placed for any length of time on any vacant lots of land, property zoned as a manufactured home park, or a multifamily district.

(Ord. No. 284, 6-24-96)

ARTICLE III. - ENFORCEMENT

Sec. 21-5. - Notices, removals and disposal of vehicles.

Lancaster County may contract with any federal, other state, county, or municipal authority or private enterprise for tagging, collection, storage, transportation, disposal, or any other services necessary to prepare derelict or abandoned vehicles for recycling or other means of disposal.

Whenever it shall appear any motor vehicle(s) is abandoned or derelict upon any public street, road or thoroughfare, or private property in violation of the provisions of this chapter, the county building and zoning official, officers of the county sheriff's department office or designated agent of the building county zoning official shall cause a colored tag to be placed on the motor vehicle(s) in violation, and also posted on a structure located on the property, which shall be proper and legal notice to said owner, person in possession of motor vehicle or any lien holder that such motor vehicle in violation is subject to forfeiture to the county. The colored tag shall serve as the only legal notice that if the vehicle is not removed within forty-eight (48) hours from the date and time of the tag when located upon any public or private street, road, or thoroughfare and within seven (7) days from the date and time of the tag when located on private property, it shall become the property of the county, and it will be removed to a designated place to be sold.

(1) If said motor vehicle(s) is determined to be valued at less than one hundred dollars (\$100.00), the colored tag shall so state and serve as the only legal notice required that unless motor vehicle(s) is removed within the time period required, it shall become property of the county, shall be removed and sold for recycling purposes and all proceeds derived from sale deposited into a fund account established for the purpose of administering the provisions of this chapter. Upon the expiration of the appropriate time period as outlined above, the county zoning official, officers of the county sheriff's office, or designated agent of the county zoning official shall cause the vehicle to be towed and stored by a private enterprise.

(2) If said motor vehicle(s) is valued more than one hundred dollars (\$100.00), the colored tag shall so state and serve as the only legal notice that if said motor vehicle is not removed within the time period required that it will be removed to a designated place to be sold. Within ten (10) days following the towing of the vehicle, the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop must provide to the county zoning official, officers of the county sheriff's office, or designated agent of the county zoning official a list describing the vehicles remaining in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop. A person who fails to provide the county zoning official, officers of the county sheriff's office, or designated agent of the zoning official with this list forfeits recovery of any storage fees that have accrued from the date of towing until the day after the mailing of the notification to the owner and all lienholders of record by certified or registered mail, return receipt requested, pursuant to S.C. Code 1976, § 29-15-10.

(3) Within ten (10) days of receipt of this list, the county zoning official, officers of the county sheriff's office, or designated agent of the zoning official will provide to the towing company or storage facility the current owner's name, address, and a record of all lienholders along with the make, model, and identification number or a description of the vehicle at no cost to the proprietor, owner, or operator of the towing company, storage

facility, garage, or repair shop. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop having towed or received the vehicle must notify by registered or certified mail, return receipt requested, the last known registered owner and all lienholders of record that the vehicle has been taken into custody and provide a summary of any fees owed for the towing and storage of the vehicle.

(4) The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop that has towed and stored a vehicle has a lien against the vehicle and may have the vehicle sold at public auction pursuant to S.C. Code 1976, § 29-15-10. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may hold the license tag of any vehicle until all towing and storage costs have been paid, or if the vehicle is not reclaimed, until it is declared abandoned and sold. Storage costs may be charged that have accrued before the notification of the owner and lienholder, by certified or registered mail, of the location of the vehicle. Notification to the owner and lienholder by the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must occur within five (5) days after receiving the owner's and lienholders' identities from the appropriate law enforcement agency. If the notice is not mailed within this period, storage costs after the five-day period must not be charged until the notice is mailed. If the vehicle is not reclaimed within thirty (30) days after the day the notice is mailed, return receipt requested, the vehicle is considered abandoned and may be sold by the magistrate pursuant to the procedures set forth in S.C. Code 1976, § 29-15-10.

(5) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must provide notice by one (1) publication in one (1) newspaper of general circulation in the Lancaster County area which is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles.

(6) Before a vehicle is sold, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must apply to the appropriate titling facility including, but not limited to, the South Carolina Department of Motor Vehicles or the South Carolina Department of Natural Resources for the name and address of any owner or lienholder. For non-titled vehicles, where the owner's name is known, a search must be conducted through the Secretary of State's office to determine any lienholders. The application must be on prescribed forms as required by the appropriate titling facility or the Secretary of State. If the vehicle has an out-of-state registration, an application must be made to that state's appropriate titling facility. When the vehicle is not titled in this state and does not have a registration from another state, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may apply to an officer of the sheriff's office for determination of the state where the vehicle is registered. The sheriff's office shall conduct a records search. This search must include, but is not limited to, a search on the National Crime Information Center and any other appropriate search that may be conducted with the vehicle's identification number. The sheriff's office must

supply, at no cost to the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the name of the state in which the vehicle is titled.

(7) After the vehicle is in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the owner of the vehicle as demonstrated by providing a certificate of registration has one (1) opportunity to remove from the vehicle any personal property not attached to the vehicle. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must release any personal property that does not belong to the owner of the vehicle to the owner of the personal property.

(8) If an abandoned vehicle has not been reclaimed as provided for in S.C. Code 1976, § 56-5-5630, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may have the abandoned vehicle sold at a public auction pursuant to the provisions set forth in S.C. Code 1976, § 29-15-10. The purchaser of the vehicle shall take title to it free and clear of all liens and claims of ownership, shall receive a magistrate's order of sale, and is entitled to register the purchased vehicle and receive a certificate of title. The order of sale given at the sale must be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in this case no further titling of the vehicle is necessary. The expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody, and all notice and publication costs incurred pursuant to the provisions of S.C. Code 1976, § 29-15-10, must be reimbursed up to the amount of the auction sale price from the sale proceeds of the vehicle. Any remainder of the sale proceeds must be held for the owner of the vehicle or entitled lienholder for ninety (90) days. The magistrate must notify the owner and all lienholders by certified or registered mail, return receipt requested, that the vehicle owner or lienholder has ninety (90) days to claim the proceeds from the sale of the vehicle. If the vehicle proceeds are not collected within ninety (90) days from the day after the notice to the owner and all lienholders is mailed, then the vehicle proceeds must be deposited in the general fund of the county.

~~a. — Once the motor vehicle is removed, the building official, agent or sheriff's department officer shall notify in writing, by registered or certified mail, return receipt requested, any lien holder of record or person in whose name the motor vehicle was last registered at the last address reflected in the South Carolina highway department records, that the motor vehicle(s) is being held, designating the place or location where being held, and that if not redeemed within thirty (30) days from the date of the notice by paying all costs of removal and storage, it shall be disposed of for recycling purposes or for such other purposes as the county may deem advisable to insure the highest possible return from the sale or disposal of. Any and all proceeds shall be placed in a fund escrow established for the purpose of administering this chapter.~~

~~b. — If the value of the motor vehicle is determined to be more than one hundred dollars (\$100.00) and the owner cannot be determined or if registration contains no address of the owner, or if impossible to determine with reasonable certainty the~~

~~identification and address of any lien holders, notice by one (1) publication in a newspaper of general circulation in the area where the motor vehicle was located shall be sufficient to meet all requirements of notice pursuant to this article. The notice of publication may contain multiple listings of motor vehicles. Twenty (20) days after the publication date of the advertised notice, vehicle(s) may be sold or disposed of in a manner to retain highest possible return. Any and all proceeds from sale or disposal shall be placed in a fund escrow established for the primary purpose of administering this article.~~

~~e. — Notices sent out by mail or any newspaper notice published shall contain the following if obtainable: year, make, model and said serial number of the abandoned or derelict motor vehicles.~~

~~d. — All officers referred to in this article may appraise or determine the value of abandoned or derelict vehicle for the purpose of this article.~~

(Ord. No. 284, 6-24-96)

Sec. 21-6. - Right of entry upon public and private property to enforce chapter.

The county ~~building and~~ zoning official, his designated agent or representative, and officers of the county sheriff's ~~department~~ office, are hereby expressly authorized to enter upon public or private property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder or refuse to allow the designated officer to enter upon private property for the purpose of enforcing the provisions of this chapter. None of the designated officers, persons or firms contracted for the removal of or disposal of any such motor vehicle shall be held criminally or civilly liable in any way arising out of or caused by carrying out or enforcing any provision of this chapter unless such parties are guilty of willfulness, wantonness or recklessness. In removing the abandoned or derelict motor vehicles, the enforcing parties or agent will do so without willfully harming or damaging the property on which said abandoned or derelict motor vehicle is situated.

