



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

RICHARD CRANDALL, DISTRICT 1
T. YOKIMA CURETON, DISTRICT 2
LYNETTE HINSON, DISTRICT 3
JUDIANNA TINKLENBERG, DISTRICT 4
CHAIR: MICHELLE RICHARDS, DISTRICT 5
SHEILA HINSON, DISTRICT 6
FRANCES LIU, DISTRICT 7
SECRETARY: MARA MATA

**AMENDED MINUTES
Lancaster County Planning Commission
May 19, 2026, 6:00 p.m.**

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

1. Roll Call: Quorum is present (6 Commissioners)

Commissioners Present:

Richard Crandall, District 1
Lynette Hinson, District 3
Michelle Richards, Dist. 5

T. Yokima Cureton, District 2
Judianna Tinklenberg, Dist. 4
Sheila Hinson, Dist. 6

Absent: Frances Liu, Dist. 7

Staff Present:

Shannon Catoe, Zoning Director
Matthew Blaszyk, Planner
Jennifer Bryan, Planning Technician
Ginny Merck-Dupont, County Attorney

Corey Barnes, Planner
Kirsten Willis, Planner
Mara Mata, Administrative Assistant

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

Chairman Richards welcomed and introduced Mr. Richard Crandall, District 1.

a. Prayer and Pledge of Allegiance..... Michelle Richards

THE FOLLOWING IS A SUMMARY OF PROCEEDINGS. IT IS NOT A VERBATIM TRANSCRIPT.

2. APPROVE AGENDA

Chairman Richards called for a motion to approve the Agenda.

Motion to Approve by Y. Cureton; 2nd by L. Hinson.

Called Vote: 6:0. Motion approved unanimously.

3. **APPROVE MINUTES**

a. **April 21, 2026 Regular Minutes**

Chairman Richards called for a motion to approve April 21, 2026 Regular Minutes as written. Motion to Approve by Y. Cureton; 2nd by J. Tinklenberg.

Discussion:

Chairman Richards shared that Commissioner Liu emailed in a comment to remove the “unanimous” at the end of the vote for **NRN-2026-0417 Legacy Pointe Place** on page 10 of the meeting minutes, and is page 13 of the packet.

Motion to amend minutes to remove “unanimously” from the vote on **NRN-2026-0417 Legacy Pointe Place** by Y. Cureton; 2nd by J. Tinklenberg.

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

Motion to Approve amended minutes by Y. Cureton; 2nd by S. Hinson.

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

Chairman Richards opened the floor to comments from the public.

4. **CITIZEN’S COMMENTS** [see Sign-In sheet attached]

No citizens signed up to speak.

5. **PUBLIC HEARING ITEMS FOR PLANNING COMMISSION DECISION**

a. **SD-2026-0834 Melanie Lane/Barberville Commercial:**

Application by Moody Group/Jan Ringeling on behalf of Barberville Developers LLC and Martin Senior and Associates LLC for a Preliminary Plat for parcels totaling 9.74 acres located at the northwest corner of Barberville Road and Fort Mill Highway (TM #s 0006-00-057.00, 0006-00-058.00, 058.02, 058.03), in order to create a multi-parcel commercial development with central shared access.

Staff Presentation: Shannon Catoe presented the application consistent with the staff report.

Staff Recommendations: Approval.

Questions To Staff:

Commissioner Tinklenberg and Shannon Catoe discussed the TIA submitted with this project. Shannon Catoe shared that the developers will have a new TIA created for another phase that requires it for review. Commissioner Tinklenberg shared her concerns over not being able to consider accurate traffic concerns for this project.

Chairman Richards and Shannon Catoe discussed the different zoning districts within this commercial development and the stormwater infrastructure. The history of the parcel was

also discussed. Chairman Richards shared that she had walked the site and had concerns over the current infrastructure being connected to the full development. Shannon Catoe shared that Stormwater and Lancaster County Water and Sewer District will review construction plans and conduct inspections in another review phase.

Chairman Richards and Corey Barnes discussed the Planning department's Public Hearing notification signs placed on the parcel.

Commissioner Crandall and Shannon Catoe discussed the north bound turning lane in the TIA. Shannon Catoe shared that the turn lane belongs to the other parcel on this commercial development. He shared concerns over the plat's accuracy as this project would need more right of way for the turn lane. They also discussed the stormwater infrastructure in relation to the parcel's elevation.

Comment From Applicant(s):

Dan Ballou (Rock Hill) introduced himself and is here on behalf of the applicant. He shared that he understood the Commission had questions regarding the history of this project, and states that they have consulted with Staff throughout the project and complied with all of the County's requests. He shared that this parcel is appropriate for this development and that no more right of way will be needed for the turn lane.

Jan Ringeling (Monroe) introduced herself with Moody Group and shared that the developers would comply with the respective zoning district standards in both parcels. The applicant has also consulted with SCDOT regarding property access, and shared that they want to address any concerns that are shared.

Questions From Commissioners:

Commissioner Cureton and Jan Ringeling discussed the previous history of this development and neighborhood meetings.

Matt Birmingham (Indian Land) introduced himself as the civil engineer and shared that the stormwater infrastructure had been built when this development had been one project and accounted for future building.

Dan Ballou shared that multiple reviews were done by the Technical Review Committee, County Engineer, and Lancaster County Water and Sewer District.

Public Hearing: (See attachments: Sign-in Sheets)

Chairman Richards summarized the 3 email comments that were submitted.

1. Jeannine Clifton (Indian Land) shared concerns over the history of the project, construction damage, and changes in site plans.
2. Keri Baker (Indian Land) shared concerns over the current site plan and future traffic caused by this development.
3. Cody Hinton (Indian Land) shared concerns over the trees being removed and UDO regulations regarding buffers.

4. Thomas Haskinson (Indian Land) shared concerns over the trees being removed and UDO regulations regarding buffers.
5. Jarod Calhoun (Indian Land) shared concerns over the cell tower on the property and applicable UDO regulations.
6. Geoff Larson (Indian Land) shared concerns over the history of the project, current building permits, and Melanie Lane.
7. Andrea Mazullo (Indian Land) shared concerns over possible UDO violations and Melanie Lane.
8. Shannon Hankinson (Indian Land) shared concerns over the lack of buffer between the residential area and the commercial development.
9. Jerry Carter (Indian Land) shared concerns over the TIA and future traffic caused by the development.
10. Charles Anthony (Indian Land) shared concerns over possible approval of this project by the Commission and Melanie Lane.
11. Ann Gebel (Indian Land) shared concerns over the current construction disrupting the residents and lack of buffer.

Applicant Rebuttal:

Dan Ballou shared that he understood the concerns of the public and that they are complying with the County's rules. While the public may believe there have been UDO violations, they have complied with the UDO and no viable evidence has been provided of a violation. The parcel is zoned for commercial use and the County's Comprehensive Plan lists this area for neighborhood commercial use. He shares that the County and SCDOT agreed that they are currently in compliance, and the developer has been in contact with Staff for guidance through the entire process.

Jan Ringeling shared that Staff has been monitoring them for compliance. She also stated, for the record, "We don't have any-We don't have anything going into the neighboring property. That was one of the comments. That's-I've heard several comments, that I can't even recall to rebuttal, but...I think he covered most of it. We've tried to line ourselves up with what the allowed uses are. Anything that has to come through here will be-have to go through approval process, will have to meet the TIA requirements. Ev-All we're doing now is subdividing literally the plat that we have...so that's all unless you have questions."

Chairman Richards closed Public hearing and called for a motion on item **SD-2026-0834 Melanie Lane/Barberville Commercial**.

Motion to approve by J. Tinklenberg; 2nd by M. Richards.

Discussion:

Commissioner Tinklenberg shared that this project is within her district and discussed the history. She is concerned about being unable to review the updated TIA for this parcel. She read aloud from UDO section 4.3.2A and Appendix B, and does not believe this project meets those requirements and does not want to approve a project she is unable to

fully review. She calculated the proposed buildings and found that they exceeded the 40,000 Highway Corridor gross area.

Jan Ringeling shared that this project has been pushed back several times and they were deferred at the first hearing. They addressed the issues that they were told of and were given direction from the County. She also explained that the parcels will be sold and the buildings would not exceed 40,000 sq feet. Commissioner Tinklenberg explained that it is the gross sq foot area for the entire development.

Chairman Richards and Jan Ringeling discussed Melanie Lane being built, the sites setbacks, and proposed buffers for this project.

Chairman Richards also shared that the Highway Corridor Overlay District requires open space for the whole subdivision, not per lot, and noted that the cell phone tower was not accessible open space. Jan Ringeling explained that the open space would be designed to have pathways and other amenities that she was not aware needed to be depicted on this plat. Chairman Richards voiced concerns over developers following through on their plans they shared with the Commission. She also did not agree with the TIA.

Commissioner Crandall and the applicants discussed the history of this project and whether changing to a different buffer type would be possible to benefit the neighbors. The fall area for the cell tower was depicted on the survey and will not be buildable. Commissioner Crandall and the applicants discussed the updated TIA and Melanie Lane. Staff explained that prior to a final plat being approved, infrastructure will need to be built.

Commissioner Cureton shared concerns over lack of information and is not comfortable deciding to approve this project.

Commissioner S. Hinson inquired about the lack of community outreach. Jan Ringeling shared the difficulty of the situation, explained the tree removal for the proposed intersection, and that the County interpreted the UDO and advised them through the process.

Chairman Richards inquired about the proposed intersection. Jan Ringeling replied that SCDOT was consulted and the development has a plan regarding highway 160.

Roll Called Vote: 1:5. Motion is denied. R. Crandall, L. Hinson, Y. Cureton, J. Tinklenberg, S. Hinson opposed.

Richard Crandall **AGAINST**
Lynette Hinson **AGAINST**
Michelle Richards **FOR**

T. Yokima Cureton **AGAINST**
Judianna Tinklenberg **AGAINST**
Sheila Hinson **AGAINST**

Ginny Merck-Dupont explained for the record to be correct, that the motion to approve item **SD-2026-0834 Melanie Lane/Barberville Commercial** failed, and the Commission needs to make a motion to deny and cite the ordinance violations with the evidence.

Commissioner Tinklenberg makes a motion to deny **SD-2026-0834 Melanie Lane/Barberville Commercial** based on UDO Section 4.3.2 and Appendix B, 2nd by Y. Cureton.

Discussion:

Commissioner Crandall agrees with the cited UDO sections for denial.

Roll Called Vote: 5:1. **Motion is approved.** M. Richards opposed.

Richard Crandall **FOR**
Lynette Hinson **FOR**
Michelle Richards **AGAINST**

T. Yokima Cureton **FOR**
Judianna Tinklenberg **FOR**
Sheila Hinson **FOR**

The Planning Commission has final approval of preliminary plats.

Recess taken at approximately 7:52 p.m.

Meeting resumes at approximately 8:03 p.m.

b. SD-2023-0867 Catawba Ridge (Contender):

Application by ESP Associates and Catawba Ridge Holdings LLC for a preliminary plat for 840 acres north of Great Falls Highway (TMs 0128-00-012.00 & 0126-00 048.00), for a residential community of 1,490 lots.

Staff Presentation: Matthew Blaszyk presented the application consistent with the staff report.

Staff Recommendations: Approval

Questions To Staff:

Commissioner Tinklenberg and Matthew Blaszyk discussed the Bell Tower Fire District.

Comment From Applicant(s):

Matt Mandle (Fort Mill) introduced himself from ESP Associates and explained the development team was available for questions.

Questions From Commissioners:

Commissioner Cureton and Matt Mandle discussed the egress and ingress for the development. Matt Mandle explained that the extension for Catawba Blvd will be Phase 1 and Phase 2 is the boulevard being extended to Hwy 200.

Chairman Richards inquired about the main thoroughfare.

Allison Tucker (Greenville) shared that Phase 1 is currently being constructed and Phase 2 needs to be permitted and approved. Chairman Richards shared that she lives in the area and had concerns over Bethel Boat Landing currently serving over 800 homes. She also shared concerns over Bell Tower Fire Department. Allison Tucker shared that they are working with Edgewater to construct the main thoroughfare.

The Commission and the applicants further discussed the old Springs Park and connection to the boat landing and amenities within the development.

Chairman Richards shared that some concerns with the TIA regarding topography and traffic counts. Matt Mandle shared that the TIA was reviewed and approved by SCDOT.

Chairman Richards shared for the public record, "...like I said, I...like he doesn't even have-my road is off of Bethel Boat Landing- he doesn't even-my road is not even in this- in this report, and there's thirteen licensed drivers on my road and six of us leave for work at the same time so, if you're talking 60 max on 60 cars an hour, we're ten-we're ten percent of that number not even being accounted for..."

Matt Mandle reiterated that the traffic consultant prepares and reviews this report with SCDOT and the County.

Commissioner Cureton shared that Irwin Elementary School is over capacity and inquired if this development was 55 and over. She shared concerns over the school busses, and whether the development could sequence the community prior to all homes finishing construction. Matt Mandle shared that the Catawba Blvd extension would be completed prior to the homes construction and the community would be built in phases.

Commissioner Crandall and Matt Mandle discussed the implementation of the TIA traffic mitigation recommendations. They also discussed the dedicated area for possible commercial development. Commissioner Crandall also shared concerns over the boat access road passing 35 homes and whether another route has been considered. Matt Mandle shared there has been discussion regarding the possibility. Commissioner Crandall shared that the boat landing was not just recreational but also provided food.

Public Hearing: (See attachments: Sign-in Sheets)

1. Phil Grove (Lancaster) shared concerns over the extensions Edgewater has been given to build the boulevard extension to Hwy 200 and the danger that pushing back construction has been to the community.

Applicant Rebuttal:

Matt Mandle shared that this project would help facilitate the boulevard extension.

Chairman Richards closed Public hearing and called for a motion on item **SD-2023-0867 Catawba Ridge (Contender)**

Motion to approve by Y. Cureton; 2nd by R. Crandall.

Discussion:

The Commission and the applicants discussed concerns over the one fire station.

The Commission discussed the road being built prior to the construction of homes.

Commissioner Crandall and Matthew Blaszyk discussed the impact fees for this development and Chairman Richards requested Staff confirm with the Fire Marshal if fees were being assessed and collected.

Roll Called Vote: 6:0. **Motion is approved unanimously.**

Richard Crandall **FOR**
Lynette Hinson **FOR**
Michelle Richards **FOR**

T. Yokima Cureton **FOR**
Judianna Tinklenberg **FOR**
Sheila Hinson **FOR**

The Planning Commission has final approval of preliminary plats.

County Attorney Ginny Merck-Dupont leaves at 8:29 p.m.

6. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO COUNCIL

a. RZ-2025-2390 7 Brew:

Application by HeBrews South Indian Land and Cory Pritchard to rezone a parcel of 0.525 acres at 8458 Charlotte Hwy (0013-00-016.01) from General Business (GB) to Regional Business (RB) to allow a drive-thru only coffee shop (7Brew) and associated parking.

Staff Presentation: Dr. Kirsten Willis presented the application consistent with the staff report.

Staff Recommendations: Approval

Questions To Staff:

The Commission and Dr. Kirsten Willis discussed nearby businesses.

Comment From Applicant(s):

Alan Mosley (Indian Trail) with BL Companies explained that the lots need to recombine to have more buildable area but cannot do so until the zoning districts match.

Questions From Commissioners:

The Commission had no questions or concerns to share.

Public Hearing: (See attachments: Sign-in Sheets)

No citizens signed up to speak.

Chairman Richards closed Public hearing and called for a motion on item **RZ-2025-2390 7 Brew**

Motion to approve by L. Hinson; 2nd by S. Hinson.

Discussion:

The Commission and Dr. Kirsten Willis discussed the nearby businesses.

Roll Called Vote: 6:0. **Motion is approved unanimously.**

Richard Crandall **FOR**

T. Yokima Cureton **FOR**

Lynette Hinson **FOR**

Judianna Tinklenberg **FOR**

Michelle Richards **FOR**

Sheila Hinson **FOR**

The item will be referred to County Council for final decision, and applicant will be informed of time and date.

b. RZ-2026-0503 Dr. Ramesh:

Application by Dr. Kumari Ramesh to rezone a parcel of 7.09 acres at 7319 Charlotte Hwy (0016-00-048.00) from Low Density Residential (LDR) to Neighborhood Business (NB) to allow commercial development (offices and community center).

Staff Presentation: Dr. Kirsten Willis presented the application consistent with the staff report.

Staff Recommendations: Approval

Questions To Staff:

Commissioner Tinklenberg and Dr. Kirsten Willis discussed whether a future road realignment at the intersection of Six Mile Creek and with Van Wyck Road would affect the Charles Pettus entrance of this site.

Commissioner Crandall shared that the current home on the property was non-conforming according to UDO Chapter 9, and what the intentions were for it. Dr. Kirsten Willis shared that if this rezoning passes, the home could no longer be a residence.

Comment From Applicant(s):

Dr. Kumari Ramesh (Waxhaw) introduced herself and her credentials. She shared that she would like to provide medical services for the growing elderly population and would like to give back to the community that supported her when she had her practice.

Questions From Commissioners:

The Commission had no questions or concerns to share.

Public Hearing: (See attachments: Sign-in Sheets)

No citizens signed up to speak.

Chairman Richards closed Public hearing and called for a motion on item **RZ-2026-0503 Dr. Ramesh**

Motion to approve by Y. Cureton; 2nd by L. Hinson.

Discussion:

Commissioner Tinklenberg shared concerns on if this development would be compatible with the nearby uses. She also shared concerns over the traffic and speeding from the highway, and inquired if the primary entrance would be from Charles Pettus. Dr. Kirsten Willis replied that SCDOT would decide if they would continue to allow access from Charlotte Hwy. Corey Barnes explained that SCDOT would also take into consideration the fact that this parcel is within the Highway Corridor Overlay.

Roll Called Vote: 6:0. **Motion is approved unanimously.**

Richard Crandall **FOR**

T. Yokima Cureton **FOR**

Lynette Hinson **FOR**

Judianna Tinklenberg **FOR**

Michelle Richards **FOR**

Sheila Hinson **FOR**

The item will be referred to County Council for final decision, and applicant will be informed of time and date.

c. RZ-2026-0725 Pettus:

Application by Gary Pettus to rezone a parcel of 8.001 acres off Aero Lane (portion of 0041-00-004.00) from Institutional (INS) to Rural Residential (RR) to allow for a residence.

Staff Presentation: Jennifer Bryan presented the application consistent with the staff report.

Staff Recommendations: Approval.

Questions To Staff:

The Commission had no questions or concerns to share.

Comment From Applicant(s):

Leigh Pettus (Indian Land) shared that her husband and herself are both pilots and would like to live where they can view flights take off or easily take a flight themselves. She also shared the relationship they had made with the owner of the airstrip who sold them the property.

Questions From Commissioners:

The Commission had no questions or concerns to share.

Public Hearing: (See attachments: Sign-in Sheets)

No citizens signed up to speak.

Chairman Richards closed Public hearing and called for a motion on item **RZ-2026-0725 Pettus**

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

Discussion:

The Commission had no questions or concerns to share.

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

The item will be referred to County Council for final decision, and applicant will be informed of time and date.

d. RZ-2026-0736 Justin's Tree Service:

Application by Brandon Roope and Billy & Jane St. Clair on behalf of Justin's Tree Service to rezone a parcel of 6.08 acres at 9595 Yarborough Rd (0007-00-014.01) from Professional Business (PB) to Regional Business (RB) to allow commercial development for a tree service business.

Staff Presentation: Jennifer Bryan presented the application consistent with the staff report.

Staff Recommendations: Approval.

Questions To Staff:

Commissioner Tinklenberg shares that this is in her district and inquired about the disturbances this business may cause, she did not know if this needed to be addressed to Staff or the applicant.

Comment From Applicant(s):

Brandon Roope and Justin Roope (Charlotte) shared that the primary use will be to store the equipment, they would leave in the morning and travel back in the afternoon, and there would be no burning on site.

Public Hearing: (See attachments: Sign-in Sheets)

No citizens signed up to speak.

Chairman Richards closed Public hearing and called for a motion on item **RZ-2026-0736 Justin's Tree Service:**

Motion to approve by Y. Cureton; 2nd by S. Hinson.

Discussion:

The Commission had no questions or concerns to share.

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

The item will be referred to County Council for final decision, and applicant will be informed of time and date.

7. Other

- a.** The Commission and Staff discussed the cases on next month's Agenda and whether a workshop needs to be scheduled. The June workshop will not be scheduled and the Commission requested an email be sent from Staff with training materials for the types of cases on the June Agenda.
- b.** The Commission and Staff discussed an update on the Impact Fee Study, the Comprehensive Plan, and the Housing Committee.

8. ADJOURN

Motion to adjourn by J. Tinklenberg; 2nd by S. Hinson.

Motion approved by unanimous consent.

Meeting adjourned at 9:06 p.m.

ATTACHMENT:

Sign-In Sheets

SIGN IN ONLY IF YOU WISH TO SPEAK



**PLANNING COMMISSION
Public Hearing Sign In Sheet**

MR
5/19/26

Item 4: CITIZEN'S COMMENTS

General Comments or comments on matters not on tonight's agenda.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, May 19, 2026

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

**THIS SIGN IN IS ONLY FOR MATTERS NOT ON
TONIGHT'S AGENDA.**

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MB2
5/19/26

**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 5a: SD-2026-0834 Melanie Lane/Barberville Commercial

Application by Moody Group/Jan Ringeling on behalf of Barberville Developers LLC and Martin Senior and Associates LLC for a Preliminary Plat for parcels totaling 9.74 acres located at the northwest corner of Barberville Road and Fort Mill Highway (TM #s 0006-00-057.00, 0006-00-058.00, 058.02, 058.03), in order to create a multi-parcel commercial development with central shared access.

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PLEASE PRINT

✓	1. Jeannine Clifton	hand out	against
✓	2. Keri Baker		against
✓	3. Cody Hinton		against

SIGN IN ONLY IF YOU WISH TO SPEAK

✓	4.	Geoff Larson Thomas Haskinson	against
✓	5.	Thomas Haskinson Jarod Calhoun	against
✓	6.	Jarod Calhoun Geoff Larson	against
✓	7.	Andrea Mazullo	against
✓	8.	Shannon Hankinson	against
✓	9.	Jerry Carter	against
✓	10.	Charles Anthony	against
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✓ MAR
5/19/26

**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 5b: SD-2023-0867 Catawba Ridge (Contender):

Application by ESP Associates and Catawba Ridge Holdings LLC for a preliminary plat for 840 acres north of Great Falls Highway (TMs 0128-00-012.00 & 0126-00 048.00), for a residential community of 1,490 lots.

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MB2
5/19/26

**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 6a: RZ-2025-2390 7 Brew

Application by HeBrews South Indian Land and Cory Pritchard to rezone a parcel of 0.525 acres at 8458 Charlotte Hwy (0013-00-016.01) from General Business (GB) to Regional Business (RB) to allow a drive-thru only coffee shop (7Brew) and associated parking.

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MBR

5/19/26

**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 6b: RZ-2026-0503 Dr. Ramesh

Application by Dr. Kumari Ramesh to rezone a parcel of 7.09 acres at 7319 Charlotte Hwy (0016-00-048.00) from Low Density Residential (LDR) to Neighborhood Business (NB) to allow commercial development (offices and community center).

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YMBZ
5/19/26

**PLANNING COMMISSION
Public Hearing Sign In Sheet**

Item 6c: RZ-2026-0725 Pettus:

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MRB2
5/19/26

**PLANNING COMMISSION
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ATTACHMENT:

Citizen's Comments Received before
5-19-2026 Planning Commission Meeting

Email Comment: Marissa Markham



Outlook

[Draft] Re: Concerns Regarding Proposed Gas Station and UDO Compliance Near Residential Community (Overlook at Barber Rock)

From mmata@lanastercountysc.gov
Draft saved Tue 5/19/2026 10:21 AM
To Planning Mailbox <planning@lanastercountysc.gov>

From: J & M Markham · [REDACTED]
Sent: Monday, May 18, 2026 8:51 PM
To: Planning Mailbox <planning@lanastercountysc.gov>; Planning Mailbox <planning@lanastercountysc.gov>
Subject: Concerns Regarding Proposed Gas Station and UDO Compliance Near Residential Community (Overlook at Barber Rock)

Planning Department,

I am a new resident of The Overlook at Barber Rock and am writing to express serious concerns regarding the potential approval of a gas station and related commercial development immediately adjacent to our residential community.

While I am not opposed to responsible commercial development, I strongly believe developers must comply fully with Lancaster County's Unified Development Ordinance (UDO), especially when development directly impacts established neighborhoods.

The possibility of placing a gas station so close to homes raises significant concerns related to traffic congestion, safety, noise, lighting, environmental impacts, stormwater runoff, air quality, and declining residential property values. These concerns are compounded by the ongoing pattern of apparent UDO violations and procedural shortcuts associated with this development.

As previously stated during earlier meetings, this project appears to improperly avoid the required Major Subdivision process. UDO Ch. 9.2.10A.1 clearly states that the Minor Subdivision process is only available when divisions do not increase the number of lots within a previously approved subdivision. The Barberville property was approved in May 2024 to be divided from one parcel into three parcels, and the current proposal further subdivides those parcels into four. Under the UDO, this should require the Major Subdivision process and full Council oversight.

Additionally, the development continues to conflict with important Tree Save, setback, and buffering requirements within the Highway Corridor Overlay District. UDO Ch. 4.3.2 exists specifically to preserve and enhance the visual character of the corridor, yet the property has been extensively clear-cut with little evidence of meaningful tree preservation or compliance with required buffers and setbacks. Large canopy trees that should have been preserved were removed, leaving neighboring homes exposed directly to commercial activity.

The approval of a gas station in such close proximity to residential homes would intensify these impacts and further undermine the intent of the County's development standards. Residents deserve assurance that the UDO will be enforced consistently and that developers will not be permitted to bypass protections designed to safeguard surrounding neighborhoods.

I respectfully urge the Planning Department and County leadership to fully enforce the UDO as written, require proper subdivision review procedures, and carefully consider the long-term impact this proposed development will have on nearby residents and the broader community.

Thank you for your time and consideration.

Marissa Markham

Email Comment: Jeff & Kathy Williams



[Draft] Re: Barberville 160 development

From mmata@lanastercountysc.gov
Draft saved Tue 5/19/2026 10:20 AM
To Planning Mailbox <planning@lanastercountysc.gov>

From: Jeff Williams <[REDACTED]>
Sent: Tuesday, May 19, 2026 8:43 AM
To: Planning Mailbox <planning@lanastercountysc.gov>
Cc: Planning Mailbox <planning@lanastercountysc.gov>
Subject: Barberville 160 development

Hello,

I am a property owner in the Overlook at Barber Rock neighborhood. We have watched sadly as the tree cover and natural area has been denuded on the commercial property next to our neighborhood.

We are very concerned that the traffic from that project when trying to turn left or right onto Barberville Road will be very dangerous and accident prone since any entrance will be right at the intersection of Barberville Road and SC Hwy 160.

I hear that a gas station convenience store is trying to be added to the plan. Higher traffic counts than estimated originally will surely follow.

The noise and light pollution will be impacting the quiet rural feeling we have now. Especially since no privacy is had without a berm and fencing and replanting of trees along the bordering property lines.

Convenience stores bring noise, extra traffic and 24 hours of coming and going, Also has anyone done a study on the increase in crimes both petty and major that seem inherent to a convenience store ?

The environmental impact from just the parking lot runoff from vehicles and the spilling of fuels and oils onto the pavement will be way too close to Sugar Creek. Even with SWR ponds there will be seepage over time into the soil and aquifer. Please look at the map that shows proximity to Sugar Creek.

I am asking that the developer prove that a gas station is needed there. on HWY 160 in a two miles or less drive in either direction there are FIVE convenience stores. There are plenty of places to buy fuel. Not to forget the new Costco is 4.5 miles away.

We as residents and many of our neighbors agreed.

NO CONVENIENCE STORE PLEASE.

Regards,

Jeff and Kathy Williams

Overlook at Barber Rock.

Lancaster County

Agenda Item for Discussion:	Opposition to SD-2026-0834 – Barberville Commercial Development
Meeting Date:	May 19, 2026 12:00:00 AM
Full Name	First Name: Larry & Janis Last Name: Bennett
Phone Number	[REDACTED]
Email	[REDACTED]
Address:	6495 Ancient Way Indian Land, SC 29707
Please check which meeting this comment is for:	Planning Commission Meeting
Citizen Comment - Regarding Agenda Item:	Dear Members of the Planning Commission, Since I am not able to attend the meeting this evening and being a resident of the Overlook at Barber Rock neighborhood, I am writing to raise serious concerns about the commercial development being advanced beside our community and to respectfully request denial of application SD-2026-0834 in its current form. While I am not opposed to commercial development, I strongly believe developers should be required to follow the Lancaster County Unified Development Ordinance (UDO). My opposition is based on multiple unresolved UDO compliance issues, incomplete disclosures regarding intended uses, and the significant impact this project will have on surrounding residential neighborhoods. Several major concerns remain unresolved: • The proposed access arrangement involving Melanie Drive appears inconsistent with UDO Sections 6.4.1H and 6.18.1H.1 regarding private drive access and the number of lots permitted to be served. • Multiple proposed parcels may not satisfy frontage requirements under UDO Sections 1.4.3B.4 and 1.4.3B.2, potentially creating lots that are not legally buildable as proposed. • Public marketing materials for the project reference commercial uses, including retail and fuel-related operations, that do not appear fully disclosed within the submitted application materials. If accurate, these uses may trigger additional UDO requirements that have not yet been addressed. • The site contains a cellular tower fall zone that raises compliance concerns under UDO Section 5.11.5 regarding setback control and allowable structures. • Significant tree clearing has already occurred despite UDO provisions intended to preserve buffer areas and mature trees under Sections 4.3.2L.2 and 7.1.2. • The traffic impact analysis currently on file appears outdated and may no longer satisfy the intent of UDO Section 6.8. In addition to these compliance concerns, residents remain deeply concerned about buffering, lighting, noise, traffic, and compatibility with the surrounding residential community. The existing proposal does not appear to provide meaningful protection for adjacent homeowners. For these reasons, I implore the Planning Commission to enforce the UDO as written and require the developer to follow the same standards expected of every project in Lancaster County. Ordinances exist for a purpose: to ensure agreed-upon standards are followed, protect the rights of citizens, and preserve the integrity and value of the community. Approving a project with unresolved compliance issues would undermine the very development standards the County has established and residents rely upon. Thank you for your consideration. Respectfully, Larry & Janis Bennett Resident, Overlook at Barber Rock Lancaster County, South Carolina

ATTACHMENT:

Citizen's Comments Received after
5-19-2026 Planning Commission Meeting

Robert Christian
6440 Ancient Way
Indianland, SC 29707
[REDACTED]
[REDACTED]

May 19, 2026

Lancaster County Planning Commission
c/o Lancaster County Planning Department
101 N Main Street
Lancaster, SC 29720
planning@lancastercountysc.net

RE: Opposition to Major Subdivision Application SD-2026-0834 — Melanie Lane / Barberville Commercial, 9831 & 9901 Barberville Road

Dear Members of the Planning Commission,

I am a resident of the Overlook neighborhood in Lancaster County, South Carolina, and my property directly abuts — or is in close proximity to — the development proposed under the above-referenced application. I am unable to attend the Planning Commission hearing scheduled for May 19, 2026, but I am submitting this written statement to ensure my voice and my concerns are formally entered into the record.

