



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

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

MINUTES
Lancaster County Planning Commission
May 17, 2022 6:00 p.m.

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

1. ROLL CALL: Quorum is present (Four Commissioners)

Commissioners Present:

Tamecca Neely	Sheila Hinson
Charles Keith Deese	Alan Patterson

Absent: Ben Levine James Barnett

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

Staff Present:

Rox Burhans

Clerk: Jennifer Bryan

Others Present:

Brandon Pridemore, R. Joe Harris & Associates.

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

2. APPROVE AGENDA

Chairman Deese called for a motion to approve the Agenda.

Motion to defer items 5a RZ-2021-2803 Two Capital Partners (Rezoning) and 5b: DA-2021-2803 Two Capital Partners (Development Agreement) to June 21, 2022 meeting, and to defer item 5c: RZ-2022-0672 Purser to June 2, 2022

By Alan Patterson; 2nd by Tamecca Neely.

Called Vote: 4:0. Motion approved unanimously.

Motion to Approve Amended Agenda by Alan Patterson; 2nd by Sheila Hinson

Called vote: 4:0. Motion approved unanimously.

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

Chairman Deese opened the floor to comments from the public. None signed in for comment; floor was closed to comments.

4. **APPROVE MINUTES**

a. **March 15, 2022 Regular Minutes**

Item forwarded to this agenda: insufficient votes for quorum at 4/7/22, 4/19/22, and 5/5/2022 meetings. Commissioners Ben Levine and Sheila Hinson were absent from the meeting of March 15, 2022.

With Mr. Barnett and Mr. Levine absent, there are not sufficient votes for a quorum on this item. This item is forwarded to the next meeting.

b. **May 5, 2022 Regular Minutes**

The meeting of May 5, 2022 was noticed as a full voting meeting in order to better distribute proposed agenda items. Commissioner Alan Patterson was absent from the meeting of May 5, 2022.

With Mr. Barnett and Mr. Levine absent, there are not sufficient votes for a quorum on this item. This item is forwarded to the next meeting.

5. **PUBLIC ITEMS**

a. **RZ-2021-2803 Two Capital Partners**

Application by Two Capital Partners to rezone 5 parcels comprising approximately 50.7 acres located at and adjacent to 9224 Tadlock Drive (TM#s 0010-00-051.00, 0010-00-052.00, 0010-00-052.01, 0010-00-052.02, 0010-00-052.03) from Neighborhood Business (NB) and General Business (GB) to Regional Business (RB) district, to facilitate a development with mixed commercial and multi-family residential uses. Presented conjointly with item 5b: DA-2021-2803 Development Agreement. **APPLICANT REQUESTS DEFERRAL TO JUNE 21, 2022 to allow for completion of TIA review.**

b. **DA-2021-2803 Two Capital Partners**

Application by Two Capital Partners for a Development Agreement for 5 parcels comprising approximately 50.7 acres located at and adjacent to 9224 Tadlock Drive (TM#s 0010-00-051.00, 0010-00-052.00, 0010-00-052.01, 0010-00-052.02, 0010-00-052.03) from Neighborhood Business (NB) and General Business (GB) to Regional Business (RB) district, to facilitate a development with mixed commercial and multi-family residential uses. (See above Rezoning Application).

APPLICANT REQUESTS DEFERRAL TO JUNE 21, 2022 to allow for completion of TIA review.

c. RZ-2022-0672 Purser

Application by Nathaniel B. Purser to rezone 1-acre parcel at 7984 Taxahaw Road (TM# 0093-00-004.04) from Rural Business (RUB) to Agricultural Residential (AR) zoning district, for the purpose of converting a former commercial building into a residence. **STAFF REQUESTS DEFERRAL TO JUNE 2, 2022 TO MEET STATUTORY POSTING REQUIREMENT**

6. NEW BUSINESS

a. Discussion & Information: Interim Ordinance UDO-TA-2021-2980

[See attached presentation slides re: Interim Ordinance]

Rox Burhans presented an overview of the proposed Interim Ordinance.

Discussion:

Chairman Deese expressed concern and a need for caution to make sure this proposed ordinance does not cross the line prohibiting conditional zoning. Mr. Burhans acknowledged the concern and confirmed that both the consultant and county's legal counsel were attending to the distinction closely.

Alan Patterson asked how the Interim Ordinance would impact the role of Planning Commission; Mr. Burhans explained that the application and approval process for the proposed flex districts would be comparable to the current Master Plan process, with the exception that with approval from the Commission and Council at the front end of the process, preliminary plat approval would shift to staff review.