(Ord. No. 284, 6-24-96)

Sec. 21-7. - Tampering with, removing or destroying ~~color~~ colored tags.

It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed upon any motor vehicle not in compliance with this chapter. Any person found guilty of this provision shall, upon conviction, be subject to a fine not to exceed five hundred dollars (\$500.00) ~~one hundred dollars (\$100.00)~~ ~~nor less than fifty dollars (\$50.00).~~

(Ord. No. 284, 6-24-96)

Sec. 21-8. - Failure to comply: misdemeanor.

Any person who fails, neglects or refuses to comply with this chapter, or to abate such nuisance in accordance with the notice issued pursuant to the provisions of sections 21-4 and 21-5 shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars (\$500.00), and shall pay all costs of having such abandoned vehicle removed, stored, and sold as provided in this chapter.

(Ord. No. 284, 6-24-96)

Sec. 21-9. - Penalty.

Any person(s) violating the provisions of this ~~article~~ chapter shall be punishable by a fine and/or imprisonment as provided for in section 1-10 of the Lancaster County Code of Ordinances and shall pay all cost of vehicle removal, storage, and disposal to the extent such cost has not been recovered by the county at the time of conviction and/or imprisonment not to exceed thirty (30) days. Each separate day of violation constitutes a separate offense.

(Ord. No. 284, 6-24-96; Ord. No. 846, 9-10-07)

Sec. 21-10. - Definition.

For the purpose of this chapter:

Motor vehicle means any device by which a person or property may be transported or drawn upon a highway by mechanical means.

Abandoned vehicle means a motor vehicle that is inoperable or left unattended upon public streets or thoroughfares within the county for a period in excess of forty-eight (48) hours, or a motor vehicle that has remained on private or public property (lots) for a period in excess of seven (7) days unless said vehicle(s) located in private property is located in such a manner as not to be visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back of any street or road right-of-way and maintained free of any unsafe, unsanitary, or unsightly conditions.

Derelect vehicle means a motor vehicle:

- (1) Whose certificate of registration has expired and the registration and legal owner no longer resides at the address listed on the last certificate of registration on record; or
- (2) Whose major parts have been removed so as to render the motor vehicle inoperable and incapable of being moved under its own power; or

(3) Manufacturer serial plates, motor vehicle identification numbers, license number plates and/or any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or

(4) Whose registered and legal owner of record disclaims ownership or releases his rights thereto; or

(5) Which is more than seven (7) years old and does not bear a current license plate and incapable of being moved under its own power-

~~(6) — Colored tag means any type of notice affixed to an abandoned or derelict motor vehicle advising the owner or person in possession of that it has been declared abandoned or derelict motor vehicle and will be treated as such.~~

Colored tag means any type of notice affixed to an abandoned or derelict motor vehicle advising the owner or person in possession of that it has been declared abandoned or derelict motor vehicle and will be treated as such.

(Ord. No. 284, 6-24-96)

Sec. 21-11. - Duties; regulations.

The county is vested with the power and is charged with duties of administering the provisions of this chapter. The county may adopt such rules and regulations as may be necessary to carry out the provisions of this chapter.

Section 2. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 3. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, supersede all other provisions and this ordinance is controlling.

Section 4. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: June 14, 2021
Second Reading: August 9, 2021
Public Hearing: June 28, 2021
Third Reading: August 23, 2021

Approved as to form:

John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1755 / Planning Case Number: RZ-2021-0687

Contact Person / Sponsor: Katie See/Senior Planner

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Application by S & KB Properties to rezone two parcels totaling approximately 13.25 acres located at 2329 & 2347 Charlotte Highway (TM# 0049-00-097.00 & 0049-00-096.00) from Low Density Residential (LDR) and Professional Business (PB) to General Business (GB) District to expand the existing storage building business, Space Saver Storage.

Points to Consider:

Even though there are existing GB-zoned parcels, the subject parcels will need to be developed in a manner that minimizes impact on the adjacent LDR-zoned parcel. In accordance with Section 7.1.5 of the UDO, a Type B buffer will be required on the western boundary of the subject parcels where adjacent to the LDR-zoned parcel.

Funding and Liability Factors:

NA

Council Options:

Approve or deny rezoning request

Recommendation:

Planning Commission voted unanimously to recommend **Approval** at the June 15, 2021 meeting.

Staff recommends approval of this request to rezone.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1755	8/12/2021	Ordinance
Staff Report	6/4/2021	Exhibit
Application	6/2/2021	Exhibit
Boundary Survey	6/2/2021	Exhibit
Boundary Survey	6/2/2021	Exhibit
Location Map	6/2/2021	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2021-1755

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 13.25 ACRES OF PROPERTY (TMS# 0049-00-097.00 & 0049-00-96.00), LOCATED AT 2329 & 2347 CHARLOTTE HIGHWAY, LANCASTER, SOUTH CAROLINA, FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT, AND PB, PROFESSIONAL BUSINESS DISTRICT, TO GB, GENERAL BUSINESS DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) S & KB Properties (Fred Brackett), applied to rezone two parcels of property totaling 13.25 acres, more or less, located at 2329 & 2347 Charlotte Highway, Lancaster, South Carolina, from LDR, Low Density Residential District, and PB, Professional Business District, to GB, General Business District.

(b) On June 15, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject properties is Transitional, which corresponds to the Community Type of Suburban Single-Family & Multi-Family Neighborhood as well as Suburban Commercial Center. This area is characterized by single-family homes, both in planned neighborhoods and on individual lots, as well as non-residential uses, including a Dollar General, medical office buildings, a church, and a convenience store. The requested GB district is consistent with the Transitional Future Land Use category of the Comprehensive Plan and is compatible with the surrounding area.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District, and PB, Professional Business District, to GB, General Business District, for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. (0049-00-096.00 & 0049-00-097.00)

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 9, 2021
Second Reading: August 23, 2021
Third Reading: September 13, 2021

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 13.25 acres of property
PROPERTY LOCATION: 2329 & 2347 Charlotte Highway (TM# 0049-00-096.00 & 0049-00-097.00)
CURRENT ZONING DISTRICT: Low Density Residential (LDR) & Professional Business (PB) District
PROPOSED ZONING DISTRICT: General Business (GB) District
APPLICANT: S & KB Properties (Fred Brackett)
COUNCIL DISTRICT: District 4, Larry Honeycutt

OVERVIEW:

Proposal

The applicant has requested to rezone two parcels totaling approximately 13.25 acres in size. The intent is to expand the existing Space Saver Storage business located adjacent to the subject property.

Site Information

The parcels proposed to be rezoned are currently improved with two single-family homes and accessory structures and one parcel is predominately wooded.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by LDR and GB zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	GB	Single-Family Residential
South	Lancaster County	GB	Space Saver Storage
East	Lancaster County	LDR	Single-Family Residential
West	Lancaster County	LDR	Vacant

Recent Rezoning in Surrounding Area			
Case #	Description	Date	Outcome
RZ-2020-1253	Request to Rezone from INS to GB	9-14-20 (CC)	Approved
RZ-2020-2859	Request to Rezone from LDR to MDR	1-19-20 (PC)	Withdrawn
RZ-2021-0942	Request to Rezone from LDR & PB to GB	6-15-21 (PC)	In Progress

ANALYSIS & FINDINGS:

Zoning Districts

Current LDR

As previously noted, the subject property is currently zoned LDR & PB District.

Pursuant to UDO Chapter 2.3, the LDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at*

a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Current PB

The PB District is generally located adjacent to neighborhoods and provides opportunities for the provision of office and professional services that do not adversely impact the surrounding communities.

Requested GB

UDO Chapter 2.3 describes the requested GB District as generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.

Compatibility with Surrounding Area

The subject properties are surrounded by the LDR and GB Districts. The requested GB District is intended to provide offices, services and retail goods. This area is characterized by single-family homes on lots of varying sizes, as well as a Dollar General, medical offices, a church, and the Lancaster Motor Speedway (less than one (1) mile).

Even though there are existing GB-zoned parcels, the subject parcels will need to be developed in a manner that minimizes impact on the adjacent LDR-zoned parcel. In accordance with Section 7.1.5 of the UDO, a Type B buffer will be required on the western boundary of the subject parcels where adjacent to the LDR-zoned parcel.

