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

County Administrator
Dennis Marstall

County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

March 14, 2022 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Brian Carnes**
4. **Approval of the Agenda**

   [deletion and additions of non-substantive matter]
5. **Special Presentations**

   a. Presentation of the Smoke-Free Palmetto Certification to Lancaster County - Presented by Buck Wilson, Midlands Health Director

   b. Update from the Health and Wellness Commission - Khaleek Chapman, Chair of the Health and Wellness Commission, and Karen Nichols, Executive Director of the Upper Midlands Rural Health Network
6. **Executive Session**

   [motions from Members may follow]

   a. Two Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

   1. ***Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***

   2. ***Discussion of Proposed Contractual Matters. SC Code 30-4-70(a)(2).***
7. **Citizens Comments**

   [Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at https://www.mylancastersc.org/. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged

during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

8. Consent Agenda

[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]

a. Approval of Minutes from the February 16, 2022 County Council Committee Of The Whole Meeting

b. Approval of Minutes from the February 28, 2022 County Council Regular Meeting

c. 3rd Reading of Ordinance 2022-1795 regarding Amending the Unified Development Ordinance (UDO) in Section 7.2.4. regarding Off-Street Parking and Loading Requirements

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 7.2.4., Off-Street Parking And Loading Requirements, To Modify Minimum Required Parking Spaces. ***- Planning Department Case Number: UDO-TA-2021-2981. The Planning Commission recommended approval by a vote of 5-1 and staff recommended approval of the text amendment. Passed 6-0 at the February 14, 2022 County Council Meeting (Larry Honeycutt Absent). Passed 7-0 at the February 28, 2022 County Council Meeting. - Rox Burhans***

9. Non-Consent Agenda

a. Resolution 1193-R2022 regarding Authorization of Funding for EMS Headquarters Bay Construction, acquisition of a Mass Transport Bus for EMS, Renovations at the Barnett Building Renovation, Springdale Recreation Center Parking Lot Reclamation and Addition, and an Addition for the Public Defender's Office

Resolution Title: A Resolution Authorizing American Rescue Plan Act (ARPA) Funding For EMS Headquarters Bay Construction, Acquisition Of A Mass Transport Bus For EMS, Renovations At The Barnett Building, Springdale Recreation Center Parking Lot Reclamation And Addition, And An Addition For The Public Defender's Office. ***- Dennis Marstall/Kim Belk***

b. Public Hearing and 2nd Reading of Ordinance 2022-1796 regarding Utilization of Excess Capital Project Sales Tax Collections from the First Reimposed Capital Project Sales Tax Pursuant to the State Budget Proviso

Ordinance Title: An Ordinance To Specifying The Purposes For Which Excess Capital Project Sales Tax Collections From The First Reimposed Capital Project Sales Tax Will Be Utilized Pursuant To State Budget Proviso And The Capital Project Sales Tax Act. ***- Passed 6-1 at the February 28, 2022 County Council Meeting (Allen Blackmon Opposed). - Dennis Marstall***

c. Public Hearing and 1st Reading of Ordinance 2022-1793 regarding Rezoning Approximately 90.43 Acres of Property Located On Jim Wilson Road, Fort Mill, SC, from RN to MDR (Applicant Realty Advisory Corporation)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 90.43 Acres Of Property (TMS# 0014-00-043.00), Located On Jim Wilson Road, Fort Mill, South Carolina, From RN, Rural Neighborhood District, To MDR, Medium Density Residential District. ***- Planning Department Case Number: RZ-2021-2643. The Planning Commission recommended denial by a vote of 3-3; however, the Planning Staff recommended approval of the request. - Rox Burhans***

d. Public Hearing and 1st Reading of Ordinance 2022-1797 regarding Rezoning Approximately 9.6 Acres of Property from Low Density Residential (LDR) and Neighborhood Business (NB) to General Business (GB) District (Applicant Panhandle Partners)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To

Rezone 9.6 Acres Of Property (TMS# 0016-00-047.00), Located On Charlotte Highway, South Carolina, From LDR, Low Density Residential And NB, Neighborhood Business Districts, To GB, General Business District. ***- Planning Department Case Number: RZ-2021-1921. The Planning Commission recommended denial by a vote of 1-5 and the Planning staff also recommended denial of the rezoning request. - Rox Burhans***

e. Public Hearing and 1st Reading of Ordinance 2022-1798 regarding Approval of an Easement Grant to Lancaster County Water and Sewer District for the Indian Land Recreation Center

Ordinance Title: An Ordinance To Approve An Easement Grant To Lancaster County Water And Sewer District Upon Real Property Owned By Lancaster County Bearing Tax Parcel Number 0013-00-047.01 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easement And To Effectuate The Purposes Of This Ordinance. ***- John DuBose***

f. 1st Reading of Ordinance 2022-1800 regarding Approval of an Easement Grant to Duke Energy Carolinas, LLC for the Indian Land Soccer Complex

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located On Harrisburg Road Bearing Tax Parcel Number 0005-00-077.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easements And To Effectuate The Purposes Of This Ordinance. ***- John DuBose***

g. 1st Reading of Ordinance 2022-1801 regarding Authorization of Acquisition of Real Property for the New County Detention Center

Ordinance Title: An Ordinance Authorizing The Acquisition Of Approximately Sixty-Four (64) Acres Of Real Property Located On Pageland Highway For The Construction Of A New County Detention Center And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Purchase Of The Real Property And The Purposes Of This Ordinance. ***- Dennis Marstall/John DuBose***

10. Discussion and Action Items

a. Approval of Appointment to the Accommodations Tax Advisory Committee

- Christopher Manor to the Lancaster County Accommodations Tax Advisory Committee as one of the lodging representatives

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

12. Miscellaneous Reports and Correspondence

13. Citizens Comments

[If Council delays until end of meeting]

14. Executive Session

[motions from Members may follow]

15. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council agendas are posted at the Lancaster County Administration Building and are available on the Website: **www.mylancastersc.org**

Meetings are live streamed and can be found by using the following link: https://mylancastersc.org/government/lancaster_county_council/County_Council_Meetings.php

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson/Clerk to Council
Department: Administration
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
The Division of Tobacco Control and prevention would like to congratulate Lancaster County for its efforts and its comprehensive smoking protections for clean air. They are presenting the County with their Smoke-Free Palmetto Certification.

Points to Consider:
Lancaster County is one of the first recipients of this award.

Funding and Liability Factors:
N/A

Council Options:
N/A

Recommendation:
N/A

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson/Clerk to Council
Department: Administration
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
The Health and Wellness Commission would like to update Council on their work, especially in regards to the latest grant they have received. The Commission has received the second round of a grant called, "Improving Social Determinants of Health - Getting Further Faster Year 2."

Points to Consider:
The lead fiscal contact and the lead applicant for the project is Karen Nichols, Executive Director for the Upper Midlands Rural Health Network.

Funding and Liability Factors:
There is no funding and liability factors for Lancaster County as the grant is being administered through the Upper Midlands Rural Health Network.

Council Options:
This item is for information only for Council and citizens.

Recommendation:
This item is for information only for Council and citizens.

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Donna Greene / Deputy Clerk to Council
Department: County Clerk
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Approve or amend the minutes from the February 16, 2022 County Council Committee Of The Whole meeting.

Points to Consider:
The draft minutes from the February 16, 2022 County Council Committee Of The Whole meeting are attached for Council's review and consideration.

Funding and Liability Factors:
There are no funding or liability factors regarding approval of minutes.

Council Options:
Council can approve or amend the minutes.

Recommendation:
Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 2-16-2022 Committee Of The Whole Meeting	3/9/2022	Backup Material

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

Lancaster County
South Carolina

County Administrator
Dennis Marstall

County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

February 16, 2022 | **1:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

MINUTES

DRAFT

Council Members Present: Allen Blackmon, Steve Harper, Larry Honeycutt, Charlene McGriff *[who entered the meeting late at approximately 1:23 p.m. during **Citizen Comments**]*, Billy Mosteller and Terry Graham *[who entered the meeting late at approximately 3:32 p.m., during **Airport Terminal Replacement and Lighting Vault Relocation Presentation**]*.

Council Members Absent: Brian Carnes.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Jeff Catoe, Public Services Director; Veronica Thompson, Financial Services Director; Kimberly Belk, Budget Director; Jamie Gilbert, Economic Development Director, Clay Catoe, EMS Director; Darren Player, Fire/Emergency Services Director; Robert Purser, Public Safety Communications Director; Sheriff Barry Faile; Lisa Robinson, Human Resources Director; Ken Holt, Holt Consulting; the press; various public service employees and citizens.

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

Call to Order - Chairman Steve Harper

Chairman Steve Harper called the regular meeting of County Council to order at approximately 1:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting. He acknowledged the public service employees and thanked them for their service and for being the face of Lancaster County.