I am **formally and unequivocally opposed** to the approval of this application. My opposition is not based on a general dislike of development. It is based on documented violations of the Lancaster County Unified Development Ordinance, a pattern of bad faith by the developer toward this Commission and this neighborhood, and the serious and lasting harm this project — as currently proposed and as already partially constructed — poses to the people who live here.

I ask the Planning Commission to deny this application in its entirety.

I. This Is Not a New Idea — And This Commission Has Already Said No

This is not the first time this developer has brought this proposal before the Planning Commission. A prior version of this development was reviewed and rejected. At that time, the Commission directed the developer to work with the neighborhood before returning.

The developer never made a single attempt to do that. There was no neighborhood meeting. No outreach. Not one phone call.

What has returned instead is the same project — materially unchanged in its disregard for the neighborhood — but now with an expanded scope and an ask for a major

subdivision that would allow the developer to cram in what they wanted from the beginning. This Commission's prior direction was not followed. This Commission's authority was not respected. And the community it was meant to protect has been left to watch construction proceed without authorization.

II. The Application Is Administratively Ineligible for a Vote

Before the merits of this application can even be considered, there is a threshold procedural problem that must be addressed.

The minor subdivision underlying Parcel 1 — the parcel currently under construction — was found noncompliant by the County, and the County formally noticed the developer that the associated building permits were being revoked. The developer responded by filing a recombination plat. However, **UDO Section 6.2.2B** requires that any recombination plat bear a specific notation: "*Exempt pursuant to Lancaster County Unified Development Ordinance.*" That language does not appear on the recombination plat. Without it, the recombination is not a valid exempt subdivision. The building permits issued under it are invalid. No compliant minor subdivision currently exists for Parcel 1.

Because this major subdivision application does not include Parcel 1, it does not represent all parcels in this unified development. It is an incomplete application, and it is not eligible for a Planning Commission vote until it is corrected and resubmitted.

III. The Developer Advertises What They Refuse to Disclose

The filings before this Commission describe a day care, a school, and office space. That is what the paperwork says.

The developer's own public advertisements describe something very different — retail space within the same building as the school, and a gas station and convenience store within the broader development. I have seen these advertisements. Other neighbors have seen them. They have been submitted to the Commission as exhibit materials by other community members.

A gas station and convenience store appears **nowhere** in the filings before this Commission. Not in the site data table. Not on the preliminary plat. Not in any submission. And yet it is being publicly marketed as a feature of this development.

Gas station and fuel sales uses carry additional review requirements under the UDO — for setbacks, canopy standards, buffering from residential, and lighting. None of those requirements have been addressed because none of those uses have been disclosed. The Planning Commission should not approve a plat without full and honest disclosure of all intended uses, particularly those that trigger heightened review.

IV. Documented UDO Violations

The following violations of the Lancaster County Unified Development Ordinance have been documented and submitted to the Commission by neighborhood residents. I incorporate them here as part of my formal opposition.

A. Melanie Drive Cannot Connect to Barberville Road (UDO 6.4.1H)

UDO 6.4.1H prohibits direct driveway access from subdivision lots to a thoroughfare. Melanie Drive is legally certified as a private driveway in the deed records, and is defined as a driveway by SCDOT standards and South Carolina Code Section 56-6-450. Barberville Road is a thoroughfare — defined as such under the UDO and confirmed by the South Carolina Supreme Court's directive to apply ordinary dictionary meaning. At 9,300 average daily vehicle trips, it is the third busiest secondary road in Lancaster County. This connection is prohibited. No variance has been sought.

B. Melanie Drive Serves Too Many Lots (UDO 6.18.1H.1)

UDO 6.18.1H.1 limits a newly created private drive to providing access to no more than five lots. Melanie Drive is newly created and did not exist prior to the current UDO. This application proposes eight lots. No variance has been sought.

C. Multiple Parcels Cannot Legally Be Created (UDO 1.4.3B.4 and 1.4.3A.1)

UDO 1.4.3B.4 requires all lots to front upon a street right-of-way. The County's own legal opinion — from a neutral evaluator — concludes that Melanie Drive is not a street. As a result, proposed Parcels 2, 3, 4, and the Common Area do not front a street right-of-way and cannot be legally created. Additionally, Parcel 2 carries a noncompliant side lot line that fails the right-angle requirements of UDO 1.4.3A.1 relative to both Barberville Road and Melanie Drive. No variance has been sought for any of these deficiencies.

D. No Buildings May Be Erected on Parcels 2, 3, or 4 (UDO 1.4.3B.2 and 4.3.2F.1)

Because Parcels 2, 3, and 4 do not front a street, no commercial building may be erected on them. The UDO's limited exceptions do not apply — Melanie Drive is not a parking area drive aisle, and Parcel 1 is not an approved open space or park. The Highway Corridor Overlay independently requires all HCO buildings to front a public or private street or share frontage with a square or similar common open space (UDO 4.3.2F.1). Neither Melanie Drive nor Parcel 1 qualifies. Three of the eight proposed lots are legally unbuildable as drawn.

E. Cell Tower Fall Zone (UDO §5.11.5E.1, §5.11.5N)

The 154-foot cell tower on Parcel 0006-00-057.00 carries a fall zone radius of 154 feet. The UDO requires the tower owner to control the entire fall zone through ownership, lease, or recorded easement. The current lease covers only

10,000 square feet of a fall zone exceeding 74,000 square feet — a longstanding violation of both the tower's original building permit and current UDO requirements. The proposed subdivision would create at least three new property lines running through the uncontrolled fall zone. Habitable structures are prohibited within the fall zone. This application cannot be approved until the fall zone is legally controlled and the subdivision redrawn accordingly.

F. Mandatory Tree Preservation Violated (UDO 4.3.2L.2, UDO 7.1.2)

UDO 4.3.2L.2 requires all setbacks and buffer yards to be used as tree preservation areas, requires retention of large trees, and requires all canopy trees greater than 24 inches in diameter to be incorporated into the site plan. A formal written complaint documenting all of these requirements was submitted to the County on August 19, 2024 — before a single tree was removed from this property. The developer had access to that complaint and removed the trees anyway. This application contains no tree survey, no preservation plan, and explicit intent to remove what remains.

G. Expired Traffic Impact Analysis (UDO 6.8)

UDO 6.8 requires a current Traffic Impact Analysis for any subdivision or site plan. The TIA on file was prepared in 2023 and we are already beyond its projected horizon years. Staff cannot make a compliant recommendation to this Commission on the basis of an expired TIA. The application is incomplete on its face, and a new TIA must be prepared and reviewed before this application is eligible for a vote.

V. The Buffer Is Inadequate and Does Not Protect Residential Properties

The preliminary plat references a "Type B buffer per UDO 7.1.5.B.2" along the residential boundary. That reference is the entirety of the buffering information provided. No plant species. No installation sizes. No planting schedule. No density specifications.

This matters enormously because of the physical reality of this site. The building on Parcel 1 is constructed on a foundation that sits nearly six feet higher in elevation than the lowest point of our neighborhood at the property line. A ground-level buffer of small ornamental shrubs and young saplings — the typical Type B installation visible in similar projects in this area — provides no meaningful screening for an elevated commercial development. Those plantings will never reach the roofline of a building that already starts six feet above them. They will not block overhead lighting from fixtures mounted on elevated structures. They will not absorb noise from commercial activity projecting downward into our homes and backyards.

The trees this developer cleared — the trees that shook our homes when they fell, that sent parents running to call children inside from their own backyards — those trees provided real opacity at elevation. What is proposed to replace them does not.

If this Commission moves forward, I ask that any approval condition require the buffer to: (1) be specified in full, with plant species, installation sizes, and density; (2) provide immediate opacity — not future opacity when saplings mature — sufficient to screen the development at and above the six-foot elevation differential; and (3) specifically address overhead lighting and noise projection given the elevated grade of the development above the residential properties. My property sits well below the level of this development and the “scorched earth” removal of the canopy has left any my home looking like a fishbowl to the development. This buffer zone needs to be restored.

VI. Parcel 1 Is Part of This Development — Not a Separate Matter

The developer may argue that Parcel 1 — the parcel currently under construction — is a separate matter, already approved, and not subject to tonight's review. That argument should be rejected.

Parcel 1 shares the private road — Melanie Drive — that serves the entire development. Its utilities are integrated with every other parcel. Its layout was designed as part of this whole. The developer's own advertisements have always shown Parcel 1 as part of the broader commercial project. Parcel 1 was filed as a minor subdivision specifically to avoid the scrutiny that a major subdivision requires — a practice known as piecemealing, which courts and planning bodies consistently treat as impermissible.

If this Commission approves Parcels 2 through 7 as a major subdivision tonight, it is acknowledging that this is one unified development. In that case, Parcel 1's minor subdivision approval was obtained on a false premise, and the building currently under construction must be evaluated — and brought into compliance — as part of a major subdivision. It is not entitled to an exemption simply because the developer moved fast.

VII. The UDO's Own Purpose Demands Denial

UDO Section 1.1.4 articulates the purposes this ordinance was written to serve. This development fails to serve every one of them:

- To encourage the most appropriate use of land — *not served*, given undisclosed uses, incompatibility with the surrounding residential neighborhood, and advertising that contradicts the filings.
- To protect and preserve natural features including woodlands and topography — *not served*, given the removal of every significant tree on the site, with no survey and no preservation plan.

- To promote the health, safety, and general welfare of the community — *not served*, given an invalid subdivision, an uncontrolled tower fall zone, an expired traffic study, and no meaningful residential buffer.
- To prevent overcrowding of land and development incompatible with surrounding uses — *not served*, given eight commercial lots crammed onto a site that could have accommodated one compliant building.
- To provide for adequate light, air, and open space — *not served*, given open space that does not qualify, a buffer that is a label on a drawing, and trees that are gone.

UDO Section 1.1.6 closes the door on any discretion to approve a noncompliant project. It states that any development **must conform** to the requirements of this ordinance. Not substantially conform. Not mostly conform. Conform.

This development does not conform. The record before this Commission documents that conclusion in detail.

VIII. Request for Denial and Notice of Appeal Rights

For all of the reasons stated above, I respectfully but firmly request that the Planning Commission **deny** the application for Major Subdivision SD-2026-0834, Melanie Lane / Barberville Commercial.

Should the Commission approve this application over the documented objections contained in this letter and in the materials submitted by other residents, please be advised that pursuant to **South Carolina Code § 6-29-1150(D)**, any party in interest has 30 days from the date of the Commission's decision to file an appeal with the circuit court. I and other affected neighbors reserve all rights to pursue such an appeal.

This letter is submitted for inclusion in the official record of this proceeding. I request that it be treated as formal written testimony in opposition to the above-referenced application.

Respectfully submitted,



Robert Christian

6440 Ancient Way Indianland, SC 29707
 Resident, Overlook Neighborhood
 Lancaster County, South Carolina
 5/19/2026

ATTACHMENT:

Documents Provided By Jeannine Clifton

For Item 5a

7:21

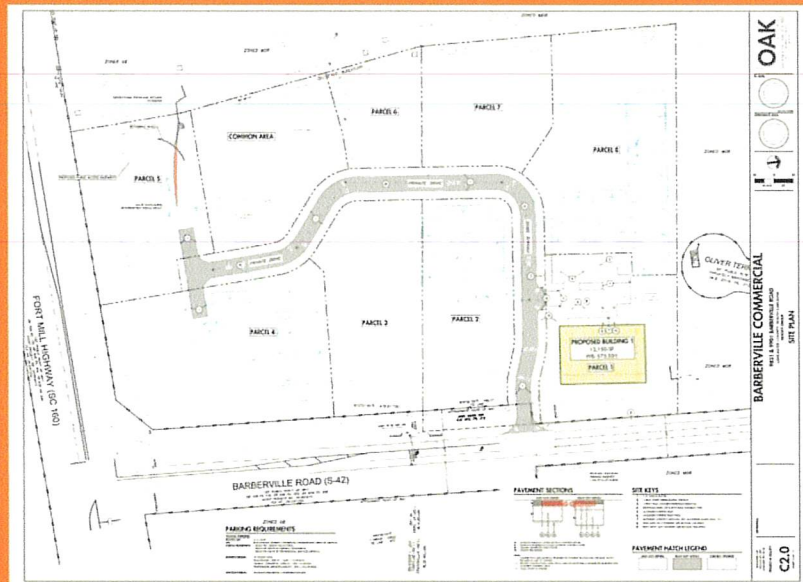
◀ Messages

LTE

Original
Plan -
≡ 2yr. ago.



Featured Developments



9901 & 9831 Barberville Road

This is an 8-parcel subdivision at a signalized intersection of HWY 160 and Barberville Road in Fort Mill, SC. First planned groundbreaking will include a Montessorri School with retail/office availability and an outdoor play area.

AA

moodyhd.com



v. 2026

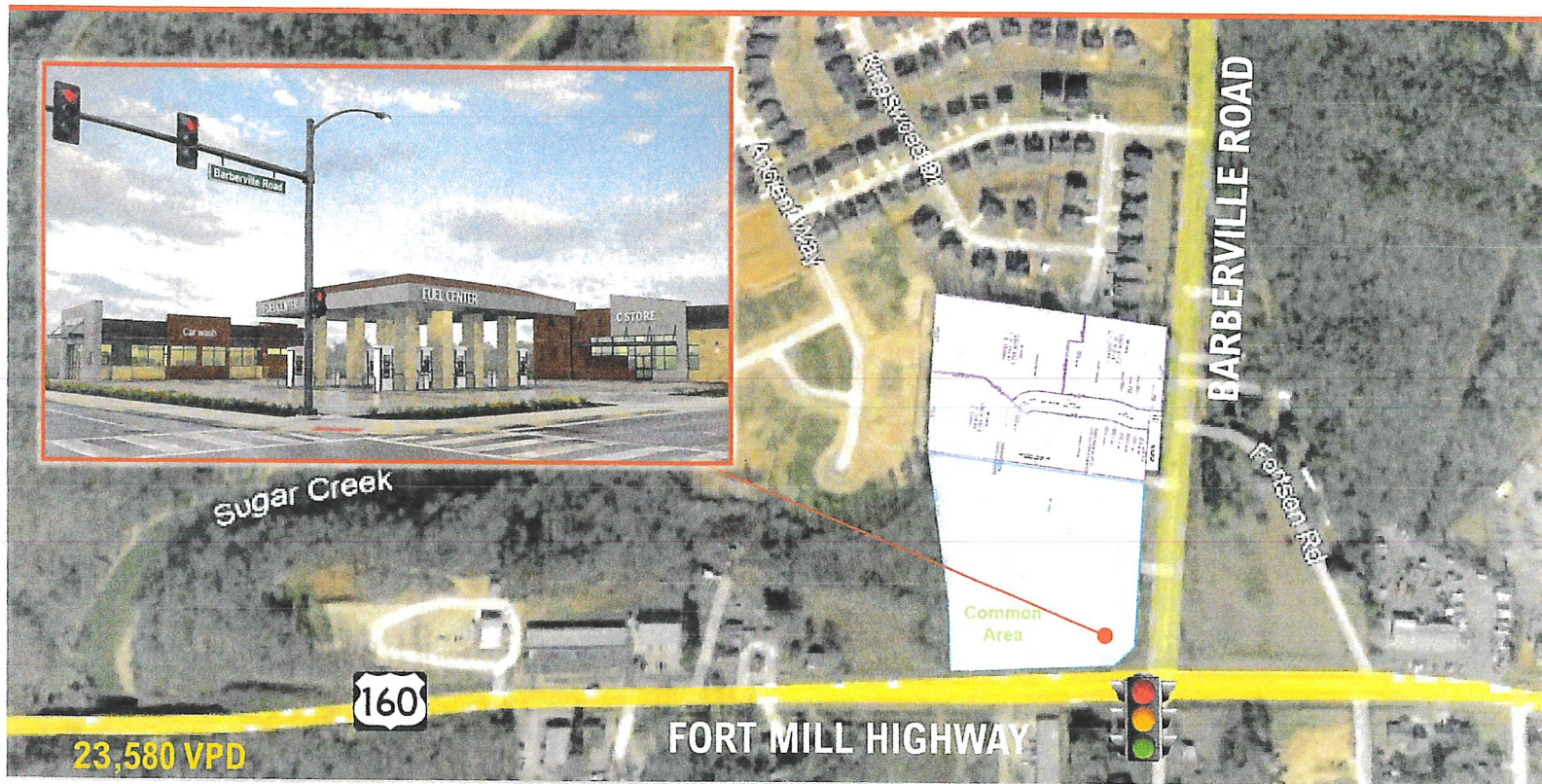
PROPOSED SITE PLAN



CORNER PARCEL – C-Store, Gas, Car Wash Option



This architectural rendering shows a proposed development consisting of a gas station, a convenience store, and a car wash. The gas station features a large canopy with 'FUEL CENTER' signage and six fuel pumps. To the left is a car wash building with 'Car Wash' signage. To the right is a convenience store building with 'C STORE' signage. The entire complex is set on a paved lot under a cloudy sky.



OUTPARCELS FOR SALE

9831 BARBERVILLE ROAD / FORT MILL HIGHWAY
FORT MILL, SC 29707

2.0 +/- Outparcel

- C-Store, Gas, Car Wash outparcel
- Corner lot at the center of a desirable, fast-growing area in Lancaster County's Indian Land/Fort Mill
- Available 2nd Quarter 2026



Presented By:

JAN RINGELING

704.490.3872

jan@moodyre.com

MOODY COMMERCIAL REAL ESTATE

10700 Sikes Place, Suite 280

Charlotte, NC 28277

980.313.3872 | MoodyRE.com

ATTACHMENT:

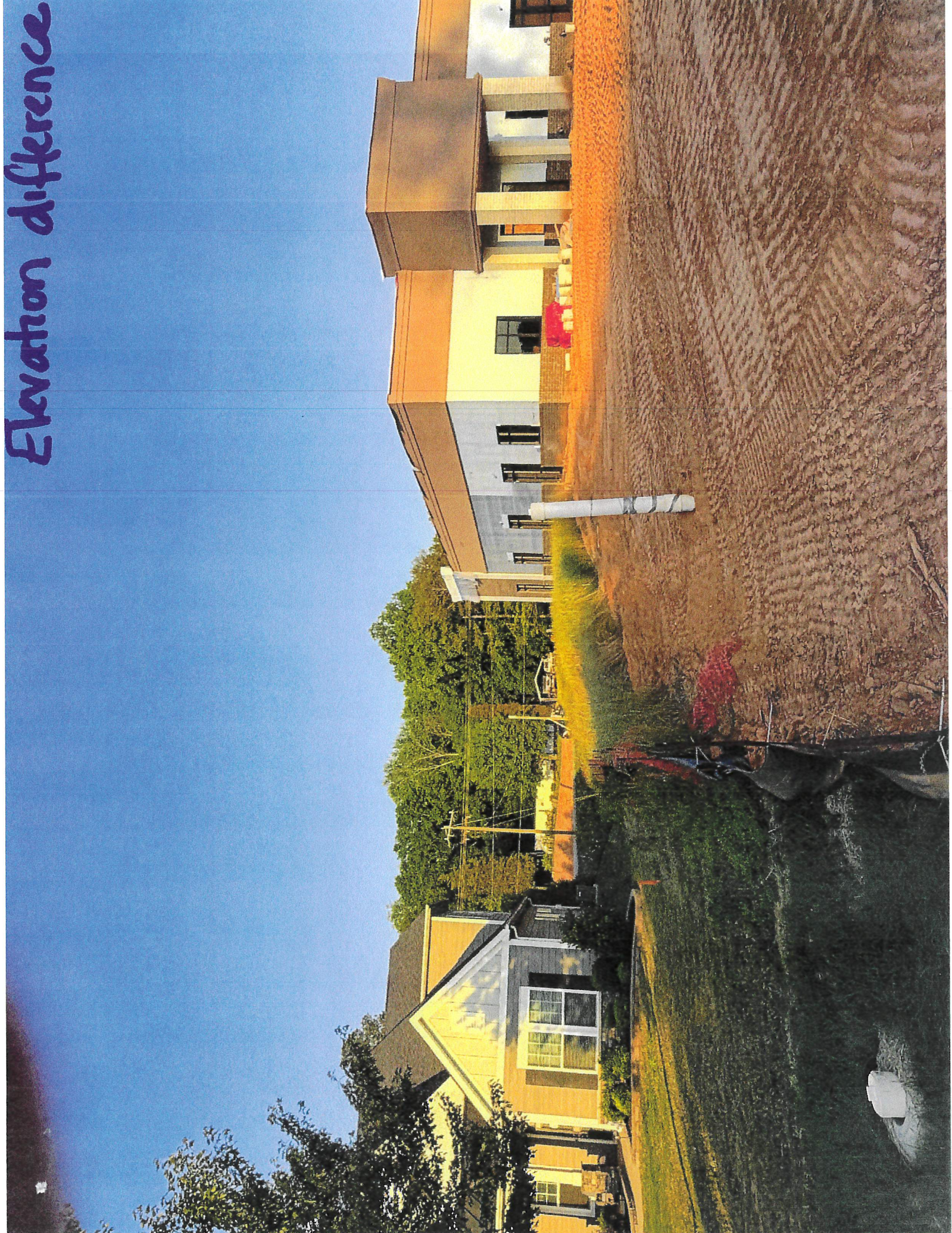
Documents Provided By Cody Hinton

For Item 5a



Type "B" 11' buffer.

Elevation difference



Before



Buffer
& Elevation

Today



ATTACHMENT:

Documents Provided By Geoff Larson

For Item 5a

UDO Violations Detailed Summary

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I. Administrative Ineligibility

Issue: The application for Major Subdivision SD-2026-0834 does not represent the true parcels for the land, and is not eligible for Planning Commission review until corrected and resubmitted.

Attachments and References:

1. Preliminary Plat 2024 (Plat Book 2024 Page 231)
2. Recombination Plat 2026 (Plat Book 2026 Page 127)
3. Email from County confirming notice to revoke

Statement of Facts:

1. Minor subdivision plat (Plat Book 2024 Page 231) from 2024 was deemed by the County to be noncompliant, and on February 23, 2026 noticed the developer that associated building permits were being revoked.

2. The developer filed a recombination plat (Plat Book 2026 Page 127). However, UDO 6.2.2B. states that in order for the recombination to be valid, “any document or plat to be recorded pursuant to any such exclusion shall bear the notation: ‘Exempt pursuant to Lancaster County Unified Development Ordinance’”. The recombination plat does not contain this language, and does not establish a valid exempt subdivision under the UDO. Likewise, all new building permits issued under it are currently invalid.
3. UDO 1.1.6B. states that “From and after the adoption of the UDO, no real property lying within the unincorporated areas of Lancaster County shall be subdivided except in conformance with all applicable provisions of the UDO. In addition, after the effective date of the UDO, no plat for subdivision of land within the unincorporated areas of Lancaster County shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of the UDO.”
 - a. Per the County’s own opinion and actions, and subsequent revocation of building permits, Parcel 1 was not subdivided in conformance with all provisions of the UDO.
 - b. Without containing the required “exempt” certification, the recombination plat for Parcel 1 was not submitted and approved in accordance with the provisions of the UDO.
4. At this time, no compliant minor subdivision exists for parcel 0006-00-058.00, and the Major Subdivision application SD-2026-0834 does not represent all parcels for the Planning Commission’s review. The application is therefore incomplete, and must be resubmitted with corrected information that includes Parcel 1 before it is eligible for PC vote.
5. Alternatively, the application SD-2026-0834 can be withdrawn and/or de facto denied, the recombination plat correctly recorded in compliance with the UDO, and a new Major Subdivision application submitted to the PC.

II. Driveway Connection not Allowed

Issue: Melanie Drive is strictly prohibited by the UDO from connecting to Barberville Road, because it is a driveway within a commercial subdivision that borders a thoroughfare, which provides direct driveway access to the thoroughfare.

Attachments and References:

1. Certification naming Melanie Drive (Deed Book 1779 Pages 169-170)
2. County Legal Opinion (Memorandum - Barberville Commercial 092025 vf, 2)
3. SCDOT A.R.M.S.
4. SCDOT 2024 traffic data for Lancaster County

Statements of Facts:

1. UDO 6.4.1H. states, “Where a subdivision borders an existing or proposed Major or Minor Thoroughfare, no direct driveway access shall be permitted to such facilities from the lots within the subdivision”.
2. Melanie Drive is a driveway.
 - a. Deed Book 1779 Pages 169-170 certifies that Melanie Drive has a “Legal Description: PRIVATE DRIVEWAY”
 - b. SCDOT ARMS manual Section 1D defines “any access point that is not a public street, road, or highway” as a driveway.
 - c. SC Code of Laws Section 56-6-450 defines “every way or place in private ownership and used for vehicular travel by the owner and those having express or plied permission from the owner” as a driveway.
3. Barberville Road is a Major or Minor thoroughfare.
 - a. UDO 6.11.3A.1.f. defines the street classification “Road” as “a thoroughfare that runs in any direction”. Barberville Road is legally classified as a “road”, and is therefore a thoroughfare per UDO.
 - b. The Supreme Court of South Carolina’s precedent states that in such situations the plain and ordinary meaning of a term shall be used. Rowe v. Hyatt, 321 S.C. 366, 468 S.E.2d 649 (1996).
 - c. Merriam-Webster defines “thoroughfare” as “a way or place for passage: such as a street open at both ends (or) a main road”
 - d. The site at 9901 Barberville Rd is zoned Neighborhood Business, and the UDO description in Section 2.3 for NB includes that it “is generally located on thoroughfares”.
 - e. At 9,300 AADT volume, the SCDOT 2024 Traffic Counts lists Barberville Rd as the 3rd busiest secondary and 9th busiest roadway of any kind in all of Lancaster County. It is a/the primary arterial in the northern panhandle other than 521 and 160, and a quintessential “major” thoroughfare by all metrics. But even as a “minor” thoroughfare, this regulation still applies.
4. The applicant has not sought or been granted a variance.

III. Driveway Serves Too Many Lots

Issue: Melanie Drive is strictly prohibited by the UDO from providing access to more than 5 lots.

Attachments and References:

1. County Legal Opinion (Memorandum - Barberville Commercial 092025 vf, 2)

Statements of Facts:

1. UDO 6.18.1H.1. states that “no more than five lots may be accessed [sic] by a newly created private drive”.
2. Melanie Drive would be “newly created” because it does not yet exist, nor did it exist prior to the adoption of the current UDO.
3. The County’s legal memorandum determined that Melanie Drive is a “private drive”.
4. Major Subdivision application SD-2026-0834 has 8 lots, which exceeds the UDO limit that can be accessed by a driveway.
5. The applicant has not sought or been granted a variance.

IV. Non-Compliant Parcels Cannot be Created

Issue: Multiple new proposed lots violate the UDO because they do not front to a street and/or have noncompliant lot lines.

Attachments and References:

1. Certification naming Melanie Drive (Deed Book 1779 Pages 169-170)
2. County Legal Opinion (Memorandum - Barberville Commercial 092025 vf, 2)

Statements of Facts:

1. Parcels not fronting a street do not comply with the UDO
 - a. Basic Lot and Use Standards in UDO 1.4.3B.4. states that “all ... lots shall front upon a street right-of-way”.
 - b. Deed Book 1779 Pages 169-170 certifies that Melanie Drive is a “private driveway” not any classification that UDO Chapter 6 defines as a street.
 - c. The County’s legal opinion, based on a neutral party’s evaluation, is that Melanie Drive is not a street.
 - d. Therefore, proposed parcels 2, 3, 4, and Common Area do not front a street right-of-way, and cannot be created.

2. Parcel 2 has noncompliant radial lot line
 - a. UDO Section 1.4.3A.1. states that “side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines for a minimum distance of 100 feet from the front lot line”.
 - b. Melanie Drive is not a street, so Barberville Road is the nearest street, and which is substantially straight.
 - c. The southern side lot line of Parcel 2 is not at a right angle to Barberville Road.
 - d. Even if Melanie Drive were to become a street, the southern side lot line of Parcel 2 extends radially to Melanie Drive for less than 100 feet.
3. The applicant has not sought or been granted a variance.

V. No Structure Shall be Built on Parcels not Fronting a Street

Issue: Parcels 2, 3, and 4 do not front a street as required by the UDO for any building to be erected or used on them.

Attachments and References:

1. Certification naming Melanie Drive (Deed Book 1779 Pages 169-170)
2. County Legal Opinion (Memorandum - Barberville Commercial 092025 vf, 2)

Statements of Facts:

1. UDO 1.1.6A. states that “Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.”
2. Basic Lot and Use Standards in UDO 1.4.3B.4. states that “all ... lots shall front upon a street right-of-way”.
 - a. The County’s legal opinion, based on a neutral party’s evaluation, is that Melanie Drive is not a street.
 - b. Barberville Road is the nearest street right of way, and therefore proposed parcels 2, 3, and 4 all front towards their eastern lot lines. Parcel 2 abuts Parcel 1, and Parcels 3 and 4 abut Melanie Drive, on their eastern lot lines.
3. UDO 1.4.3B.2. states that “Commercial...buildings...may be erected or used on a lot which does not abut a dedicated street...provided the lot fronts one of the following: [1.4.3B.2.a.] A privately-maintained drive in a public parking area; or [1.4.3B.2.b.] An approved open space or park shared with other lots; or [1.4.3B.2.c.] Some other designated area used in common with other lots.”