Staff finds that the proposed rezoning of the property to GB District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

Existing Space Saver Storage



RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

The Future Land Use Category of the subject properties is Transitional, which corresponds to the Community Type of Suburban Single-Family & Multi-Family Neighborhood as well as Suburban Commercial Center. This area is characterized by single-family homes, both in planned neighborhoods and on individual lots, as well as non-residential uses, including a Dollar General, medical office buildings, a church, and a convenience store.

The adopted Comprehensive Plan states that the Suburban Single-Family Neighborhood Community Type *“is formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from mobile homes to large lot, low-density single-family homes to denser formats of smaller single-family homes. Homes are oriented interior to the neighborhood and typically buffered from surrounding development by transitional uses or landscaped areas. Suburban single-family neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers.”*

Suburban Commercial Centers *“serve the daily needs of surrounding residential neighborhoods. They typically locate near high-volume roads and key intersections, and are designed to be accessible primarily by automobile. Buildings are set back from the road behind large surface parking lots, with little connectivity between adjacent businesses. Common types of suburban centers in the region include multi-tenant strip centers, big box stores, small outparcels with a drive-through, and large shopping malls.”*

The Transitional Future Land Use Category begins with the Roselyn subdivision near Waxhaw Village Road and extends south to Arrowood Road. The Transitional Future Land Use Category and Suburban Single-Family Neighborhood Community Type are, by default, intended to be compatible with the existing

suburban character of the area. It serves as the transition future land use designation between the City of Lancaster (Urban) and the majority of Lancaster County (Rural Living).

The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below. The requested GB district is consistent with the Transitional Future Land Use category.

Transitional: Land Use Considerations		
Mobile/Modular Homes	Single-Family Detached Home	Single-Family Attached Home (Townhome/Duplex)
Church	Community Park	Small Supermarket
Convenience Store	Medical Office	Professional Office

INFRASTRUCTURE CONSIDERATIONS

Transportation

While no Traffic Impact Analysis (TIA) or traffic improvements are specifically required for the proposed rezoning request, a TIA would may be required for the intended expansion of the storage business.

The subject parcels are located west of US-521 which is maintained by SCDOT. Traffic volumes on US-521 between Shiloh Unity Road and Highway 9 By-Pass/US-521 By-Pass are shown below:

STREET	VEHICLES PER DAY		
	2019	2016	2013
Community Lane to Rocky River Road	21,000	21,600	18,700
Source: SCDOT Traffic Counts 2009-2019			

Public Utilities

Public water is available through LCWSD on the northbound side of US-521 and along Shiloh Unity Road. There is very little public sewer available on the southbound side of US-521. The City of Lancaster has sewer available in the Arrowood subdivision.

Public Schools

No residential uses are proposed as part of this request. There are no capacity concerns for the schools within this area.

PHOTOS OF PROJECT AREA:



Looking directly at subject property
(2329 Charlotte Highway)



Looking directly at subject parcel
(2347 Charlotte Highway)



Looking north along US-521



Looking south along US-521

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone approximately 13.25 acres (TM # 0049-00-096.00 & 0049-00-097.00) from Low Density Residential (LDR) & Professional Business (PB) Districts to General Business (GB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcels: TM# 0049-00-096.00 & 0049-00-097.00;
 2. That the subject properties are currently zoned LDR & PB Districts and are proposed to be rezoned GB District;
 3. That the subject property has a Future Land Use designation of Transitional, and a Community Type of Suburban Single-Family & Multi-Family Neighborhood and Suburban Commercial Center; and
 4. That the proposed GB District is generally consistent with the surrounding area which is comprised of LDR and GB Districts.
-

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Katie See, AICP, Senior Planner
ksee@lancastersc.net | 803-416-9395



Planning Department

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

2347
Property Address 2339 Charlotte Hwy.
City LANCASTER State SC Zip 29720 Tax Parcel ID 0049-00-097.00
Current Zoning LDR, PB Current Use Resident
Proposed Zoning GB Total Acres 5.014Ac
Project Description storage units

Surrounding Property Description PB & GB

CONTACT INFORMATION

Applicant Name _____
Address 1980 Tara Trail
City LANCASTER State SC Zip 29720 Phone 803 285-8302
Fax _____ Email _____
Property Owner Name S & KB Properties
Address 2317 Charlotte Hwy.
City Lancaster State SC Zip 29720 Phone 803 287-5075
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.

Nancy L. Brackett Fred Brackett
Applicant

3-22-2021
Date

NANCY L. BRACKETT FRED BRACKETT
Property Owner(s) 23417 CHARLOTTE HWY

3-22-2021
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 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

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

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.

Kimberly Dawn Brackett
Applicant

3-22-2021
Date

Kimberly Dawn Brackett
Property Owner(s)

3-22-2021
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 _____

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LANCASTER COUNTY ASSESSOR
Tax Map:
0049 00 050 01

RECORDED THIS 7th DAY
OF MARCH, 2013
IN BOOK 2013 PAGE B-1

Cheryl H. Morgan

Auditor, Lancaster County, SC

2013003430

DEED
RECORDING FEES \$12.00
STATE TAX \$0.00
COUNTY TAX \$0.00

PRESENTED & RECORDED:
03-07-2013 11:25 AM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: SANDY PEAGLER ROD

BK:DEED 718

PG:194-199

STATE OF SOUTH CAROLINA)

**TITLE TO REAL ESTATE
GENERAL WARRANTY DEED**

COUNTY OF LANCASTER)

KNOW ALL BY THESE PRESENTS that **FRED E. BRACKETT AND NANCY L. BRACKETT**, individual residents of the State of South Carolina (hereinafter referred to collectively as the "Grantors"), for and in consideration of the sum of Five and 00/100 Dollars (\$5.00) and other valuable consideration, to them well and truly paid at and before the sealing and delivery hereof (the receipt and legal sufficiency of which are hereby acknowledged) by **BRACKETT REAL ESTATE, LLC**, a South Carolina limited liability company (hereinafter referred to as the "Grantee"), whose mailing address is as hereinafter set forth, has, subject to the Permitted Exceptions (as defined hereinafter), granted, bargained, sold, aliened, conveyed and released, and by these presents does grant, bargain, sell, alien, convey, and release unto the Grantee, its successors and assigns, all that certain tract or parcel of land which is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, with all fixtures and improvements thereon lying described as follows (the "Premises"):

DESCRIPTION OF PREMISES CONVEYED: As set forth on Exhibit "A" attached hereto and incorporated herein by reference.

GRANTEE'S MAILING ADDRESS: For purposes of this Title to Real Estate General Warranty Deed the Grantee's mailing address is:

2654 Charlotte Highway
Lancaster, South Carolina 29720

TOGETHER WITH ALL AND SINGULAR the rights, members, easements, any and all crops and timber growing on the Premises, any and all surface or subsurface sand, gravel, oil, gas, or mineral rights and royalties on the Premises, any and all surface and subsurface water appurtenant to the Premises,

THIS PROPERTY IS ZONED LDR (LOW DENSITY RESIDENTIAL)

FRONT SETBACK	40'
SIDE SETBACK	20'
REAR SETBACK	25'

TAX MAP 0049-00-096.00 TO BE RE ZONED TO GB



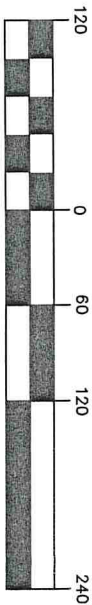
"I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class IB survey as specified therein."