Alan Patterson asked whether the preliminary presentation to Committee of the Whole could be construed as pre-approval of a project. Mr. Burhans explained that the nature of the presentation would be clearly defined as providing feedback for possible concerns, not approval or denial. Current process does not allow any way for the developer to gauge Council's interest until fairly late in the process, after significant investment by the applicant.

Alan Patterson asked at what point the applicant would request the flex option; Mr. Burhans clarified that the request and the specific terms and conditions would be clearly defined in writing by the time the application reached presentation to Planning Commission.

Mr. Burhans and the Commissioners discussed the impact of the proposed ordinance on staff workload, and ways in which the Commission could assist and support staff.

Alan Patterson asked if Mr. Pridemore could provide feedback about the presentation from the perspective of a developer [Mr. Pridemore was in attendance in relation to the agenda items for Two Capital Partners which were deferred].

Brandon Pridemore, engineer at R. Joe Harris: Concurred that the UDO revision was a huge undertaking; agreed with Mr. Burhans' evaluation of some of the specific changes (for example change from 3-tier to 2-tier lot sizes); commented that the most critical aspect would be the "guardrails" limiting what flexibility could be requested.

Tamecca Neely asked if she could receive copies of the presentation slides; Clerk J. Bryan agreed to email copies of the presentation to all Commissioners.

Chairman Deese and the Commission agreed that as of July, the meeting schedule would return to Workshop on first Thursday and regular voting meeting on third Tuesday of each month.

7. ADJOURN

Motion to adjourn by S. Hinson; 2nd by T. Neely. Motion approved by unanimous consent. Meeting adjourned at 7:32 PM.



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 3: 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 21, 2022

Citizens are allowed 3 minutes per person to speak. ¹⁷Everyone 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.

PLEASE PRINT

1.
2.
3.
4.

UDO Interim Ordinance

Information Sharing Process

- Asked PC to watch the COW discussion and view PPT
- Held one-on-one meetings with PC to share information
- Tonight's presentation will be a further update
- UDO Interim Ordinance on June 2nd PC Agenda
- Interim Ordinance packet to go out Friday



Why Have an Interim Ordinance?

- October 2021 County: Initiated UDO Rewrite with White and Smith
 - Major issues with 2016 UDO
 - Two year process to complete
- Flooded with Major Development Inquiries in Both Panhandle and Greater Lancaster Area
 - Desirable community
 - Moratoriums
- County Concerned about Processing Major Projects with Flawed Ordinance. Not considering a moratorium.

Administrative Items

- Applicability
 - 45-Homes/Units For Residential (TIA threshold)
 - 5-Acres for Non-Residential
 - Combination of above for Mixed-Use
- Application Content (similar to MX)
 - Master Plan
 - Terms/Conditions Document
 - Traffic Study
 - Building Elevations
 - Other Items (as needed)
- Process
 - Follows general rezoning process*
 - Neighborhood meetings
 - COW project introduction



Interim Ordinance Approach

- Build Off Existing Ordinance (not attempting to rewrite UDO)
 - Improvements to process and standards for major projects
- Create a Project-Oriented Approach Versus District Based
 - Encourage collaborative master planning
 - Greater certainty of what will be built
- Enable Flexibility With Limits
- Convert Mixed Use Districts to Legacy Status
- Options for Cluster Subdivision



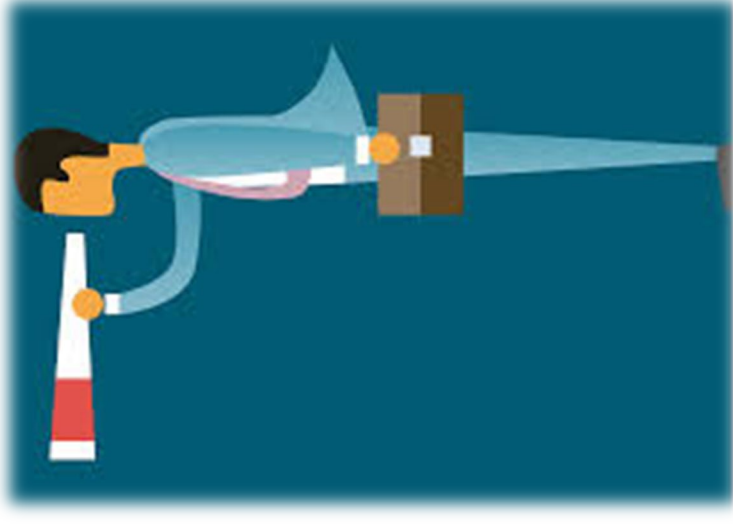
Content Overview

■ Interim Ordinance Creates Three New “Umbrella” Districts

- Flexible Residential (FR)
- Flexible Non-Residential (NFR)
- Flexible Mixed-Use (FMU)