- a. The County's legal opinion, based on a neutral party's evaluation, is that Melanie Drive is not a street. E
 - b. Barberville Road is the nearest dedicated street to proposed parcels 2, 3, and 4, and therefore front towards their eastern lot lines.
 - c. Parcel 2 abuts Parcel 1, and Parcels 3 and 4 abut Melanie Drive, on their eastern lot lines, none of which are streets, nor dedicated to the County.
 - d. Melanie Drive is not a drive aisle within the confines of a parking area, and all parking on proposed lots is private.
 - e. Neither Melanie Drive nor Parcel 1 contain approved open space or parks.
 - f. Per criteria in UDO Section 1.4.3B.2.c., neither Melanie Drive nor Parcel 1 are designated common spaces. The term "designated area used in common" is not defined in the UDO, but:
 - i. The title of UDO 1.4.3B. states "Lots to front on street or approved public space". Neither Melanie Dr nor Parcel 1 are an "open space".
 - ii. UDO 4.3.2F.1. further requires all buildings in the Highway Corridor Overlay (HCO) district to front a "street" or "share a frontage line with a square or other similar common open space". Again, Neither Melanie Dr nor Parcel 1 are a street or a common open space.
 - iii. UDO 4.3.2F.5.b. refers to such space as "improved common open space" that includes "squares, plazas, greens, or other similar spaces". Neither Melanie Dr nor Parcel 1 are any of these.
4. UDO Section 4.3.2F.1. states that in the Highway Corridor Overlay (HCO) district, "All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space."
- a. All parcels in Major Subdivision application SD-2026-0834 lie within the HCO.
 - b. Parcels 2, 3, and 4 have frontage lines on their eastern lot lines, and share those lines with Melanie Drive and/or Parcel 1.
 - c. Neither Melanie Drive nor Parcel 1 are a square or similar common open space. Only the parcel labeled "Common Area" could be considered common open space, but these lots do not share a frontage line with it.
5. Without any compliant buildings erected on Parcels 2, 3, or 4, there cannot be:
- a. Any principal use established on any of them;
 - b. Any accessory use or structure established on any of them. UDO Section 10.4 defines an "accessory structure" as one that is "incidental to the principal use"; or

- c. Any parking built on Parcels 2 or 3. The Use Table in UDO 2.5.3G. states a parking lot is not permitted as the principal use in Neighborhood Business zoning.
- 6. The applicant has not sought or been granted a variance.

VI. Tree Save Areas

Issue: Mandatory tree preservation is required in all setbacks and buffer yards, but none has occurred or been included in the application.

Attachments and References:

- 1. UDO Complaint - SD-2023-1869 Barberville Commercial - August 2024
- 2. Pictures before trees removed
- 3. Pictures after noncompliant removal of buffer trees

Statements of Facts:

- 1. UDO 4.3.2A. states that the Highway Corridor Overlay District (HCO) was established to “preserve and enhance” the included areas with “regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development”.
- 2. All parcels in the proposed development lie within the HCO.
- 3. UDO 4.3.2L.2. states that “All required setbacks and buffer yards shall be used as tree preservation areas”.
 - a. No setback or buffer yard was, currently is, or is planned to be used for tree preservation to comply with this requirement.
 - b. Major Subdivision application SD-2026-0834 does not include preservation of any existing trees in setbacks or buffer yards as required.
- 4. UDO 4.3.2L.2. further states that “Retention and protection of large trees (as set forth in Chapter 7 of the UDO)...shall be required for all development”
 - a. The site contained a significant – and undetermined – number of large trees that were removed in conflict with this requirement.
 - b. The site for Major Subdivision application SD-2026-0834 contains large trees, and has not performed – nor does it intend to perform – a comprehensive tree survey. It also does not preserve these trees are required, and further explicitly intends to violate this requirement by removing them.
- 5. UDO 4.3.2L.2. further states that “All canopy trees...greater than 24 inches (diameter) shall be incorporated into the site plan...”

- a. The site contained a significant – and undetermined – number of trees greater than 24” DBH that were removed in conflict with this requirement.
 - b. The site for Major Subdivision application SD-2026-0834 contains trees with 24” DBH, and has not performed – nor does it intend to perform – a comprehensive tree survey. It also does not preserve these trees are required, and further explicitly intends to violate this requirement by removing them.
- 6. UDO 7.1.2 “Tree Protection on Private Property” states, “The preservation of existing trees or shrubs to satisfy the landscaping requirements of this chapter is expected. New development, through the protection of trees and existing vegetation, should be creative in design and placement of buildings, structures, parking, and other impervious surfaces as to preserve natural features and to complement the existing topography when practical.”
 - a. Negligible existing vegetation has been retained so far, and no existing trees are planned for preservation in Major Subdivision application SD-2026-0834.
 - b. No attempt or intent to creatively design or place buildings, structures, parking, or other impervious surfaces like driveways around natural features.
- 7. It is public record that the County received a formal complaint detailing all of these violations on August 19, 2024. This was prior to any tree removal or moving of dirt at the site. The developers had full access to this complaint and intentionally – and irreparably – violated these requirements, and the County made insufficient effort to enforce these requirements despite written acknowledgement of the complaint.
- 8. The applicant did not and has not sought or been granted a variance.

VII. Wireless Communications Tower

Issue: A wireless communications tower on the site has specific requirements that the proposed development does not implement related to the terms of its permit approval and mandatory fall zone offsets.

Attachments and References:

- 1. UDO Complaint - SD-2023-1869 Barberville Commercial - August 2024
- 2. Cell tower lease (Deed Book 5574 Pages 88-96)

Statements of Facts:

- 1. There is a 154’ tall cell tower on parcel 0006-00-057.00
- 2. UDO 5.11.5B. states that towers over 60’ tall in GB zone “shall be camouflaged to reflect the character of its environs...”, and UDO 5.11.5K.1. states that the “site

location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area”.

- a. When built, the cell tower was nearly fully concealed from surrounding residential properties by mature trees.
 - b. At the time of Major Subdivision application SD-2026-0834, the cell tower is partially obscured for surrounding residential properties by remaining mature trees.
 - c. Major Subdivision application SD-2026-0834 does not preserve these mature trees.
 - d. The applicant is in violation of both UDO requirements as a result of current land altering activities.
 - e. Removal of any remaining mature trees on the site will cause the cell tower to no longer be camouflaged at all to reflect the character of its environs.
 - f. Major Subdivision application SD-2026-0834, through removal of any remaining mature trees, does not preserve the pre-existing character of the site.
3. UDO 5.11.5E. states “The minimum tower setback from any property line shall be: [5.11.5E.1.] Equal to the height of the tower...”. The same requirement existed at the time of the cell tower construction in UDO 4.1.26E.2. (UDO Rev. 1998).
 - a. Major Subdivision application SD-2026-0834 creates property lines for proposed parcels 5, 6, and Common Area that are within the fall zone height of the cell tower.
 - b. The application has not and does not propose removal of the cell tower.
 - c. The applicant has not sought or been granted a variance.
4. UDO 5.11.5N. states that property on which a cell tower is constructed shall be “...leased or owned or benefitted by an easement by the applicant or for which a contingent lease or purchase contract is in place. The amount of land either purchased or leased or benefitted by an easement shall be equal to the amount of land necessary to meet the Fall Zone area.” The same requirement existed at the time of the cell tower construction in UDO 4.1.26E.2. (UDO Rev. 1998).
 - a. The cell tower as owned and leased according to Deed Book 5574 Page 88, is provided an easement of 10,000 square feet per Plat Book 2002, Page 608.
 - b. The minimum Fall Zone area for a 154’ cell tower is mathematically at least 74,506 square feet.

- c. The property owner is currently in violation, and Major Subdivision application SD-2026-0834 cannot be considered until such easement is recorded.
- d. The applicant has not sought or been granted a variance.

VIII. Melanie Drive – Design Compliance

Issue: Melanie Drive, as proposed, does not adhere to the private road design standards required.

Attachments and References:

- 1. SCDOT A.R.M.S. (incorporated by reference)

Statements of Facts:

- 1. UDO 6.18.1C.1. states that “All one access subdivisions shall adhere to the following requirements:...[6.18.1C.1.b.] Provision of emergency services (i.e.) intermediate turnarounds at least every 1,000 feet up to the point where an intersection is located, divided entrances, extra lanes, special points of access, a minimum turning radius of 60 feet, etc.
 - a. Major Subdivision application SD-2026-0834 is a proposed one-access subdivision.
 - b. Melanie Drive does not propose a divided entry.
- 2. UDO 6.3 states that for “All development which does not qualify as a Minor Subdivision...The developer shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance and the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards (ARMS) manual...”
 - a. Major Subdivision application SD-2026-0834 does not qualify as a Minor Subdivision.
 - b. Per USDOT ARMS manual Table 3-3: Driveway Classification, Melanie Drive is “High Volume”, and per Table 3-4: Driveway Widths and Radii, the minimum driveway width for High Volume classification is 40 feet.
 - c. Melanie Drive is proposed to be 24 feet wide, and therefore is not in accordance with the ARMS, or the UDO.

3. UDO 6.18.1H.6. states that “Commercial private drive[s] must comply with private road standards”, and UDO 4.3.2G.5.b. states that “private and public roads are as defined in Chapter 6 and Chapter 10 of the UDO”.
 - a. UDO 6.14.1C. is one of the Road Design standards in Chapter 6 of the UDO.
 - b. UDO 6.14.1C. defines the minimum centerline distance for any road as 150’.
 - c. The centerline radius for the curve in Melanie Drive is 50’, which is less than allowed for a private road in the UDO.
4. UDO 6.18.1C.3. states that the Planning Department may ask for a traffic statement for any development that “could have a negative impact on road systems of the surrounding area”.
 - a. No traffic statement has been provided in accordance with this provision.
5. The applicant has not sought or been granted a variance.

IX. Traffic Impact Analysis and Unsafe Design

Issue: No valid and current Traffic Impact Analysis exists for the proposed subdivision.

Attachments and References:

1. Traffic Impact Study – Ramey Kemp Associates #23126 (incorporated by reference)

Statements of Facts:

1. UDO 6.8 states that “a Traffic Impact Analysis will be required for any land use plan amendment, amendment to the zoning map, subdivision, special exception permit, rezoning or site plan...”
 - a. Major Subdivision application SD-2026-0834 is a subdivision
2. A TIA was conducted for a prior Major Subdivision SD-2023-1869 in June 2023
 - a. This TIA was for an ostensibly different subdivision application.
 - b. UDO 6.8.2D. states that a TIA “shall identify the horizon year(s) that were analyzed in the study” and “the impact of development shall be analyzed for the year after the development is expected to be at full occupancy.”
 - c. This TIA included horizon years only until 2026.
 - d. The development, if approved, would not be at full occupancy for at least several years.
3. No new TIA has been conducted or submitted.
 - a. Indian Land, SC is a rapidly growing area, and assumptions from 2023 are not applicable today. An entirely new impact analysis is necessary.

X. Parcel 1 – Uses and Setbacks

Issue: As the proposed Major Subdivision administratively must include Parcel 1 at this time, we must review noncompliance in its minor subdivision application and site plan. The use applied for does not match the intended and publicly advertised use, which would require more stringent requirements.

Attachments and References:

1. 9901-Barberville-Retail-Leasing-Brochure-Online.pdf
2. October 13, 2025 email confirming no mixed uses allowed

Statements of Facts:

1. The applicant applied for the Minor Subdivision as shown in Plat Book 2024 Page 231, with a designated use of Children's Day Care Center.
 - a. The day care will not lease all space in the building on Parcel 1, based on the developer's own advertisements.
 - b. The developer seeks to lease the remaining space as retail or commercial.
 - c. Multiple use types, where one is not accessory to the other, on the same lot is horizontal mixed use.
 - d. Mixed uses are not permitted in NB or GB zoning.
2. UDO 5.5.4A. states that the minimum required setback for general commercial use adjacent to Medium Density Residential zoning is 50ft setback from side and rear property lines.
 - a. Retail is a general commercial use per UDO 2.5.3.
 - b. Parcel 1 is adjacent to MDR zoning.
3. UDO 5.5.4A. states that the minimum buffer yard for general commercial use is "Type C where parking areas, dumpsters, loading docks, or other utility structures are visible from adjacent properties."
 - a. Parking and utility equipment will be visible from adjacent residential properties.
 - b. Neither the Minor Subdivision nor this application include Type C buffer.

XI. Parcel 1 – Playground Setback

Issue: As the proposed Major Subdivision administratively must include Parcel 1 at this time, we must review noncompliance in its site plan. The playground planned on Parcel 1 is an accessory structure that is not set back far enough.

Attachments and References:

1. International Building Code – Revision August 2025 (incorporated by reference)

Statements of Facts:

The proposed intent for development in parcel 0006-00-058.00 is to build a day care. As neighbors, we do not take issue with this use of the land, but rather are concerned with the way in which the developer has proposed to position it aggressively close to existing homes despite having ample space. One issue in particular is the location of the proposed outdoor play area. Child day cares are actually required to have an outdoor play area (UDO §5.7.2C.1.). However, the current proposal puts it too close to the principal building, too close to the parking lot, and too close to neighboring Oliver Terrace right-of-way.

First, the outdoor play area for the proposed development meets the definition of an accessory structure to the principal building in the UDO, by meeting the following tests:

- It is a structure because it is a “manmade object above ground” (UDO §10.4 “Structure”). Consistently throughout the UDO, playground equipment and play structures are referred to as “structures” (e.g., UDO §4.4.1F.1.).
- It is an accessory structure because it is a structure “on the same lot” as the principal structure (UDO §10.2) and incidental to use of the principal structure (UDO §10.4 “Accessory Structure”).
- No exceptions to these requirements apply (UDO §1.4.7D.6.), because:
 - Children’s Play Structures require a permit by default according to the International Building Code (IBC) because:
 - A permit is required to construct any structure if installation is regulated by that code (IBC §105.1);
 - Child play structures are regulated by the IBC, as they are defined in the code as are a Group E type occupancy because they are a structure or portion thereof where more than 5 children receive supervision (IBC §305.2); and
 - Child play structures are regulated by the IBC, as certain exceptions are explicitly identified. However, they are only exempt from permit requirements when they are accessory to a detached one- or two-family dwelling (IBC §105.2), and a commercial day care is not a family dwelling.

- And/or if there is the intention to install more than 2 small child play structures, as currently exist in other operational locations for this franchise, this development separately and explicitly does not have an exception to these requirements.

Because it is an accessory structure, it must be set back 30' (rear) or 40' (side) from the building (UDO §2.4). Additionally, since it is greater than 600sqft, it must also comply with all other setback requirements of the principal structure (UDO §2.4).

The play area is proposed too close to the day care parking lot. There is an 8' landscaped strip required around all parking areas (UDO §4.3.2J.6.), and parking lots containing more than 10 spaces shall have a perimeter screen with a minimum of 10' (UDO §7.1.4C.4.). The parking lot and play area as drawn are too close, and the parking lot may not be feasible at all if these (and above) requirements are enforced.

Finally, as an accessory structure, the play area is not permitted to be closer than 30' to any right-of-way (UDO §1.4.7B.). The current proposal has it planned approximately 20' from the Oliver Terrace cul-de-sac right-of-way.

XII. UDO Purpose and Intent

Issue:

Attachments and References:

Statements of Facts:

1. UDO 1.1.4 Purpose and Intent reads, in part, as follows: "The regulations contained in the UDO have been adopted in accordance with the Comprehensive Plan for Lancaster County, South Carolina, as adopted, in order to:
 - ...Provide sustainable, well-managed growth that maintains quality of life, protects open space and environmental quality, retains the natural character of the region...
 - ...Promote a safe and healthy environment with good air and water quality.
 - ...Encourage community and stakeholder collaboration in development decisions, which are predictable, fair, and cost effective.
 - ...Preserve open space, farmland, natural beauty, and critical environmental areas.
 - ...Foster distinctive, attractive communities with a strong sense of place."

- a. Removing trees in violation of the UDO, creating dangerous traffic conditions, filling intermittent streams, and other current or proposed actions by the developer are not sustainable, reduce the quality of life, destroy environmental quality, and erase the natural character of the area.
 - b. Replacing open vegetated land with excessively compact development adjacent to established residential neighborhoods does not protect or preserve open space, natural beauty, or critical environmental areas.
 - c. Removal of trees in violation of the UDO, failure to control dust, failure to contain and dispose of Styrofoam particulate pollution, failure to control mud released into intermittent streams, complete removal of natural barriers to noise and light pollution, and unnecessarily dense contribution of additional traffic do not promote a safe and healthy environment, or good air and water quality.
 - d. Failure of the developer to meet with neighboring residents, even at the request of the Planning Commission does not encourage community and stakeholder collaboration.
 - e. Unnecessarily dense development encroaching on established residential neighborhoods does not foster attractive communities or a strong sense of place.
2. UDO 1.1.6A. states that “No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with **all** of the regulations herein specified for the zoning district in which it is located and all other applicable local, state, and federal laws. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.”
- a. Major Subdivision application SD-2026-0834 does not conform with all of the UDO regulations.
 - b. Lots in the application do not all conform with the UDO requirements for the district in which it is located.
 - c. Parcel 1, excluded from Major Subdivision application SD-2026-0834 but still part of the resulting subdivision, does not conform with the UDO requirements for the district in which it is located.
3. UDO 1.1.6B. states that “From and after the adoption of the UDO, no real property lying within the unincorporated areas of Lancaster County shall be subdivided except in conformance with all applicable provisions of the UDO. In addition, after the effective date of the UDO, no plat for subdivision of land within the unincorporated areas of Lancaster County shall be certified for recording by the

Administrator until it has been submitted and approved in accordance with the provisions of the UDO.”

- a. The parcels in Major Subdivision application SD-2026-0834, and Parcel 1 of the same resulting subdivision, were not subdivided prior to adoption of the current UDO.
- b. Per the County’s own opinion, and subsequent revocation of building permits, Parcel 1 was not subdivided in conformance with all provisions of the UDO.
- c. Without containing the required “exempt” certification, the recombination plat for Parcel 1 was not submitted and approved in accordance with the provisions of the UDO.

פרשת ויקרא

MAX PARCEL NO: 0006-00-038.00

TOTAL AREA: 232,992 SQ. FT. OR 5.3488 ACRES

BONTERRA BUILDERS, LLC
D.B. 894, PG. 258
M.B. 2015, PG. 230
PARCEL ID:
0006-00-053.03

LEGEND:

CP - CALCULATED POINT	
D.B. - DEED BOOK	
ECM - EXISTING CONCRETE MONUMENT	
EP - EXISTING IRON PIPE	
ER - EXISTING IRON ROD	
EW - EXISTING WOOD PILE	
EN - EXISTING NAIL	
(M) - MEASURED	
N.B. - NAIL BOOK	
N.C. - NEW CONCRETE MONUMENT	
N.I. - NEW IRON MONUMENT	
N.R. - NEW IRON ROD	
N.N. - NEW NAIL	
P - PLATTED	
PI - PARCEL IDENTIFICATION NUMBER	
R - RECORDED	
R.W. - RIGHT-OF-WAY	
(T) - TOTAL	
PROPOSED LINE	
PROPOSED LINE (NOT SURVEYED)	
RIGHT-OF-WAY (NOT SURVEYED)	
ESTIMATE	
BACKSIGHT	

ZONING DISCLAIMER

FOR FURTHER INFORMATION CONTACT THE
LANCASTER COUNTY PLANNING DEPARTMENT AT
303-283-6005

NOTE: NO ZONING REPORT OR ZONING VERIFICATION LETTER WAS PROVIDED TO THE SURVEYOR. OWNER/DEVELOPER TO VERIFY ZONING REQUIREMENTS.

BARBERVILLE DEVELOPERS, LLC

0006-00-057.00

LINE	BEARING	DISTANCE
L1	N83°28'52" W	19.46'
L2	N66°27'00" W	21.64'
L3	N48°55'09" W	50.00'
L4	S68°27'00" E	21.64'
L5	S85°28'52" E	50.93'
L6	S06°57'28" W	25.00'

CURVE LEGEND

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	125.00	37.16°	N75°57'56"W	37.02	17°01'53"
C2	125.00	31.84°	N75°44'46"W	31.75	14°35'32"
C3	125.00	24.38°	S69°01'10"W	23.43	5°55'52.38"
C4	75.00	17.15°	N69°01'10"E	70.28	5°52'38"
C5	175.00	44.57°	S75°44'46"E	44.45	14°35'32"
C6	75.00	22.29°	S76°57'56"E	22.21	17°01'53"
C7	75.00	280.29°	N65°58'50"W	143.46	21°40'12"

GPS CERTIFICATION

3. C. CLARK, WISCONSIN, CERTIFY THAT THIS MAP WAS MADE UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED THEREIN WAS OBTAINED BY DIRECT OBSERVATION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION.
4. CLASS OF SURVEY: 41.10.000
5. POSITIONAL ACCURACY: NORTH = 0.0795, EAST = 0.0205, VELOCITY = 0.0118
6. TYPE OF SURVEY: PHOTOGRAPHIC - REAL-TIME KINEMATIC
7. DATE OF SURVEY: 1998-05-01
8. DATUM: NAD83
9. DATUM/PROJECTION: NAD83/CONUS/UTM, NAD83/LOCALIZATION-120_ZONE_18C_1900
10. PUBLISHED/TITLE: CONTROL USE: NOS MOVEMENT SCOTT'S
11. COORDINATE SYSTEM: UTM
12. COORDINATE GRID FACTOR: 1.000004
13. UNITS: INTERNATIONAL FEET

BARBERVILLE ROAD (S24)

D.B. 708, PG. 105, DB 609 PG 345, D.B. 609, PG. 348

FILE NO. 29.031125A

GRAPHIC SCALE

APPROXIMATE RIGHT-OF-WAY

PARCEL 3
86,482 SQ. FT.
OR 1.9854 ACRES

PARCEL 2
74,187 SQ. FT.
OR 1.7031 ACRES

MARTIN SR. AND
ASSOCIATES
D.B. 1529, P.C. 36
PARCEL ID:
0006-00-058.00

PARCEL ID:
0006-00-053.03

(PRIVATELY MAINTAINED)
(M.B. 2019, PG. 210)

MELANIE LANE
PROPOSED 50' PRIVATE RIGHT-OF-WAY
17,534 SQ. FT.
OR 0.4025 ACRES

PARCEL 1
51,215 SQ. FT.
OR 1.1757 ACRES

S04°03'37"W 168.72'(T)

BARBERVILLE ROAD (S24)

(D.B. 593, PG. 318)

MAP REFERENCE:
SC GRID M4D 83 (2001)

[illegible]

NOTES:

1. THE STUDY IS PREPARED WITHOUT ASSISTANCE OF THE FUNDING AGENCY, REPORTER, A PARENT, & ASSOCIATES. DOES NOT CLAIM THAT THE INTERESTS OF RESEARCHER OR FUNDING AGENCY ARE AFFECTED BY THE STUDY. DOES NOT MENTION WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
2. BROKEN LINE(S) DROPPED PROPERTY LINE(S) NOT SHOWN HEREON.
3. THE OPENED PORTION OF THE ROAD SHOWN HEREON IS NOT AFFECTED BY THE PURPOSES OF THE UNDERTAKING. RIGHTS ONLY TO THE PORTION OF THE ROAD SHOWN HEREON. DOES NOT CERTIFY TO THE EFFECTS OF ANY MUDH OF OR ANY ADJACENT PROPERTIES.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
6. ALL CORNERS ARE MEAN 1/2" FROM ROAD UNLESS OTHER WIDE SHOWN HEREON.
7. THE PURPOSE OF THIS PLAN IS TO DIVULGE THE SUBJECT PROPERTY INTO 3 PARCELS. CREATES MEANLINE AND EASEMENT AS SHOWN HEREON.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE	PRINTED OWNER NAME	SIGNATURE
------	--------------------	-----------

2024006707
PLAT ANY SIZE
RECORDING FEES \$25.00
PRESENTED & RECORDED
06-06-2024 02:37:39 PM

PLAT ANY SIZE
RECORDING FEES
PRESENTED & RECORDED
06-06-2024 02:37
BRITTANY GRANT
REGISTER OF DEEDS
LANCASTER COUNTY, SC
BY: DAVID HUGHES
BK: PLAT 2024
PG: 231

SURVEYOR'S CERTIFICATE:

APPROVED FOR RECORDING

THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE
 AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES
 PARCELS OF LAND.

A. Clark Nelson

 C. CLARK NELSON
 PLS L-5172
 NELSON@BPHARR.COM

 DATE June 6, 2024

FLOOD CERTIFICATION:

MAP NUMBER: 45057C0020E, ZONE "X"

R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LICENSE NO. CO 1909 969 E. 7TH ST., #100 CHARLOTTE, N.C. 28204 TEL. (704) 376-2186		CREW: _____ RBP	DRAWN: _____ KFM	REVISED: _____
SCALE: 1" = 40' DATE: MAY 31, 2024	JOB NO. 05827			

RECOMBINATION PLAT
BARBERVILLE COMMERCIAL

MAP REFERENCE:
SC GRID NAD 83 (2001)

MAP REFERENCE:
SC GRID M.D. 83 (2001)

MAP REFERENCE:
SC GRID NAD 83 (2011)

[illegible]

MAP REFERENCE:
SC GRID NLD 83 (2001)

SEAL OF THE SOUTH CAROLINA SURVEYING & MAPPING SOCIETY, INC.

VICINITY MAP
NOT TO SCALE

MAP REFERENCE:
SC GRID NLD 83 (2001)

SEAL OF THE SOUTH CAROLINA SURVEYING & MAPPING SOCIETY, INC.

NOTES:

1. ALL CORNERS ARE NEW 1/2" IRON ROD UNLESS OTHERWISE SHOWN HEREON.

2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT BY R. B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.

3. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.

4. THE OPEN SITE RIGHTS OF WAY SHOWN HEREON IS FOR ALL UTILITY PURPOSES ONLY. THE UNDERGROUND CERTIFIES ONLY TO THE RIGHT-OF-WAY SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.

6. THE PURPOSE OF THIS PLAT IS TO RECOMBINE PARCELS 2 AND 3 RECORDED IN PLAT BOOK 306, PAGE 27 INTO ONE PARCEL, AS SHOWN HEREON, AND TO CREATE A 50' PUBLIC ACCESS EASEMENT AS SHOWN HEREON.

7. PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE 50' PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM ONE OF THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY DEDICATE ALL STREETS, ALLEYS, WALKS, AND OTHER SITES TO PUBLIC OR PRIVATE USE, AS NOTED. I HEREBY CONSENT TO THE SUDYATION AND EASEMENTS AS SHOWN HEREON.

DATE _____ PRINTED OWNER NAME _____ SIGNATURE _____

MAP REFERENCE:
SC GRID NAD 83 (2011)

NOTES:

- ALL CORNERS ARE NEW 1/2" IRON ROD UNLESS OTHERWISE SHOWN HEREON.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT OR ADEQUATE RECORD. THE SURVEYOR HAS NO RECORD OF ANY PREVIOUS RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- THE OFF-SITE PORT OF WAT SHOWN HEREON IS FOR ALL VESSEL PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED AND DOES NOT CERTIFY TO THE RIGHT-OF-WAY WIDTH OF ANY ADJACENT PROPERTIES.
- PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
- THE PURPOSE OF THIS PLAT IS TO RECOMBINE PARCELS 2 AND 3 RECORDED IN PLAT BOOK 306, PAGE 37 INTO ONE PARCEL, AS SHOWN HEREON, AND TO CREATE A 50' PUBLIC ACCESS EASEMENT AS SHOWN HEREON.
- PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE 50' PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

VICINITY MAP
NOT TO SCALE

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE AND THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED IN THE FOREGOING PLAT, AND I HAVE BEEN FULLY ADVISED OF THE RIGHTS AND OTHER INTERESTS TO PUBLIC OR PRIVATE USE, AS NOTED. I HEREBY CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

DATE _____	PRINTED OWNER NAME _____	SIGNATURE _____
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MAP REFERENCE:
SC CHD NLD 83 (2001)

SEAL OF THE SOUTH CAROLINA
SPELVEY & MERRILL
ASSOCIATES, P.A.
N

VICINITY MAP
NOT TO SCALE

STOCK LANE
BARBER LANE
FOURTH STREET
MAP AVENUE
SOUTH CREEK
LAURENS COUNTY
YORK COUNTY
SITE

NOTES:

1. ALL CORNERS ARE NEW 1/2" IRON ROD UNLESS OTHERWISE SHOWN HEREON.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
6. THE PURPOSE OF THIS PLAT IS TO RECOGNIZE PARCELS 2 AND 3 RECORDED IN PLAT BOOK 306, PAGE 37 INTO ONE PARCEL, AS SHOWN HEREON, AND TO CREATE A 330' PUBLIC ACCESS EASEMENT AS SHOWN HEREON.
7. PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE 30' PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE AND THE OWNERS OF THE PROPERTY SHOWN AS PARCELS 2 AND 3 ON THE ABOVE PLAT, AND I HEREBY CONSENT TO THE DEDICATION AND OTHER USES TO PUBLIC OR PRIVATE USE, AS NOTED, I HEREBY CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

DATE	PRINTED OWNER NAME	SIGNATURE

MAP REFERENCE:
SC CHD NLD 83 (2001)

VICINITY MAP
NOT TO SCALE

NOTES:

1. ALL CORNERS ARE NEW 1/2" IRON ROD UNLESS OTHERWISE SHOWN HEREON.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF LITTLE COMBINATION REPORT, R.B. PHARM & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEIED.
4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
7. THE PURPOSE OF THIS PLAT IS TO RECOGNIZE PARCELS 2 AND 3 RECORDED IN PLAT BOOK 306, PAGE 37 INTO ONE PARCEL, AS SHOWN HEREON, AND TO CREATE A 330' PUBLIC ACCESS EASEMENT AS SHOWN HEREON.
8. PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE 30' PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE AND THE OWNERS OF THE PROPERTY SHOWN AS PARCELS 2 AND 3, AND I HEREBY DEDICATE THE SAME TO THE PUBLIC AS A 330' ACCESS EASEMENT, AND OTHER EASEMENTS TO PUBLIC OR PRIVATE USE, AS NOTED. I HEREBY CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

DATE	PRINTED OWNER NAME	SIGNATURE

SURVEYOR'S CERTIFICATE:

STATE OF SOUTH CAROLINA

SOUTH CAROLINA

[illegible][illegible]

MAP REFERENCE:
SC GRAD M&D 83 (2001)

VICINITY MAP
NOT TO SCALE

NOTES:

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- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY AS SHOWN HEREON.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- THE OFF-SITE PORTION OF THIS SHOWN HEREON IS FOR ALL UTILITIES PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS BARRIERED AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
- THE PURPOSE OF THIS PLAT IS TO RECONSTRUCT PARCELS 2 AND 3 RECORDED IN PLAT BOOK 306, PAGE 27 INTO ONE PARCEL, AS SHOWN HEREON AND TO CREATE A 50' PUBLIC ACCESS EASEMENT AS SHOWN HEREON.
- PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE 50' PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN ABOVE AND HAVE READ AND UNDERSTAND THE CONTENTS OF THIS DEED AND THE EASEMENTS AND OTHER WRITS TO PUBLIC OR PRIVATE USE AS NOTED. I HEREBY CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

DATE	PRINTED OWNER NAME	SIGNATURE

SURVEYOR'S CERTIFICATE:

STATE OF SOUTH CAROLINA
COUNTY OF KINGSLEE
I, CLAIR NELSON, being duly sworn, depose and say that the foregoing plat was prepared by me or under my direct supervision and to the best of my knowledge and belief it contains true and correct information as required by law. I am a duly licensed Professional Surveyor in the State of South Carolina, License No. 19403, and my commission expires on March 1, 2026.