DRAWN BY:	JCC	DATE:	12/01/2020
CHECKED BY:	JCC	TAX MAP ID 0049-00-097.00	
JOB NO.:	20-11-5	SHEET	1 OF 1

[illegible]

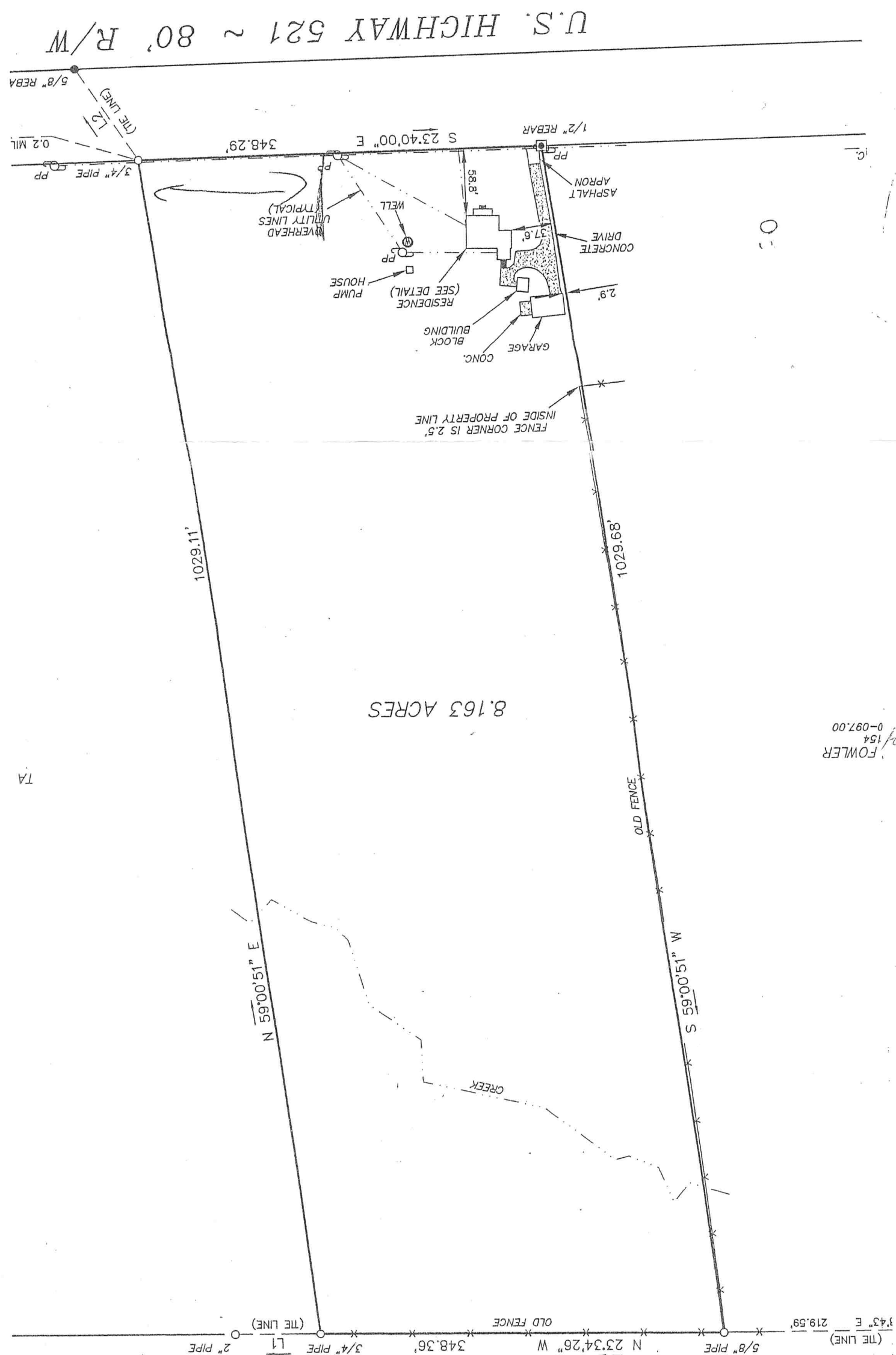
Plat Of Property Of
Kimberly Dawn Brackett
Located At
2339 Charlotte Hwy.
1.2 Miles North Of
Lancaster, South Carolina

GRAPHIC SCALE



(IN FEET)
1 inch = 120 ft.

Survey By: J. C. Crumpler
S.C. Reg. No. 6574
207 Chesterfield Avenue
Lancaster, South Carolina
1-803-283-9818



FOWLER
2/12/54
0-097.00

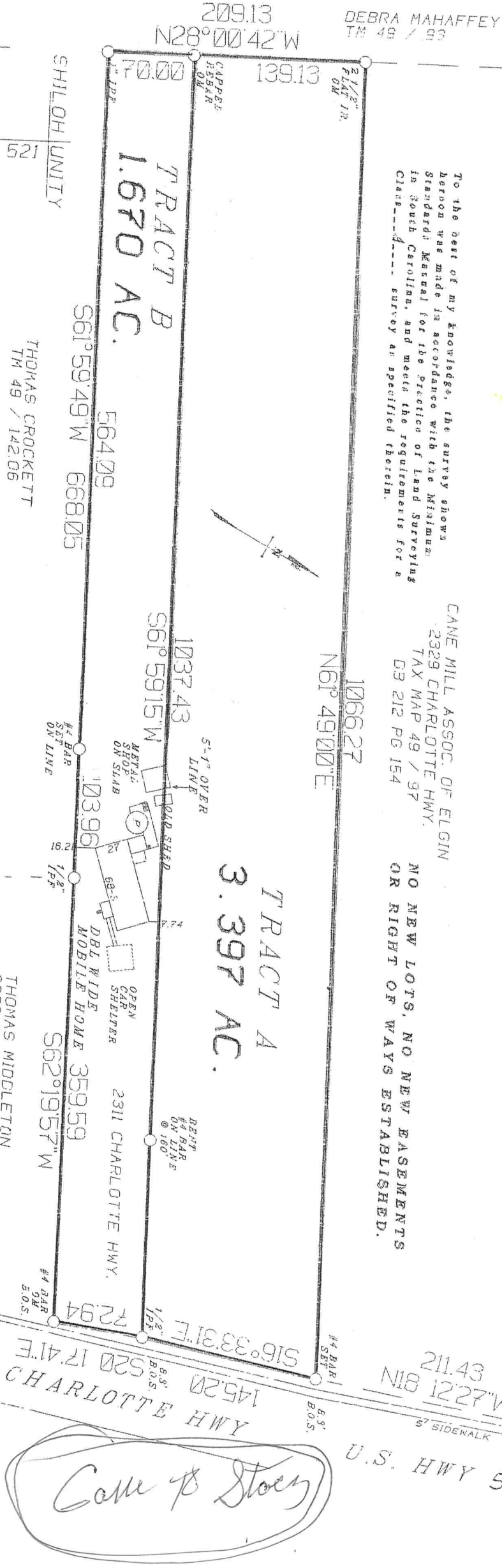
2005/273 H/2011

Came to Store

To the best of my knowledge, the survey shows hereon was made in accordance with the Minimum Standard Manual for the Practice of Land Surveying in South Carolina, and meets the requirements for a Class A survey as specified therein.

CANE MILL ASSOC. OF ELGIN
2329 CHARLOTTE HWY.
TAX MAP 49 / 97
D3 212 PG 154

NO NEW LOTS, NO NEW EASEMENTS
OR RIGHT OF WAYS ESTABLISHED.



125 YMH S.U. HWY 521
M. 2221 8IN
14520
YMH S.U. HWY 521
14520
CHARLOTTE HWY

Came to Store

I CERTIFY THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN AND THE STRUCTURES ARE NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.

REGINALD L. WILSON AND JANICE WILSON

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER
PLAT OF SURVEY FOR

THOMAS MIDDLETON
2299 CHARLOTTE HWY.
TM 49 / 141

THOMAS CROCKETT
TM 49 / 142.06

Philip G. Smith

PHILLIP G. SMITH
PROFESSIONAL LAND SURVEYOR
SC REG. NO. 18669

3248 THE KNOLL LN.
LANCASTER, SC 29720

PHONE: 803 285-0010

DRAWN BY

SCALE
1" = 100'

TAX MAP

49 / 98 & 139

FILE:

WILSREF0

DATE

24 JUNE 2010

FAX: 803 283-1256

2010008244

\$5.00

PLAT SMALL
RECORDING FEES
PRESENTED & RECORDED:
07-30-2010 12:27 PM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC

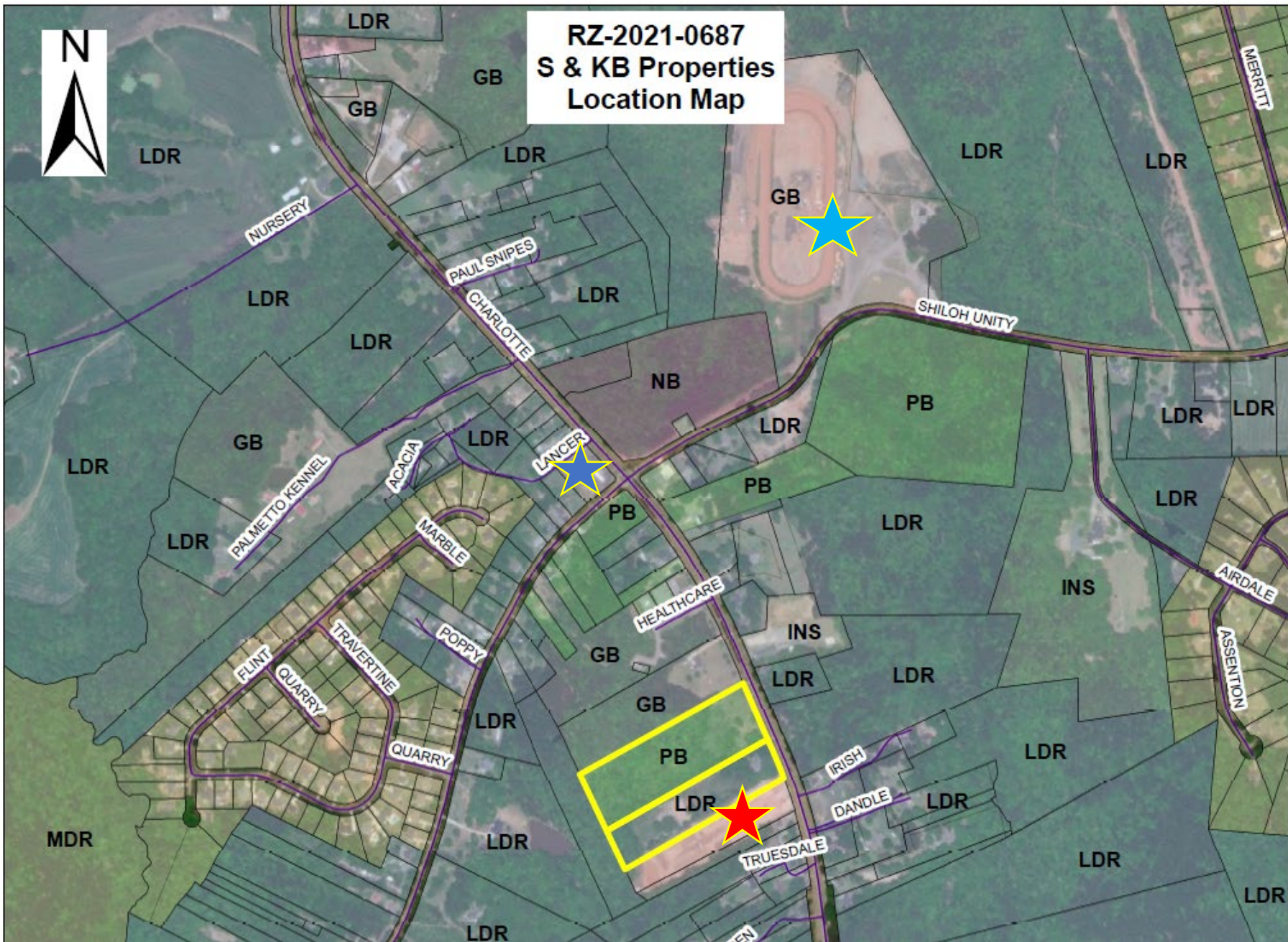
By: CANDICE KIRKLEY DEPUTY

BK: PLAT 2010

PG: 343-343

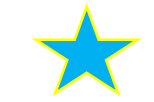


**RZ-2021-0687
S & KB Properties
Location Map**



Proposal:
Request to rezone from
LDR & PB to GB

Legend:

-  Subject Properties
-  Exxon Gas Station
-  Space Saver Storage
-  Lancaster Motor Speedway

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1764

Contact Person / Sponsor: Steve Willis/Administration, John DuBose/County Attorney, Bond Counsel/ Burr Foreman Law Firm

Department: Attorney

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Whether to approve a modification of assessment rolls and bond structure for the Edgewater II Improvement District that would allow True Homes develop the defaulted bond of the Edgewater II Improvement District and execute a multiparty agreement concerning True Home's purchase of defaulted lots from the Lancaster County Forfeited Land Commission ("FLC").

Points to Consider:

The Edgewater Improvement District was formed in 2007 for a 375 acre residential development known as Edgewater II. Bonds were issued for improvements to be constructed within the district with payment of the bonds to be made from annual assessments. Assessments were not paid and the properties within the Edgewater II improvement district were sold at tax sale to the FLC pursuant to the FLC entering the statutory bid for the properties. FLC has not taken actual record title by way of tax deed in order to guard against potential premises liability concerns.

FLC has attempted to market the property on several occasions but with no success.

True Homes has proposed a purchase of the real property held by the FLC and has negotiated with bond holders ("Holders") for a modification of the outstanding unpaid bonds.

The County understands that Craft, the FLC, True Homes, the proposed developer of the Development ("True Homes"), and the bond holders have reached a proposed agreement, which is evidenced by a form of Multi-Party Agreement for Development of Edgewater II that is being finalized. Pursuant to the proposed terms of the Multi-Party Agreement, (1) Craft Homes will transfer to the FLC all of its rights to all of the Craft Parcels, tax deed title will be issued to the FLC of all the Parcels and the FLC will take title to all of the Parcels (e.g., which represent approximately 1,059 individual lots, when fully platted and subdivided) for which it was the successful bidder at tax sale or it obtains title through a quiet title action, (2) True Homes will purchase the Parcels from the FLC on a phased take-down schedule over a period of seven years at an agreed-upon purchase price payable partly upon initial take-down and the balance payable when True Homes sells a Parcel to a third-party (e.g., another builder or homeowner) (each, a "Third-Party Owner"), and (3) the Holders would agree to certain modifications to the Original Assessment Roll, the Series 2007 Bonds and the Original Indenture, including the redemption of a portion of the Series 2007A Bonds and the Series 2007B Bonds to be paid from a portion of the proceeds of the sale of the Parcels to Third-Party Owners, the restructuring and amendment of the Series 2007A Bonds and the Series 2007B Bonds (collectively, the "Amended Series 2007 Bonds") to be paid or redeemed prior to maturity from Assessments to be imposed upon Third-Party Owners thereafter, the cancellation of the Series 2007A Bonds and the 2007B Bonds which are not restructured and amended (the "Cancelled Bonds"), and the reduction and cancellation of the portion of the Assessment A and Assessment B relating to the Cancelled Bonds, all of which modifications will require the consent and approval of the County as a party to the Multi-Party Agreement.

The proposal is that lots will be purchased by True Homes for \$25,000 per lot, with premium (waterfront or golf course) lots purchased for \$50,000.00. The proposal is that Lancaster County receive 20% of the unpaid taxes (not including penalties or late fees) attributable to each lot sold. The proposal is that True Homes will pay 40% of the purchase price of each lot as a take down payment and then pay the 60% balance upon resell to another person or entity. The balance will be secured as a lien against the property until True Homes conveys title to another entity or person.

The initial purchase price as shown above for each lot shall be increased by five percent (5%) upon each anniversary of the first business day of the month following the month in which the FLC obtains tax title to the lots.

The proposed purchase schedule is as follows:

Year	Number of Lots to	Location of Lot (Phase	Purchase Price per Lot (subject to
------	-------------------	------------------------	------------------------------------

	Purchase	Number)	adjustment pursuant to Section 3(b) below.
1	80 (20 per quarter)	2	\$25,000
2	120 (30 per quarter)	2, 4	\$25,000
3	120 (30 per quarter)	2, 3, 4, 5, 6	\$25,000 (except for 13 lakefront lots, for which the Purchase Price is \$50,000)
4	120 (30 per quarter)	3, 5, 6	\$25,000 (except for 12 lakefront lots, for which the Purchase Price is \$50,000)
5	111 (28 for first three quarters; 27 for fourth quarter)	3, 5, 6	\$25,000
6	219 (55 for first three quarters; 54 for fourth quarter)	9, 10, 8	10,000
7	289 (72 for first three quarters; 73 for fourth)	7, 8, 11	10,000

Funding and Liability Factors:

The proposal would recoup a percentage of the unpaid back taxes and return property to the tax rolls of Lancaster County.

Bond Holders would recoup prior funds that they expended for improvements in Edgewater II.

There are no liability factors.