■ Flexible District Process

- Pick FR, FNR or FMXU based on type of project
- Identify closest corresponding existing zoning district to base project
- Develop project standards in Terms and Conditions Document
 - ✓ Relate to existing UDO
 - ✓ Defined opportunities to request flexibility



Interim Ordinance Standards

- Created New or Modified Existing Standards
 - Fill missing gaps in current UDO
 - Improve under-performing existing standards
 - Kept those that worked well
- Create Improved Open Space Standards
 - Maintain 25% Open Space Requirement
 - ✓ Limit unbuildable lands to 50% of OSP calculation (e.g. wetlands, floodplain, creeks, etc.) to achieve more useable space
 - ✓ Require amenities based on a lot count sliding scale
 - ✓ Require amenity center with 500-lot or more subdivision
 - ✓ Maintain current 50-ft perimeter buffer along roads



Interim Ordinance Standards

- Update to SF Residential Lot Size Variety
 - Currently require three tiers of lots with 10-ft gap (e.g. 50-ft, 60-ft, and 70-ft typically). Limited to 34% for each type
 - Tough to distinguish difference
 - Proposal is to require two tiers with 20-ft gap and limit on 51%
- Help with On-Street Parking Issues
 - Increase SF Detached Front Setback Standard to 40-ft
 - ✓ Homeowners have evicted cars from garage
 - ✓ Potentially enable up to 4-cars in driveway
 - Require Overflow Parking for Residential Developments



Flexibility Requests

- Flexibility is a Request, not a Guarantee
- Could Potentially Include Items Such As
 - Lot sizes or dimensions
 - Densities (suggested criteria)
 - Road Configurations (e.g. cul-de-sac, block length, etc.)
- Limits to Flexibility Requests
 - Densities
 - No changes to key overlay districts (e.g. Airport, Heel Splitter, etc.)
- Creates Opportunity For Collaboration with County on Priorities
 - Tree saves
 - Better open space design/placement
 - Neighborhood/street design
 - Landscaping



MXU Districts and Cluster Subdivision

Lancaster
County

South Carolina

- Interim Ordinance Proposes Legacy Status for MXU Districts
- Projects That would be Previously Rezoned MXU Would be Accommodated As Follows:
 - Existing Regional Business District permits apartments
 - Townhomes or other residential permitted in new Flexible Residential District (no MF)
 - Flexible Mixed Use will support mixed-use development (requires 10% commercial)

■ Three Options For Cluster Subdivision Overlay District

- Option 1: Retain as is until full UDO rewritten
 - ✓ Will entitle development that is inconsistent with goals
 - ✓ Dilutes purpose of Interim Ordinance
- Option 2: Delete From Ordinance
 - ✓ May not be fair to existing owners zoned MDR
 - ✓ Would eliminate expansion of developments completely
- Option 3: Retain for properties already zoned MDR

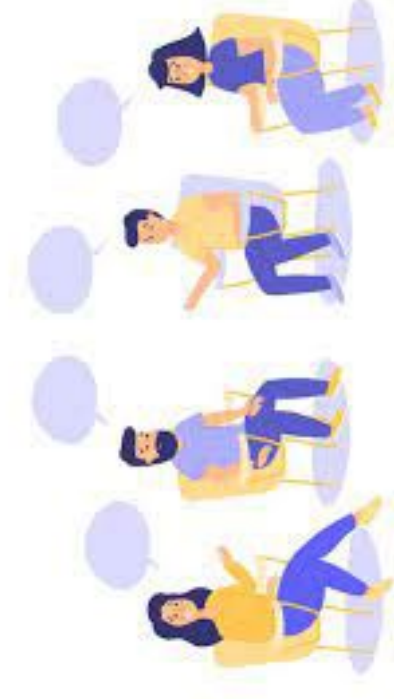
✓ Equitable

✓ Manages expansion of developments



Planning Commission Discussions

- Why is the Ordinance Needed?
- What are the Issues with Cluster Subdivisions?
- What Are the Issues with MX Districts?
- How Will This Improve our Current Approach?
- Is the Interim Ordinance Establishing Conditional Zoning?
- Staff Workload Concerns
 - Hitting PC/CC meeting dates
- Need Guard Rails on Flexibility



Wrap Up

- Interim Ordinance will Help Achieve Better Outcome For Community
 - Greater certainty with project approach versus district approach
- Common Tool Used With Peer Communities
- Help Resolve Project Challenges
 - Can help with compatibility issues
 - Some projects need ordinance to move forward
- Will Not Solve all UDO Issues, But will Address

Many With Larger Projects