Pledge of Allegiance and Invocation - Council Member Billy Mosteller

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

Approval of Agenda

Allen Blackmon moved to approve the agenda. Seconded by Larry Honeycutt. Motion Passed 4-0.; Absent: Carnes, Graham, McGriff

Special Presentations

The County Administrator and Department Heads recognized various county employees for their work during the January ice storms. Dennis Marstall stated Lancaster County had a big ice storm event on January 15th and two other snow events the following weekends. He noted that during such events, that government assistance would likely be needed the most and that it was crucial to keep government operations going. He stated that during his short tenure here, it was great to have these employees step up and get the job done. He stated that everyone recognized at the meeting would get a Thumbs Up award. He stated the communication and coordination were outstanding.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments:

George Kirlin, Indian Land, South Carolina, who spoke as Vice Chair of Library Board of Trustees, spoke directly to Item 7b - Discussion of Excess Funds from Capital Project Sales Tax #2. He explained to the libraries have become aware of certain deficiencies that need attention; such as, enhancement of building security systems at the Main Library and the Del Webb branch, which would allow outside groups to utilize the meeting spaces after hours; installation of audio systems in the meeting rooms at the Del Webb branch and the Main Library; installation of Wi-Fi cabling in the children's area of the Main Library and the Del Webb branch; and enhancement of the HVAC systems at the Main Library to allow for staff control of the system. Mr. Kirlin stated that the Board of Trustees were requesting that a portion of the excess funds be used to correct library deficiencies and that they would provide a detailed list of deficiencies over the next few weeks.

DRAFT

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

Discussion and Action Items

Dennis Marstall stated that a portion of this meeting would be dedicated to a budget workshop. He noted that some items were presented during the Council Retreat on January 21, 2022,, but that the information had been updated for Council. Mr. Marstall highlighted his approach to the budget process. He explained that he viewed the budget document as: 1) a spending plan; 2) a communications plan; and 3) a prioritization plan. He noted that he was looking forward to feedback from Council during the next three budget workshops.

ARPA Budget Overview - Kim Belk

Kim Belk provided an American Rescue Plan Act (ARPA) budget overview and the power point that she utilized for that presentation is attached as Schedule A to the written minutes in the Clerk To Council's Office. She noted that Lancaster County would receive $19 million plus in ARPA funds. She stated that Council has already committed some of the funds and that the County currently has $15.5 million left to spend. She noted that all funds must be obligated by 2024 and expended by 2026. She explained that the Treasury came out with the final rule allowing $10 million for lost revenue for government services. Kim Belk reviewed the projects already approved, the prioritized list of projects, and the projects that staff was not recommending for approval, all of which were included in the power point presentation.

Charlene McGriff stated she would like more funding for non-profit organizations because they lost revenue during the pandemic and these organizations reach a great number of people.

Steve Harper noted his concerns that Council has three (3) years to spend the funds and that Council should look at needs versus wants. He explained that Council should consider adding benefits for constituents, such as parks.

Larry Honeycutt discouraged combining the Sheriff's Office evidence storage building with the Emergency Management storage building due to the critical importance of evidence. Chairman Harper stated that he would like to see alternatives explored about what would be stored and how much storage would be needed. Chairman Harper asked Director Darren Player to explain what storage was needed for Emergency Management. Darren Player stated that a storage building was designed without any land available. He explained the building was designed to house personal protective equipment (PPE), as well as allowing staff to be able to work on fire trucks out of the weather.

Allen Blackmon asked for a list of expenditures for IT over the last couple of years. Dennis Marstall reviewed IT items that were needed and explained that these items were on the list currently because of the lead time to get items ordered. Council asked for all IT projects to move forward and asked for a presentation at the February 28, 2022 Council Regular meeting.

Billy Mosteller stated that this federal funding would save tax dollars for citizens because these items would not be purchased by local tax dollars.

Dennis Marstall asked if Council wanted to fund any water and sewer infrastructure projects with ARPA funding. He reviewed possible water and sewer projects via a three (3) page handout that is attached as Schedule B to the written minutes in the Clerk To Council's Office.

DRAFT

Discussion of Excess Funds from Capital Project Sales Tax #2 - Veronica Thompson

Veronica Thompson provided an overview of the Capital Project Sales Tax #2 and the power point that she utilized during that presentation is attached as Schedule C to the written minutes in the Clerk To Council's Office. She noted that CPST #2 would end April 30, 2022. She noted that the County has collected $68.4 million to date. She noted that the County is limited as to what excess funds can be spent on and she explained that the County has two options in regards to spending these funds: (1) the excess funds could be rolled into CPST #3, or (2) the County could spend the excess funds on road improvements, intersection improvements and/or pedestrian transportation. She noted that Council has to make a decision before the end of the CPST #2 period and that it must be stipulated via an ordinance. Veronica stated this would be the time to get all Library deficiencies corrected. Jeff Catoe reviewed the list of roads that could be added to the CPST #2 funding list. Larry Honeycutt stated that there needed to be a budget plan for the upkeep of the greenways.

Workforce Overview - Lisa Robinson

Dennis Marstall recognized Lisa Robinson and Kayla Vaughn, Public Information Officer/Marketing Coordinator, for their hard work during the January ice storms and he noted that they would be recognized with a Thumbs Up award.

Mr. Marstall advised Council that he wanted to utilize these workshops as a way to provide information to Council for discussion. He noted that the County needed to analyze its current workforce and its recruitment and retention strategy going forward.

Lisa Robinson provided a Workforce Overview and the power point that she utilized during that presentation is attached as Schedule D to the written minutes in the Clerk To Council's Office. Council and staff discussed looking at the pay scales in the surrounding counties. Mr. Marstall stated there is a need to implement a County

system to move people through pay scales. Council requested to discuss this item at the next workshop.

Chairman Steve Harper approved a 10 minute break, which began at approximately 3:06 p.m. Chairman Harper called the meeting back to order and the meeting resumed at approximately 3:18 p.m.

Airport Terminal Replacement and Lighting Vault Relocation - Ken Holt

Ken Holt, with Holt Consulting, reviewed a power point presentation entitled "Lancaster County Airport Terminal Program Update", which is attached as Schedule E to the written minutes in Clerk To Council's Office.

Bailes Ridge Corporate Park Phase II - Jamie Gilbert

Jamie Gilbert provided an overview of the Bailes Ridge Corporate Park Phase II and the power point that he used during the presentation is attached as Schedule F to the written minutes in the Clerk To Council's Office.

A representative of Kimley Horn discussed the site constraints. Jamie Gilbert stated that this location was served by York Electric Cooperative, which meant that the County would have access to some of the Cooperative monies and South Carolina Power Team money to help with this project. He noted that the County has spoken to York Electric about the possibility of a speculative industrial building at this location.

Dennis Marstall stated that there was a need for clarification from Council on whether this property would stay with current zoning of low density residential or be changed to medium density/light industrial.

Development Impact Fee Study For Remaining Parts of Lancaster County - Dennis Marstall

Dennis Marstall spoke about the impact of growth and the different phases of growth. He stated that impact fees have already been implemented in the northern part of the county. He explained that Council has an opportunity to get ahead of growth by thinking about county-wide growth. He asked Council to consider re-engaging Tischler-Bise for a development impact fee study and develop a Capital Improvement Plan for the areas not covered in the previous study. He noted that the study would take 6 to 9 months.

Steve Harper had questions about cluster overlay districts. He went to a map in Council Chambers and explained that the Catawba Ridge/Edgewater developments would be exempt from impact fees. He mentioned that the County has used development agreements as a way to collect impact fees. He voiced concerns that there would not be enough revenue generated to pay for Capital Improvements. Council and staff discussed flex zoning and whether growth could pay for itself. Council and staff discussed how to prepare for growth. Charlene McGriff asked for a review of previous discussions regarding growth and impact fees.

Rox Burhans stated the Planning Department was expecting a draft of the flex district interim ordinance from the consultants later in the week. He noted that the interim ordinance would include the repeal of the cluster subdivision ordinance. He explained that this item would likely be placed on the Planning Commission's April agenda.

Dennis Marstall reminded Council of the bus tour (Special Meeting) on Friday, March 11, 2022.

Citizen Comments

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

Adjournment

Larry Honeycutt moved to adjourn. Seconded by Allen Blackmon. Motion Passed 6-0.; Absent: Carnes

DRAFT

There being no further business, the Committee of the Whole meeting adjourned at approximately 4:36 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Donna Greene / Deputy Clerk to Council
Department: County Clerk
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Approve or amend the minutes from the February 28, 2022 County Council regular meeting.

Points to Consider:
The draft minutes from the February 28, 2022 County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:
There are no funding or liability factors regarding approval of minutes.

Council Options:
Council can approve or amend the minutes.