Council Options:

Approve or Disapprove of the Ordinance

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1764	8/18/2021	Ordinance

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021-1764**
COUNTY OF LANCASTER)

AN ORDINANCE

TO APPROVE THE UPDATED 2021 ASSESSMENT ROLL FOR THE EDGEWATER II IMPROVEMENT DISTRICT; TO AUTHORIZE CERTAIN MODIFICATIONS TO THE ASSESSMENT ROLL RELATING TO THE EDGEWATER II IMPROVEMENT DISTRICT AND \$9,229,000 ORIGINAL PRINCIPAL AMOUNT EDGEWATER II IMPROVEMENT DISTRICT ASSESSMENT REVENUE BONDS, SERIES 2007A AND \$19,651,000 ORIGINAL PRINCIPAL AMOUNT EDGEWATER II IMPROVEMENT DISTRICT ASSESSMENT REVENUE BONDS, SERIES 2007B ISSUED IN CONNECTION THEREWITH; TO PROVIDE FOR THE EXECUTION OF A MULTI-PARTY AGREEMENT FOR DEVELOPMENT OF EDGEWATER II, A SECOND SUPPLEMENTAL INDENTURE THERETO AND OTHER RELATED DOCUMENTS FOR THE SERIES 2007A BONDS AND THE SERIES 2007B BONDS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings.

The Lancaster County Council finds that:

(a) The County Council (the “County Council”) of Lancaster County, South Carolina (the “County”) by Ordinance No. 834 enacted on July 30, 2007 (the “Assessment Ordinance”), as corrected and confirmed by Resolution No. 581 adopted on September 10, 2007 (the “Resolution”) established the Edgewater II Improvement District (the “Improvement District”), relating to an approximately 375-acre residential development known as “Edgewater II” (the “Development”), and approved the Assessment Roll (the “Original Assessment Roll”), including the Rate and Method of Apportionment of Assessments attached as an appendix thereto (the “Original Rate and Method of Apportionment”);

(b) Pursuant to the Master Trust Indenture and the First Supplemental Trust Indenture, each dated as of November 1, 2007 (collectively, the “Original Indenture”), between the County and U.S. Bank National Association, as trustee (the “Trustee”), the County has heretofore issued the \$9,229,000 original principal amount Lancaster County, South Carolina, Edgewater II Improvement District Assessment Revenue Bonds, Series 2007A, which are presently outstanding in the principal amount of \$9,229,000

(the “Series 2007A Bonds”), and the \$19,651,000 original principal amount Lancaster County, South Carolina, Edgewater II Improvement District Assessment Revenue Bonds, Series 2007B, which are presently outstanding in the principal amount of \$19,522,000 (the “Series 2007B Bonds” and, together with the Series 2007A Bonds, the “Series 2007 Bonds”);

(c) The Series 2007 Bonds were issued in order to fund certain improvements within or associated with the Development, which Series 2007 Bonds are payable from and secured by non-*ad valorem* assessments imposed upon the parcels therein (the “Assessments”);

(d) The Assessments presently consist of an Assessment A securing the Series 2007A Bonds, and an Assessment B securing the Series 2007B Bonds, each as further described in the Original Assessment Roll for the District;

(e) Based on information presented to the County, the County understands that (1) since the Series 2007 Bonds were issued, all of the parcels within the Development have been owned by Craft Development, LLC, the original developer of the Development (“Craft”), or other individual property owners (the “Prior Individual Owners”), (2) as of the date of this ordinance, Craft remains the owner of virtually all of the parcels within the Development (the “Craft Parcels”) and the Prior Individual Owners remain the owners of the remaining parcels within the Development (the “Sold Parcels” and, together with the Craft Parcels, the “Parcels”), (3) for several years since the Series 2007 Bonds were issued, the Assessments annually billed to the Parcels were not paid, which has led to multiple tax sales of such parcels, (4) following each such previous tax sale, the Forfeited Land Commission (the “FLC”) submitted the minimum bid for each such Parcel, as required pursuant to South Carolina law, but the title to such Parcel has remained in the name of Craft or the Prior Individual Owners, as applicable, (5) the FLC has undertaken extensive effort in past years to dispose of the Parcels for which it was the successful bidder but all such prior efforts of the FLC to convey the properties have been unsuccessful, (6) as a result of the non-payment of Assessments described in the foregoing paragraph, there have been recurring payment defaults on the Series 2007 Bonds (which defaults are currently ongoing), (7) as of the date of this ordinance, there are two bondholders of the Series 2007 Bonds ([Nuveen and Templeton]) (the “Holders”);

(f) the Original Rate and Method of Apportionment provides in Section G:

The County Council shall update the Assessment Roll each year to reflect (i) the current parcels in the district, (ii) the Assessments A and B as allocated for each parcel (including any adjustments to the Assessments), (iii) the principal portion of the Assessments for each parcel, (iv) the Annual Assessments A and B for each parcel, (v) the Annual Credits A and B and Annual Payments A and B to be collected for each parcel for the current Assessment year, (vi) prepayments of the Assessments A and B, and (vii) termination of the Assessments A and B.

(g) David Taussig & Associates, Inc. has prepared an Annual Assessment Report and Update of the Assessment Roll for Imposition of Assessments in 2021 and Collection in 2022 (the “2021 Assessment Roll”);

(h) Based on information presented to the County, the County further understands that Craft, the FLC, True Homes, LLC, the proposed developer of the Development (“True Homes”), and the Holders have reached a proposed agreement, which is evidenced by a form of Multi-Party Agreement for Development of Edgewater II filed with the Clerk to Council (the “Multi-Party Agreement”), pursuant to which Multi-Party Agreement, (1) Craft Homes will transfer to the FLC all of its rights to all of the Craft Parcels, tax deed title will be issued to the FLC of all the Parcels and the FLC will take title to all of the

Parcels (e.g., which represent approximately 1,059 individual lots, when fully platted and subdivided) for which it was the successful bidder at tax sale or it obtains title through a quiet title action, (2) True Homes will purchase the Parcels from the FLC on a phased take-down schedule over a period of seven years at an agreed-upon purchase price payable partly upon initial take-down and the balance payable when True Homes sells a Parcel to a third-party (e.g., another builder or homeowner) (each, a “Third-Party Owner”), and (3) the Holders would agree to certain modifications to the Original Assessment Roll, the Series 2007 Bonds and the Original Indenture, including the redemption of a portion of the Series 2007A Bonds and the Series 2007B Bonds to be paid from a portion of the proceeds of the sale of the Parcels to True Homes and Third-Party Owners, the restructuring and amendment of the Series 2007A Bonds and the Series 2007B Bonds (collectively, the “Amended Series 2007 Bonds”) to be paid or redeemed prior to maturity from Assessments to be imposed upon Third-Party Owners thereafter, the cancellation of the Series 2007A Bonds and the 2007B Bonds which are not restructured and amended (the “Cancelled Bonds”), and the reduction and cancellation of the portion of the Assessment A and Assessment B relating to the Cancelled Bonds, all of which modifications require the consent and approval of the County as a party to the Multi-Party Agreement and the Original Indenture;

(h) There have been filed with the Clerk to Council forms of the Multi-Party Agreement, a Second Supplemental Trust Indenture between the County and the Trustee (the “Second Supplemental Trust Indenture”) and an updated Assessment Roll, including an updated Rate and Method of Apportionment of Assessments (collectively, the “Updated Assessment Roll”), which Updated Assessment Roll contemplates (i) the modifications of the Original Assessment Roll described in the Multi-Party Agreement, the restructuring and amendment of the Amended Series 2007 Bonds and cancellation of the Cancelled Bonds contemplated by the Second Supplemental Trust Indenture as described above, (ii) the reduction and cancellation of the portion of the Assessment A and Assessment B relating to the Cancelled Bonds, and (iii) the existence and ownership of the parcels in the Development as of _____, 2021; the Council finds, however, that certain changes in said documents may be needed prior to the completion of these amendments and modifications and execution of such documents such that it will be in the best interest of the County to delegate to the Chairman of Council, the County Administrator and the County Attorney, or any one of them, the legal authority to determine those matters including the authority to approve the final form of the documents necessary to effectuate the issuance, exchange and cancellation (as applicable) of the Series 2007 Bonds; and

(i) Based on information presented to the County and the above findings, the County believes that the successful development of the Development, and the repayment of the holders of any of the Series 2007 Bonds, is unlikely without the intervention and assistance of the County, including the restructuring, amendment and cancellation (as applicable) of the existing Series 2007 Bonds and the approval, execution and delivery of the Multi-Party Agreement and the Updated Assessment Roll.

Section 2. Approval of Multi-Party Agreement and Delegation of Authority.