APPROVED FOR RECORD

Date Recorded: March 26, 2026 Planning

Must be recorded by: _____

2026004095

PLAT ANY SIZE \$25.00

RECORDING FEES

03-26-2026 01:48:27 PM

BRITTANY GRANT

BY TERRY RUSAKA

BRITANNIA SURVEYING, LLC

CHENLSON@BBHARC.COM

BK: PLAT 2026

[illegible][illegible][illegible]

NOTES:

1. ALL CORNERS ARE NEW 1/2" IRON ROD UNLESS OTHERWISE SHOWN HEREON.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEIED.
4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEIED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
6. PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE SW PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.
7. THE PURPOSE OF THIS PLAT IS TO RECOMBINE PARCELS 2 AND 3 RECORDED IN PLAT BOOK XXX, PAGE XX INTO ONE PARCEL, AS SHOWN HEREON, AND TO CREATE A SW PUBLIC ACCESS EASEMENT AS SHOWN HEREON.
8. PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE SW PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE LAND OWNER(S) OF THE PROPERTY SHOWN ABOVE AND HAVE READ AND UNDERSTAND THE CONTENTS OF THIS DEED, INCLUDING THE RIGHTS AND OTHER WRITES TO PUBLIC OR PRIVATE USE, AS NOTED. I HEREBY CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

DATE	PRINTED OWNER NAME	SIGNATURE
------	--------------------	-----------

SURVEYOR'S CERTIFICATE:

STATE OF SOUTH CAROLINA
COUNTY OF HENDERSON
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP BOOK XXX-XX) THAT THE RESULTS THEREOF WERE CHECKED BY ME OR BY AN ASSISTANT REGISTERED WITH THE STATE OF SOUTH CAROLINA. I FURTHER CERTIFY THAT THE DATA USED IN THIS PLAT, THAT THE RATE OF PRECISION AS CALCULATED HEREIN IS: 1/10,000 LINE SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE S.C. SURVEYING BOARD. I HAVE BEEN ADVISED BY THE CLIENT THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. I HAVE BEEN ADVISED BY THE CLIENT THAT THE SURVEY WAS SPECIFIED HEREIN, WITNESSES MY ORIGINAL SIGNATURE, LICENSE NO. 26TH DAY OF MARCH, A.D., 2026.

THAT THIS PLAT/SITE CREATES A SUBDIVISION OF LAND WITHIN TOWN OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

R. B. Pharr
DATE: March 26, 2026
R. B. PHARR
CENLSON@RBPHARR.COM

2026004095
PLAT ANY SIZE
RECORDING FEES \$25.00
03-26-2026 01:48:27 PM
REGISTERED TO: HENDERSON COUNTY
BY: TERRY KERNAN
BK: PLAT 2026
PG: 127

APPROVED FOR RECORD
Date Approved: 3/26/2026
Noted by: [Signature]
Must be recorded by: [Signature]

FLOOD CERTIFICATION:
THIS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

R.B. PHARR & ASSOCIATES
SURVEYING & MAPPING
909 E. 7TH ST., #100 CHARLOTTE, NC 28202
PAGE 1 OF 1

[illegible]

MAP REFERENCE:
SC GRID NAD 83 (2011)

VICINITY MAP
NOT TO SCALE

NOTES:

- ALL CORNERS ARE NEW 1/2" IRON ROD UNLESS OTHERWISE SHOWN HEREON.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEIED.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEIED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
- THE PURPOSE OF THIS PLAT IS TO RECONVALE PARCELS 2 AND 3 RECORDED IN PLAT BOOK 306, PAGE 27 INTO ONE PARCEL, AS SHOWN HEREON, AND TO CREATE A 33% PUBLIC ACCESS EASEMENT AS SHOWN HEREON.
- PARCEL 1 ACCESS SHALL BE FROM PRIVATE SHARED DRIVEWAY LOCATED IN THE 30% PUBLIC ACCESS EASEMENT CREATED BY THIS PLAT.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM ONE OF THE OWNERS OF THE PROPERTY SHOWN AS DESCRIBED HEREON, AND I HAVE HEREBY DONATED ALL MY INTERESTS, ALIAS, CLAIMS, AND RIGHTS TO THE PUBLIC, AND I HAVE HEREBY GIVEN A WRITTEN CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP BOOK 306-27), THAT THE RECORDS OF THE CLERK OF COURTS OF THE COUNTY OF FORT MILL, SOUTH CAROLINA, SHOW THAT THE EASEMENTS AND EASEMENTS AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF NORTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS OF THE STATE OF NORTH CAROLINA, AND I HAVE GIVEN A WRITTEN CONSENT TO THE SUBDIVISION AND EASEMENTS AS SHOWN HEREON.

DATE: March 26, 2026
C. CLARK NELSON
NOTARY PUBLIC FOR THE STATE OF NORTH CAROLINA
CNELSON@BBHPR.COM

202604095
RECORDING SIZE \$25.00
RECORDING FEES
03-26-2026 01:48:27 PM
BRIANT GRANT
BY TERRY HERNIMAN
BK: PLAT 2026
PG: 127

APPROVED FOR RECORD
Date Approved: March 26, 2026
Must be recorded by: Clark Nelson

FLOOD CERTIFICATION:
THIS IS TO CERTIFY THAT THIS SUBJECT PROPERTY IS NOT FLOOD HAZARDOUS. THIS STATEMENT WAS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED MAP NUMBER: 45057C0002E, ZONE "X".

R.B. PHARR & ASSOCIATES
SURVEYING & MAPPING
LICENSE NO. CO 03999
2026
SCALE: 1" = 40'
DATE: MARCH 26, 2026



Barberville update

April M. Williams <amwilliams@lanastercountysc.gov>

Tue, Feb 24, 2026 at 10:12 AM

To: G L [REDACTED]

Cc: Steve Willis <swillis@lanastercountysc.gov>, Jose Luis <jluis@lanastercountysc.gov>

Good morning,

I wanted to give you a quick update on the Barberville project and would respectfully ask that you forward to others in your neighborhood. I do not have a mailing list for the group, but you can tell everyone else they are more than welcome to send over their contact information, so I don't have to burden you with sending out to others. In this instance, though, I would appreciate your help in doing so. ●

A Notice of Intent to Revoke letter was sent out yesterday to the developers. Pursuant to the UDO Section 9.4.8.H. This section sets forth the process for revoking permits and the notice of Intent is the first step. There will be a hearing held, also pursuant to that section. That decision is appealable to the BZA.

In the meantime, we are working to create a path going forward and will be meeting with the developers to give them options going forward. While not a perfect situation for anyone, we are working to find a solution that hopefully meets everyone's needs. We have been in contact with the landscape architect, and he will be out looking at the site for a couple of things that we have requested. The primary task will be looking at the buffer and potential landscape additions to the neighborhood parcels.

Please note that the notice of intent is not a stop work order and work will continue until we get to the hearing and a decision is made at that time. We will keep you posted on the next steps and will be happy to answer any questions that you may have.

Thank you so much for your help and understanding during this time. As always, please do not hesitate to reach out if you have any questions. I will get back to you as quickly as I can.

Thank you,

April



April Williams, Planning Director
Planning

Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720

P:(803) 285-6005
amwilliams@lancastercountysc.gov

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NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.



2024004480

DEED NO CHARGE

RECORDING FEES

\$0.00

PRESENTED & RECORDED:

04-19-2024 09:32:56 AM

BRITTANY GRANT

REGISTER OF DEEDS

LANCASTER COUNTY, SC

BY: TERRY PARKMAN

BK: DEED 1779

PG: 169 - 170

(space above this line is for recording use)

CERTIFICATE

LANCASTER COUNTY PLANNING COMMISSION

NEW ROAD NAME

Pursuant to the authority conferred upon the Lancaster County Planning Commission by the Unified Development Ordinance of Lancaster County and by Section 6-29-1200 of the Code of Laws of the South Carolina 1976, as amended, the Lancaster County Planning Commission has approved the name of a previously unnamed private drive as Melanie Drive.

Applicant Name: Jan Ringeling and Reginald Marsh

Road Location: LOCATED OFF BARBERVILLE ROAD NORTH OF FORT MILL HIGHWAY

Parcels accessing from road: 0006-00-057.00 & 0006-00-058.00

Legal Description: PRIVATE DRIVEWAY IN UNINCORPORATED LANCASTER COUNTY

Public Meeting Date: APRIL 16, 2024

Approval Date: APRIL 16, 2024

This certificate is to certify that the Lancaster County Planning Commission has approved the name of the formerly unnamed private road, and that MELANIE DRIVE is now the legal name of the road.

LANCASTER COUNTY PLANNING COMMISSION

BY:

Charles Deese-Chair

WITNESSES:

2.

1.

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

PERSONALLY appeared before me the undersigned witness and made oath that (s) he saw the within named Lancaster County Planning Commission, by its duly authorized officer(s) sign, seal and as its act and deed deliver the within written instrument and that (s) he with the other witness above subscribed, witnessed the execution thereof.

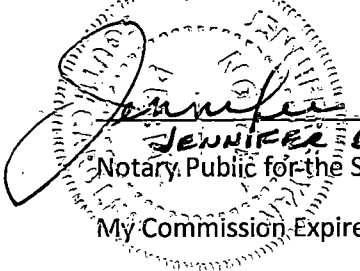
Matthew Blazek

First Witness Signs Here

Seal

Sworn to before me this

16th Day of APRIL, 2024

A circular notary seal for Jennifer Bryan, Notary Public for the State of South Carolina. The seal features a star in the center and the words "NOTARY PUBLIC" around the perimeter. Overlaid on the seal is the signature "Jennifer Bryan" and the printed name "JENNIFER BRYAN".
Jennifer Bryan
Notary Public for the State of South Carolina
My Commission Expires: 04/13/2031

MEMORANDUM

TO: Ginny Merck- Dupont, Lancaster County Attorney
April Willaims, Lancaster County Planning Director

FROM: John K. DuBose, III, Smith Robinson Law Firm

RE: Subdivision project classification
Barberville Commercial, 9901 Barberville Road

DATE: September 20, 2025

ISSUE

Lancaster County has requested an independent review and opinion regarding the appropriate classification of the Barberville Commercial project as either a Minor Subdivision or Major Subdivision project, pursuant to the terms of the Lancaster County Unified Development Ordinance (“UDO”).

I have been provided a preliminary draft subdivision plat dated May 31, 2024, prepared by C. Clark Nelson P.L.S. L3212, of R.B Pharr & Associates, P.A, and labelled “Minor Subdivision Plat, Barberville Commercial” (“Plat”) for review.

APPLICABLE LAW

There are no statutory construction issues to analyze. UDO Section 9, Administration, 9.2 Review Procedures, applies criteria to classify projects as a “Major Subdivisions” or as a “Minor Subdivisions” by using the definition of those terms contained in UDO Section, 10 Definitions.

With no internal conflicts in the UDO or statutory construction issues to address, the classification analysis for the plat as either a “Major Subdivision” or as a “Minor Subdivision” entails a review UDO Section 10, Definitions, and UDO Section 9, Administration, 9.2 Review Procedures.

UDO Section 10, Definitions

Section 10.2 Rules of Construction, Definitions, recites:

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

There are no conflicting provisions in the UDO for the term “street.”

State jurisprudence states that the primary rules in statutory construction is to give effect to the intent of the legislature. *Mid-State*

The definitions for Minor Subdivision and Major Subdivision are found in UDO Section 10.4 Definitions, Generally. The terms Minor Subdivision and Major Subdivision are defined as:

Subdivision, Major

Subdivisions that include new streets, extension of streets, requests for variances, dedication of public utilities or streets, include 11 or more acres or subdivide land into 6 or more lots, and result in an increase in the number of lots/parcels included in subdivision previously approved by Lancaster County.

Subdivision, Minor

Subdivisions that do not include new streets, extension of streets (except for improving or widening existing streets), requests for variances (except those for curb and gutter requirements), dedication of public utilities or streets, include 10 or fewer acres or subdivide land into 5 or more lots, and do not result in an increase in the number of lots/parcels included in subdivision previously approved by Lancaster County.

UDO Section 9, Administration

The UDO Section 10 definition of Minor Subdivision is accurately included in the Review Procedures in UDO Section 9, Administration. The review factors used to classify subdivision development projects are found in UDO Section 9.2, Review Procedures, 9.2.10, Subdivisions. The classification rule is:

A. Subdivision (Minor and Recombination)

- 1. Applicability: The Minor Subdivision review process is allowed for any recombination of land and for those divisions of land which:*
 - 1. Do not require dedication of public utilities or public streets, and*
 - 2. Include 10 or fewer acres or subdivide land into 5 or of fewer lots, and*
 - 3. Do not result in an increase in the number of lots/parcels included in a subdivision previously approved by Lancaster County, and*
 - 4. Do not involve any other conditions that require additional approval(s) from any County board or commission, as determined by the Administrator or TRC.*

Any division of land which does not meet all of the above criteria shall be required to use the Major Subdivision process, except that multi-family buildings which units are under separate individual ownership including, but not limited to, townhome and condominium development, shall also submit minor subdivision plats after the common walls of the building are established.

A subdivision is a “Minor Subdivision” if it meets the criteria in UDO Section 9.2.10(A)(1), it is a “Major Subdivision” if it does not meet the criteria.

ANALYSIS

Analysis and review of the Plat using the definitions of Major Subdivision and Minor Subdivision in UDO Section 10 and the criteria in UDO Section 9.2.10 results in the following conclusions:

- 1) No new street is being created.
 - a. The Plat proposes the creation of Melanie Lane, a private 50’ right of way. (emphasis added).
 - b. The UDO rules of construction refer to using the ordinary dictionary definition of terms. A “street” is not defined in the UDO, but its dictionary definition is most often “a public road in a city or town” or “the roads or public areas of a city or town.” (emphasis added). The public nature of the road and possession by a city or town (see. “*of a*”) is critical.
 - c. There is also a statutory definition of “street” at S.C. Code § 56-5-403 where “street” is defined as “ the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic is a ‘street’ or ‘highway’” (emphasis added). The definition of “street” adopted by the State of South Carolina is consistent with the ordinary dictionary meaning.
 - d. Melanie Lane is denominated as, a private 50’ right of way, and will not be publicly maintained, so it is not a “street.”
- 2) There is no extension of a street.
 - a. See above.
- 3) There appears to be no request for variance associated with the subdivision proposal.
- 4) There is no dedication of public streets or utilities.
 - a. “Streets” – See above.
 - i. The plat contains a proposed emergency vehicle access easement area, but that easement area is not a “street.”
 - b. “Utilities”
 - i. The decisional criterion in UDO Section 9.2.10 is that the plat “does not require dedication of public utilities or public streets” (emphasis added). In review of the project an important point of analysis is that Lancaster County does not require that subdivision projects connect to public water and sewer services with LCWSD.
 - ii. I understand that the proposed project is eligible for water and sanitary sewer utilities with the Lancaster County Water and

Sewer District (“LCWSD”) acting as a water and sewer utility provider, but the property is not required to utilize LCWSD.

- iii. LCWSD is a special purpose district created by Act 455 of 1959 and is a “public utility” as that term is defined in S. C. Code § 58-5-10.
 - iv. LCWSD requires that developers dedicate any installed on-site water and sewer infrastructure and appurtenant easements to LCWSD.
 - v. If sewer services through LCWSD is ultimately utilized for the project, there would be a “dedication of public utilities,” but that information cannot be gleaned at the plat submission and approval stage of the development process.
 - 1. It is my opinion that, if the developer submits permits for a project that requires sewer or includes public water or sewer in a later permit submission that project could be required to resubmit as a “Major Subdivision”
 - c. Development projects are not required to dedicate public utilities merely by virtue of plat approvals and during the subdivision plat review approval process there is no requirement that a subdivider inform the County of their ultimate intent for the subdivided lots.
 - i. The UDO does not require that commercial or residential projects be served by sewer if sewer is available.
 - ii. If a well system and septic system can be adequately designed to serve a commercial or residential development project, a developer may utilize wells systems for water and septic systems for wastewater, even in locations where public water and sewer are available.
 - d. There is no requirement that subdivision project utilize water and sewer utilities through LCWSD where available, there is not a clear “requirement” that a dedication of a “public utility” will occur for the Barberville Commercial project, or any other hypothetical project.
 - e. Inasmuch as the plat submission and recording process does not “require” dedication of a public utility, that factor has not been triggered.
- 5) The Plat does not include 11 or more acres.
 - a. The Plat recites a proposed subdivision of 5.3488 acres
 - 6) The Plat does not subdivide into 6 or more lots.
 - a. Three parcels are proposed.
 - 7) Based on the information provided to me, the Plat does not result in an increase in the number of lots/parcels included in subdivision previously approved by Lancaster County. I understand that the parent parcel has not been subdivided during the preceding sixty (60) years.

- 8) The Plat does involve any other conditions that require additional approval(s) from any County board or commission, as determined by the Administrator or TRC.
 - a. It is my opinion the capitalization of “County” indicates the proper noun “County,” which means Lancaster County, a political subdivision of the State of Carolina.
 - b. To my knowledge there were no additional approvals required from the County boards or County commissions for the Plat submission and approval.

As discussed above, at the plat review and approval stage, there is not a dispositive “required” dedication of a public utilities that would result in the “Barberville Commercial” project being categorized as a Major Subdivision.

Subdivision projects are allowed to utilize well and septic if the project can adequately design those systems to serve the use of the subdivided parcel. The Plat does not clearly “require” dedication of public utilities, so it is not disqualified as a Minor Subdivision.

Whether the developer can utilize the subdivided parcels for its ultimate intended purpose remains to be seen. In submitting the Plat as a Minor Subdivision plat, the developer represented that there will not be a required dedication of a public utility.

If the development project ultimately requires dedication of public utilities, I believe staff can then bar the project from proceeding as an extension of the Minor Subdivision Plat approval, as the project would no longer qualify as a Minor Subdivision. The developer could then choose to proceed with a different project that will utilize a well for water and a septic system, or the developer could re-submit the project as a Major Subdivision for proposed land uses that will require utilizing LCWSD utilities.

CONCLUSION

Based on the information provided to me by Lancaster County, and upon review of the applicable UDO Sections, it is my opinion that the Plat would be properly categorized as a Minor Subdivision because there is not a “required” dedication of public utilities.

It is my opinion that Lancaster County can bar a developer from utilizing a previously approved Minor Subdivision plat to develop property in a manner that is inconsistent with the UDO criteria of a Minor Subdivision.

The developer applied for a Minor Subdivision plat approval and, as such, represented that there would be no dedication of public utilities associated with the subdivision. If the subdivided parcels require dedication of a public utility, then the County could make the developer re-submit under a Major Subdivision review process.

In the alternative, the developer may elect to proceed with development of subdivided property with uses that do not require dedication of a public utility.



Concerns Regarding SD-2023-1869 Barberville Commercial - August 2024

G L <[REDACTED]>

Mon, Aug 19, 2024 at 8:12 AM

To: planning@lancastersc.net

Cc: ahardin@lancastersc.gov, amwilliams@lancastercountysc.gov, jluis@lancastercountysc.gov, SpencerCM@scdot.org

Dear Lancaster County Planning Department,

It is regrettable but necessary that I write to you today with urgent concerns about an ongoing application for commercial development in Lancaster County, SC at Barberville Road and S. C. Hwy 160 – specifically in tracts 0006-00-057.00 and 0006-00-058.00, and most recently appearing on the Lancaster County Planning Commission agenda under the title “SD-2023-1869 Barberville Commercial” ([see here](#)).

This project has been riddled with omissions, oversights, questionable procedural maneuvers, and conspicuous conflicts with regulatory code, which have disillusioned nearby residents of Lancaster County and eroded their trust in there being adequate oversight and enforcement.

The proposed development was unanimously denied at the 6/18/2024 Planning Commission meeting, yet returned immediately to the 7/16/2024 meeting with negligible alteration. Some of the minimal changes made were also withheld from the public *until literally at the meeting*. The commissioners were rightfully skeptical whether the application was complete, compliant, or even practical, but were pressured by the staff liaison to approve anyway, and voted to table the item until the 8/20/2024 meeting to gather more information. However, days before the vote, after receiving input for the SC Department of Transportation, the Planning Department offered the developer a purely administrative option that circumvented the due process apparatuses of public comment and Planning Commission approval. Namely, they decided to allow the developer’s Major Subdivision project (subject to additional rigor) to instead split into two separate Minor Subdivisions (completely veiled from the public).

Impacted neighbors and concerned residents are alarmed by what we perceive as administrative chicanery, especially given that Technical Review Committee (TRC) staff recommended the project for approval at the 7/16/2024 Planning Commission meeting **despite numerous apparent violations of Lancaster County’s Unified Development Ordinance (UDO)**, that even layperson residents were readily able to identify. Allowing the project(s) to proceed with such violations could have a significant and detrimental impact on us. It is the Planning Department’s duty to hold developers to the high standards established by Lancaster County in the UDO and the Lancaster 2040 Comprehensive Plan, and it is our intent to support and ensure they execute those duties to the fullest extent possible.

The purpose of this letter is to notify the Lancaster County Planning Department, including Development Services Director Allison Hardin and Planning Director April Williams, the Lancaster County Planning Commission, and our local elected and appointed officials of our objective grievances with this commercial development and how it has been handled. Herein, I will outline the following, including copious citations and an appendix of historical evidence:

1. **This Development Must Be UDO Compliant.** Based on the Major Subdivision Preliminary Plat that TRC staff recommended for approval, I will first detail a selection of conflicts with UDO code that were overlooked or ignored. The residents of Lancaster County expect that issues we've included below – and all others not included – will be sufficiently rectified and in compliance prior to any development that receives approval.
2. **This Development Should Use the Major Subdivision Process.** Per UDO §9.2.10A.1., neither of the aforementioned parcels included in the Barberville Commercial development project appear to qualify for the Minor Subdivision review process and therefore “shall be required to use the Major Subdivision process”.

We appreciate your time and consideration helping to address the concerns we're bringing forward. This is a matter of great importance to us, not just as neighbors adjacent to the development, but as members of the Indian Land community who want to cooperatively ensure consistent and sustainable growth that allows both business interests and resident needs to thrive harmoniously.

Please see the following enclosures for additional detail:

Attachment I. UDO Conflicts in SD-2023-1869 Barberville Commercial
Attachment II. Prior Subdivision History
Attachment III. Deed and Plat History References

Sincerely,

Geoff Larson
Resident, Overlook at Barber Rock
Indian Land Township, Lancaster County, SC

4 attachments



Attachment I - UDO Conflicts.pdf

190K



Attachement II - Subdivisin History.pdf

154K



Concerns Regarding SD-2023-1869 Barberville Commercial - August 2024.pdf

130K



Attachment III - Deed and Plat Reference.pdf

1066K

LANCASTER COUNTY, SC
2026005834 AGREEMENT MORTGAGE
RECORDING FEES \$25.00
STATE TAX \$0.00
COUNTY TAX \$0.00
PRESENTED & RECORDED
04-27-2026 04:08:03 PM
BRITTANY GRANT
REGISTER OF DEEDS
LANCASTER, COUNTY SC
By: DAVID HUGHES
BK:MORT 5574 PG:88-96

Parcel No.
0006-00-057.00

AFTER RECORDING, PLEASE RETURN TO:

K.S. Walker Law Group
Attn: Katharine S. Walker, Esq.
319 S. Sharon Amity Road, Suite 230
Charlotte, NC 28211

SUBORDINATION, NONDISTURBANCE AND ATTORNMENT AGREEMENT

This Subordination, Nondisturbance and Attornment Agreement (the "Agreement"), dated this
23rd day of April, 2026.

by and between

Global Signal Acquisitions LLC, a Delaware limited liability company, successor in interest to AT&T
Wireless PCS, LLC, a Delaware limited liability company, by and through its Member, AT&T Wireless
Services, Inc., d/b/a AT&T Wireless, with a notice address of Crown Castle USA Inc., General Counsel,
Attn: Legal - Real Estate Department, 2000 Corporate Drive, Canonsburg, Washington County,
Pennsylvania 15317 (hereinafter "**Tenant**");

and

Barberville Developers, LLC, a South Carolina limited liability company, whose address is 10700 Sikes
Place, Charlotte, North Carolina 27277 (hereinafter "**Fee Owner**");

and

Wireless Propco, LLC, a Delaware limited liability company, successor in interest to Barberville
Developers, LLC, a South Carolina limited liability company, successor in interest to Lewis J. Plyler and
Madreth C. Plyler, a married couple, whose address is 44 South Broadway, Suite 1202, White Plains, New
York 10601 (hereinafter "**Landlord**");

and

American Bank of the Carolinas, its successors and/or assigns, with a place of business located at 312 N.
Charlotte Avenue, P.O. Box 3159, Monroe, North Carolina 28112 (hereinafter "**Lender**").

RECITALS:

WHEREAS, Lewis J. Plyler and Madreth C. Plyler, as Landlord, and AT&T Wireless PCS, LLC, as
Tenant, entered into an Option and Lease Agreement dated October 14, 2002, as amended and assigned

(the "Lease") covering that certain real property located in Lancaster County, South Carolina, more fully described on **Exhibit A** attached hereto and made a part hereof (the "Premises"), a memorandum of which is recorded as Document No. 0200576 on 11/13/2002;

WHEREAS, Barberville Developers, LLC, a South Carolina limited liability company, Fee Owner, and Wireless Propco, LLC, a Delaware limited liability company, Landlord, entered into a Wireless Communication Easement and Assignment Agreement (the "Easement"), dated November 14, 2023, under and over the portion of the Premises described on **Exhibit A**, recorded on November 16, 2023, in Book 1729, Page 134, in Lancaster County, South Carolina;

WHEREAS, the property, a part of which property contains the Premises, is to be encumbered by a mortgage to secure a debt or similar security agreements, dated April 7, 2026 and recorded on April 8, 2026, in Book 5561, Page 171, in Lancaster County, South Carolina (the "Security Instrument") from Fee Owner in favor of Lender;

WHEREAS, the parties desire to establish certain rights, safeguards, obligations and priorities with regard to their respective interests by means of this Agreement and are willing to so agree on the terms and conditions hereafter provided.

NOW THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained, the receipt and sufficiency of which are hereby acknowledged, and to induce Lender to execute the Security Instrument and for other good and valuable consideration, the parties, intending to be legally bound hereby, covenant and agree as follows:

1. **Subordination.** So long as this Agreement will remain in full force and effect, the Lease and Easement are and will be subject and subordinate in all respects to the Security Instrument insofar as it affects the real property of which the Premises forms a part (but not Tenant's, Landlord's, or other parties' trade fixtures and other personal property), to any and all advances to be made thereunder and to all renewals, extensions, modifications, consolidations and replacements thereof with the same force and effect as if the Security Instrument had been executed, delivered and duly recorded prior to the execution, delivery and recording of the Lease and Easement.

2. **Nondisturbance.** So long as the Lease and the Easement are in full force and effect, and Tenant is not in material default (beyond applicable notice and cure periods) of any of its terms, obligations, covenants or conditions under the Lease, and Landlord is not in material default (beyond applicable notice and cure periods) of any of its terms, obligations, covenants or conditions under the Easement, Lender agrees for itself and its successors in interest and for any other person acquiring title to the real property of which the Premises forms a part through a conveyance (an "Acquiring Party"), that the right of possession of the Premises and all other rights of Tenant under the Lease and Landlord under the Easement shall remain in full force and effect and shall not be affected or disturbed by Lender in the exercise of its rights under the Security Instrument during the term of the Lease and the Easement, as said term may be renewed or extended pursuant to the provisions of the Lease and the Easement or as said Premises may be expanded as specified in the Lease or in the Easement, by reason of a conveyance as defined herein. For purposes of this agreement, a conveyance shall include, but not be limited to, any exercise by Lender of its rights under

the Security Instrument, including a foreclosure, sheriff's or trustee's sale under the power of sale contained in the Security Instrument, the termination of any superior lease of the Premises and any other transfer, sale or conveyance of the Landlord's interest in the Premises under peril of foreclosure, including, without limitation to the generality of the foregoing, an assignment or sale in lieu of foreclosure. Lender or any Acquiring Party and Tenant agree that any conveyance shall be made subject to the Lease and the rights of Tenant under the Lease and the parties shall be bound to one another and have the same remedies against one another for any breach of the Lease as Tenant and Landlord had before conveyance; and Lender or any Acquiring Party and Landlord agree that any conveyance shall be made subject to the Easement and the rights of Landlord under the Easement and the parties shall be bound to one another and have the same remedies against one another for any breach of the Easement as Fee Owner and Landlord had before conveyance; provided however, that Lender or any Acquiring Party shall not be liable for any act or omission of any prior landlord. Lender will not join Landlord or Tenant as a party in any action or proceeding to foreclose unless such joinder is necessary to foreclose on the Security Instrument and then only for such purpose and not for the purpose of terminating the Lease or Easement.