Recommendation:
Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 2-28-2022 County Council Regular Meeting	3/9/2022	Backup Material

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

County Administrator
Dennis Marstall

County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

February 28, 2022 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

MINUTES

DRAFT

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

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Veronica Thompson, Financial Services Director; Kimberly Belk, Budget Director; Jamie Gilbert, Economic Development Director; Jeff Catoe, Public Services Director; Sheriff Barry Faile; Clay Catoe, EMS Director; Robert Purser, 911 Public Safety Communications Director; Jim Kiley, GIS Director; Brad Carnes, Assessor; Brittany Grant, Register of Deeds; Scott Hernandez, IT Director; Karla Deese, Coroner; Hal Hiott, Parks & Recreation Director; Paul Moses, Airport Director; Ken Holt, Holt Consulting; the press; various employees and citizens.

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

Call to Order Regular Meeting - Chairman Steve Harper

Chairman Steve Harper called the regular meeting of County Council to order at approximately 6:06 p.m. and apologized for the delay, which was due to technical difficulties.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Allen Blackmon

Allen Blackmon led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. Seconded by Larry Honeycutt.

Brian Carnes moved to amend the agenda to add an item under section 9, Economic Incentives, which would be for discussion only. Seconded by Charlene McGriff. Motion to Amend Passed 7-0.

The Motion to Approve the Agenda as Amended Passed 7-0.

Special Presentations

There were no Special Presentations held during the Council meeting.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments:

Ned Blackmon, Lancaster, SC spoke about the noise from the shooting range that is located next to his property on Greenbriar Drive. He noted the property in question was owned by Reverend Michael Anderson.

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

DRAFT

Consent Agenda

Billy Mosteller moved to approve Consent Agenda item 7a. [as listed in the Agenda package, which is the same as Item a. listed below]. Seconded by Larry Honeycutt. Motion Passed 7-0.

a. **Approval of Minutes from the February 14, 2022 County Council Regular Meeting**

Non-Consent Agenda

Resolution 1189-R2022 regarding Approval of an Exception to County Property Disposal Plans and Procedures for Vehicles

Resolution Title: A Resolution Approving An Exception To County Property Disposal Plans And Procedures For Vehicles To Allow Donation Of A Used EMS Unit To The South Carolina Fire Academy In Exchange For Training Credits

Brian Carnes moved to approve. Seconded by Allen Blackmon. Motion Passed 7-0.

Resolution 1190-R2022 regarding Amending the Second Master Multi-County Park Agreement with Chesterfield County to Add Property Located in Chesterfield County that is Known As Project Flair

Resolution Title: A Resolution To Amend The Second Master Multi-County Park Agreement Between Chesterfield County And Lancaster County, Dated As Of October 1, 2018, So As To Add To The Agreement Property Located In Chesterfield County That Is Known To Chesterfield County As Project Flair And Is Owned And/Or Operated By Ogburn Solar, LLC.

Charlene McGriff moved to approve. Seconded by Terry Graham. Motion Passed 7-0.

Resolution 1191-R2022 regarding Authorization of Submission of a Grant Application to the Federal Aviation Administration (FAA) for Funding a Lighting Vault And Authorization of Funding Plans for a Lighting Vault and a New Terminal

Resolution Title: A Resolution Authorizing The Submission Of A Grant Application To The Federal Aviation Administration (FAA) For Funding Of A Lighting Vault And Authorizing Development Of County Funding Plans For

The Lighting Vault And A New Terminal

Larry Honeycutt moved to approve. Seconded by Billy Mosteller.

Dennis Marstall stated this project has been discussed among Council for approximately one year. He explained that the County had engaged Holt Consulting to help with the Federal Aviation Administration (FAA) application. He noted that the funds for the project would be contributed by the FAA, the State Aeronautics Commission, and local funds. He further noted that for the terminal and the vault project, the cost would be $3.2 million for the County's portion and the total project cost would be $4.6 million. The County has two options for procuring local funds for the project; either use fund balance or use potential bonding. He also stated, as part of federal relief funds, the FAA was doing a new grant program just for terminals and air traffic control towers. Therefore, the County is going to submit a grant that will potentially pay up to 95% for a new terminal. The grants are due March 28. Mr. Marstall stated the FAA should make their decision on the first round of grants by July. He stated that if the County does not get selected in this first round, then we will be able to apply in year 2, 3, 4 and 5.

Billy Mosteller moved to amend to authorize the Lancaster County Administrator or his designee to submit a grant application to FAA for funding of the lighting vault and develop a funding plan for the lighting vault and terminal project for phases of the terminal project for inclusion in the 22-23 budget. Seconded by Charlene McGriff.

Allen Blackmon wanted to go on the record, stating those two wings with the roof line sloping in towards the building is a major leak waiting to happen and a major repair in about 20 years. He noted it would have to be re-roofed time and time again.

Steve Harper stated this is a preliminary design.

The Motion to Amend Passed 7-0.

The Motion to Approve Resolution 1191-R2022 as Amended Passed 7-0.

DRAFT

Resolution 1192-R2022 Regarding Authorization of ARPA Funding for Various Information Technology Projects, the Coroner's Office Expansion, and Lancaster County Water and Sewer District Wastewater Project

Resolution Title: A Resolution Authorizing American Rescue Plan Act (ARPA) Funding For Information Technology Projects, Expansion Of The Lancaster County Coroner's Office, And The Hannah's Creek Wastewater Expansion Project

Brian Carnes moved to approve. Seconded by Charlene McGriff.

Kim Belk and Scott Hernandez provided an overview of American Rescue Plan Act (ARPA) funding projects and the power point presentation they utilized is attached as Schedule A to the written minutes in the Clerk To Council's Office.

There were technical difficulties with the sound system. At approximately 6:50 p.m., Council took a short break so the sound system could be reset.

At approximately 6:53 p.m., Council resumed the meeting and Kim Belk continued her presentation.

Dennis Marstall explained that the recommendation from Administration was to move forward with all 3 projects: all IT projects, the expansion of the Coroner's Office, and the project for Lancaster County Water & Sewer District (Hannah's Creek Outfall).

Council and staff discussed potential costs associated with each project and that the cost should not exceed the amounts provided in the Resolution. John Dubose stated the form of approval was by way of Resolution and that the dollar amounts listed were finite amounts.

Allen Blackmon moved to amend the motion to approve the IT projects not to exceed $3 million; to approve the Coroner's Office expansion not to exceed $1,770,000; and to approve the Lancaster County Water & Sewer District project not to exceed $500,000. Seconded by Brian Carnes.

Allen Blackmon moved to amend the previous motion and approve all items in the Resolution 1192-R2022 not to exceed the listed amounts. Seconded by Brian Carnes.

The Motion to Amend Passed 7-0.

The Motion to Approve Resolution 1192-R2022 as Amended Passed 7-0.

3rd Reading of Ordinance 2022-1794 regarding Approving a First Amendment to the Development Agreement for The Reserve at Barber Rock

Ordinance Title: An Ordinance To Approve A First Amendment To The Development Agreement Between Bonterra Builders, LLC And Lancaster County For The Reserve At Barber Rock To Remove Approximately 1.017 Acres Of Real Property From The Development Agreement And To Authorize Execution And Delivery Of The First Amendment To The Development Agreement With Bonterra Builders, LLC. ***- Planning Department Case Number: DA-2019-0803.***

Charlene McGriff moved to approve. Seconded by Terry Graham.

Brian Carnes moved to amend Ordinance 2022-1794 and Exhibit A to Ordinance 2022-1794 in the form of the proposed third reading versions of each document that are attached to the agenda package. The amendments to each document reflect the transfer of development rights under the Development Agreement from Bonterra Builders, as the original developer, to Taylor Morrison, as the subsequent developer. Seconded by Larry Honeycutt.

The Motion to Amend Passed 7-0.
The Motion to Approve the 3rd Reading of Ordinance 2022-1794 as Amended Passed 7-0.

DRAFT

2nd Reading of Ordinance 2022-1795 regarding Amending the Unified Development Ordinance (UDO) in Section 7.2.4. regarding Off-Street Parking and Loading Requirements

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 7.2.4., Off-Street Parking And Loading Requirements, To Modify Minimum Required Parking Spaces. ***- Planning Department Case Number: UDO-TA-2021-2981.***

Brian Carnes moved to approve. Seconded by Charlene McGriff.

Rox Burhans reviewed the power point in agenda packet. Staff recommended no changes. Steve Harper voiced concerns regarding parking.

Motion Passed 7-0.

1st Reading of Ordinance 2022-1796 regarding Utilization of Excess Capital Project Sales Tax Collections from the First Reimposed Capital Project Sales Tax Pursuant to the State Budget Proviso

Ordinance Title: An Ordinance To Specifying The Purposes For Which Excess Capital Project Sales Tax Collections From The First Reimposed Capital Project Sales Tax Will Be Utilized Pursuant To State Budget Proviso And The Capital Project Sales Tax Act.

Larry Honeycutt moved to approve. Seconded by Billy Mosteller.