The form, terms and provisions of the Multi-Party Agreement, a copy of which is attached hereto as Exhibit A and filed with the Clerk to Council, be and hereby is approved. The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver the Multi-Party Agreement, with such changes or revisions as are permitted hereby, in the name of and on behalf of the County. The County Administrator with advice from the County Attorney is hereby authorized to approve such changes in the form, terms and provisions of the Multi-Party Agreement as may be necessary or advisable in connection with the transactions contemplated hereby and thereby. The County Administrator's execution and delivery of the Multi-Party Agreement shall constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the Multi-Party Agreement attached hereto as Exhibit A. Any amendments to the Multi-Party Agreement shall be executed in the same manner.

Section 3. Approval of Second Supplemental Trust Indenture, Exchange and Cancellation of Series 2007 Bonds and Delegation of Authority.

The form, terms and provisions of the Second Supplemental Trust Indenture, a copy of which are attached hereto as Exhibit B and filed with the Clerk to Council, be and hereby are approved. The Chairman of the Council is hereby authorized, empowered and directed to execute, acknowledge and deliver, and the Clerk to Council is hereby authorized, empowered and directed to attest the Second Supplemental Trust Indenture and the Amended Series 2007 Bonds to be executed thereunder in exchange for the existing Series 2007A Bonds and Series 2007B Bonds, respectively, with such changes or revisions as are permitted hereby, in the name of and on behalf of the County. The Chairman of the Council and the County Administrator with advice from the County Attorney are hereby delegated the authority to approve such changes in the form, terms and provisions of the Second Supplemental Trust Indenture as may be necessary or advisable in connection with the transactions contemplated hereby and thereby. The Chairman's execution and delivery of the Second Supplemental Trust Indenture shall constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the Second Supplemental Trust Indenture attached hereto as Exhibit B. Any amendments to the Second Supplemental Trust Indenture shall be executed in the same manner. The Chairman of the Council and the County Administrator are further authorized, empowered and directed to exchange or cancel the Series 2007 Bonds as contemplated by the Second Supplemental Trust Indenture and described above.

Section 3. Approval of 2021 Assessment Roll; Amendment of Original Assessment Roll and Approval of Updated Assessment Roll and Substitution for 2021 Assessment Roll.

The County Council hereby approves, confirms and adopts the updated 2021 Assessment Roll as attached hereto as Exhibit C. Notwithstanding the forgoing, the County Council further approves and confirms the Updated Assessment Roll attached hereto as Exhibit D, and hereby approves the amendment and replacement of the Original Assessment Roll through the approval of the Updated Assessment Roll, which Updated Assessment Roll shall constitute the assessment roll within the meaning of the Act reflecting the names of the persons within the Improvement District, whose properties are to be assessed for Assessment A and Assessment B (as further described in the Updated Assessment Roll) and the amounts to be assessed against their respective properties with a brief description of the lots or parcels of land assessed; provided, however, that the approvals in this ordinance (including this Section 3) and the replacement of the Original Assessment Roll in its entirety with the Updated Assessment Roll, are contingent upon the issuance, exchange and cancellation of the Series 2007 Bonds as described in Section 2. In the event the Series 2007 Bonds are not issued, exchanged and cancelled as described in Section 2, the Updated Assessment Roll shall be disregarded and reliance upon the Original Assessment Roll (as annually updated in accordance with their terms and the County's current practice, including as updated by the 2021 Assessment Roll) shall be continued.

Contemporaneous with or promptly following the issuance, exchange and cancellation of the Series 2007 Bonds as described above, the Updated Assessment Roll shall be filed in the Office of the Clerk of Court of the County, and from the time of filing the assessments impressed in the Updated Assessment Roll constitute and are liens on the real property against which they are assessed superior to all other liens and encumbrances, except the lien for property taxes, and must be annually assessed and are collected with the property taxes on it. The Updated Assessment Roll may also be filed in such other public records as the County Administrator may determine.

Section 4. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to take such actions and do any and all things necessary or desirable in connection with the issuance, cancellation and exchange of the Series 2007 Bonds and the amendments to the Original Assessment Roll and Master Indenture described herein, including the execution and delivery of any agreements, certificates, tax certificates, directions or other documents authorized or contemplated herein or in the agreements or documents approved herein, to effect the purposes of this ordinance.

Section 5. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 6. Controlling Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 7. Effective Date.

This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John K. DuBose III, County Attorney

First Reading:	August 23, 2021
Second Reading:	September 13, 2021
Public Hearing:	September 13, 2021
Third Reading:	September 27, 2021

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Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Whether to appoint Kylie Craig to the Health and Wellness Commission as the District 7 representative. If appointed, Ms. Craig would be serving her first term that would expire on 06/30/2025.

Points to Consider:

Kylie Craig's application is attached for Councils review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the appointment.

Recommendation:

Approve the appointment.

ATTACHMENTS:

Description	Upload Date	Type
Application from Kylie Craig for the Health and Wellness Commission	8/17/2021	Backup Material

**LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE**

Name Kylie Craig County Council District 5

Mailing Address _____ City/Zip Lancaster, 29720

Street Address _____ Registered Voter yes ☒ no ☐

Tel. Number (home) _____ (work) _____ (other) _____

Email: kcraig@lanastercoa.org

Occupation Volunteer Coordinator Place of employment Lancaster County Council on Aging

Address 309 S Plantation Rd, Lancaster, SC, 29720 Normal working hours 8a-5p
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Lancaster County Health and Wellness 2nd choice _____

3rd choice _____

Reason for interest

I am the new volunteer coordinator for Lancaster County Council on Aging and would like to get involved in as many community initiatives as possible.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

I have 5+ years of experience in senior care both physically, mentally, and spiritually. I have worked in various settings that required knowledge of total wellness; physical health, nutrition, physical activity, brain health, and mental health. I most recently have worked as the Director of Memory Care for a senior living company in which I oversaw clinical, physical, and emotional needs of residents in our care. I have a Bachelor's in Exercise Physiology and a Master's in Gerontology. I also hold 2 national certifications in dementia education and am able to teach courses regarding dementia care across the country.

Do you presently serve any State, County or Municipal Boards? No If yes, list _____

Have you ever served on a county board? No If yes, list _____

Additional pertinent information

Applicant's signature  Date 08/05/2021

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/ Administration and Sheriff Barry Faile/ Lancaster County Sheriff's Office

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

To provide an opportunity for public Comment for the 2021 U.S. Department of Justice Edward Byrne Justice Assistance Grant.

Points to Consider:

This is an annual federal grant to the Sheriff's Office that is a 100% grant. No local match is required.

As part of the process at a regularly scheduled County Council meeting we must ask for public comment on the requested grant items. Please note this is not a formal public hearing but merely an opportunity to allow the public to comment.

Funding and Liability Factors:

The 2021 grant is in the amount of \$20,870. Both the JAG Budget and Budget Narrative are attached. Also attached is the annual certification that I must complete on behalf of the Sheriff's Office and Lancaster County.

Council Options:

N/A This is a 100% grant and no formal Council action is required. We do need to make sure that the Public Comment period is noted in the Council minutes. Of course, Council members may certainly speak on the proposed budget.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
JAG Budget	8/11/2021	Exhibit
JAG Program Narrative	8/11/2021	Exhibit
JAG - County Certifications	8/11/2021	Exhibit

Tracking Device	1	2800.00
Gloves	2	2800.00
Guardian Lights	20	2000.00
Forensic Software	1	7000.00
Flock Safety Camera	1	2750.00
Office Furniture & Supplies	1	3520.00

Total \$20,870

2021 JAG BUDGET

Program Narrative

Like many other agencies across South Carolina and the nation, the Lancaster County Sheriff's Office has been impacted by the tough current economic conditions and the increase of crime. As we are all aware, the need for more thorough investigations is at an all-time high. With that need comes more equipment and "tools" to provide to those investigators to perform their duties. Local Law Enforcement is mandated to perform more and more functions and as a result, the Lancaster County Sheriff's Office has been forced to do more with less. Below is a list of equipment needs, which will be obtained with the funds by this grant.

Investigations Unit Equipment Enhancements:

Tracking Device to track, monitor and record a possible target/suspect.

Gloves used when needing less lethal options to carry out officers arrest capabilities. These gloves are non-threatening and de-escalating approved. The technology in these gloves can help decrease risk and liability while creating a more amiable environment between the general population and law enforcement.

Guardian Lights are wearable lights to help keep the investigators safe with visibility and versatility. The amount of danger present in certain situations can get compounded by darkness and these safety lights will assist with that issue.

Forensic Software to be used to lean the fundamentals of image and video analysis and the issues faced when using digital multimedia evidence in investigations. This also included training for one officer and the software.