3. Attornment. (i) the Lease, upon receipt by Tenant of notice to attorn from Lender or any Acquiring Party, along with reasonable supporting documentation, the parties agree to not seek to terminate the Lease, to remain bound under the Lease and Tenant agrees to attorn to, accept and recognize Lender or any Acquiring Party as the landlord under the Lease pursuant to the provisions expressly set forth therein for the then remaining balance of the term of the Lease and any extensions or expansions thereof as made pursuant to the Lease, subject to Tenant's express rights to terminate the Lease as provided therein. (ii) the Easement, upon receipt by Landlord of notice to attorn from Lender or any Acquiring Party, along with reasonable supporting documentation, the parties agree to not seek to terminate the Easement, to remain bound under the Easement and Landlord agrees to attorn to, accept and recognize Lender or any Acquiring Party as the Fee Owner under the Easement pursuant to the provisions expressly set forth therein for the then remaining balance of the term of the Easement and any extensions or expansions thereof as made pursuant to the Easement, subject to Landlord's express rights to terminate the Easement as provided therein. The parties agree, however, to execute and deliver, at any time and from time to time, upon the request of another party any reasonable instrument which may be necessary or appropriate to evidence such attornment. Tenant and Landlord shall be under no obligation to pay rent to Lender or any Acquiring Party until such notice and reasonable supporting documentation are received.

4. Limitation. This Agreement shall not apply to any equipment, trade fixtures or other personal property now or hereafter located on or affixed to the Premises or any portion thereof regardless of the manner in which same are attached or affixed to the Premises and Lender hereby expressly waives any interest in same, agrees that the same do not constitute realty and acknowledges that Tenant is authorized to remove said personal property.

5. Binding Effect. This Agreement will be binding upon and will inure to the benefit of the successors and assigns of the parties hereto or any person or entity which acquires title to or the right to possession of the real property of which the Premises forms a part whether directly or indirectly through Lender and to any assignees or subtenants of Tenant which are permitted under the Lease, and to any successor in interest to Fee Owner which are permitted under the Easement.

6. Notices. All notices which are required or permitted to be given or served hereunder shall be in writing and shall be deemed to have been given or served (a) by hand delivery on the date of hand delivery; (b) one business day after delivery to an overnight courier for next business delivery or (c) three days after deposit in United States Mail via certified mail, return receipt requested to the address given above. Any party hereto may change the address set forth above from time to time by serving written notice of the change upon the other parties hereto.

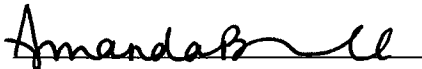
7. Governing Law. This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State where the Premises are located.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

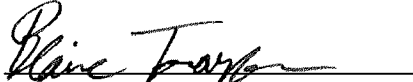
IN WITNESS WHEREOF, the parties have hereunder set their hands and seals to this Subordination, Nondisturbance and Attornment Agreement as of the date first set forth above.

TENANT:

GLOBAL SIGNAL ACQUISITIONS LLC,
a Delaware limited liability company



Witness Signature



Witness Signature

By:

Print Name: Mandy Hebert

Print Title: Manager Real Estate

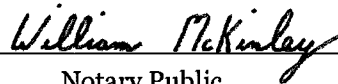
ACKNOWLEDGEMENT

State of Texas

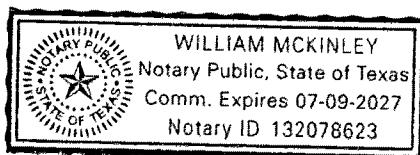
County of Harris

On this, the 21 day of April, 2026, before me, the undersigned officer in and for the above-stated jurisdiction, personally appeared Mandy Hebert, who acknowledged herself to be the Manager Real Estate of Global Signal Acquisitions LLC, a Delaware limited liability company, and that she, being authorized to do so, executed the foregoing Subordination, Nondisturbance and Attornment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

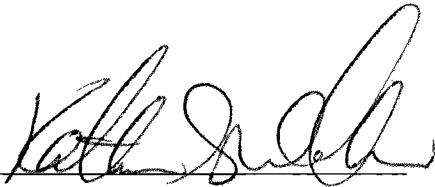


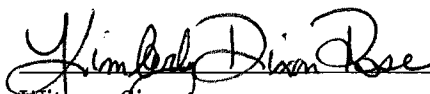
Notary Public



IN WITNESS WHEREOF, the parties have hereunder set their hands and seals to this Subordination, Nondisturbance and Attornment Agreement as of the date first set forth above.

FEE OWNER:


Witness Signature


Witness Signature

Barberville Developers, LLC,
a South Carolina limited liability company

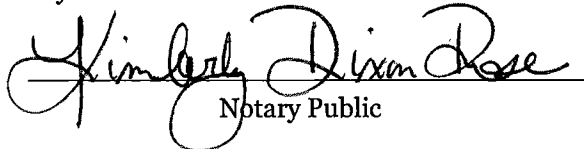
By: 
Print Name: Pradeep Reddy Patel
Print Title: Manager

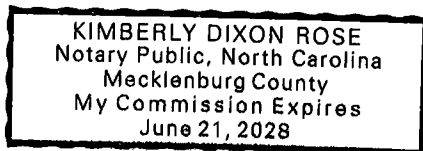
ACKNOWLEDGEMENT

State of NC
County of Mecklenburg

On this, the 7 day of April, 2026, before me, the undersigned officer in and for the above-stated jurisdiction, personally appeared Pradeep Reddy Patel, who acknowledged him/herself to be the Manager of Barberville Developers, LLC, and that he/she, being authorized to do so, executed the foregoing Subordination, Nondisturbance and Attornment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public



IN WITNESS WHEREOF, the parties have hereunder set their hands and seals to this Subordination, Nondisturbance and Attornment Agreement as of the date first set forth above.

LANDLORD:

Wireless Propco, LLC,
a Delaware limited liability company

Michael Shiff
Witness Signature

By:

Print Name:

Jason Hirsch

Print Title:

President

[Signature]
Witness Signature

ACKNOWLEDGEMENT

State/Commonwealth of New York
County of Westchester

On this, the 23 day of April, 2026, before me, the undersigned officer in and for the above-stated jurisdiction, personally appeared Jason Hirsch, who acknowledged him/herself to be the Authorized Signatory of Wireless Propco, LLC, and that he/she, being authorized to do so, executed the foregoing Subordination, Nondisturbance and Attornment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Robert Paul DiFeo
Notary Public

Robert Paul DiFeo
Notary Public, State of New York
Reg. No. 01DI0047641
Qualified in Westchester County
Commission Expires 3/12/30

IN WITNESS WHEREOF, the parties have hereunder set their hands and seals to this Subordination, Nondisturbance and Attornment Agreement as of the date first set forth above.

LENDER:

American Bank of the Carolinas,
a North Carolina lender

WR A. G. G. G.
Witness Signature

Linda M. Cook
Witness Signature

By:

Print Name:

Print Title:

F. H. Aikman

Frank H. Aikman

SR VP / Market Exec.

ACKNOWLEDGEMENT

State of NC
County of Union

On this, the 6th day of April, 2026, before me, the undersigned officer in and for the above-stated jurisdiction, personally appeared Frank Aikman, who acknowledged him/herself to be the SVP of American Bank, and that he/she, being authorized to do so, executed the foregoing Subordination, Nondisturbance and Attornment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Angela S. Helms
Notary Public

EXHIBIT A

BEING A PORTION OF PROPERTY CONTAINING APPROXIMATELY 10,000 SQUARE FEET

All that certain piece, parcel or tract of land situate, lying and being in Indian Land Township, Lancaster County, South Carolina and being more particularly described as follows: BEGINNING at a point in the center of S. C. Highway No. 160 and running thence N. 2 E. 248.2 feet to an iron; thence N. 3-53 W. 111.2 feet to an iron; thence S. 79-58 E. 579.7 feet to a point in the center of S. C. Highway No. 42; thence with said highway S. 7-32 W. 266.2 feet to a point at the intersection of said highway and Highway No. 160; thence with the center of Highway No. 160 N. 88 W. 531 feet to the point of beginning; containing 3.82 acres and being designated as Tract No. 2 on map of property of Mrs. Bennie A. Drennan, prepared by W. C. White, R.L.S., December 6, 1966.

All that certain piece, parcel or tract of land situate, lying and being in Indian Land Township, Lancaster County, South Carolina and being more particularly described as follows: BEGINNING at an iron on line of Tract No. 2 as shown on plat aforesaid, and running thence N. 3-53 W. 274.7 feet to an iron; thence S. 78-26 E. 629.8 feet to a point in the center of S. C. Highway No. 42; thence with said highway S. 7-32 W. 260 feet to a point; thence N. 78-58 W. 579.7 feet to the point of beginning; containing 3.62 acres and being shown and designated as Tract No. 1 on map of property of Mrs. Bennie A. Drennan, prepared by W. C. White, R.L.S., December 6, 1966.

This being a portion of the property conveyed to the grantor herein by deed of E.J. and Ossie G. Alexander, recorded in Deed Book G-4 at Page 384 in the Office of the Clerk of Court for Lancaster County, South Carolina.



4,320 SF RETAIL AVAILABLE FOR PRE-LEASE

9901 BARBERVILLE ROAD / FORT MILL HIGHWAY, FORT MILL, SC 29707

Retail / Executive Offices for Prelease

Coming Soon! Retail suites and offices at the center of a desirable, fast-growing area in Lancaster County's Indian Land/Fort Mill communities.

- 4,320 SF - Divisible
- Available 4th Quarter 2024 - 1st Quarter 2025

Presented By:

JAN RINGELING

704.490.3872

jan@moodyre.com

MOODY COMMERCIAL REAL ESTATE

10700 Sikes Place, Suite 280

Charlotte, NC 28277

980.313.3872 | MoodyRE.com

RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

EXECUTIVE SUMMARY



PROPERTY OVERVIEW

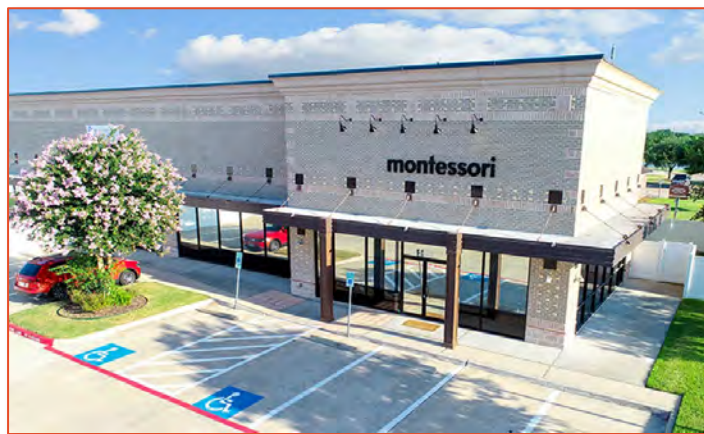
Now Pre-Leasing! Retail and Office Suites at the center of a desirable, fast-growing area in Lancaster County's Indian Land/Fort Mill communities.

High-visibility 12,150 square foot building located along Barberville Road, just feet away from Route 160 and 4.3 miles from I-77, exit 85. Multiple new residential subdivisions and workplaces within a 2-mile radius of the property.

Lease Amount	Starting at \$33 PSF
Lease Type	Retail NNN
Subtype	Commercial / Retail
Building Size	12,150 SF
Tenants	Montessori School
Zoning	NB = Neighborhood Business
Available	4 th Quarter 2024 - 1 st 2025
Electricity	Yes
Water	Yes
Sewer	Yes

HIGHLIGHTS

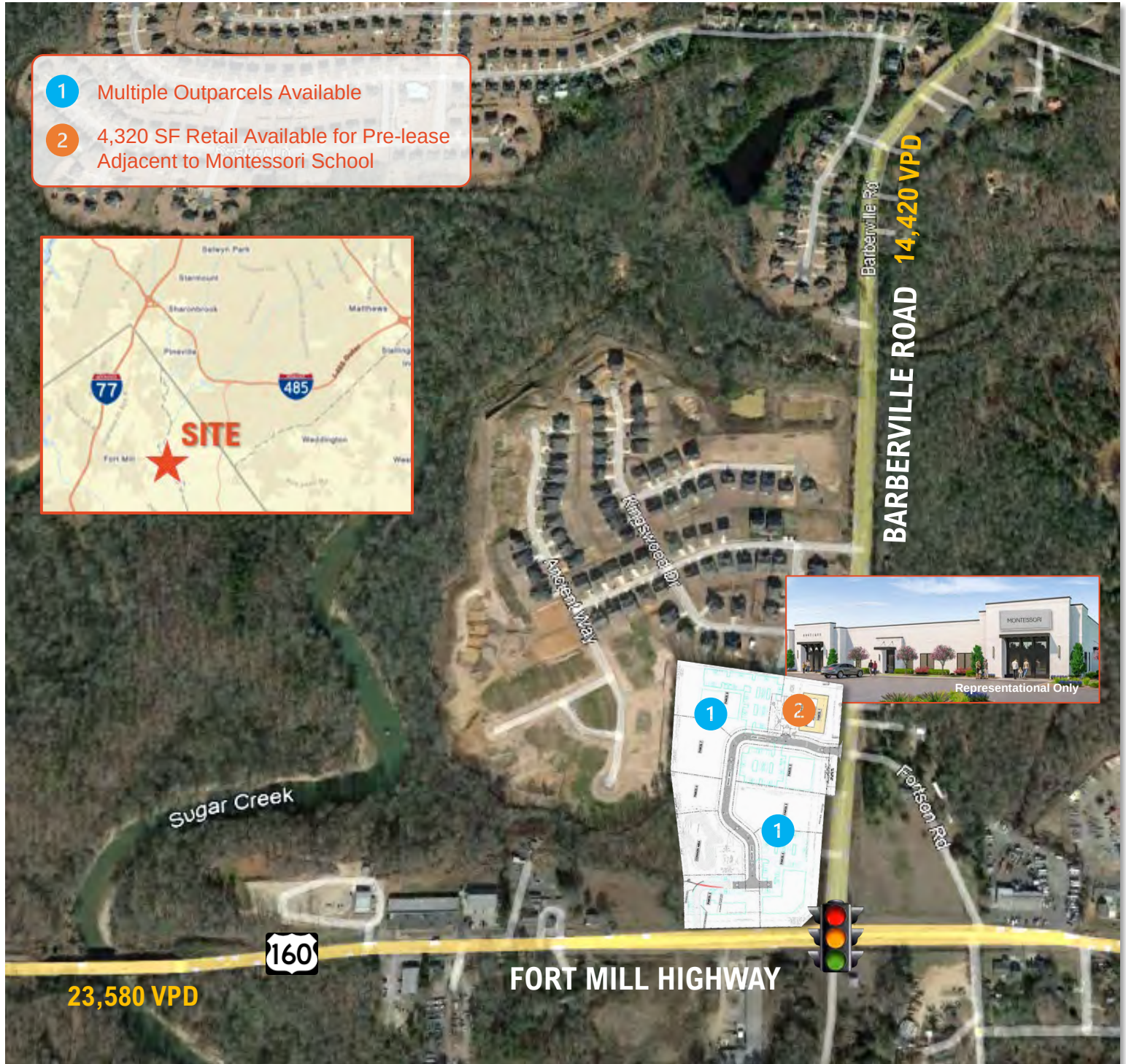
- 4,320 SF of divisible space – for lease
- Located near high-traffic Barberville Road/ Route 160 intersection
- Near multiple newly constructed residential subdivisions with high retail demand
- Part of an 11 AC commercial subdivision fronting Barberville Road and HWY 160 offering outparcel availability
- Ample parking available



RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

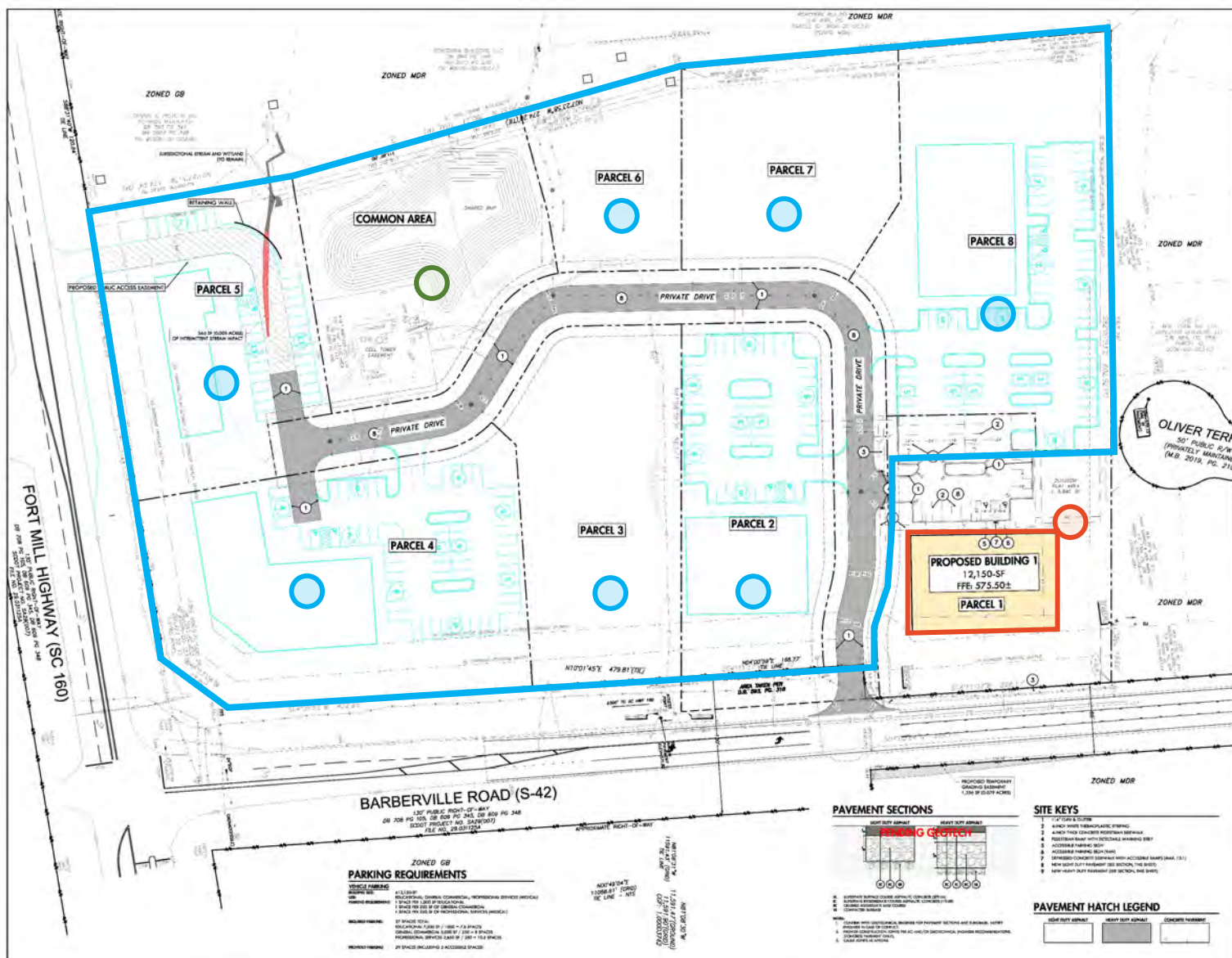
AERIAL DEVELOPMENT MAP



RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

PROPOSED SITE PLAN



- 4,320 SF Retail Pre-leasing, Adjacent to Montessori
- Multiple Outparcels Available
- Currently Under Contract
- Common Area – Green Space

RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

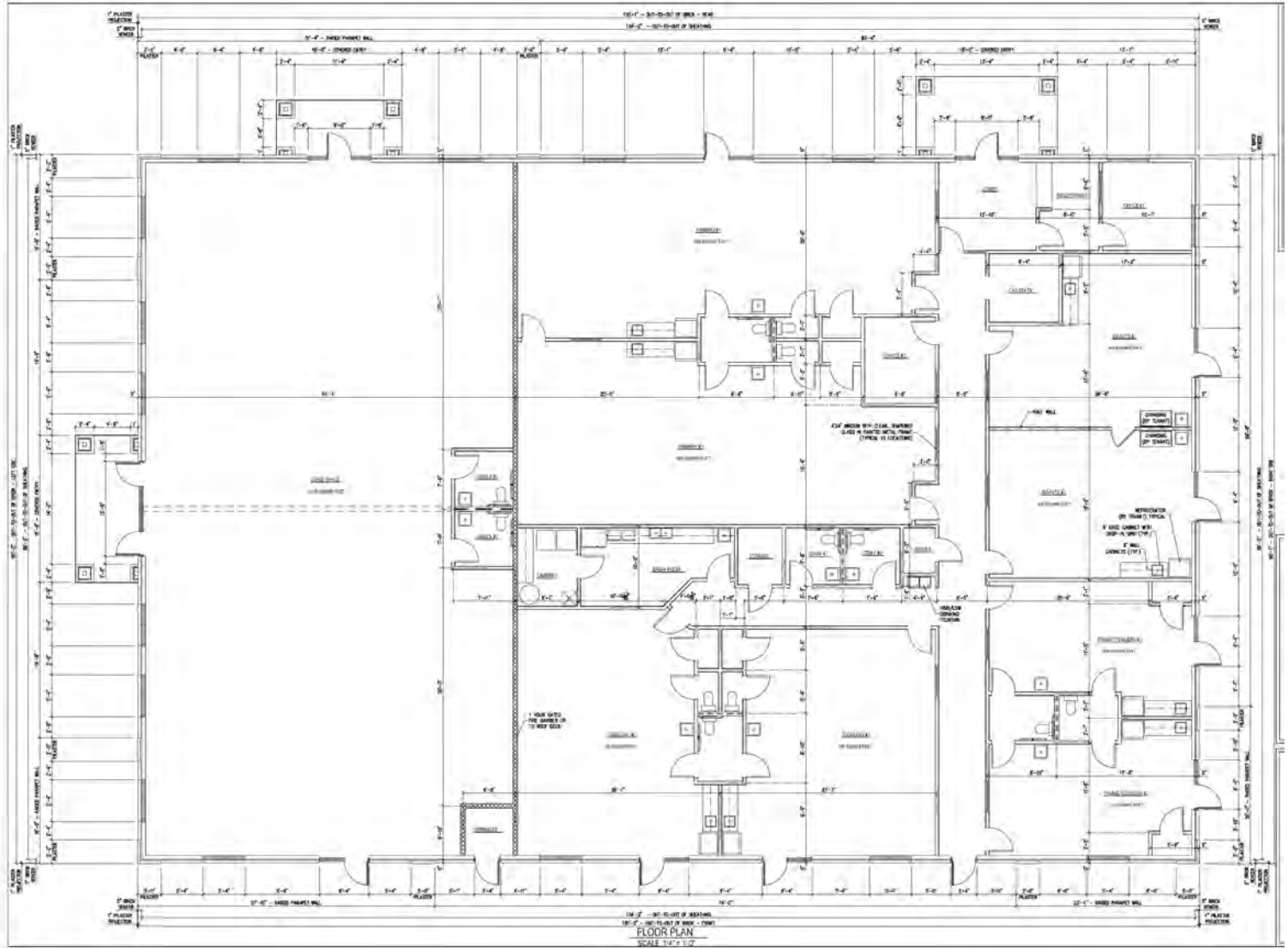
PROPOSED ELEVATIONS



RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

PROPOSED FLOOR PLAN



RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

LOCATION MAPS



COMMERCIAL REAL ESTATE SERVICES

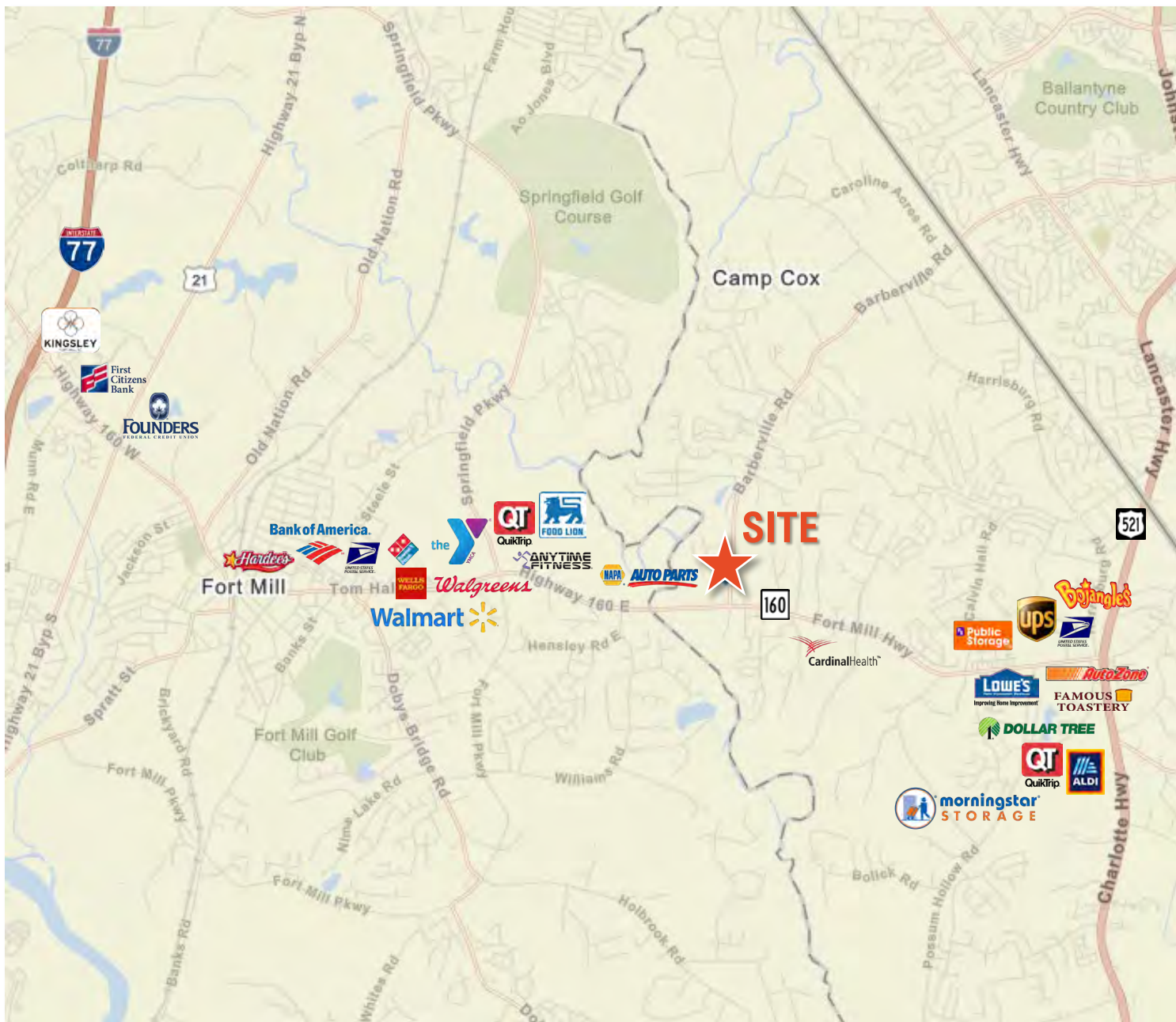
JAN RINGELING
704.490.3872
jan@moodyre.com

10700 Sikes Place, Suite 280 | Charlotte, NC 28277 | 980.313.3872 | MoodyRE.com

RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

RETAIL MAP

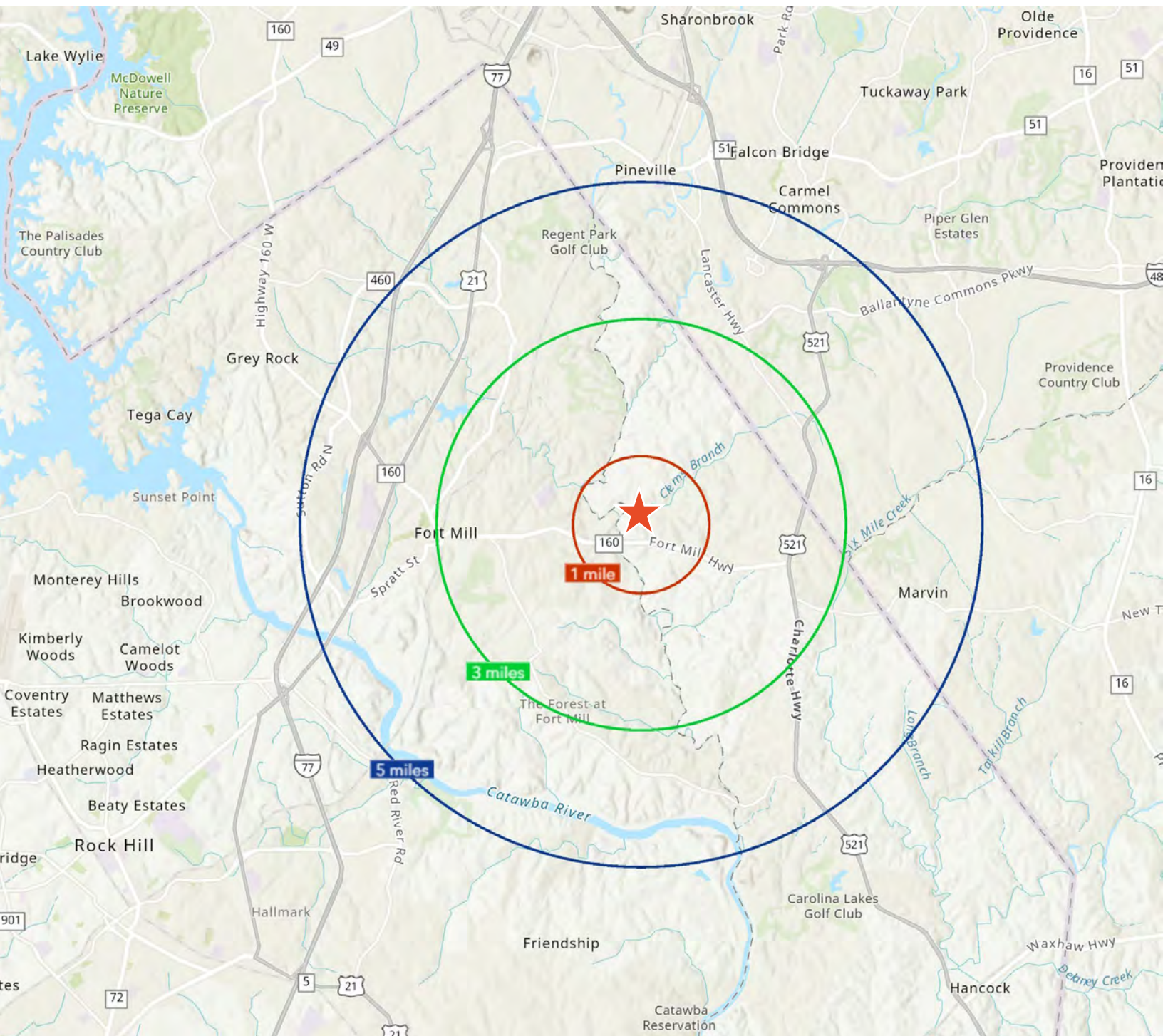


RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

DEMOGRAPHICS

RADIUS MAP 1, 3, 5 MILES



DEMOGRAPHICS

1, 3, 5 MILES

	1 mile	3 miles	5 miles
Population			
2010 Population	1,591	22,484	80,939
2020 Population	3,939	37,622	120,467
2023 Population	4,686	43,300	131,776
2028 Population	5,172	46,977	139,961
2010-2020 Annual Rate	9.49%	5.28%	4.06%
2020-2023 Annual Rate	5.49%	4.42%	2.80%
2023-2028 Annual Rate	1.99%	1.64%	1.21%
2020 Male Population	49.0%	48.3%	48.1%
2020 Female Population	51.0%	51.7%	51.9%
2020 Median Age	36.8	37.5	37.8
2023 Male Population	48.9%	48.2%	48.5%
2023 Female Population	51.1%	51.8%	51.5%
2023 Median Age	38.7	38.5	37.8

In the identified area, the current year population is 131,776. In 2020, the Census count in the area was 120,467. The rate of change since 2020 was 2.80% annually. The five-year projection for the population in the area is 139,961 representing a change of 1.21% annually from 2023 to 2028. Currently, the population is 48.5% male and 51.5% female.