Dennis Marstall stated that the County's Capital Project Sales Tax #2 (CPST) was coming to a close at the end

of April and that there are $23 million in excess funds. He noted that there is a State Proviso which outlines how counties can use excess funds; either on roads, pedestrian access and intersection improvements. He explained that the excess funds could also be rolled to future projects if a CPST was renewed or re-extended by voters.

Mr. Marstall explained that the recommendation from Administration was to use excess funds on 21 new county road projects that total $7.6 million and also complete the Hwy. 9 pedestrian connections around USC Lancaster, and to also complete phase 2 of the Lindsay Pettus Greenway. He explained that the remaining $13.3 million in excess funds would roll over to the first priority project for CPST #3, which would be the Detention Center.

Council and staff discussed finishing the libraries and the county road repair list. Council requested that Hector Road and Cleveland Street be added to the road repair list. Council and staff discussed the need for the libraries to be open to the public after hours and whether to fund the Highway 521 widening project.

Jeff Catoe spoke regarding Cleveland Street. He stated this is a state road and was included on the CPST #3. He stated the excess funds from CPST #2 are focused on County roads.

Billy Mosteller stated he supports the repair of roads and completing the libraries but that he wanted the roll over of $13.3 million to go to Detention Center.

Council requested that staff provide additional information and other potential projects for the 2nd Reading of Ordinance.

The 1st Reading of Ordinance 2022-1796 Passed 6-1; Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nayes: Blackmon

DRAFT

Discussion and Action Items

Approval of Appointments to the Van Wyck Fire Protection District Fee Board

- Lorrie Ayers to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a four year term that would expire on 06/30/2025 (1st Term)
- David Basri to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a four year term that would expire on 06/30/2025 (1st Term)
- Sheena Hinson to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a two year term that would expire on 06/30/2023 (1st Term)
- Monty King to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a two year term that would expire on 06/30/2023 (1st Term)

Larry Honeycutt moved to approve all appointments. Seconded by Allen Blackmon. Motion Passed 7-0.

Economic Incentives

Brian Carnes stated he would like to see a comparison study for proposed businesses looking at Lancaster County and what they want or need in order to choose Lancaster versus Charlotte. Jamie Gilbert stated that the I-77 Alliance always gets proposals and could potentially recommend someone for this study. He suggested that the study should be performed by a third party. Brian Carnes requested that this item be moved forward to a future agenda for further discussion.

Status of items tabled, recommitted, deferred or held

There were no tabled, recommitted, deferred or held items to discuss during the Council meeting.

Miscellaneous Reports and Correspondence

Billy Mosteller stated that the update of the major projects was helpful. Steve Harper stated that the projects were really shaping up. Hal Hiott stated the design firm, Kelvin Alexander and the contractors were meeting monthly.

The playground equipment has been ordered and was approximately 12 weeks out. He stated the Indian Land Recreation Center was beginning to move along now that the precast walls have arrived.

Larry Honeycutt requested that the mistreatment of animals/cruelty to animals be placed on a future agenda.

Citizens Comments

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

Executive Session

There was no Executive Session held during the Council meeting.

Adjournment

Larry Honeycutt moved to adjourn the Council meeting. Seconded by Charlene McGriff. Motion Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 7:48 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1795 / Planning Case Number: UDO-TA-2021-2981
Contact Person / Sponsor: Robert Tefft / Planning
Department: Planning
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Application by Lancaster County to amend Unified Development Ordinance Section 7.2.4, Off-Street Parking and Loading Requirements, to modify minimum required parking spaces.

Points to Consider:
The Planning Department has noticed in its review of various recent development proposals that the minimum amount of off-street parking that would be required for certain uses appeared to be inadequate to support the demand those uses would realistically have, which would in turn result in parking spill over onto adjacent properties.

This amendment would increase the amount of off-street parking required to be provided for future Personal Services (i.e. hair salons, nail salons), Professional Services limited to medical services (i.e. doctor/dental offices), General Commercial (i.e. retail sales), and Hospital development and expansions, but would not impact or otherwise require any existing such uses to provide additional parking.

Additionally, the minimum off-street parking requirement for Places of Assembly will also be modified to no longer differentiate between the use being within a residential zoning district or not, and all Places of Assembly will be calculated at the current rate of 1 per 80 square feet in the main assembly hall.

It should be noted that the minimum off-street parking requirements proposed in this text amendment were determined based upon research and analysis of various minimum off-street parking requirements for similar uses in surrounding jurisdictions, as well as others in located in both North Carolina and South Carolina.

Funding and Liability Factors:
N/A

Council Options:
To approve or disapprove the proposed text amendment.

Recommendation:
The Planning Commission voted 5-1 to recommend **approval** of the text amendment to County Council. The objecting vote was not specific to any content of the proposed amendment, but rather to having any amendment to the UDO during such time that the County's consultants are updating the UDO. The UDO consultants will likely be making updates to the parking section of the UDO in the summer/fall of 2022.

No one from the public spoke in favor or in opposition to the proposed text amendment.

Staff recommends approval of the text amendment.

ATTACHMENTS:

Description	Upload Date	Type

Ordinance 2022-1795	2/7/2022	Ordinance
Exhibit 1 for Ordinance 2022-1795	2/7/2022	Exhibit
Staff Report	1/11/2022	Planning Staff Report
Ex 1: Application	12/30/2021	Exhibit
Ex 2: Text Amendment	1/4/2022	Exhibit
Ex 3: Research From Surrounding Jurisdictions	2/15/2022	Exhibit

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2022-1795**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ("UDO") SECTION 7.2.4., OFF-STREET PARKING AND LOADING REQUIREMENTS, TO MODIFY MINIMUM REQUIRED PARKING SPACES.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Lancaster County made application to amend Chapter 7 of the Unified Development Ordinance (UDO) to increase or establish certain off-street parking requirements.
(b) The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Section 9.2.15.B.3. Further, the proposed text amendment has been reviewed for compliance with applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.
(c) The proposed text amendment will assure that future development projects have adequate off-street parking.
(d) Lancaster County Planning Commission considered the proposed text amendment at its meeting on January 20, 2022, and by a 5-1 vote recommended approval of the text amendment.

Section 2. Amendment of Ordinance 2016-1442 (Unified Development Ordinance)

Ordinance 2016-1442 (Unified Development Ordinance) Section 7.2.4., Off-Street Parking and Loading Requirements, is amended as set forth in "Exhibit 1" attached hereto and incorporated herein by reference.

The amendments are generally described as follows:

a) Section 7.2.4.A, Parking Requirements by Use Table:

The text amendment establishes a minimum off-street parking requirement for Personal Services use at 1 per 350 sf, Professional Services (Medical Services) use at 1 per 250 sf, Professional Services (all other) use at 1 per 500 sf, General Commercial use at 1 per 250 sf, Hospital use at 1 per bed, plus 1 per 300 sf of administrative floor space

The use table is also amended so that it no longer differentiates the parking rate for Places of Assembly on the basis of whether that use is located in a residential zoning district versus a non-residential zoning district. All Places of Assembly will be calculated at a rate of 1 per 80 sf in the main assembly hall.

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	February 14, 2022
Public Hearing:	February 14, 2022
Second Reading:	February 28, 2022
Third Reading:	March 14, 2022

Approved as to form:

_____
John DuBose, County Attorney

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

* * * * * * * * * * *

A. PARKING REQUIREMENTS BY USE TABLE

The following table details the required minimum and maximum (where applicable) parking ratios by major land use. All area calculations use gross leasable area (GLA). For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Administrator, and any documentation of parking demand generation for the particular use.

Use Category	Minimum Required Auto Spaces
Residential	
Dwelling - Single Family & Two Family	1 per unit
Dwelling – Three Family & Four Family	1.5 per unit
Dwelling - Multifamily & Townhome	1.5 per unit
Dwelling - Accessory	1 space per unit
Live-Work Units	1 per 500 sf
Residential Care Facilities	1 per 2 units
All Other Residential Uses	1 per unit
Lodging – All Uses	1 per room
Office/Service	
Medical Clinic	1 per 350 sf
Personal Services	1 per 350 sf
Professional Services (Medical Services)	1 per 250 sf
Professional Services (All other)	1 per 500 sf
All Other Office/Service Uses	1 per 500 sf
Commercial/Entertainment	
Amusements (Indoor & Outdoor)	No requirement
Bar/Tavern/Brewpub	1 per 50 sf of indoor seating area
	1 per 400 sf of brewing area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
General Commercial	1 per 250 sf
Restaurant	1 per 75 sf of indoor seating area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
Theater (Indoor & Outdoor)	1 per 80 sf in auditorium
All Other Commercial/Entertainment Uses	1 per 400 sf
Civic	
~~Places of Assembly (Residential Districts)~~	~~No requirement~~
Places of Assembly ~~(All Other Districts)~~	1 per 80 sf in main assembly hall
Private Recreational Facility	1 per 250 sf
All Other Civic Uses	1 per 500 sf
Educational/Institutional	

Child/Adult Day Care Centers (6 or more persons)	1 per 500 sf
Hospital	1 per bed, plus 1 per 300 sf of administrative floor area
All Other Educational/Institutional Uses	1 per 1000 sf
Automotive	
Vehicle Services – Minor Maintenance/Repair	1 per gas pump and repair bay
Vehicle Services – Major Repair/Body Work	2 per repair bay
All Other Automotive Uses	1 per 400 sf of office space
Industrial/Wholesale/Storage – All Uses	No requirement
Agricultural – All Uses	No requirement
Infrastructure – All Uses	No requirement

* * * * * * * * * * *

PROPOSAL: Amend Unified Development Ordinance Section 7.2.4, Off-Street Parking and Loading Requirements, to modify minimum required parking spaces.