Flock Safety Cameras will assist in working together to eliminate crime, protect property and mitigate bias in neighborhoods, hot spot locations, communities, businesses and law enforcement. Being able to get data to solve a crime immediately will assist with fleeing suspects.

Office Furniture & Supplies to be used in investigations to provide desk, chair, computer workspace and etc. for investigations during this enhancement project.

In conclusion, it is with great appreciation that these direct grant funds are being made available to the Lancaster County Sheriff's Office. These funds will be used to purchase much needed equipment so that we can provide the tools needed for our Investigators so that they can perform their job duties.

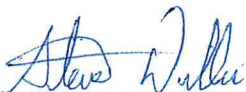
**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2021 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2021 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.



Signature of Chief Executive of the Applicant Unit of
Local Government

STEVE WILLIS

Printed Name of Chief Executive

LAWCASTER COUNTY, SOUTH CAROLINA

Name of Applicant Unit of Local Government

AUGUST 23, 2021

Date of Certification

COUNTY ADMINISTRATOR

Title of Chief Executive

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis / Administration

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Council must advise staff on whether you wish to leave group quarters (nursing homes, prisons, etc.) in their Census Tract or remove them from the count.

Points to Consider:

Council may elect to leave group quarters in the Census Tract where they are located or remove them from the count.

Lancaster County does not have a significant population in group quarters, with only four Census Tracts above 100 residents. They are:

Tract 102.01 - Kershaw Correctional location - 1,311 residents

Tract 109 - Morningside and White Oak - 160 residents

Tract 110.01 - Lancaster Rehab - 157 residents

Tract 110.02 - Detention Center - 104 residents

Only 5 other Census Tracts have any residents and those are all double or single digits.

Funding and Liability Factors:

N/A

Council Options:

Leave group quarters residents in their Census Tract or remove them from the count. This is an "all or none" situation in that you cannot do this only for a single Census Tract.

Recommendation:

As Council elected to do in 2011, the staff recommendation is to just leave this alone and count those residents in their Census Tract. Countywide these residents are only 1.98% of the total population count.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis / Administration

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

The FAA has transmitted us the form where we can apply for an Airport Rescue Grant in the amount of \$32,000. This is a formula grant and is not a competitive grant.

Points to Consider:

From the FAA:

As announced by the Secretary of Transportation on June 22, 2021, your airport is eligible for funds under the American Rescue Plan Act 2021 (Public Law 117-2) (ARPA). The purpose of these funds is to provide economic relief to airports in response to the COVID-19 pandemic. The FAA will distribute these grants under the new Airport Rescue Grant Program (ARGP).

Accepting an ARGP grant does not affect your ability to receive Airport Improvement Program grants.

The attached Application for Federal Assistance (OMB SF-424) is prepopulated with general airport information for your airport. These funds are to be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

It has been suggested by Ken Holt, our Airport Engineer, that we consider using the funds to replace General Funds allocated towards Airport Operations. This would free up General Fund money for other purposes. Two potential uses, to be decided upon once the grant funds are received, are the acquisition of a 6 passenger golf cart for passenger transportation at the Airport and to meet the Local Grant Match for the Airport Terminal project. Again, that is not something to determine at this time.

Funding and Liability Factors:

\$32,000 in federal grant funds. This is a 100% grant.

Council Options:

Not applicable at this time. The form is to request the full grant package. Once received we will so advise Council. I have authorized Airport Manager Paul Moses to request the grant package.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
FAA Grant Request Form	8/10/2021	Exhibit

Application for Federal Assistance SF-424			
*1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application		*2. Type of Application * If Revision, select appropriate letter(s): ☒ New ☐ Continuation *Other (Specify) _____ ☐ Revision	
*3. Date Received: NA		4. Applicant Identifier: LKR (Lancaster County-Mc Whirter Field) Lancaster, SC	
*5b. Federal Entity Identifier: 45-0034		*5b. Federal Award Identifier:	
State Use Only:			
6. Date Received by State:		7. State Application Identifier:	
8. APPLICANT INFORMATION:			
*a. Legal Name: County of Lancaster			
*b. Employer/Taxpayer Identification Number (EIN/TIN): 57-6000370		*c. Organizational DUNS: 08-686-6944	
d. Address:			
*Street 1: <u>286 Aviation Blvd.</u> Street 2: _____ *City: <u>LANCASTER</u> County/Parish: _____ *State: <u>SC</u> Province: _____ *Country: <u>USA: United States</u> *Zip / Postal Code <u>29730</u>			
e. Organizational Unit:			
Department Name:		Division Name:	
f. Name and contact information of person to be contacted on matters involving this application:			
Prefix: _____ *First Name: <u>Paul</u>			
Middle Name: _____			
*Last Name: <u>Moses</u>			
Suffix: _____			
Title: Airport Manager			
Organizational Affiliation:			
*Telephone Number: 803-285-1513		Fax Number:	
*Email: pmoses@lancastercountysc.net			

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

NA

Title:

NA

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$32,000 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

*a. Applicant: 5

*b. Program/Project: 5

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: NA

*b. End Date: NA

18. Estimated Funding (\$):

*a. Federal	\$32,000
*b. Applicant	\$0
*c. State	\$0
*d. Local	\$0
*e. Other	\$0
*f. Program Income	\$0
*g. TOTAL	\$32,000

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on ____.
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: Paul

Middle Name: _____

*Last Name: Moses

Suffix: _____

*Title: Airport Manager

*Telephone Number: 803-285-1513

Fax Number:

* Email: pmoses@lanastercountysc.net

*Signature of Authorized Representative:

*Date Signed:

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis / Administration

Department: Administration

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

At the time the the agenda was prepared we do not have an update on potential acquisition of PAPR (Powered Air Purifying Respirators) for EMS and the Coroner's Office or final costs on the glass barriers.

Points to Consider:

This is to save space on the agenda in case we have this information prior to the County Council meeting.

Funding and Liability Factors:

Unknown at this time.

Council Options:

N/A

Recommendation:

N/A

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1728 / Planning Case Number: UDO-TA-2020-2957 - DEFERRED

Contact Person / Sponsor: Robert Tefft, Senior Planner

Department: Planning

Date Requested to be on Agenda: 8/23/2021

Issue for Consideration:

Amend Unified Development Ordinance (UDO) Section 2.5.3, Section 5.5.12, Section 5.12.3 and Section 5.12.4 to modify those zoning districts in which an outdoor shooting range is a permissible use and to modify those regulations concerning how an outdoor shooting range may be permitted, as well as providing for turkey shoots as a temporary use in certain zoning districts and the standards by which turkey shoots may be approved.

The intent of the proposed ordinance is to expand opportunities where shooting may occur and to specifically address turkey shoots, which had been omitted from the 2016 UDO.

Points to Consider:

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

Section 2.5.3, Use Table: Amend to allow Shooting Range, Outdoor as a permissible use in the Rural Residential (RR), Rural Neighborhood (RN) and Open Space Preservation (OSP) Districts, subject to approval of a special exception permit, and to remove the use from the Light Industrial (LI) and Heavy Industrial (HI) Districts.

Section 5.5.12, Shooting Range, Outdoor: Amend to revise the various standards for the use, including: expanding upon how the use may be approved in certain zoning districts; replacing the existing buffering and separation requirements with an enhanced setback requirement; and providing greater clarity to the other various provisions.

Section 5.12.3, Temporary Uses Limited to Specific Districts: Amend to allow Turkey Shoots as an allowable temporary use all zoning districts other than the PDD unless specifically allowed for as part of the PDD Ordinance or associated Development Agreement. There would be no maximum duration for each turkey shoot temporary use.

Section 5.12.4, Temporary Uses with Specific Requirements: Amend to state that turkey shoots shall be subject to compliance with S.C. Code Section 16-23-440, as amended, regarding discharging firearms. No further requirement or regulation is proposed.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the proposed text amendment.

Recommendation:

At its meeting of March 16, 2021, the Planning Commission voted 5-2 (Neely and Jones against) to recommend **approval** of the proposed text amendment. The Commission did suggest that further fine tuning of the ordinance may be needed by County Council. Several member of the public spoke on the proposed amendment with comments including, but not limited to, the 1/2 mile setback being excessive; that the hours of operation needing to be adjusted; reference to external documents; and separation distance needing to be clarified. The version of the text amendment attached addresses the concerns of the Planning Commission, as well as those expressed concerns of the public.

Staff recommends approval of the text amendment.