Median Age

The median age in this area is 37.8, compared to U.S. median age of 39.1.

Race and Ethnicity

2023 White Alone	68.6%	66.4%	63.5%
2023 Black Alone	10.9%	11.5%	11.4%
2023 American Indian/Alaska Native Alone	0.2%	0.4%	0.4%
2023 Asian Alone	7.6%	9.4%	11.7%
2023 Pacific Islander Alone	0.0%	0.0%	0.0%
2023 Other Race	3.1%	3.1%	4.0%
2023 Two or More Races	9.5%	9.1%	9.0%
2023 Hispanic Origin (Any Race)	9.0%	9.0%	10.3%

Persons of Hispanic origin represent 10.3% of the population in the identified area compared to 19.4% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 64.1 in the identified area, compared to 72.1 for the U.S. as a whole.

Households

2023 Wealth Index	165	149	138
2010 Households	613	8,458	31,235
2020 Households	1,379	13,685	44,750
2023 Households	1,632	15,840	49,122
2028 Households	1,812	17,319	52,401
2010-2020 Annual Rate	8.45%	4.93%	3.66%
2020-2023 Annual Rate	5.32%	4.60%	2.91%
2023-2028 Annual Rate	2.11%	1.80%	1.30%
2023 Average Household Size	2.86	2.73	2.68

The household count in this area has changed from 44,750 in 2020 to 49,122 in the current year, a change of 2.91% annually. The five-year projection of households is 52,401, a change of 1.30% annually from the current year total. Average household size is currently 2.68, compared to 2.69 in the year 2020. The number of families in the current year is 33,071 in the specified area.



RETAIL SPACE FOR LEASE

FORT MILL HWY & BARBERVILLE ROAD, FORT MILL, SC

DEMOGRAPHICS

1, 3, 5 MILES

	1 mile	3 miles	5 miles
Mortgage Income			
2023 Percent of Income for Mortgage	19.1%	20.9%	22.2%
Median Household Income			
2023 Median Household Income	\$120,209	\$112,997	\$108,177
2028 Median Household Income	\$130,329	\$122,660	\$119,521
2023-2028 Annual Rate	1.63%	1.65%	2.01%
Average Household Income			
2023 Average Household Income	\$160,556	\$149,469	\$145,184
2028 Average Household Income	\$178,413	\$168,081	\$163,619
2023-2028 Annual Rate	2.13%	2.37%	2.42%
Per Capita Income			
2023 Per Capita Income	\$55,883	\$54,540	\$54,222
2028 Per Capita Income	\$62,444	\$61,841	\$61,368
2023-2028 Annual Rate	2.25%	2.54%	2.51%
GINI Index			
2023 Gini Index	30.2	32.5	34.5
Households by Income			
Current median household income is \$108,177 in the area, compared to \$72,603 for all U.S. households. Median household income is projected to be \$119,521 in five years, compared to \$82,410 for all U.S. households			
Current average household income is \$145,184 in this area, compared to \$107,008 for all U.S. households. Average household income is projected to be \$163,619 in five years, compared to \$122,048 for all U.S. households			
Current per capita income is \$54,222 in the area, compared to the U.S. per capita income of \$41,310. The per capita income is projected to be \$61,368 in five years, compared to \$47,525 for all U.S. households			
Housing			
2023 Housing Affordability Index	135	120	112
2010 Total Housing Units	651	8,990	33,347
2010 Owner Occupied Housing Units	526	7,037	22,725
2010 Renter Occupied Housing Units	88	1,422	8,510
2010 Vacant Housing Units	38	532	2,112
2020 Total Housing Units	1,412	14,530	47,406
2020 Owner Occupied Housing Units	1,227	10,784	31,674
2020 Renter Occupied Housing Units	152	2,901	13,076
2020 Vacant Housing Units	72	853	2,594
2023 Total Housing Units	1,674	16,792	51,838
2023 Owner Occupied Housing Units	1,506	12,901	36,137
2023 Renter Occupied Housing Units	126	2,939	12,985
2023 Vacant Housing Units	42	952	2,716
2028 Total Housing Units	1,841	18,188	55,262
2028 Owner Occupied Housing Units	1,681	14,042	38,844
2028 Renter Occupied Housing Units	131	3,278	13,557
2028 Vacant Housing Units	29	869	2,861
Socioeconomic Status Index			
2023 Socioeconomic Status Index	63.3	61.7	59.3



COMMERCIAL REAL ESTATE SERVICES

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Interpretation of 9901 Barberville Rd

G L [redacted]

Mon, Oct 20, 2025 at 1:45 PM

To: Allison Hardin <ahardin@lanastercountysc.gov>

Cc: Ginny Merck-Dupont <gmerckdupont@lanastercountysc.gov>, Jose Luis <jluis@lanastercountysc.gov>, "Dennis E. Marstall" <dmarstall@lanastercountysc.gov>, "April M. Williams" <amwilliams@lanastercountysc.gov>, Shannon Catoe <shannoncatoe@lanastercountysc.gov>

+ Shannon Catoe

Dennis, thank you for your previous email confirming that outside counsel was engaged. You expressed that there may be more to share by the end of last week - can you provide any new updates yet?

Allison,

Thank you for confirming that mixed uses other than qualifying live/work will not be permitted in NB zones.

Has the County informed the developers that mixed uses will not be allowed?

Going back to at least 6/14/2024, Jan Ringeling from Moody Group shared with the County in great detail that their development plans hinged on horizontal mixed use of daycare and retail sharing a single strip-style building in Parcel 1 (0006-00-058.01). Specifically, this was central to an email she sent to Stephen Blackwelder, but site plans for the building significantly pre-date that. Citizen comments and my own emails have also repeatedly shared the developer's marketing materials advertising this mixed use.

Jan's 6/14/2024 email makes clear that the cost calculations for the site require these multiple tenants. If the County has informed them that mixed uses are forbidden in NB, then they and/or the property owner are actively committing mortgage fraud. If the County has not informed them, then their construction mortgage may be in automatic default based on erroneous foundational information, and every day they continue construction without being notified increases the large liability the County has incurred through inaction.

Finally, as the complete civil plans and related application(s) do not all seem to be included in the recent FOIA request documents, can you share the dust control details for the applicant pursuant to UDO 8.4.1A.4.e that were submitted and approved as part of the sediment control plan? There has been an exceptional amount of unrestrained dust blanketing our neighborhood from the haphazard job site over recent days. I would like to know whether a complaint needs submitted to investigate, or whether the approved plan simply excluded these required details.

Kind regards,
Geoff

On Mon, Oct 13, 2025, 16:00 Allison Hardin <ahardin@lanastercountysc.gov> wrote:

Good afternoon, Mr. Larson:

Thank you for your email. My investigation generated a response to your comments that I turned over to our legal department and administration. My comments were forwarded to the 3rd party reviewer, and as of Friday last week had answered some questions his team had regarding my materials. I believe that Mr. Luis had asked for a call today regarding this 3rd party review. I am not aware of the status after that request.

I understand your question regarding what is a "timely manner." The state code and UDO have many references to time frames, such as 60 days for the Planning Commission to take up a review after application, or our internal policy of returning comments on permits within 30 days. The UDO does not put a time frame to "timely manner" in Section 9.4.1.B. I can confirm that work continues with the intent to answer your complaints with the best information available.

Regarding mixed uses: the current UDO allows for live-work units on properties zoned NB. Table 2.5.3 lists "Live-Work Units" as permitted with review (PR) in PB and NB zones. The standards for these are found in Section 5.2.6. Other than that, I'm not aware of any other mixed uses allowed in NB zones.

In my experience, developers often put their wishes on their web site. I understand that it can be frustrating. Until we have a permit request to review, staff has to treat it as a wish list, not a done deal.

I hope this is helpful. Please feel free to reach out again if you have follow-up questions.

Also: thank you for the flow chart that outlined the logic behind your complaint. It was helpful.

Regards,

Allison Hardin



Allison Hardin, *Development Services Director*
Development Services

Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720

P:(803) 285-6005
ahardin@lancastercountysc.gov

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From: G L [REDACTED]
Sent: Monday, October 13, 2025 3:09 PM
To: Allison Hardin <ahardin@lancastercountysc.gov>
Cc: Ginny Merck-Dupont <gmerckdupont@lancastercountysc.gov>; Jose Luis <jluis@lancastercountysc.gov>; Dennis E. Marstall <dmarstall@lancastercountysc.gov>; April M. Williams <amwilliams@lancastercountysc.gov>
Subject: Re: Interpretation of 9901 Barberville Rd

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—IT Helpdesk, lancastersc.supportsystem.com

Good afternoon, Allison.

It's been two weeks since I submitted this complaint, can you please update on the status of your investigation, and any appropriate actions that have been taken? Also, given the severity and

implications of the complaint and substantial amount of continued development activity at the site, can you please share what is considered to be investigating in a "timely manner"?

I also ask that you confirm: Will the County ever permit mixed uses on a parcel zoned as Neighborhood Business? I ask because the property in question continues to advertise as such, and claims to have mixed use tenants already signed to pre-leases on parcel 1.

Please let me know if there is any way I can assist.

Regards,

Geoff

On Wed, Oct 1, 2025, 10:55 G L <[REDACTED]> wrote:

Thank you, Allison.

To help your analysis, here is the County's approval for Melanie Ln (approved as Melanie Dr), which states that it's legal description is a "driveway".

Regards,

Geoff

On Mon, Sep 29, 2025, 15:58 Allison Hardin <ahardin@lancastercountysc.gov> wrote:

Dear Mr. Larson:

Thank you for your email. I will record your complaint, investigate in a timely manner, and take appropriate action as provided by the Lancaster County Unified Development Ordinance (UDO).

Regards,

Allison Hardin



Allison Hardin, *Development Services Director*
Development Services

Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720

P:(803) 285-6005
ahardin@lancastercountysc.gov

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From: G L [REDACTED] >
Sent: Monday, September 29, 2025 3:26 PM
To: Allison Hardin <ahardin@lancastercountysc.gov>
Cc: Ginny Merck-Dupont <gmerckdupont@lancastercountysc.gov>; Jose Luis <jluis@lancastercountysc.gov>; Dennis E. Marstall <dmarstall@lancastercountysc.gov>; April M. Williams <amwilliams@lancastercountysc.gov>
Subject: Interpretation of 9901 Barberville Rd

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—IT Helpdesk, lancastersc.supportsystem.com

Dear Lancaster County Planning Department,

It has come to my attention that the County will be taking the position that Melanie Ln is a private right of way, rather than a street, the latter of which all parties have agreed would require the Major Subdivision process per its definition in UDO Section 10.

I am reaching out for confirmation that the County, based on this legal position, will be indefinitely stopping any and all development of the site, effective immediately. I am filing this complaint of violation of the UDO in accordance with Section 9.4.1B., and request confirmation that it is properly filed, recorded, investigated, and appropriate action is taken.

Based on the position that Melanie Ln is not a street, the Minor Subdivision of Parcel 0006-00-058.00 is in violation in the following ways detailed below.

Melanie Ln is a Driveway, and shall not directly access Barberville Rd

UDO Section 6.4.1H. states:

“Where a subdivision borders an existing or proposed Major or Minor Thoroughfare, no direct driveway access shall be permitted to such facilities from the lots within the subdivision.”

Melanie Ln is a Driveway.

1. The UDO does not define “Driveway”. However, in myriad instances it uses the term to represent all private roadways.
2. The SCDOT A.R.M.S. defines as a driveway any “access point that is not a public street, road, or highway”.
3. SC Code of Laws Section 56-5-450 defines a driveway as “every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner”.

Barberville Rd is a Thoroughfare

1. Major Thoroughfare and Minor Thoroughfare (capitalized) are not defined in the UDO.
 - a. The County’s legal opinion and SC precedent both state that in such situations the ordinary dictionary term shall be used. Merriam-Webster defines “thoroughfare” as “a way or place for passage: such as a street open at both ends (or) a main road”
 - b. The site at [9901 Barberville Rd](#) is zoned Neighborhood Business, and the UDO description in Section 2.3 for NB includes that it “is generally located on thoroughfares”.
 - c. UDO Section 6.11.3A.1.f. defines the street classification “Road” as “a thoroughfare that runs in any direction”. Barberville Rd is classified as a “Road”.
 - d. At 9,300 AADT volume, the SCDOT 2024 Traffic Counts lists Barberville Rd as the 3rd busiest secondary and 9th busiest roadway of any kind in all of Lancaster County. It is a/the primary arterial in the northern panhandle other than 521 and 160, and a quintessential “major”

thoroughfare by all metrics. But even as a "minor" thoroughfare, this regulation still applies.

Parcel 2 does not front a street, is an illegal lot, and shall never be developed

UDO Section 1.4.3B.4. states, that except for specific inclusive criteria:

"All other lots shall front upon a street right-of-way..."

As the County's position is that Melanie Ln is not a street, Parcel 2 is landlocked and does not front or abut a street.

Parcel 2 fronts Parcel 1, and has illegal lot lines

1. As the County's position is that Melanie Ln is not a street, the lot line section radial to Melanie Ln is in violation of UDO Section 1.4.3A.1., both because it is not substantially at a right angle to a street, but also that even if it were, it does not extend for a minimum of 100 feet from the lot line.
2. Barberville Rd is the nearest street, so Parcel 2 frontage shall be oriented toward it, and Parcel 2 therefore fronts Parcel 1.

By fronting Parcel 1, Parcel 2 does not meet any exemptions of this requirement for commercial lots

1. Per criteria in UDO Section 1.4.3B.2.a., Parcel 2 does not front a drive in a public parking area, and none of the parking for the sites at 9901 Barberville are or will be public.
2. Per criteria in UDO Section 1.4.3B.2.b., Parcel 2 does not front an approved open space or park.
3. Per criteria in UDO Section 1.4.3B.2.c., Parcel 2 does not front a designated area used in common with other lots. Neither Parcel 1 nor Melanie Ln can be considered such "common space". The terms "designated area used in common" are not defined in the UDO, but:
 - a. The title of Section 1.4.3B. states "Lots to front on street or approved public space". Neither Melanie Ln nor Parcel 1 are an "open space".
 - b. Section 4.3.2F.1. further requires all buildings in the Highway Corridor Overlay (HCO) district to front a "street" or "share a frontage line with a square or other similar common open space". Again, Neither Melanie Ln nor Parcel 1 are a street or a common open space.
 - c. Section 4.3.2F.5.b. refers to such space as "improved common open space" that includes "squares, plazas, greens, or other similar spaces". Neither Melanie Ln nor Parcel 1 are any of these.

No structure or use shall ever be developed on Parcel 2.

UDO Section 4.3.2F.1. states that in the Highway Corridor Overlay (HCO) district:

"All buildings shall front onto a public or private street, or share a frontage line with a square or other similar common open space."

All parties have agreed that the parcels located at 9901 Barberville Rd lie within and are bound to the UDO rules for the HCO district.

As the County's position is that Melanie Ln is not a street, and neither it nor Parcel 1 are a pedestrian square or common open space, Parcel 2 and any structure on it are incapable of meeting this requirement.

No accessory use or structure may every be constructed on Parcel 2

1. As no building shall be erected on Parcel 2, there cannot be any principal use on the site. Per UDO Section 10.4 definition of "accessory structure", it is one that is incidental to the principal use. If there is no principal building, there shall be no accessory structure.
2. Per UDO Section 2.5.3G., a parking lot is not permitted as the principal use in Neighborhood Business zoning.

As with any violation, the developer should have the opportunity to seek a variance from the Board of Zoning Appeals. Please note that doing so requires immediate suspension of all development at the site, and triggers the requirement that it be resubmitted as a Major Subdivision.

If I am mistaken about the County's position on whether Melanie Ln is a "street", please immediately halt development at the site until they have a Major Subdivision application approved by the Lancaster County Planning Commission.

Thank you for your prompt attention to this matter.

Kind regards,

Geoff Larson

ATTACHMENT:

Documents Provided By Andrea Mazullo

For Item 5a

Planning Commission Meeting

Melanie Lane / Barberville Commercial — May 19, 2026

SD-2026-0834

You have seen this before. A few years ago, this Commission looked at this same idea — this same property, this same developer — and said no. You sent them away. You told them to work with the neighborhood.

They didn't.

Here we are again. Same property. Same bad idea. And now — a request to *dramatically expand* the scope of what they originally proposed, so they can cram in everything they wanted from the very beginning.

Nothing material has changed — except the ambition.

THE DEVELOPER IGNORED THIS COMMISSION'S DIRECTION

You asked them to work with the neighborhood. They never made a single effort to do that. Not one conversation. Not one meeting. Not one phone call — even after they collected 15-20 residents contact information at our last meeting.

Instead, they rammed this project forward — we came home to trees coming down (the impact of their falls breaking glasses in cabinets), then a quick pivot to working 12-hour days and weekends — as if they knew they had to get as much done as possible on parcel 1 before anyone could stop them.

That is the regard this developer has shown for this neighborhood and for this Commission.

WHAT THEY'RE FILING VS. WHAT THEY'RE ADVERTISING

I want to talk about what this developer says they're building — and what they're actually advertising.

Their filings say: a school, a daycare, some offices.

Their advertisements say something very different. Their public-facing materials have advertised **retail space in the same building as the school** — and a **gas station and convenience store** within this development.

I have submitted that advertisement to you ahead of my speaking..

A gas station and convenience store. Planned for one of the **lowest elevation of this property** — which means runoff, traffic, light, and noise all flowing directly toward our neighborhood.

That use is not mentioned *anywhere* in their submissions. Not on the preliminary plat. Not in the site data table not in the traffic study. Not in any filing before this Commission or others that needed to sign-off.

This is a Trojan horse. You approve what's on paper — and what gets built is something else entirely.

Your obligation is to require **full disclosure of all intended uses** before any approval is granted. A gas station triggers additional review requirements under the UDO. You cannot approve this plat without knowing what is actually going in on these parcels.

THEY BUILT WITHOUT AUTHORIZATION — AND NOW WANT PERMISSION RETROACTIVELY

For nearly six months, I have been coming before this body — and before county staff — telling you what was happening on this site *without your approval*.

The staff will tell you they have by-right to develop the property — and they do, but they must develop within the code.

They started this project knowing full well their intentions. They treated the ability to proceed with Parcel 1 as a blank check to build whatever they wanted, as fast as they could, hoping to create facts on the ground before anyone could intervene.

A building is now erected on Parcel 1. Construction proceeded under the assumption this was a minor subdivision, and they were building a small Montessori school and the rest of their ambitions still fit in minor subdivision.

It was not. Just parcel one alone is a school with retail spots in one-building — not to mention all of the other UDO violations for the remaining parcels. Which is why they are here—

As for the building currently under construction, it does not comply with the UDO requirements that govern major subdivisions and the Highway Corridor Overlay.

If you approve this proposal as submitted, that building will need to be corrected before it can be occupied. The nonconformities do not disappear — grandfathering is not to be allowed because concrete has been poured.

Your obligation is to uphold the UDO. Not as a courtesy. Not as a preference. As the law.

The Melanie Lane / Barberville Commercial application must be denied.

Parcel 1 "Piecemealing"

Melanie Lane / Barberville Commercial — May 19, 2026

SD-2026-0834

I want to address something specific that goes to the heart of what is happening here.

The developer would have you believe that Parcel 1 is a separate matter — already approved, already under construction, not subject to tonight's review.

That is not true. And approving this major subdivision makes that undeniable.

PARCEL 1 WAS ALWAYS PART OF THIS PLAN

Look at the plat before you. Parcel 1 shares the private road that serves this entire project. Its utilities are integrated with every other parcel. Its layout was designed with this development in mind from the beginning.

The advertisements for this project have always shown Parcel 1 as part of the whole — school, retail, gas station, all of it together.

Parcel 1 was not a minor subdivision that happened to be nearby. It was Phase 1 of a major subdivision, deliberately carved off and submitted separately — before the rest of the plan was ready — specifically to avoid the scrutiny that a major subdivision requires.

That practice has a name: **piecemealing**. It is impermissible.

THE APPROVAL TONIGHT CANNOT EXEMPT PARCEL 1

If this Commission approves Parcels 2 through 7 as a major subdivision tonight, it is acknowledging that this is one unified development. The shared road, the shared infrastructure, the integrated site design make that unavoidable.

But Parcel 1 was processed as a minor subdivision — without the traffic analysis, the buffer review, or the Highway Corridor Overlay compliance that a major subdivision demands.

You cannot have it both ways.

And the building on Parcel 1 does not comply with the HCO regardless of its classification. No architectural elevations. Parking in front of the building in direct violation of UDO 4.3.2.G.1. No lighting plan. These violations do not disappear because concrete has been poured.

CLOSING

I am asking this Commission to make an explicit finding tonight:

That Parcel 1 and this major subdivision constitute a **single unified development** — and that no further approvals or permits should issue for any parcel in this development until the entire project is brought into compliance with the UDO as a major subdivision.

Anything less rewards a deliberate strategy to circumvent your authority — and the protections the UDO affords to this neighborhood — one piece at a time.

Thank you.

The Inadequate Buffer

Melanie Lane / Barberville Commercial — May 19, 2026

SD-2026-0834

I want to tell you what it felt like the day they cleared the trees.

Not what it looked like. What it *felt* like.

The ground shook. Our houses shook. Parents ran outside to call their children in from their own backyards — because limbs and debris were flying through the air without warning. Trees that had stood for decades came down while families scrambled to get inside.

Those trees were our buffer. Real trees. Twenty to thirty feet tall. Gone in a few days — without notice or warning.

What the developer is proposing to replace them with is an insult.

WHAT THEY'RE CALLING A BUFFER

The plat says "Type B buffer per UDO 7.1.5.B.2."

That is all it says. No plant species. No planting schedule. No density. No size at installation. Nothing.

I have photographs for this Commission — please look at them — of a Type B buffer currently installed in this area. What you are seeing is walkable clear space at the base, low ornamental shrubs, and very small, very young trees.

That is their proposal. That is what replaces 30-year-old hardwoods.

THE ELEVATION

Now I need you to understand the physical reality of this site.

The foundation of the building on Parcel 1 sits **nearly six feet higher** than the abutting neighbor. 4-Six feet of elevation advantage — before a single wall goes up at their lowest point abutting our residents.

Those small trees will grow uphill from our homes. They will never reach the roofline of a building that already starts six feet above us. They will never block overhead light from fixtures mounted on structures elevated above our rooflines. They will never absorb noise projecting downward from a commercial site above us.

The trees they cleared worked *because* of that elevation difference. Height and density on the high side created real opacity — real cover — over our homes.

What is proposed now works in reverse. Every light fixture, every noise source, every line of sight from that elevated slab looks directly down into our backyards, our windows, our children's play areas.

A ground-level Type B buffer cannot screen a development that sits six feet above it. That is not an opinion. That is geometry.

WHAT APPROVAL MUST REQUIRE

If this Commission moves forward, the buffer cannot be a label on a plat. It must be opaque — not in fifteen years when saplings mature — **now**. It must specify evergreen species, installation sizes, and density sufficient to provide immediate screening at and above a six-foot elevation differential. It must address light. It must address noise. And the unauthorized connector into our neighborhood must be removed.

Until those standards are met in writing — with real specifications — this plat should not be approved.

Thank you.

UDO Violations Summary

Melanie Lane / Barberville Commercial — May 19, 2026

SD-2026-0834

You have heard about the history and bad faith of these developers from my neighbors who have spoken tonight. I want to summarize now the issues with the law — because this application does not just raise concerns, it violates the UDO. In ways that are documented, cited, and fatal to this application as submitted.

I have eight violations to summarize tonight. My neighbors walk through these in detail already. But I want the Commission to hear them all together — because the full picture matters.

THE EIGHT VIOLATIONS

One. This application is administratively ineligible for a vote. The recombination plat for Parcel 1 does not contain the notation required by UDO 6.2.2B to constitute a valid exempt subdivision. No compliant minor subdivision exists. This application is incomplete and cannot legally come before you tonight.

Two. Melanie Drive cannot connect to Barberville Road. UDO 6.4.1H prohibits direct driveway access from subdivision lots to a thoroughfare. Melanie Drive is legally certified as a driveway. Barberville Road is a thoroughfare by every legal standard. This connection is prohibited. No variance has been sought.

Three. Melanie Drive serves too many lots. UDO 6.18.1H.1 limits a newly created private drive to five lots. This application proposes eight. No variance has been sought.

Four. Multiple parcels cannot legally be created. UDO 1.4.3B.4 requires all lots to front a street right-of-way. The County's own legal opinion confirms Melanie Drive is not a street. Parcels 2, 3, 4, and the Common Area cannot be legally created as drawn.

Five. No buildings may be erected on Parcels 2, 3, or 4. Because they cannot front a street, no exceptions under the UDO apply, and the Highway Corridor Overlay independently bars construction on lots that do not front a public or private street. Three of eight proposed lots are legally unbuildable.

Six. The cell tower fall zone is uncontrolled and runs through proposed property lines. The 154-foot tower requires its owner to control a 154-foot fall zone radius. The existing lease covers 10,000 of the more than 74,000 square feet required. This subdivision cannot be approved with new property lines cutting through an uncontrolled fall zone.

Seven. Mandatory tree preservation requirements were violated. UDO 4.3.2L.2 required preservation of all large trees in setbacks and buffer yards. A formal complaint documenting this

— in full, with citations — was submitted to the County on August 19, 2024, before a single tree was removed. The developer had that complaint. They removed the trees anyway.

Eight. The Traffic Impact Analysis is expired. The Traffic Impact Analysis on file is from 2023. UDO 6.8 requires a current TIA. We are already past its projected horizon years. Staff cannot make a compliant recommendation on an expired study. This application is incomplete on its face.

Eight violations. Not one variance requested for any of them.

The UDO requires conformance. This application does not conform.

It must be denied.

Thank you.

Melanie Lane / Barberville Commercial — May 19, 2026 SD-2026-0834

The UDO's Own Purpose and Intent

I want to close by going back to the beginning — to the UDO itself, and to the purposes it was written to serve.

Section 1.1.4 of the Unified Development Ordinance lays out its purposes. Not suggestions. Purposes. The reasons this document exists, and the standards against which every development in Lancaster County must be measured.

Let me read some of them — and let's consider, honestly, whether this development comes anywhere close.

- Provide sustainable, well-managed growth that maintains quality of life, protects open space and environmental quality, retains the natural character of the region...
- Promote a safe and healthy environment with good air and water quality.
- Encourage community and stakeholder collaboration in development decisions, which are predictable, fair, and cost effective.
- Preserve open space, farmland, natural beauty, and critical environmental areas.
- Foster distinctive, attractive communities with a strong sense of place.”

It was written to *protect and preserve natural features, including woodlands and topography. Every significant tree on this site has been or will be removed, with no survey conducted and no

preservation plan filed. The topography that should have shaped the design has been graded away. That purpose has not been served.

It was written to *promote the health, safety, and general welfare of the community. A development is being constructed on the boundary of a residential neighborhood with an invalid subdivision, and no meaningful buffer between commercial activity and the homes next door. Failure to control dust, failure to contain and dispose of Styrofoam pollution, failure to control mud released into intermittent streams, complete removal of natural barriers to noise and light pollution, and excessive contribution to traffic do not promote a safe and healthy environment, or good air and water quality. That purpose has not been served.

Eight commercial lots are being forced onto a site that could have held two compliant buildings with appropriate setbacks — and that this Commission already rejected once. That purpose has not been served.

It was written to *provide for adequate light, air, and open space. Replacing open vegetated land with excessively compact development adjacent to established residential neighborhoods does not protect or preserve open space, natural beauty, or critical environmental areas. That purpose has not been served.

Failure of the developer to meet with neighboring residents, even at the request of the Planning Commission does not encourage community and stakeholder collaboration. That purpose has not been served.

And then there is Section 1.1.6 — the provision that transforms all of these purposes into obligations. It states that any development must *conform* to the requirements of this ordinance.

Not substantially conform. Not mostly conform. Conform. Section 1.1.6 does not give you discretion to approve a project in conflict with the UDO. It closes that door.

Commissioners, every speaker before you tonight demonstrates — clear, documented, and cited — that this application was assembled without regard for the law it was supposed to follow or concern for the community.

We are not here tonight as people who oppose development. We are here as people who believe the law should mean something — that the promises the County made to every property owner when it adopted this ordinance should be kept.

Keep those promises tonight.

Deny this application.

Thank you.

Melanie Lane / Barberville Commercial — May 19, 2026

SD-2026-0834

Tree Removal

On August 19, 2024, a formal written complaint was submitted to Lancaster County.

That complaint identified, specifically, every tree preservation requirement this developer was about to violate. The UDO sections were cited. The requirements were spelled out. The complaint was submitted before a single tree was removed from this property. Before a single shovel of dirt was turned.

The County received it. The developer had access to it.

Then they removed the trees anyway.