APPLICABLE CHAPTER(S): Chapter 7

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:
The Planning Department has noticed in its review of various recent development proposals that the minimum amount of off-street parking that would be required for certain uses appeared to be inadequate to support the demand those uses would realistically have, which would in turn result in parking spill over onto adjacent properties. Accordingly, Lancaster County is proposing to amend Chapter 7 of the Unified Development Ordinance (UDO) address these deficiencies.

OUTLINE OF TEXT AMENDMENT:
The following sections of the UDO are proposed to be amended:

Section 7.2.4.A, Parking Requirements by Use Table:

The proposed text amendment would establish specific minimum off-street parking requirements for the following uses:

Use Category	Minimum Required Auto Spaces
Personal Services	1 per 350 sf
Professional Services (Medical Services)	1 per 250 sf
Professional Services (All other)	1 per 500 sf
General Commercial	1 per 250 sf
Hospital	1 per bed, plus 1 per 300 sf of administrative floor area

Additionally, the minimum off-street parking requirement for Places of Assembly will also be modified to no longer differentiate between the use being within a residential zoning district or not, and all Places of Assembly will be calculated at the current rate of 1 per 80 square feet in the main assembly hall.

It should be noted that the minimum off-street parking requirements proposed in this text amendment were determined based upon research and analysis of various minimum off-street parking requirements for similar uses in surrounding jurisdictions, as well as others in located in both North Carolina and South Carolina. This research is provided as an attachment to this staff report.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font

and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 2.

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

This amendment would increase the amount of off-street parking required to be provided for future Personal Services (i.e. hair salons, nail salons), Professional Services limited to medical services (i.e. doctor/dental offices), General Commercial (i.e. retail sales), and Hospital development and expansions, but would not impact or otherwise require any existing such uses to provide additional parking.

STAFF RECOMMENDATION:
Staff recommends **approval** of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment
3. Research from Surrounding Jurisdictions

STAFF CONTACT:
Robert G. Tefft, Senior Planner
rtefft@lancastersc.net

Lancaster County
South Carolina

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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended: Section 7.2.4, Off-Street Parking and Loading Requirements

Current Text: See Attached

Proposed Text: See Attached

Description of Need for Proposed Text: Current minimum parking rates are not consistent with industry standards.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name: Lancaster County

Address: 101 N. Main Street

City: Lancaster State: SC Zip: 29720 Phone: 803-285-6005

Fax: N/A Email: planning@lancastersc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Dennis E. Martell — 12/29/21

Applicant — Date

Property Owner(s) — Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

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

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

3. **County Council**
   - Approves, denies, or submits application to the Planning Commission for further study.
   - Action requires three readings for approval.

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

****

A. PARKING REQUIREMENTS BY USE TABLE

The following table details the required minimum and maximum (where applicable) parking ratios by major land use. All area calculations use gross leasable area (GLA). For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Administrator, and any documentation of parking demand generation for the particular use.

Use Category	Minimum Required Auto Spaces
Residential	
Dwelling - Single Family & Two Family	1 per unit
Dwelling – Three Family & Four Family	1.5 per unit
Dwelling - Multifamily & Townhome	1.5 per unit
Dwelling - Accessory	1 space per unit
Live-Work Units	1 per 500 sf
Residential Care Facilities	1 per 2 units
All Other Residential Uses	1 per unit
Lodging – All Uses	1 per room
Office/Service	
Medical Clinic	1 per 350 sf
Personal Services	1 per 350 sf
Professional Services (Medical Services)	1 per 250 sf
Professional Services (All other)	1 per 500 sf
All Other Office/Service Uses	1 per 500 sf
Commercial/Entertainment	
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Bar/Tavern/Brewpub	1 per 50 sf of indoor seating area
	1 per 400 sf of brewing area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
General Commercial	1 per 250 sf
Restaurant	1 per 75 sf of indoor seating area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
Theater (Indoor & Outdoor)	1 per 80 sf in auditorium
All Other Commercial/Entertainment Uses	1 per 400 sf
Civic	
~~Places of Assembly (Residential Districts)~~	~~No requirement~~
Places of Assembly ~~(All Other Districts)~~	1 per 80 sf in main assembly hall
Private Recreational Facility	1 per 250 sf
All Other Civic Uses	1 per 500 sf
Educational/Institutional	

Child/Adult Day Care Centers (6 or more persons)	1 per 500 sf
Hospital	1 per bed, plus 1 per 300 sf of administrative floor area
All Other Educational/Institutional Uses	1 per 1000 sf
Automotive	
Vehicle Services – Minor Maintenance/Repair	1 per gas pump and repair bay
Vehicle Services – Major Repair/Body Work	2 per repair bay
All Other Automotive Uses	1 per 400 sf of office space
Industrial/Wholesale/Storage – All Uses	No requirement
Agricultural – All Uses	No requirement
Infrastructure – All Uses	No requirement

* * * * * * * * * * *

	RETAIL SALES OR SERVICES		PERSONAL SERVICES		PLACES OF ASSEMBLY		HOSPITAL			MEDICAL SERVICES	
	Minimum	*Equalized SF @ 1 per*	*Minimum*	*Equalized SF @ 1 per*	*Minimum*	*Equalized @ per seat*	*Minimum*	*Equalized @ per bed*	*Equalized SF @ 1 per*	*Minimum*	*Equalized SF @ 1 per*
Lancaster County, SC	***1 per 400 sf***	***400***	***1 per 500 sf***	***500***	***1 per 80 sf***	***0.19***	***1 per 1,000 sf***		***1000***	***1 per 350 sf***	***350***
Cabarrus County, NC	1 per 300 sf	300	1 per 300 sf	300	1 per 8 seats	0.13	1 per 300 sf		300	1 per 1,000 sf	1000
Charleston, SC (peninsula)	1 per 400 sf	400	1 per 400 sf	400	1 per 4 seats	0.25	1 per 2 beds	0.5		1 per emp, plus 1.5 per op room	
Charleston, SC (all other)	1 per 200 sf	200	1 per 200 sf	200							
Charlotte, NC	1 per 500 sf 1 per 750 sf	500 750	1 per 500 sf 1 per 750 sf	500 750	1 per 4 seats	0.25	Cumulative based upon uses within Medical Campus			1 per 500 sf 1 per 750 sf	500 750
Columbia, SC	*See Sheet 2*	402.01	*See Sheet 2*	396	1 per 5 seats	0.2	1 per 300 sf		300	5 per 1,000 sf	200
Concord, NC	1 per 300 sf	300	*See Sheet 2*	350	1 per 8 seats	0.13	1 per 400 sf		400	1 per 300 sf	300
Fort Mill, SC	*See Sheet 2*	313.73	N/A		0.6 per seat	0.6	N/A			4.5 per 1,000 sf	222
Greenville, SC	1 per 500 sf	500	1 per 500 sf	500	1 per 6 seats	0.16	1 per 400 sf		400	1 per 600 sf	600
Greenville County, SC	3 per 1,000 sf	333	N/A		1 per 4 seats	0.25	1 per bed	1		3 per exam rm	
Indian Trail, NC	4 per 1,000 sf	250	4 per 1,000 sf	250	1 per 4 seats	0.25	2 per bed	2		4 per 1,000 sf	250
Kershaw County, SC	1 per 350 sf	350	1 per 350 sf	350	1 per 4 seats	0.25	1 per bed	1		1 per 200 sf	200
Matthews, NC	1 per 200 sf	200	1 per 300 sf	300	1 per 4 seats	0.25	1 per bed	1		1 per 200 sf	200
Matthews, NC (HUC, SRN, C-MF, MUD, TS, and ENT)	1 per 400 sf	400	1 per 400 sf	400	N/A		N/A			1 per 300 sf	300
Mecklenburg County, NC	1 per 250 sf	250	1 per 250 sf	250	1 per 4 seats	0.25	1.2 per bed	1.2		1 per 200 sf	200
Mount Pleasant, SC	1 per 300 sf	300	1 per 300 sf	300	3 per 100 sf	0.45	1 per room			1 per 300 sf	300
Richland County, SC	1 per 250 sf	250	N/A		1 per 4 seats	0.25	1 per 4 beds	0.25		1 per 375 sf	375
Rock Hill, SC	1 per 250 sf	250	1 per 200 sf	200	1 per 3 seats, or 1 per 50 sf	0.33	2 per bed, plus 1 per 300 sf	2	300	1 per 250 sf	250
Union County, NC	1 per 400 sf	400	1 per 400 sf	400	1 per 4 seats, plus 1 per 200 sf non-assembly	0.25	1 per bed, plus 1 per 300 sf	1	300	1 per 300 sf	300
York County, SC	Grocery/Conv: 1/150 sf All other: 1/250 sf	150 250	1 per 250 sf	250	1 per 4 seats	0.25	1 per bed, plus 1 per 300 sf	1	300	1 per 300 sf	300
Average All Researched		**336**		**359**		**0.26**		**1.10**	**329**		**367**
Average Unique Values		**359**		**393**		**0.30**		**0.94**	**350**		**466**
Median All Researched		**300**		**350**		**0.25**		**1.00**	**300**		**300**
Median Unique Values		**333**		**350**		**0.25**		**0.75**	**350**		**375**

	Personal Services Uses			*Retail Sales Uses*		
		Minimum per 1,000 sf	*Minimum @ 1 per*		*Minimum per 1,000 sf*	*Minimum @ 1 per*
Columbia, SC	Bank, Retail	3		Building Supplies and Equipment Store	1.7	
	Beauty Salon or Barbershop	2.5		Consumer Goods Establishment	3	
	Body Piercing Facilities or Tattoo Establishment	2.5		Convenience Store	3	
	Dry Cleaning Pick-Up	1.7		Farmers' Market	1	
	Laundry, Coin-Operated	2.5		Fuel Sales (bulk)	1.7	
	Nail Salon	2.5		Grocery Store	3	
	Non-Depository Personal Credit Institution	3		Liquor Store	3.5	
	Repair of Personal Goods	2.5		Pawn Shop	3	
	AVERAGE	**2.53**	**396.04**	**AVERAGE**	**2.49**	**402.01**
Fort Mill, SC				General Retail (not in shopping center)	3.5	
				Grocery (freestanding)	5	
				Shopping Centers	4	
				Convenience Store	0.25	
	AVERAGE			**AVERAGE**	**3.19**	**313.73**
Concord, NC	Personal Services (Dry Cleaners, etc.)		500			
	Personal Care Services (Hair, Skin, etc.)		200			
	AVERAGE		**350.00**			

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1193-R2022
Contact Person / Sponsor: Kimberly Belk / Budget Director
Department: Finance
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Projects to be funded through American Rescue Plan Act (ARPA) funding.

Points to Consider:
The County has been allocated $19,037,682 in federal ARPA funds and has committed $8,831,656 to date.

County Administration presented a prioritized list of 23 recommended projects to be funded with ARPA funds to the County Council at the February 16, 2022 Committee of the Whole meeting.

County Council feedback at that meeting was for Administration to bring back the prioritized items in groupings or batches for more Council consideration. This is the second batch after the approval of IT projects and the Coroner's Office expansion and water/sewer project for Hannah's Creek wastewater project upsize.

In an effort to address supply chain issues and long implementation times for ARPA projects, County Administration is bringing forward another batch of five projects totaling $4,500,000.

The five projects include:

1. EMS HQ Bay Construction -- $400,000
2. EMS Mass Transport Bus -- $1,500,000
3. Barnett Building Renovation -- $1,000,000
4. Recreation Parking Lot Reclamation -- $1,100,000
5. Public Defender Office Addition -- $500,000

All ARPA funding has to be obligated by December 31, 2024.

Funding and Liability Factors:
This batch of projects totals $4,500,000. Adding this dollar amount to the list of approved projects totaling $8,831,656 will leave $5,706,026 remaining in unallocated ARPA projects. County Administration will continue to bring forward more projects from the prioritized list or consider additional Council requests with this remaining funding.

Council Options:
Authorize all, some or none of the five projects presented for funding.

Recommendation:
Authorize all five projects using federal ARPA funds.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1193-R2022	3/9/2022	Resolution

Resolution 1193-R2022 Exhibit 1	3/9/2022	Exhibit
ARPA Funding Presentation	3/9/2022	Presentation
ARPA Funding Prioritized List	3/9/2022	Backup Material

STATE OF SOUTH CAROLINA)
) **RESOLUTION 1193 - R2022**
COUNTY OF LANCASTER)

A RESOLUTION

AUTHORIZING AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR EMS HEADQUARTERS BAY CONSTRUCTION, ACQUISITION OF A MASS TRANSPORT BUS FOR EMS, RENOVATIONS AT THE BARNETT BUILDING, SPRINGDALE RECREATION CENTER PARKING LOT RECLAMATION AND ADDITION, AND AN ADDITION FOR THE PUBLIC DEFENDER'S OFFICE.

WHEREAS, The American Rescue Plan Act of 2021 (ARPA) was signed into law on March 11, 2021 and provides direct funding to state and local governments.

WHEREAS, Lancaster County has been allotted over $19 million of which $9.5 million has already been received by Lancaster County.

WHEREAS, County management has identified a list of projects that fit the eligibility criteria for ARPA funds and those projects were prioritized by the County Administrator.

WHEREAS, the Council of Lancaster County has reviewed the priority list and believes that bay construction at Lancaster County EMS Headquarters, a mass transport bus for EMS, renovation of the county-owned Barnett Building, parking lot reclamation and addition at Springdale Recreation Center, and additional office space for the Public Defender's Office are projects of high priority and immediate need.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lancaster County authorizes the expenditure of ARPA funds on the EMS Headquarters Bay Construction, acquisition of a Mass Transport Bus for EMS, Renovations at the Barnett Building Renovation, Springdale Recreation Center Parking Lot Reclamation and Addition, and an Addition for the Public Defender's Office as set forth on the attached Exhibit 1 and directs and authorizes the County Administrator to take all necessary steps to effectuate the listed projects.

IT IS SO RESOLVED

by County Council this 14th day of March 2022.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

Department/Agency	Project	Cost	Notes
EMS	Headquarters Bay Construction	400,000	The bay would allow for an additional unit to be at headquarters to be used as a backup as needed. Also includes cost for storage of requested bus.
EMS	Mass Transport Bus	1,500,000	The bus would allow EMS to treat/transport up to 20 patients at a time which would keep them from pulling units from stations across the County when a response for multiple patients is required.
Multiple	Barnett Building Renovations	1,000,000	Finish renovations at the Barnett Building to allow for more county departments to locate there and accommodate space needs in other facilities.
Recreation	Springdale Parking Lot Reclamation and Addition	1,100,000	Reclamation as well as the addition of parking at Melvin Steele with the increased use of parks facilities which grant a safe outdoor space for citizens during the pandemic.
Clerk of Court	Public Defender's Office Addition	500,000	Addition due to the increased staff over the last few years and to allow for future growth.

Lancaster County
South Carolina

ARPA Funding Recommendations

Authorization of funding for EMS Bay Construction, EMS Mass Transport Bus, Barnett Building Renovation, Recreation Parking Lot Reclamation, and Public Defender's Office Addition

As Presented at the County Council Regular Meeting 3/14/2022

SUMMARY OF PROJECT SUBMISSIONS

- 23 Total Internal Project Recommendations
  - 5 projects for authorization today
    - EMS Bay Construction--$400,000
    - EMS Mass Transport Bus--$1,500,000
    - Barnett Building Renovation--$1,000,000
    - Recreation Parking Lot Reclamation--$1,100,000
    - Public Defender Office Addition--$500,000
- Funding strategy:

Projects	Amount
Approved Projects To Date	$8,831,656
Remaining Recommended Internal Projects	$9,813,000
Nonprofit/Community Program	$100,000
Contingency	$293,026
Total	$19,037,682

Next Steps

- Complete Prioritized List
  - Council Requests
  - Nonprofit Funding

Proposed Projects Batch 2			
Department	**Project**	**Cost**	**Notes**
EMS	Headquarters Bay Construction	400,000	The bay would allow for an additional unit to be at headquarters to be used as a backup as needed. Also includes cost for storage of requested bus.
EMS	Mass Transport Bus	1,500,000	The bus would allow EMS to treat/transport up to 20 patients at a time which would keep them from pulling units from stations across the County when a response for multiple patients is required.
Multiple	Barnett Building Renovations	1,000,000	Finish renovations at the Barnett Building to allow for more county departments to locate there and accommodate space needs in other facilities.
Recreation	Springdale Parking Lot Reclamation and Addition	1,100,000	Reclamation as well as the addition of parking at Melvin Steele with the increased use of parks facilities which grant a safe outdoor space for citizens during the pandemic.
Clerk of Court	Public Defender's Office Addition	500,000	Addition due to the increased staff over the last few years and to allow for future growth.