UDO 4.3.2L.2 requires at least 3 critical actions for any development:

1. "All required setbacks and buffer yards shall be used as tree preservation areas"
2. "Retention and protection of large trees (as set forth in Chapter 7 of the UDO)...shall be required for all development"
3. "All canopy trees...greater than 24 inches (diameter) shall be incorporated into the site plan..."

These are not aspirational guidelines. They are mandatory requirements, stated in plain language, with no discretionary language.

Yet,

1. No setback or buffer yard was, currently is, or is planned to be used for tree preservation.
2. Countless numbers of large trees were removed in violation, and this plan proposes to exterminate whatever is left.
3. The developer has not performed – nor does it intend to perform – a comprehensive tree survey.

UDO 7.1.2 goes further, stating that "preservation of existing trees ... is expected." And that "new development, through the protection of trees ... should be creative in design and placement ... to preserve natural features"

The trees on this site were natural features. The topography of this site — that now leaves our neighborhood exposed — is the topography the UDO required to be respected.

Remember – All of this was formally submitted in August 2024, before ANY trees were removed. The developer ignored and intentionally violated the UDO. The County did not step up and enforce the UDO.

The application does not intend to preserve what remains. It explicitly plans to remove it.

Commissioners, I am not asking you to restore what has been destroyed. Those trees are gone. That cannot be undone.

I am asking you to refuse to reward the destruction by approving a project that was built on the deliberate disregard of mandatory preservation requirements — and that plans to continue that disregard going forward.

Do not approve this application.

Thank you.

Melanie Lane / Barberville Commercial — May 19, 2026
SD-2026-0834
Cell Phone Tower

There is a 154-foot cell tower on this property. You can see it from a mile in any direction — well, now you certainly can, before the trees came down. I want to talk about it, because nobody has.

A 154-foot tower has a fall zone radius of 154 feet. That is the area within which, if the tower were to fail, debris would fall. The UDO has addressed this – section 5.11.5E. says

- any tower shall be set back a MINIMUM of its full height from any property line, and
- the tower owner must control the entire fall zone through ownership, lease, or recorded easement.

This application creates property lines for proposed parcels 5, 6, and Common Area that are all within the fall zone height of the cell tower, and simply aren't allowed.

And the lease on file covers just 13 percent of the fall zone.

That is not a minor paperwork gap. That is a violation of the original building permit, a non-starter for this application to proceed.

Now this developer wants to subdivide the parcel that contains that tower. The proposed subdivision would create at least three new property lines running directly through the uncontrolled fall zone. And it creates a liability conflict and potential danger and any future property owners or tenants.

UDO sections 5.11.5B. and 5.11.5K.1. also require that the tower camouflage itself to reflect the character of its surroundings — and that existing vegetation be preserved OR IMPROVED. The mature trees that surrounded this tower and screened it from neighboring residential properties are mostly gone, and this application wants to eliminate what little is left. The concealment requirement is now being violated in plain sight, and seeks to violate to an even greater extent.

The solution is not complicated. The subdivision should be redrawn so the entire 154-foot fall zone radius sits within a single parcel that will not receive commercial development. That is what the UDO intended from the beginning.

The tower owner must also have at least a recorded easement for the entire fall zone before any development on the site is eligible.

Until then, this application cannot be approved.

Thank you.

COMPREHENSIVE STATEMENT OF UDO VIOLATIONS

Melanie Lane / Barberville Commercial | SD-2026-0834

9831 & 9901 Barberville Road, Lancaster County, South Carolina

Submitted to the Planning Commission: May 19, 2026

Submitted by: Overlook at Barber Rock Neighborhood Residents

PURPOSE OF THIS DOCUMENT

This document constitutes a formal written statement of all potential violations of the Lancaster County Unified Development Ordinance (UDO) applicable to the above-referenced application. It is submitted for entry into the official record of this proceeding and is intended to supplement oral testimony presented by neighborhood residents at the May 19, 2026 Planning Commission hearing.

Not all violations listed herein will be addressed orally due to time constraints. All are submitted in writing so they are captured on the record regardless. Pursuant to **S.C. Code § 6-29-1150(D)**, any party in interest has 30 days to appeal a Planning Commission decision to the circuit court. This document is intended to preserve all grounds for such an appeal should approval be granted.

The UDO is not a list of suggestions. UDO Section 1.1.6 states that any development must **conform** to the requirements of this ordinance. Not substantially. Not mostly. Conform. This application does not.

VIOLATION SUMMARY

#	Violation	UDO Citation(s)	Variance Sought?
1	Application Administratively Ineligible — Missing Parcel 1	UDO 6.2.2B	N/A
2	Melanie Drive Cannot Connect to Barberville Road	UDO 6.4.1H	NO
3	Melanie Drive Serves Too Many Lots (limit: 5, proposed: 8)	UDO 6.18.1H.1	NO
4	Non-Compliant Parcels Cannot Be Created (no street frontage)	UDO 1.4.3B.4, 1.4.3A.1	NO
5	No Buildings May Be Erected on Parcels 2, 3, or 4	UDO 1.4.3B.2, 4.3.2F.1	NO
6	Cell Tower Fall Zone — Uncontrolled; New Property Lines Cross It	UDO §5.11.5E.1, §5.11.5N	NO
7	Mandatory Tree Preservation Violated Before & During Construction	UDO 4.3.2L.2, 7.1.2	NO
8	Traffic Impact Analysis Expired	UDO 6.8	NO
9	Open Space Requirement Not Met — Claimed Area Does Not Qualify	UDO 4.3.2L.1	NO
10	Type B Buffer Option Not Specified or Dimensioned	UDO 7.1.5	NO
11	No Building Elevations for HCO Architectural Compliance	UDO 4.3.2F.3, F.4	NO
12	Parking Placed in Front of Building — HCO Violation	UDO 4.3.2G.1	NO

#	Violation	UDO Citation(s)	Variance Sought?
13	No Plantings Shown in HCO Corridor Buffer	UDO 4.3.2J.2	NO
14	Parcels 2–7: No Buildings, Uses, Setbacks, or Parking Data	UDO Preliminary Plat Checklist	NO
15	No Site Lighting Plan Submitted	UDO 4.3.2I	NO
16	No Parking Area Landscaping Shown	UDO 4.3.2J.6	NO
17	Sidewalk Connectivity Deficiencies	UDO 4.3.2F.5	NO
18	Acreage and Lot Count Discrepancies — Materials Not Reconciled	UDO Plat Checklist	NO
19	Fire Marshal 500-Foot Hose Lay Unverifiable	Fire Code / UDO Review	CONDITIONAL
20	Accessible Route Not Shown	UDO / 2021 IBC	NO
21	Parcel 1 — Undisclosed Mixed Use (Day Care + Retail)	UDO 2.5.3, HCO Standards	NO
22	Parcel 1 — Playground/Play Structure Setback Violations	UDO §2.4, §1.4.7B	NO
23	Parcel 1 — Unauthorized Connector to Oliver Terrace	No Easement of Record	NO
24	Piecemealing — Parcel 1 Minor Subdivision Used to Avoid Major Review	UDO 6.2.2B, Major Sub. Def.	NO
25	UDO Purpose and Intent — Contrary to All Stated Purposes	UDO 1.1.4, 1.1.6	N/A

VIOLATIONS IN DETAIL

CATEGORY I — ADMINISTRATIVE INELIGIBILITY

1. Application Is Administratively Ineligible [UDO 6.2.2B]

Issue. The application does not represent all parcels in this unified development and cannot proceed to a vote.

"Any document or plat to be recorded pursuant to any such exclusion shall bear the notation: "Exempt pursuant to Lancaster County Unified Development Ordinance." — UDO 6.2.2B"

- The minor subdivision for Parcel 1 (Parcel 0006-00-058.01) was deemed noncompliant by the County, and the County formally noticed the developer that associated building permits were being revoked.
- The developer responded by filing a recombination plat, but that plat does not contain the required UDO notation specified in UDO 6.2.2B. Without it, the recombination is not a valid exempt subdivision.
- All building permits issued under the invalid recombination are therefore also invalid.

- This major subdivision application (SD-2026-0834) does not include Parcel 1. It is incomplete and is not eligible for a Planning Commission vote until corrected and resubmitted, or the recombination is corrected and a new major subdivision application filed.

24. Piecemealing — Minor Subdivision Used to Circumvent Major Review [UDO 6.2.2B; Major Subdivision Definition]

Issue. Parcel 1 was deliberately filed as a minor subdivision to avoid the scrutiny, buffers, and neighbor protections required of a major subdivision.

- Parcel 1 shares the private road (Melanie Drive), integrated utilities, and a unified site design with the parcels in this major subdivision application.
- The developer's own public advertisements have consistently shown Parcel 1 as part of the larger Barberville Commercial development — contradicting the separate filing classification.
- If approved, the Commission's acknowledgment that this is a major subdivision undermines the legitimacy of Parcel 1's minor subdivision approval, which was obtained on the premise that it was a standalone project.
- The building currently under construction on Parcel 1 was built under permits that are now invalid. It cannot be grandfathered as compliant simply because construction was rushed.

CATEGORY II — MELANIE DRIVE: PROHIBITED ACCESS AND CAPACITY

2. Melanie Drive Cannot Connect to Barberville Road [UDO 6.4.1H]

Issue. Direct driveway access from a subdivision lot to a thoroughfare is expressly prohibited.

"Where a subdivision borders a thoroughfare, no direct driveway access shall be permitted to a thoroughfare from the lots within the subdivision. — UDO 6.4.1H"

- **Melanie Drive is a driveway:** Deed Book certifies it as a "Private Driveway." SCDOT ARMS manual defines any access point that is not a public street as a driveway. S.C. Code § 56-6-450 defines it as a driveway. Three independent legal sources, one consistent conclusion.
- **Barberville Road is a thoroughfare:** UDO 6.11.3A.1.f defines a "Road" as a thoroughfare. The SC Supreme Court directs use of ordinary dictionary meaning where terms are not specifically defined — Merriam-Webster: "a main road." At 9,300 AADT it is the 3rd busiest secondary road in all of Lancaster County. The UDO's own NB zoning description acknowledges NB districts are "generally located on thoroughfares."
- **No variance has been sought or granted.**

3. Melanie Drive Serves Too Many Lots [UDO 6.18.1H.1]

Issue. A newly created private drive may access no more than 5 lots. This application proposes 8.

"No more than five lots may be accessed by a newly created private drive. — UDO 6.18.1H.1"

- Melanie Drive is newly created — it did not exist prior to this development or prior to the current UDO.
- This application proposes 8 lots accessed by Melanie Drive.
- **No variance has been sought or granted. The limit is five. The proposal is eight.**

CATEGORY III — ILLEGAL LOT CREATION AND BUILDABILITY

4. Non-Compliant Parcels Cannot Be Created [UDO 1.4.3B.4, 1.4.3A.1]

Issue. Multiple proposed lots do not front a street right-of-way and cannot be legally created.

"All ... lots shall front upon a street right-of-way. — UDO 1.4.3B.4"

- The County's own legal opinion — from a neutral party evaluator — confirms that Melanie Drive is not a street.
- Proposed Parcels 2, 3, 4, and the Common Area do not front a street right-of-way. They cannot be legally created.
- **Parcel 2 additional violation:** The southern side lot line fails the right-angle requirement of UDO 1.4.3A.1, which requires side lot lines to be substantially at right angles to straight street lines for a minimum of 100 feet from the front lot line — measured against both Barberville Road and, even if accepted as a street, Melanie Drive.
- **No variance has been sought or granted for any of these deficiencies.**

5. No Buildings May Be Erected on Parcels 2, 3, or 4 [UDO 1.4.3B.2, 4.3.2F.1, 4.3.2F.5.b]

Issue. Because these parcels do not front a street, no building may be erected, no principal use established, and no accessory structure placed on them.

- UDO 1.4.3B.2 allows commercial buildings on lots not abutting a dedicated street only if the lot fronts (a) a privately-maintained drive in a public parking area, (b) an approved open space or park, or (c) a designated area used in common. None of these exceptions apply.
- Melanie Drive is not a drive aisle within the confines of a parking area. Parcel 1 is not an approved open space, park, square, plaza, or green.

- UDO 4.3.2F.1 (Highway Corridor Overlay) independently requires all HCO buildings to front a public or private street or share a frontage line with a square or similar common open space. All proposed parcels lie within the HCO. Neither Melanie Drive nor Parcel 1 qualifies.
- UDO 4.3.2F.5.b further defines qualifying spaces as "improved common open space" including "squares, plazas, greens, or other similar spaces." Neither qualifies.
- Without a principal building, no principal use can be established. Without a principal use, no accessory structure may be placed (UDO §10.4).
- The Use Table at UDO 2.5.3G prohibits a parking lot as a principal use in NB zoning — so Parcels 2 and 3 cannot even serve as parking lots.
- **Three of eight proposed lots are legally unbuildable as drawn. No variance has been sought.**

CATEGORY IV — CELL TOWER FALL ZONE

6. Cell Tower Fall Zone — Uncontrolled; Subdivision Creates Lines Through It [UDO §5.11.5E.1, §5.11.5N, §5.11.5B, §5.11.5K.1]

Issue. The 154-foot cell tower has a 154-foot fall zone. The developer controls only ~13% of it. New property lines would bisect the uncontrolled fall zone.

- The UDO has persistently required since this tower's construction that any tower be set back its full height from any property line (Rev. 1998 UDO §4.1.26E.2; current UDO §5.11.5E.1).
- The original lease (Book 176, Pg. 137), amended lease (Book 1715, Pg. 206), and plat (Book 2002, Pg. 608) cover only a 10,000 sq. ft. area of the parcel plus a utility access path. The fall zone radius of 154 feet covers more than 74,000 sq. ft. — the lease controls approximately 13%.
- This is a violation of the tower's original building permit and the current UDO (§5.11.5N), which requires the owner to lease, own, or hold a recorded easement over the entire fall zone.
- The proposed subdivision creates at least 3 new property lines crossing through the uncontrolled fall zone. Habitable structures are prohibited within the fall zone (UDO §5.11.5E.2).
- UDO §5.11.5B requires towers over 60 feet in NB zones to be camouflaged to reflect the character of their surroundings. UDO §5.11.5K.1 requires existing vegetation to be preserved or improved to minimize visual impact. The removal of mature trees from the perimeter of this parcel violates both.
- **Solution:** The subdivision must be redrawn so the entire 154-foot fall zone radius is contained within a single parcel that will not receive commercial development. No approval should issue until the fall zone is legally controlled.

CATEGORY V — TREE PRESERVATION VIOLATIONS

7. Mandatory Tree Preservation Violated — Before, During, and Planned for Future [UDO 4.3.2A, 4.3.2L.2, 7.1.2]

Issue. Required tree preservation in setbacks and buffer yards was ignored. A formal complaint was on record before the first tree fell. No survey or preservation plan has ever been filed.

"All required setbacks and buffer yards shall be used as tree preservation areas. — UDO 4.3.2L.2"

"Retention and protection of large trees ... shall be required for all development. — UDO 4.3.2L.2"

"All canopy trees ... greater than 24 inches (diameter) shall be incorporated into the site plan. — UDO 4.3.2L.2"

- **Formal complaint date: August 19, 2024.** A written complaint citing all of these requirements was submitted to Lancaster County before a single tree was removed or a single shovel of dirt was turned. The developer had access to this complaint. Trees were removed anyway.
- The site contained a significant and undetermined number of trees exceeding 24 inches DBH that were removed without a survey being conducted — making compliance impossible to retroactively verify.
- This application contains no tree survey, no preservation plan, and explicitly plans to remove remaining trees. The County's response to the August 2024 complaint was insufficient to halt the violations.
- UDO 4.3.2A establishes that the HCO was created to "preserve and enhance" the corridor and "improve the visual character of adjacent development." Wholesale removal of mature vegetation is directly contrary to this stated purpose.
- UDO 7.1.2 requires new development to be "creative in design and placement of buildings, structures, parking, and other impervious surfaces as to preserve natural features and to complement the existing topography." No such creativity is evident.

CATEGORY VI — TRAFFIC AND INFRASTRUCTURE

8. Traffic Impact Analysis Is Expired [UDO 6.8]

Issue. The TIA on file is from 2023 and is past its projected horizon years. Staff cannot make a compliant recommendation on an expired study.

- UDO 6.8 requires a current Traffic Impact Analysis for any subdivision or site plan.
- The submitted TIA was prepared in June 2023. We are now in 2026, already beyond the study's projected horizon years.
- The TIA's own Executive Summary acknowledges that the Fort Mill Hwy (SC 160) & Barberville Road intersection currently operates at LOS E and is projected to reach LOS F under No-Build conditions — meaning the road is already failing without this development.

- Raising the intersection to an acceptable LOS D would require additional through lanes on SC 160 that neither the developer nor background developers have agreed to provide.
- **A new TIA must be prepared and reviewed before Staff can make a compliant recommendation and before this application is eligible for a vote.**

19. Fire Marshal 500-Foot Hose Lay Requirement — Unverifiable [Fire Code / UDO Review]

Issue. The Fire Marshal gave conditional approval only, noting compliance cannot be verified without known building locations.

- The Fire Marshal's review comments state that all buildings must be within 500 feet as an apparatus would lay a hose.
- Parcel 5 alone is 2.87 acres. Building locations on Parcels 2 through 7 are entirely unknown.
- This condition cannot be verified — and therefore cannot be approved — until building locations are established.

CATEGORY VII — HIGHWAY CORRIDOR OVERLAY DESIGN VIOLATIONS

9. Open Space Requirement Not Met [UDO 4.3.2L.1]

Issue. The claimed "common area" open space does not qualify as usable open space under the HCO.

- The HCO requires a minimum of 10% usable open space. At 9.74 acres, that is 0.97 acres minimum.
- The plat claims a 1.14-acre common area — but that area is the private drive, stormwater management facilities, and utility easements.
- None of these qualify as usable open space. The HCO defines usable open space as "greens, unaltered natural features, or other similar areas not covered by impervious surface." A private road and a detention pond do not qualify.
- **The open space requirement has not been met.**

10. Type B Buffer Option Not Specified or Dimensioned [UDO 7.1.5]

Issue. The plat references "Type B buffer per UDO 7.1.5.B.2" but specifies no option, no plant species, no installation sizes, no density, and no width dimensions.

- There are two options for a Type B buffer. The developer has not selected one. The staff report expressly notes this gap.

- Without a selection, this Commission cannot verify whether the parcel layout can even accommodate the required buffer.
- Given that the development sits nearly 6 feet above the residential neighborhood at the property line, a ground-level Type B buffer of small plantings is geometrically incapable of providing meaningful screening. The buffer specifications must account for this elevation differential.
- The buffer must be opaque immediately — not in 10–15 years when saplings mature — and must be specified with species, installation sizes, and density sufficient to address overhead light and noise projection from an elevated site.

11. No Building Elevations for HCO Architectural Compliance [UDO 4.3.2F.3, F.4]

Issue. The HCO requires architectural variation with horizontal and vertical offsets. No elevations have been submitted for any building, including the one under construction.

- UDO 4.3.2F.3 and F.4 require specific architectural compliance in the HCO, including horizontal and vertical offsets and variation in materials.
- No building elevations are included in this application for any parcel.
- The county's civil construction checklist requires building elevation sheets for all HCO properties.
- A building is currently under construction on Parcel 1. No evidence has been provided that it meets these requirements.

12. Parking Placed in Front of Building — HCO Violation [UDO 4.3.2G.1]

Issue. The HCO requires parking to be in the rear or qualifying side of buildings. Parcel 1 shows parking in front.

- UDO 4.3.2G.1 requires that buildings in the HCO have parking in the rear of the building or at the side only if specific conditions are met.
- The preliminary plat for Parcel 1 shows parking in front of the building along the corridor side. This is a direct violation.
- No parking analysis, layout, or compliance information is provided for Parcels 2 through 7.

13. No Plantings Shown in HCO Corridor Buffer [UDO 4.3.2J.2]

Issue. The plat shows a 25-foot buffer line along Barberville Road but depicts no plantings within it.

- UDO 4.3.2J.2 requires plantings within the HCO corridor buffer. The plat shows a dimension line only — no species, no spacing, no planting plan.
- **A line on a drawing is not a buffer.**

14. No Building, Use, Setback, or Parking Data for Parcels 2–7 [UDO Preliminary Plat Checklist]

Issue. Seven lots are proposed. Six have no substantive information. The Commission cannot evaluate compliance for what it cannot see.

- The staff report confirms there are 7 proposed lots. Parcels 2 through 7 show no proposed buildings, no designated uses, no setback compliance, no impervious surface calculations, and no parking data.
- All of these are required items per the UDO preliminary plat checklist.
- Approving this plat without this information is approving a blank check for six undisclosed future uses — including the gas station and convenience store the developer advertises publicly but has not disclosed in any filing.

15. No Site Lighting Plan Submitted [UDO 4.3.2I]

Issue. A professionally sealed lighting plan is required for all HCO properties. None was submitted.

- UDO 4.3.2I requires a professionally sealed site lighting plan for all HCO developments.
- No such plan was submitted.
- UDO 4.3.2I restricts light intensity to 0.5 foot candles at a residential property line. Given the development sits approximately 6 feet above the adjacent residential neighborhood, overhead light projection is a material constraint that must be evaluated before any approval.

16. No Parking Area Landscaping Shown [UDO 4.3.2J.6]

Issue. HCO-compliant landscaping around parking areas is required. None is shown.

- UDO 4.3.2J.6 requires landscaping around all parking areas in the HCO.
- The plat depicts 29 parking spaces for Parcel 1 with no compliant landscaping shown.
- No parking area landscaping information is provided for any other parcel.

17. Sidewalk Connectivity Deficiencies [UDO 4.3.2F.5]

Issue. Required sidewalks along Barberville Road and SC 160 are not shown.

- UDO 4.3.2F.5 requires sidewalks complying with Appendix C, connecting to adjacent pedestrian circulation, and provided on both sides of streets within the development.

- The plat shows some internal sidewalks but does not depict sidewalks on Barberville Road or SC 160 as required.

18. Acreage and Lot Count Discrepancies — Materials Not Reconciled [UDO Preliminary Plat Checklist]

Issue. Basic dimensional data is inconsistent between submissions.

- The current agenda describes 9.74 acres and 7 lots. A prior plat showed 8 parcels and 11.33 acres.
- Parcel 5 has changed from approximately 1.11 acres (prior submission) to 2.87 acres (current) — a near-tripling with no explanation.
- These discrepancies have not been reconciled. Dimensional compliance cannot be evaluated when the fundamental numbers keep changing between submissions.

CATEGORY VIII — PARCEL 1 SPECIFIC VIOLATIONS

20. Accessible Route Not Shown [UDO / 2021 IBC / ANSI 117.1]

Issue. Required accessible routes between all buildings and site elements have not been shown.

- The Building Department's advisory comments require a "required accessible route to all buildings and between any building elements on site" and request the developer show the accessible route.
- This has not been done in any submission.
- All accessibility requirements must comply with the 2021 IBC and 2017 ICC ANSI 117.1.

21. Undisclosed Mixed Use — Day Care + Retail in Same Building [UDO 2.5.3, HCO Standards]

Issue. The developer applied for a day care but publicly advertises retail in the same building — an impermissible horizontal mixed use in NB zoning.

- The application for Parcel 1 is filed as a day care use in NB zoning.
- The developer's own public advertisements show retail space within the same building as the school/day care.
- Multiple use types that are not intrinsically dependent on or subordinate to each other constitute horizontal mixed use. Horizontal mixed use is not permitted in NB or GB zoning without approval through a Mixed Use District process, which has not been filed or reviewed.
- **Retail or general commercial use triggers more stringent requirements:** a 50-foot setback and buffer from residential zoning; if any parking, trash, loading, utilities, or other elements are

visible from adjacent residential property, a Type C fully opaque year-round screen is required — not limited to ground level, but including line-of-sight from second-story residential windows.

- Where buffering requirements differ along a property boundary, the more stringent requirement applies to the entire length of that side.

22. Playground/Play Structure Setback Violations [UDO §2.4, §1.4.7B, §5.7.2C.1]

Issue. The proposed outdoor play area for the day care violates multiple setback requirements.

- UDO §5.7.2C.1 requires child day cares to have an outdoor play area. The play structure qualifies as an accessory structure under UDO §10.4 and §10.2 — it is a manmade object above ground, on the same lot, incidental to the principal use.
- As an accessory structure, it must comply with UDO §2.4 setback requirements: 30 feet rear setback, 40 feet side setback. Because it exceeds 600 sq. ft., it must also comply with all setback requirements of the principal structure.
- The current proposal places the play area approximately 20 feet from the Oliver Terrace cul-de-sac right-of-way. UDO §1.4.7B prohibits any accessory structure closer than 30 feet to any right-of-way.
- UDO §4.3.2J.6 requires an 8-foot landscaped strip around all parking areas. UDO §7.1.4C.4 requires parking lots with more than 10 spaces to have a perimeter screen of at least 10 feet. The proposed parking lot and play area are too close to accommodate both requirements simultaneously. The parking lot may not be feasible at this location if all setback and landscaping requirements are enforced.

23. Unauthorized Connector to Oliver Terrace — No Easement of Record [Property Law / UDO Subdivision Standards]

Issue. Construction on Parcel 1 includes a physical connection to the Oliver Terrace cul-de-sac for which no easement has been granted and no authorization exists.

- The developer's own advertisements show a pedestrian/vehicular connector from Parcel 1 to the Oliver Terrace cul-de-sac.
- No easement has been granted by Oliver Terrace property owners. No easement appears in the deed records. No authorization appears in any filing before this Commission.
- The Oliver Terrace neighborhood has not been consulted and does not support this connection.
- **The unauthorized connector must be removed. Our neighborhood is not a commercial driveway or parking overflow area.**

CATEGORY IX — UDO PURPOSE AND INTENT

25. Development Is Contrary to All Stated Purposes of the UDO [UDO 1.1.4, 1.1.6]

Issue. This development conflicts with every purpose for which the UDO was written. UDO 1.1.6 requires conformance — not guidance — with all requirements.

UDO 1.1.4 — Stated Purpose	How This Development Fails It
<i>Encourage the most appropriate use of land</i>	Uses are undisclosed, inconsistent with the residential neighborhood, and advertised publicly in ways that contradict the filings before this Commission.
<i>Protect and preserve natural features including woodlands and topography</i>	Every significant tree has been or will be removed with no survey and no preservation plan. The topography has been graded away.
<i>Promote health, safety, and general welfare</i>	Invalid subdivision, uncontrolled fall zone, expired traffic study, no meaningful buffer, and construction proceeded without valid permits.
<i>Prevent overcrowding and incompatible development</i>	Eight commercial lots on a site that could have held one compliant building — and which this Commission already rejected once.
<i>Provide adequate light, air, and open space</i>	Claimed open space does not qualify. Buffer is a label. Trees are gone. Overhead lighting and noise from elevated site unaddressed.
<i>Lessen congestion in streets</i>	TIA is expired; SC 160 / Barberville Road intersection already operates at LOS E and is projected to reach LOS F without this development.

UDO Section 1.1.6 is dispositive: Any development must **conform** to the requirements of this ordinance. Not substantially. Not mostly. Conform. This development does not conform. By the count documented in this submission, it fails in at least **twenty-five specific, identifiable, cite-able ways** — many of them structural, many not curable by revision, and at least one rendering this application ineligible for a vote at all.

FORMAL REQUEST

For all of the reasons stated above, the undersigned residents of the Oliver Terrace neighborhood formally request that the Planning Commission **DENY** the application for Major Subdivision SD-2026-0834 (Melanie Lane / Barberville Commercial).

Should this Commission approve the application over these documented objections, please be advised that pursuant to **S.C. Code § 6-29-1150(D)**, any party in interest has 30 days from the date of the Commission's decision to appeal to the circuit court. All rights to pursue such an appeal are expressly reserved.

This document is submitted as a formal written exhibit to the record of this proceeding. We request it be distributed to all Planning Commissioners and retained in the permanent case file.

Submitted by Residents of Oliver Terrace, Lancaster County, South Carolina

May 19, 2026

ATTACHMENT:

Documents Provided By Charles Anthony

For Item 5a

May 19, 2026

RE: SD-2026-0834 Melanie Lane/Barberville Commercial

My name is Chuck Anthony and I live at 6401 Ancient Way in Indian Land, in the Overlook at Barber Rock, the neighbors to the project. I am an attorney, but I do not represent anyone other than myself in this matter.

It would be inappropriate and risky for the Planning Commission to approve this proposal, as it seems well suited for review by the circuit court in favor of the neighbors.

There are countless ways this proposal does not comply with the Uniform Development Ordinance ("UDO"), and each and every one of my neighbors who raises those points has asked that their statements be placed in the record. There's a reason for that, and that's because were you to approve the proposal and that decision to be reviewed by the circuit court, the court would review only the record and what is in it.

The standard against which the court would review that record is clear and was recently discussed in the April 2026 decision in *Alliance to Preserve the Old White Horse Corridor* case out of Greenville County. The standard is the "any evidence" standard, where the court will give deference to the decision of the Planning Commission if there is "any evidence" in the record that the decision complies with the law, which in this case is the UDO.

Were the Planning Commission to approve the application here, it would be making the same mistake your counterparts in Greenville County made in the *Old White Horse Corridor* case – approving a plan for which evidence of how it meets the development regulation is lacking.

One very significant example of that is found at UDO 1.4.3.B.4 which states that except in very specific circumstances not relevant here, "lots shall front upon a street right-of-way."

The proposal here includes a street you may say – Melanie Drive or Lane. Well, by the definitions in the UDO, Melanie Drive is not a street, it is a "private 50' right of way." Memorandum from John K. DuBose, III to Ginny Merck-Dupont and April Williams (Sept. 20, 2025) (emphasis in original).

This isn't my opinion, this is the legal interpretation provided by John K. DuBose, III of the Smith Robinson Law Firm to the County Attorney and Planning Direction in September 2025.

Mr. DuBose said, "No new street is being created," and "Melanie Lane is denominated as a private 50' right of way . . . so it is not a 'street.'" *Id.* (emphasis in original). Nothing about the proposal that is relevant here has changed since that review.

While counties are allowed to change their mind and their interpretations, those changes must be supported by evidence of which there is none in the record.

Because Melanie Lane is not a street, Parcels 2, 3, 4, and the Common Area proposed here do not front a street right-of-way and do not comply with the UDO.

Further because the HCO applies here, UDO 4.3.2.F.1 states that, "All buildings shall front onto a public or private street or share a frontage line with a square or other similar common open space."

So, not only do parcels 2, 3, and 4 violate the UDO by not fronting a street, even if they could be approved, no buildings could be built on them because those buildings would also not front a street. Not even parking would be allowed since the zoning is NB.

This is one of many fatal flaws with the proposed plan.

In short, there is no evidence that the plan meets the requirements of the UDO and a finding of otherwise by this Commission would be ripe for review and reversal by the circuit court.

I have included with a copy of my statement a copy of Mr. DuBose's memo to the County Attorney and a copy of the *Old White Horse Corridor* case.

Thank you,

A handwritten signature in black ink, appearing to read "Chuck Anthony", with a stylized flourish at the end.

Chuck Anthony

MEMORANDUM

TO: Ginny Merck- Dupont, Lancaster County Attorney
April Willaims, Lancaster County Planning Director

FROM: John K. DuBose, III, Smith Robinson Law Firm

RE: Subdivision project classification
Barberville Commercial, 9901 Barberville Road

DATE: September 20, 2025

ISSUE

Lancaster County has requested an independent review and opinion regarding the appropriate classification of the Barberville Commercial project as either a Minor Subdivision or Major Subdivision project, pursuant to the terms of the Lancaster County Unified Development Ordinance (“UDO”).

I have been provided a preliminary draft subdivision plat dated May 31, 2024, prepared by C. Clark Nelson P.L.S. L3212, of R.B Pharr & Associates, P.A, and labelled “Minor Subdivision Plat, Barberville Commercial” (“Plat”) for review.

APPLICABLE LAW

There are no statutory construction issues to analyze. UDO Section 9, Administration, 9.2 Review Procedures, applies criteria to classify projects as a “Major Subdivisions” or as a “Minor Subdivisions” by using the definition of those terms contained in UDO Section, 10 Definitions.

With no internal conflicts in the UDO or statutory construction issues to address, the classification analysis for the plat as either a “Major Subdivision” or as a “Minor Subdivision” entails a review UDO Section 10, Definitions, and UDO Section 9, Administration, 9.2 Review Procedures.

UDO Section 10, Definitions

Section 10.2 Rules of Construction, Definitions, recites:

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

There are no conflicting provisions in the UDO for the term “street.”

State jurisprudence states that the primary rules in statutory construction is to give effect to the intent of the legislature. *Mid-State*

The definitions for Minor Subdivision and Major Subdivision are found in UDO Section 10.4 Definitions, Generally. The terms Minor Subdivision and Major Subdivision are defined as:

Subdivision, Major

Subdivisions that include new streets, extension of streets, requests for variances, dedication of public utilities or streets, include 11 or more acres or subdivide land into 6 or more lots, and result in an increase in the number of lots/parcels included in subdivision previously approved by Lancaster County.

Subdivision, Minor

Subdivisions that do not include new streets, extension of streets (except for improving or widening existing streets), requests for variances (except those for curb and gutter requirements), dedication of public utilities or streets, include 10 or fewer acres or subdivide land into 5 or more lots, and do not result in an increase in the number of lots/parcels included in subdivision previously approved by Lancaster County.

UDO Section 9, Administration

The UDO Section 10 definition of Minor Subdivision is accurately included in the Review Procedures in UDO Section 9, Administration. The review factors used to classify subdivision development projects are found in UDO Section 9.2, Review Procedures, 9.2.10, Subdivisions. The classification rule is:

A. Subdivision (Minor and Recombination)

1. Applicability: The Minor Subdivision review process is allowed for any recombination of land and for those divisions of land which:

- 1. Do not require dedication of public utilities or public streets, and*
- 2. Include 10 or fewer acres or subdivide land into 5 or of fewer lots, and*
- 3. Do not result in an increase in the number of lots/parcels included in a subdivision previously approved by Lancaster County, and*
- 4. Do not involve any other conditions that require additional approval(s) from any County board or commission, as determined by the Administrator or TRC.*

Any division of land which does not meet all of the above criteria shall be required to use the Major Subdivision process, except that multi-family buildings which units are under separate individual ownership including, but not limited to, townhome and condominium development, shall also submit minor subdivision plats after the common walls of the building are established.

A subdivision is a “Minor Subdivision” if it meets the criteria in UDO Section 9.2.10(A)(1), it is a “Major Subdivision” if it does not meet the criteria.

ANALYSIS

Analysis and review of the Plat using the definitions of Major Subdivision and Minor Subdivision in UDO Section 10 and the criteria in UDO Section 9.2.10 results in the following conclusions:

- 1) No new street is being created.
 - a. The Plat proposes the creation of Melanie Lane, a private 50’ right of way. (emphasis added).
 - b. The UDO rules of construction refer to using the ordinary dictionary definition of terms. A “street” is not defined in the UDO, but its dictionary definition is most often “a public road in a city or town” or “the roads or public areas of a city or town.” (emphasis added). The public nature of the road and possession by a city or town (see. “*of a*”) is critical.
 - c. There is also a statutory definition of “street” at S.C. Code § 56-5-403 where “street” is defined as “ the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic is a ‘street’ or ‘highway’” (emphasis added). The definition of “street” adopted by the State of South Carolina is consistent with the ordinary dictionary meaning.
 - d. Melanie Lane is denominated as, a private 50’ right of way, and will not be publicly maintained, so it is not a “street.”
- 2) There is no extension of a street.
 - a. See above.
- 3) There appears to be no request for variance associated with the subdivision proposal.
- 4) There is no dedication of public streets or utilities.
 - a. “Streets” – See above.
 - i. The plat contains a proposed emergency vehicle access easement area, but that easement area is not a “street.”
 - b. “Utilities”
 - i. The decisional criterion in UDO Section 9.2.10 is that the plat “does not require dedication of public utilities or public streets” (emphasis added). In review of the project an important point of analysis is that Lancaster County does not require that subdivision projects connect to public water and sewer services with LCWSD.
 - ii. I understand that the proposed project is eligible for water and sanitary sewer utilities with the Lancaster County Water and

- Sewer District ("LCWSD") acting as a water and sewer utility provider, but the property is not required to utilize LCWSD.
- iii. LCWSD is a special purpose district created by Act 455 of 1959 and is a "public utility" as that term is defined in S. C. Code § 58-5-10.
 - iv. LCWSD requires that developers dedicate any installed on-site water and sewer infrastructure and appurtenant easements to LCWSD.
 - v. If sewer services through LCWSD is ultimately utilized for the project, there would be a "dedication of public utilities," but that information cannot be gleaned at the plat submission and approval stage of the development process.
 - 1. It is my opinion that, if the developer submits permits for a project that requires sewer or includes public water or sewer in a later permit submission that project could be required to resubmit as a "Major Subdivision"
 - c. Development projects are not required to dedicate public utilities merely by virtue of plat approvals and during the subdivision plat review approval process there is no requirement that a subdivider inform the County of their ultimate intent for the subdivided lots.
 - i. The UDO does not require that commercial or residential projects be served by sewer if sewer is available.
 - ii. If a well system and septic system can be adequately designed to serve a commercial or residential development project, a developer may utilize wells systems for water and septic systems for wastewater, even in locations where public water and sewer are available.
 - d. There is no requirement that subdivision project utilize water and sewer utilities thorough LCWSD where available, there is not a clear "requirement" that a dedication of a "public utility" will occur for the Barberville Commercial project, or any other hypothetical project.
 - e. Inasmuch as the plat submission and recording process does not "require" dedication of a public utility, that factor has not been triggered.
- 5) The Plat does not include 11 or more acres.
 - a. The Plat recites a proposed subdivision of 5.3488 acres
- 6) The Plat does not subdivide into 6 or more lots.
 - a. Three parcels are proposed.
- 7) Based on the information provided to me, the Plat does not result in an increase in the number of lots/parcels included in subdivision previously approved by Lancaster County. I understand that the parent parcel has not been subdivided during the preceding sixty (60) years.

- 8) The Plat does involve any other conditions that require additional approval(s) from any County board or commission, as determined by the Administrator or TRC.
 - a. It is my opinion the capitalization of "County" indicates the proper noun "County," which means Lancaster County, a political subdivision of the State of Carolina.
 - b. To my knowledge there were no additional approvals required from the County boards or County commissions for the Plat submission and approval.

As discussed above, at the plat review and approval stage, there is not a dispositive "required" dedication of a public utilities that would result in the "Barberville Commercial" project being categorized as a Major Subdivision.

Subdivision projects are allowed to utilize well and septic if the project can adequately design those systems to serve the use of the subdivided parcel. The Plat does not clearly "require" dedication of public utilities, so it is not disqualified as a Minor Subdivision.

Whether the developer can utilize the subdivided parcels for its ultimate intended purpose remains to be seen. In submitting the Plat as a Minor Subdivision plat, the developer represented that there will not be a required dedication of a public utility.

If the development project ultimately requires dedication of public utilities, I believe staff can then bar the project from proceeding as an extension of the Minor Subdivision Plat approval, as the project would no longer qualify as a Minor Subdivision. The developer could then choose to proceed with a different project that will utilize a well for water and a septic system, or the developer could re-submit the project as a Major Subdivision for proposed land uses that will require utilizing LCWSD utilities.

CONCLUSION

Based on the information provided to me by Lancaster County, and upon review of the applicable UDO Sections, it is my opinion that the Plat would be properly categorized as a Minor Subdivision because there is not a "required" dedication of public utilities.

It is my opinion that Lancaster County can bar a developer from utilizing a previously approved Minor Subdivision plat to develop property in a manner that is inconsistent with the UDO criteria of a Minor Subdivision.

The developer applied for a Minor Subdivision plat approval and, as such, represented that there would be no dedication of public utilities associated with the subdivision. If the subdivided parcels require dedication of a public utility, then the County could make the developer re-submit under a Major Subdivision review process.

In the alternative, the developer may elect to proceed with development of subdivided property with uses that do not require dedication of a public utility.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Alliance to Preserve the Old White Horse Road Corridor,
LLC and Mary Jean Horney, Appellants,

v.

RP&L, LLC and the Greenville County Planning
Commission, Respondents.

Appellate Case No. 2022-001301

Appeal From Greenville County
G. D. Morgan, Jr., Circuit Court Judge

Opinion No. 6144
Heard December 4, 2024 – Filed April 15, 2026

REVERSED

William Marvin Wilson, III, of Wyche Law Firm, and
William Franklin Childers, Jr., of Tonnsen Bach Law
Firm, both of Greenville, for Appellants.

Townes Boyd Johnson, III, of Townes B. Johnson III,
LLC, of Greenville, for Respondent RP&L, LLC.

Andrew F. Lindemann, of Lindemann Law Firm, P.A., of
Columbia, for Respondent Greenville County Planning
Commission.

MCDONALD, J.: This appeal arises from the Greenville County Planning
Commission's approval of a preliminary subdivision plan for The Stables, a

proposed development of seventy-three homes in northern Greenville County. The Alliance to Preserve the Old White Horse Road Corridor, LLC (the Alliance) and Mary Jean Horney (collectively, Appellants) contend the Planning Commission erred in approving this development plan because the plan does not comport with Greenville County's Land Development Regulations (2018) (LDR). More specifically, Appellants assert the Planning Commission (1) failed to set forth findings of fact, conclusions of law, or other written grounds to explain its reasoning for approval of the preliminary subdivision application; (2) approved the application despite a lack of evidence establishing the plan for The Stables satisfies the criteria mandated by the LDR; (3) approved the application despite a lack of evidence that the Greenville County Fire Department had reviewed the plan; and (4) violated Appellants' procedural due process rights by failing to make a revised preliminary plan available for public review prior to the meeting at which the preliminary subdivision application was approved. We reverse the order of the circuit court affirming the Planning Commission's approval of this proposed development plan.

Facts and Procedural History

Horney owns a small horse farm on Old White Horse Road; her farm is adjacent to the proposed location of The Stables subdivision. Horney organized and incorporated the Alliance in an effort to preserve the area commonly known as "the Old White Horse Road Corridor."

On March 31, 2021, RP&L, LLC filed a preliminary subdivision application with the Greenville County Planning Department, proposing to subdivide and develop approximately forty-three acres of rural agricultural and equestrian land west of the Reedy River at the intersection of Meadow Brook and Old White Horse Roads.¹ RP&L proposed The Stables as a "cluster development"—a development characterized by the clustering of building lots to preserve open space for recreational, environmental, or ecological reasons. Cluster developments are also called "open space developments." An open space development "permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes" so long as "the density of the tract as a whole shall not exceed the density allowed by the zoning district under existing regulations and the remaining land area is devoted to common open space."

¹ Land west of the Reedy River is zoned Residential-Suburban (R-S) and designated "Suburban Edge" under Greenville County's Comprehensive Plan. This zoning designation allows for up to one dwelling per acre.

The purpose of open space development is to provide a method of land development that permits variation in lot sizes without an increase in the overall density of population or development. This allows the subdivision of land into lots of varying sizes which will provide home buyers a choice of lot sizes according to their needs, while at the same time, preserving open space, tree cover, scenic vistas, natural drainage ways, and outstanding natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain; provide larger open areas with greater utility for rest and recreation; and encourage the development of more attractive and economical site design.

Open space may consist of "developable" and "undevelopable" land as defined in the Zoning Ordinance and/or LDR.

RP&L originally proposed that The Stables include forty-three acres consisting of seventy-three units and 14.05 acres of "open space." While the proposed lots vary in size, most are approximately 7800 square feet or 0.174 acres. Along with its preliminary application, RP&L submitted a preliminary subdivision plan.²

After receiving comments from the Subdivision Advisory Committee, Kevin Tumblin of Freeland and Associates, a civil engineer for RP&L, submitted a revised preliminary plan. Ultimately, the request for preliminary plan approval was placed on the agenda for the Planning Commission's May 26, 2021 meeting.

Prior to the meeting, nineteen parties submitted letters opposing the proposed development. Planning Commission staff then prepared a two-page report recommending that the Commission approve the preliminary plan.

At its subsequent meeting, the Planning Commission heard presentations from Appellants' counsel, William Childers, Jr.; another resident of the area aligned with Appellants; and Tumblin, who appeared on behalf of RP&L. Childers argued the

² This preliminary plan did not label any areas as developable open space and did not specify proposed uses for the open space as required by LDR Article 11.3.2(B).

preliminary plan for The Stables should be denied because (1) the development was incompatible with the surrounding land use density of the area, and (2) the preliminary plan did not comply with LDR Article 11's open space requirements for cluster developments. Another nearby landowner, Shannon Wilson, also appeared in opposition. Wilson presented a petition with 191 names opposing The Stables and spoke about additional concerns regarding (1) likely traffic increases, (2) storm water management and flooding, (3) the safety of a proposed access to the development, (4) density, and (5) the proposed development's lack of compatibility with the surrounding rural and equestrian area.

During Tumblin's presentation, at least one Planning Commission member raised concerns related to The Stables' proposed access location on Meadow Brook Road, a small, county road with ingress and egress only via the rather heavily-traveled highway known as Old White Horse Road. Commissioner Cindy Clark opined that the proposed access was an "awkward way to get into the subdivision and leave the subdivision." Clark further noted the Fire Department had not commented on the proposed access, stated she had "real concerns" about a fire truck being able to access the proposed subdivision, and commented that she would like to hear from the Fire Department regarding this access concern. Planning Commission staff informed Clark that they had contacted the Fire Department for comment but received no response. Commission staff further noted any approval could be delayed until the Fire Department provided input.

Clark also raised issues about the potential for flooding discussed in correspondence from local resident Don Woodard, who had researched the flooding issues in the area. Clark concluded by stating, "Everything west of the Reedy along this corridor is very rural, large lots. This is not a compatible use along this corridor. And the fact [that The Stables] is sandwiched between 2 equestrian facilities[,] I think is also not a good fit."

Following Commissioner Clark's comments, Commissioner Frank Hammond asked Tumblin if there "is any reason to believe there's a fire safety access issue?" Tumblin responded, "No. After we do improvements to the front entrance and widen it, whatever the county recommends, there won't be any issues."

Commissioner Jay Rogers then asked Tumblin about the distance between The Stables and Green Valley Country Club. As Tumblin was unsure of this distance, Rogers referenced a GIS screen shot presented by Commission staff and stated his own belief that The Stables was not incompatible with the surrounding area

because at least one subdivision near Green Valley contained lots smaller than one acre.³

Following these presentations and questions, the Planning Commission approved RP&L's preliminary subdivision application with five votes in favor and four votes opposing. The Planning Commission mailed a letter to RP&L informing it of this approval. Other than the meeting transcript, this letter is the only written record of the decision; the letter does not note the 5-4 vote or include findings supporting the Commission's approval.

Appellants appealed to the circuit court in accordance with section 6-29-1150(D) of the South Carolina Code (2004 & Supp. 2025). Following a hearing, the circuit court affirmed the Planning Commission's approval of the preliminary subdivision application. Appellants timely appealed.

Standard of Review

Appellants recognize that the "any evidence" standard of section 6-29-840 of the South Carolina Code (Supp. 2025) requires that "findings of fact by [a zoning] board of appeals must be treated in the same manner as a finding of fact by a jury." However, Appellants contend this standard does not apply because section 6-29-1150—by its plain and unambiguous language—does not require that the findings of fact of a planning commission be treated in the same manner. We disagree, as both *Town of Hollywood v. Floyd*⁴ and *Kurschner v. City of Camden Planning Commission*⁵ provide for an "any evidence" standard of review. And we

³ The GIS screen shot Rogers referenced shows the location of developments *east* of the Reedy River and not on Old White Horse Road. The land east of the Reedy is zoned Residential-15 (R-15) and characterized as "Suburban Neighborhood" under the County's Comprehensive Plan. That land use designation allows for a significantly greater gross density of 3 to 5 dwellings per acre.

⁴ 403 S.C. 466, 476, 744 S.E.2d 161, 166 (2013) ("By statute, the trial court must uphold a decision by the Planning Commission unless there is no evidence to support it.").

⁵ 376 S.C. 165, 173-74, 656 S.E.2d 346, 351 (2008) ("We refuse to apply a standard of review different from the any evidence standard in this case, for any other standard of review would be contrary to the legislature's intent in granting a planning commission broad discretion in this area.").

note that in *Grays Hill Baptist Church v. Beaufort County*, our supreme court reiterated that "[i]n the zoning context, a decision of the reviewing body will not be disturbed if there is evidence in the record to support its decision." 431 S.C. 630, 637, 850 S.E.2d 29, 33 (2020). "Instead, 'a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion.'" *Id.* (quoting *Rest. Row Assocs. v. Horry County*, 335 S.C. 209, 216, 516 S.E.2d 442, 446 (1999)). Nor will a zoning decision be upheld "where it is based on errors of law" *Id.* (quoting *Hodge v. Pollock*, 223 S.C. 342, 348, 75 S.E.2d 752, 754 (1953)).

Analysis

I. Grounds for Approval and Evidence in Support

Appellants argue the Planning Commission erred in failing to propound any findings of fact, conclusions of law, or other written grounds setting forth its reasoning for approving the preliminary subdivision application for The Stables. We agree that this record lacks the support necessary for us to understand the Planning Commission's approval in light of the evidence before it.

The South Carolina Local Government Comprehensive Planning Enabling Act of 1994⁶ (the Enabling Act) gives local governments authority to create planning commissions and implement comprehensive plans to guide land development. The Enabling Act also sets forth certain requirements for these planning entities. *See* S.C. Code Ann. § 6-29-320 (2004) ("The county council of each county may create a county planning commission."); S.C. Code Ann. § 6-29-360 (B) (2004) ("The commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record."); S.C. Code Ann. § 6-29-510(A) (2004) (stating a local planning commission shall develop and maintain a comprehensive plan to guide development in its area of jurisdiction); S.C. Code Ann. § 6-29-1150(B) (2004 & Supp. 2025) ("A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken."). Pursuant to the Enabling Act, Greenville County Council adopted Land Development Regulations with the stated intent to provide for

⁶ S.C. Code Ann. §§ 6-29-310 to -1640 (2004 & Supp. 2025).

the harmonious development of the county; coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive development plan; adequate open spaces for traffic, recreation, light, and air; protection of the floodplain and floodways; and for a distribution of population and traffic which will create conditions favorable to the health, safety, and welfare of the general public.

Greenville County LDR, Article 1.2. In reviewing the applicable statutory requirements, the circuit court reached the "inescapable conclusion . . . that the Commission is not required to issue findings of fact and conclusions of law." The circuit court further found the Commission's "meeting minutes, the transcript of the meeting, and the file material, which includes written opposition to the proposed subdivision, [provide] the record of the Commission's actions and grounds for approval satisfying the requirements of S.C. Code Ann. § 6-29-1150(B)."

Although we do not disagree with the circuit court's ruling that the applicable statutes do not require the Planning Commission to issue a formal written decision setting forth findings of fact and conclusions of law, we are not convinced that the meeting minutes, meeting transcript, and "file material" in this case provide a sufficient record to allow meaningful review of the Commission's 5-4 decision to approve RP&L's preliminary subdivision application. We are unable to discern the grounds for approval as required by section 6-29-1150(B) from the record before us. There is nothing in the record indicating the Planning Commission's reasons for approval, and it is unclear what facts the Planning Commission deemed established. Moreover, we are unable to discern how the Planning Commission applied these "facts" to the LDR and applicable zoning ordinances, nor can we decipher the divided Commission's reasoning from its series of questions and answers. Accordingly, we reverse the circuit court's finding that evidence exists in this record to support the decision of the Planning Commission. *See Grays Hill Baptist Church*, 431 S.C. at 637, 850 S.E.2d at 33 (explaining "the decision of the zoning board will not be upheld where it is based on errors of law" (quoting *Hodge*, 223 S.C. at 348, 75 S.E.2d at 754)); *id.* (holding "a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion." (quoting *Rest. Row Assocs.*, 335 S.C. at 216, 516 S.E.2d at 446)).

II. LDR Article 3.1

Appellants next argue the Planning Commission erred in approving the preliminary subdivision application for The Stables when there is no evidence establishing the proposed development satisfies all three criteria of LDR Article 3.1. We agree.

As a threshold matter, we note that in its order affirming the Planning Commission, the circuit court did not reference LDR Article 3.1 by section in considering the issues raised by Appellants in their notice of appeal. *See Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000) ("It is well-settled that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial court to be preserved for appellate review."); *id.* ("Error preservation requirements are intended 'to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments.'" (quoting *I'On v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000))). And Respondents correctly note Appellants declined to file a Rule 59(e), SCRCP, motion.

But our review of the record reveals (1) the circuit court's formal order addresses in detail the County's Comprehensive Plan, which Appellants challenged as violative of LDR Article 3.1's stated criteria; (2) the circuit court ruled on issues concerning LDR Article 11 (addressing cluster developments) as they relate to the density considerations of LDR Article 3.1; and (3) the circuit court's form 4 order referenced the entirety of the file as well as the parties' arguments, which addressed at length the Article 3.1 issues raised and argued. Thus, we find the issues Appellants have raised as to LDR Article 3.1 and the County's Comprehensive Plan are preserved for our review.⁷ *See Royal v. Free Kindergarten Ass'n of Charleston*, 445 S.C. 436, 454, 914 S.E.2d 856, 865 (Ct. App. 2025) ("[W]here the question of [issue] preservation is subject to multiple interpretations, any doubt should be resolved in favor of preservation." (alterations in original) (quoting *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 333, 730 S.E.2d 282, 287 (2012) (Toal, C.J., concurring))).

LDR Article 3.1 provides:

3.1 Review Criteria

⁷ We further note section II, D of the circuit court's order specifically addresses traffic and access issues encompassed by LDR Article 3.1's review criteria.

Submitted subdivisions may be approved if they meet all of the following criteria:

- Adequate existing infrastructure and transportation systems exist to support the project;
- The project is compatible with the surrounding land use density;
- The project is compatible with the site's environmental conditions, such as but not limited to, wetlands, flooding, endangered species and/or habitat, and historic sites and/or cemeteries.

The first of the stated criteria to be considered is that "adequate existing infrastructure and transportation systems exist to support the project." *Id.* Under the preliminary plan, the proposed access point for The Stables lies on Meadow Brook Road. The South Carolina Department of Transportation (SCDOT) declined to comment on this access point based on its determination that Meadow Brook Road is a county road. Our review of the record reveals Meadow Brook Road is a dead-end road with ingress and egress only onto Old White Horse Road, a state road well-known for its high traffic volume.

Although a traffic impact study (TIS) is one way to support a finding satisfying this factor, LDR Article 9.1 states, "A TIS will be required for large developments such as major shopping centers, large planned developments, industrial complexes and any other projects that would generate 100 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street." Table 9.1 "gives examples of land use size thresholds that might be expected to generate 100 peak hour trips that may be used to determine whether a study will be required (based on [the] 7th edition of the *ITE Trip General Manual*)." For single family homes, the table indicates ninety units might be expected to generate 100 peak hour trips. Although there is nothing in Article 9 expressly granting the Planning Commission authority to order a TIS for a single-family home development with less than ninety units or to consider the combined effect of two subdivisions when evaluating the need for a TIS, there is also nothing in Article 9 stating the Planning Commission lacks authority to do so. For these reasons, we agree with Respondents that "whether to request a traffic impact study is at the very least discretionary."

Here, Appellants' traffic concerns are significant because we see nothing in this record to suggest that the existing transportation infrastructure will support The

Stables as proposed. Tumblin provided no testimony (or other evidence) that the *existing transportation infrastructure* will support The Stables. To the contrary, he indicated RP&L "will make improvements" to the road but did not specify what such improvements might entail other than "whatever the county asks us to do." Moreover, while staff recommended that the Planning Commission approve the preliminary subdivision application, the only reference to existing infrastructure and transportation is found in a section labeled "brief summary of request," which states, "Access is provided off of Meadow Brook Rd—a County Road."

The second criterion is "compatib[ility] with the surrounding land use density." The Old White Horse Road Corridor in the area where The Stables is proposed consists of rural agricultural and equestrian land. The immediate surrounding properties include Horney's thirty-one-acre horse farm to the north; Riverbend Equestrian Park, a sixty-three-acre equestrian facility, to the southeast; a fifty-eight-acre farm to the east; and other properties devoted primarily to agricultural or equestrian uses.

The Stables and surrounding areas along the Old White Horse Road Corridor are located in zone R-S, a zoning designation crafted to "provide reasonable safeguards for areas that are in the process of development with predominantly single-family dwellings but are generally still rural in character." Under Greenville County's Comprehensive Plan, the area for which The Stables is proposed is classified as "Suburban Edge," the classification for "low-density residential areas that offer opportunities for low-intensity development that is well-integrated with the natural landscape and agricultural uses." While the target density for such areas is "0 to 1 dwellings per acre," the developer intends for The Stables to consist of seventy-three homes situated on approximately nineteen acres (of the total forty-three-acre tract) with the remaining land proposed for use as open space and/or common areas. Most of the homes are proposed for lots of only 7800 square feet (0.174 acres), a density of over 5.5 homes per acre, as clustered.

At the Planning's Commission's meeting, Commissioner Clark commented, "Everything west of the Reedy along this corridor is very rural, large lots. This is not a compatible use along this corridor. And the fact that [The Stables] is sandwiched between 2 equestrian facilities I think is also not a good fit." And, as previously noted, a denser development that one commissioner referenced in favorable comparison to The Stables is actually located east of the Reedy River in zone R-15, a designation allowing for 2.9 units per acre for cluster developments (as compared to 1.7 units per acre for the correct zoning designation, R-S). Under the Comprehensive Plan, this other development is designated "Suburban

Neighborhood," which allows 3 to 5 dwellings per acre. This is a significant increase in density as compared to the "Suburban Edge" designation, which allows up to one dwelling per acre.

Other than the Planning Commission's vote approving this preliminary subdivision application, the only "evidence" in the record demonstrating The Stables "is compatible with the surrounding land use density" is the Planning Commission staff's recommendation, which states:

The site is located within the Suburban Edge character area of the Comprehensive Plan. The recommended land use types for this area are low-density residential areas that offer opportunities for low-intensity development that is well integrated with the natural landscape and agricultural uses. Residential development may occur as Individual single-family structures on large lots, or clusters of homes designed to preserve large amounts of open space, which should be interconnected as part of the county's larger open space system. The recommended density is 0 to 1 dwellings per acre. The project proposes 1.69 units per acre consistent with the R-S zoning district.

Appellants persuasively argue that the evidence in the record does not support this recommendation.

The third, and final, consideration of LDR Article 3.1 is that "[t]he project is compatible with the site's environmental conditions, such as but not limited to, wetlands, flooding, endangered species and/or habitat, and historic sites and/or cemeteries." This is important because the record includes correspondence from opposing neighbor Woodard, the proprietor of Firstfruits Farm of South Carolina, LLC, indicating that The Stables is proposed for an area already prone to flooding.

By contrast, the Subdivision Advisory Committee found The Stables would be located in the Reedy River watershed. Yet Appellants assert that below the main waterflow area of The Stables is "the Branch," an approximately one-mile long blue-line stream that initiates from a pond on The Stables property and flows to the south. Appellants contend the Branch has experienced increased incidences of flooding affecting roads and other infrastructure at the location for which development of The Stables is proposed. According to Appellants, all water runoff

in this area flows into the Branch, and none of this flow reaches the Reedy River before reaching Richmond Hills, approximately two miles from the proposed location of The Stables. Appellants maintain that during heavy rains, the Branch can flood, causing damage to the surrounding properties as reflected in photographs presented to the Planning Commission. Tumblin responded to these flooding concerns by explaining that once the developers enter the design phase, they would "closely look at the existing pond to see if [there are] any issues." He further noted the developers' plan is "to redirect all our new developed water to a new proposed [retention] pond," with the existing pond to "remain undisturbed."

We have been unable to find evidence in the record from which the Planning Commission could properly determine that this proposed development plan satisfies the LDR's environmental compatibility, infrastructure, and transportation criteria. For these reasons and the other concerns noted above, we find the circuit court erred in upholding the Planning Commission's approval of the proposed development plan and preliminary subdivision application for The Stables.⁸

Conclusion

We reverse the circuit court's order upholding the Greenville County Planning Commission's approval of this preliminary subdivision application.

REVERSED.

WILLIAMS, C.J., and TURNER, J., concur.

⁸ Because our findings here are dispositive, we decline to address Appellants' remaining issues on appeal. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing an appellate court need not address remaining issues when resolution of another issue is dispositive).

ATTACHMENT:

Documents Provided By Ann Gebel

For Item 5a



Before



Today