Remaining Prioritized Projects				
Priority	**Department**	**Project**	**Cost**	**Notes**
6	Sheriff	Evidence Storage	1,440,000	Expansion of evidence storage is needed with an increased population and more evidence being collected, the Sheriff's Office must follow the retention periods per state law. The backlog in General Sessions court which has grown over the COVID pandemic time period has exacerbated the needs.
7	Sheriff	Embedded Mental Health Services	375,000	Provide contracted mental health services to public safety departments/employees.
8	Registration and Elections	New and Expanded Facility	1,500,000	New requirements with early voting locations has put a strain on space needs for this department. They need to have a space to adequately run their operations and early voting.
9	Emergency Management	Storage Warehouse	1,000,000	Storage space for stockpile of personal protective equipment and supplies including gloves, masks, gowns, etc.
10	Building Maintenance	Water Fountain Replacement	48,000	Replacement of 40 current water fountains across County facilities with a water bottle feature to help reduce the spread of germs.
11	Risk Management	Personal Protective Equipment (PPE)/Supplies	50,000	Two years of PPE and covid supplies including gloves, masks, and disinfectants.

12	Stormwater	Ander Vincent Culvert Replacement	900,000	Ander Vincent overtops frequently. This would improve culvert efficiencies to minimize flooding. It may need to be supplemented with stormwater funds to complete the project.
		Other		
		Project	**Cost**	**Notes**
		Nonprofits/Community Program	100,000	Allow for external community groups with eligible uses to submit for funding.
		Contingency	293,026	
		Total Remaining Balance of Prioritized Projects	**10,206,026**	

Items Approved for Funding			
Department/Agency	**Project**	**Cost**	**Notes**
IT & Administration	Audio Visual Upgrades in Chambers	69,260	Audio visual system replacement including the microphones, sound and live stream video equipment in Council Chambers to provide better citizen service during meetings both in person and virtually.
IT	County-wide Network Overhaul	1,895,680	The overhaul would address underperforming firewalls and switches which cause slow load times to the internet and internal servers, memory has been maxed out and reduces the capacity for remote work back into the network. We would have an enterprise strength solution that meets user and citizen needs and would provide more robust security in our network.
IT & Sheriff	Bandwidth and Remote Operations Upgrade	657,375	The office also has needs for more bandwidth and remote operations upgrade including hardware which will help increase functionality for officers in the field or administrative staff working remotely.
IT	Remote Workstations	43,000	Laptops and docking stations which would allow for more remote work capabilities
IT	Administration Building Security Upgrades	63,900	Replacement of current system to include motion sensors, cameras and the burglar alarm to increase building security for employees and citizens.

Department/Agency	Project	Cost	Notes
911 Communications	Avigilon Camera System	50,295	Replacement of malfunctioning camera system which has some cameras completely down right now.
Register of Deeds & Assessor	Digital Records Indexing	125,000	A collaborative project which would expand and cleanup some of the digital records that our citizens access on the website. This would provide more of a one-stop shop with access to digitized deed and plat index books with less clicking back and forth between the two departments.
IT & GIS	GIS Server Replacement	43,115	These are some of the oldest servers we have left. They are currently at maximum storage capacity. The funding is for three virtual servers.
Procurement	Vendor Software	34,435	Replacement of the current software as it is failing to meet the needs of vendors as well as project evaluators.
IT & Airport	Airport Internet Capability	20,800	Extend the fiber from the road to the airport terminal for greater internet speed which currently runs very slow and struggles to meet basic needs for staff and visitors.
Coroner	Building Expansion	1,770,000	Expansion of their current office space due to significant increases in caseload and complexity of cases.
Lancaster County Water and Sewer District	Water/Sewer Infrastructure	500,000	Wastewater Hannah's Creek upsize phase 1a

Department/Agency	Project	Cost	Notes
Multiple	Premium Pay	1,329,800	Certain employees in the Coroner's Office, EMS, Fire Rescue and Emergency Management, Public Safety Communications, Sheriff's Office and Detention Center, and Solid Waste received a retroactive payment for 300 hours worked at $10.00 per hour.
EMS/Coroner's Office	PAPR Masks	377,928	Powered Air Purifying Respirators for EMS and Coroner's Office employees.
Multiple	Glass Barriers	65,000	Installation of glass barriers at remaining locations within the County Administration Building.
LACH	Temporary Housing Shelter	334,213	Temporary Homeless Shelter and Housing Relocation Project.
Multiple	HVAC Unit Replacement	1,310,000	Replacement of outdated units at various County Facilities to help reduce spread of viral infections such as COVID.
Administration	Badge controller for Administration Building	34,855	Replace current controller with one capable of handling all doors within the building.
Sheriff	Decontamination Shower	93,000	Construction of both male and female facilities to protect employees.
Sheriff	Wall construction	14,000	Construction of a wall between front desk and records to prevent contamination from lobby area.
	Total	8,831,656	

Unfunded Requests			
Department	**Project**	**Cost**	**Notes**
Sheriff	Administrative Assistant-Case Management	95,964	Removes an administrative assistant for the investigations division to focus on case file preparation and speed up case delivery to the Solicitor.
Sheriff	Personal Protective Equipment/Supplies	13,500	Removes PPE and supplies for the department.
Emergency Management	Storage Warehouse	913,000	Removes a portion of the request for a storage warehouse.
Stormwater	Water Quality and Roadway Improvements	3,070,000	Removes Calvin Hall, Black Horse Run and Man O War for culvert replacement.
	Total	**4,092,464**	

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1796
Contact Person / Sponsor: Dennis Marstall / Administration
Department: Administration
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Establish a Proviso Ordinance outlining how excess Capital Projects Sales Tax Two Funds will be used.

Points to Consider:
The County will have approximately $23.4 million in excess funds from the Capital Projects Sales Tax Two funds, after all the voter-approved projects are completed.

State statutes govern how excess funds may be utilized, including two legal options:

- Establish a Proviso Ordinance – (113.9 AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used.
- Utilize if Future Capital Projects were Voter-Reimposed (4-10-340. Tax imposition and termination. (C)(1) Amounts collected in excess of the required net proceeds must first be applied, if necessary, to complete a project for which the tax was imposed. (2) If funds still remain after first using the funds as described in item (1) and the tax is reimposed, the remaining funds must be used to fund the projects approved by the voters in the referendum to reimpose the tax, in priority order as the projects appeared on the enacting ordinance.

Based on the two legal options, Council is limited to only using excess funds to close out or complete work on projects identified in the Capital Projects Sales Tax Two, including some access and security upgrades for the Libraries, as well as on selected road projects, the USC Lancaster -- Hwy 9 pedestrian connections as well as the Lindsay Pettus Greenway Phase 2, as well as projects from Capital Projects Sales Tax Three, in priority order.

At the February 28, 2020 Council meeting, three road projects were mentioned by Councilmembers to consider for inclusion into the list of road projects to be completed with excess funds. Those roads included Hector Road, Cleveland Street and Highway 521 widening. Staff has researched all three roads and provided information and a recommendation for Council consideration that is included as backup material to this agenda item.

Funding and Liability Factors:
County Administration has identified $10.1 million for use with excess funds, including:

- 21 new County road projects or projects from the Capital Projects Sales Tax Three list totaling $7,687,000
- USC Lancaster -- Hwy 9 pedestrian Connections totaling $1 million
- Lindsay Pettus Greenway, Phase 2 totaling $1.5 million

This would leave $13.3 million remaining in excess funds that would be directed towards the Detention Center, which is the first priority project in Capital Projects Sales Tax Three.

County Administration is anticipating a funding request from the County Libraries to complete access and security upgrades as part of the Libraries projects identified in the Capital Projects Sales Tax Two.

Council Options:
Establish a Proviso Ordinance outlining that excess funds will be directed towards Libraries access and security upgrades, 21 new County road projects or projects from the Capital Projects Sales Tax Three list, plus the USC Lancaster -- Hwy 9 pedestrian connection and Lindsay Pettus Greenway, Phase 2 projects.

Add to or delete road projects to the Proviso Ordinance.

Incorporate or delete the pedestrian connection and greenway projects as part of the Proviso Ordinance.

Recommendation:
Establish a Proviso Ordinance outlining excess Capital Projects Sales Tax funds will be used for Library project completion, select road improvements, USC Lancaster -- Highway 9 pedestrian connection, and the Lindsay Pettus Greenway, Phase 2.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1796	2/23/2022	Ordinance
Exhibit 2 to Ordinance 2022-1796 - CPST excess funds road proviso	2/23/2022	Exhibit
Possible Proviso Additions	3/9/2022	Backup Material
Notice of Public Hearing for Ordinance 2022-1796	3/2/2022	Public Hearing Notices

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2022-1796**
COUNTY OF LANCASTER)

AN ORDINANCE

TO SPECIFYING THE PURPOSES FOR WHICH EXCESS CAPITAL PROJECT SALES TAX COLLECTIONS FROM THE FIRST REIMPOSED CAPITAL PROJECT SALES TAX WILL BE UTILIZED PURSUANT TO STATE BUDGET PROVISO AND THE CAPITAL PROJECT SALES TAX ACT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Pursuant to Ordinance No. 943 duly enacted by the Council on August 13, 2008 and a successful referendum held on November 4, 2008, the County imposed a one percent sales and use tax within the County for seven years commencing May 1, 2009;

(b) Counties are authorized by the Capital Project Sales Tax Act, codified as Sections 4-10-300 to -380, Code of Laws of South Carolina 1976, as amended (the "Enabling Act"), subject to approval by a majority of the votes cast in a referendum, to reimpose countywide a one percent sales and use tax for the purpose of generating funds to pay for certain capital improvements;

(c) The Enabling Act establishes a procedure for reimposing the capital sales tax including the passage of an enacting ordinance ("Enacting Ordinance") and the creation of a commission for the purpose of considering proposals for funding capital projects and formulating the referendum question that is to appear on the ballot;

(d) Pursuant to Ordinance No. 2014-1286 duly enacted by the Council on August 11, 2014 and a successful referendum held on November 4, 2014, the County re-imposed the one percent sales and use tax within the County for seven years commencing May 1, 2015 (the "First Reimposed Tax");

(e) Pursuant to Ordinance No. 2020-1673 duly enacted by the Council on July 22, 2020 and a successful referendum held on November 3, 2020, the County re-imposed the one percent sales and use tax within the County for seven years commencing May 1, 2022 (the "Second Reimposed Tax");

(f) The First Reimposed Tax will result in approximately $23.4 million dollars in excess funds after all the voter approved projects from the First Reimposed Tax are completed.

(g) SC Code 4-1-30(C)(1) provides that Capital Project Sales Tax amounts collected in excess of the required net proceed must first be applied, if necessary, to complete a project for which the tax was imposed. SC Code 4-1-30(C)(2) provides that if funds remain after using the funds to completed projects for which the tax was imposed, and the tax was reimposed, the remining funds must be used to fund the projects approved by the voters in the referendum to reimpose the tax, in priority order as the projects appear on the enacting ordinance.

(h) The State of South Carolina enacted a budget provision in the current fiscal year budget allowing Counties to expend excess capital project sales tax collections, by passage of an ordinance. (113.9 AS-TREAS: Excess Sales Tax Collections) - In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used.

(i) Pursuant to the budget proviso, the Council of Lancaster County desires to utilize a portion of the excess collections from the First Reimposed Tax to fund road improvements, intersection improvements, and pedestrian transportation.

(j) The County Council desires to utilize a portion of the excess collections from the First Reimposed Tax to fund the Detention Center project pursuant to SC Code 4-1-30.

Section 2. Excess Funds Applied to Projects Listed in the First Reimposed Tax

The Council of Lancaster hereby approves and specifies that excess collections from the First Reimposed Tax shall be utilized to complete the county library project(s) listed in the referendum for the First Reimposed Tax. The expenditures necessary to complete the library project(s) are set forth in Exhibit 1 which is incorporated herein by reference.

Section 3. Approval of Budget Proviso Projects

Pursuant to the State Budget Proviso, the Council of Lancaster County hereby approves and specifies that excess collections from the First Reimposed Tax shall be utilized on selected road projects not included in the Second Reimposed Tax as well as certain road projects and pedestrian projects identified in the Second Reimposed Tax as listed on Exhibit 2 which is attached hereto and incorporated herein by reference.

Section 4. Excess Funds Applied to Projects Listed in the Second Reimposed Tax

The Council of Lancaster hereby approves and specifies that any excess collections from the First Reimposed Tax not utilized to complete projects listed in Exhibit 1 and Exhibit 2 shall be applied to the projects in the Second Reimposed Tax in the manner and in the priority established by SC Code 4-1-30.

Section 5. Severability.

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

Section 6. Conflicting Provisions.

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

Section 7. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED, this _____ day of March 2022

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

1st reading:	February 28, 2022
2nd reading:	March 14, 2022
3rd reading:	March 28, 2022
Public Hearing:	March 14, 2022

Approved as to from:

_____
John DuBose, County Attorney

Exhibit 2 -- Use of Capital Projects Sales Tax Two Excess Funds

LANCASTER COUNTY Road Proviso List	OWNER	BEGIN	END
Airdale Road	County	End State Maintenance	Dead End
Bill Sweatt Road	County	North Corner Road	State line
East Park Drive	County	SC 903	Cul-de-sac
Ember Lane	County	SC 97	Encore Lane
Emerald Estates Road	County	Sunshine Road	Emerald Circle
Firewood Road	County	SC 522	Cul-de-sac
Grey Fox Subdivision	County	Shiloh Unity Road	N/A
Harris Hill Road	County	US 521	Dead End
Hunters Ridge Subdivision	County	McIllwain Road	N/A
Northfield Drive	County	US 521	Cul-de-sac
Providence Crossing Subdivision	County	Providence Road	N/A
Regent Parkway	County	Harrisburg Road	Bridge
Sedgefield Subdivision	County	McIllwain Road	N/A
Songbird Street	County	Taxahaw Road	N/A
Walnut Creek Parkway	County	US 521	Bridge
Pavement Preservation (various patch/overlay)	County		
Logging Road	County		
Fernwood Road	County		
Cannery Road	County		
Rise Lane	County		
Catawba Ridge Boulevard	County		

Pedestrian Access Improvement

USC - Lancaster Highway 9 pedestrian improvements
Lindsay Pettus Greenway, Phase 2

Lancaster County Detention Center

Top Priority on Capital Projects Sales Tax Three List

Lancaster County Public Services Department
Road Proviso Possible Additions
3/2/2022

Cleveland Street

Cleveland Street was selected for Capital Sales Tax 3. It is an SCDOT maintained road, and was a direct request from the Town of Kershaw. Under SCDOT priority, it is probably over 5 years or longer on any direct funding from SCDOT. It is a non federal aid road, meaning it will not receive federal fund consideration for improvements. Staff met in 2017 with the Town of Kershaw and again in 2019 to discuss the possibility of adding it to the Capital Sales Tax 3 road candidates. Staff then met with SCDOT and SCDOT gave an initial "ballpark" estimate of $500,000, which CTC followed up with on of their consultants to revise the estimate to $550,000. That is the amount approved by CTC and Capital Sales 3 Committee and applied toward the $14 million allotment for Capital Sales 3, all PAY AS YOU GO items #2 on the priority list, behind the detention center. A 2022 quick review of this road with CTC consultants, county staff, and SCDOT staff, Cleveland Street gives a turn key cost of about $1.2 million to complete this project, if added to the Proviso candidates.

Staff recommendation / suggestion: Since Cleveland Street is an SCDOT road, and CTC is anticipating another one time funding opportunity that must be used on the SCDOT system, request CTC to program Cleveland Street using the one time funding.

Hector Road

Hector Road was included by CTC to add to some development funding from Edenmoor/Walnut Creek for Hancock Road. ROW issues caused Hector to be removed from CTC funding, so only Hancock Road was resurfaced, fulfilling the developer fund obligation. Hector Road did not make CPST 3 list of candidates. It could be looked at again and possibly improved, if ROW exists. The road gets a lot of daily traffic from residents of Hancock Road, and Walnut Creek. The RR crossing scenario still lingers, but for the time being, it remains an active county road with access to Highway 75.

Staff recommendation / suggestion: Use Preservation funding listed on Proviso and this will improve the rideability conditions, which are the bulk of the complaints from this road.

Highway 521

RFATS is leading the study work on this roadway, so need to better understand what phase this planned widening is in and if there is an actual "capital project" to fund or what can be funded with the project given the Proviso guidelines.

The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING
Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, March 14, 2022, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2022-1796, an ordinance titled "AN ORDINANCE TO SPECIFYING THE PURPOSES FOR WHICH EXCESS CAPITAL PROJECT SALES TAX COLLECTIONS FROM THE FIRST REIMPOSED CAPITAL PROJECT SALES TAX WILL BE UTILIZED PURSUANT TO STATE BUDGET PROVISO AND THE CAPITAL PROJECT SALES TAX ACT." Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (https://www.mylancastersc.org/), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on February 26th 2022.

SWORN to before me this 28th day of February, 2022

Ashley L Johnson

Notary Public for South Carolina
My Commission Expires: 01/20/2027

Ashley L Johnson NOTARY PUBLIC SOUTH CAROLINA

Newspaper Rep Signature

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1793 / Planning Case Number: RZ-2021-2643
Contact Person / Sponsor: Robert Tefft / Planning
Department: Attorney
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Application by Realty Advisory Corporation to rezone approximately 90.43 acres (TM# 0014-00-043.00) on the south side of Jim Wilson Road and approximately 1,600 feet east of Henry Harris Road, from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District to facilitate the development of a 141-lot single family residential subdivision. The subject property is owned by Kenneland Park, LLC/ Carol V. Warren.

Points to Consider:

Proposal
The applicant has requested to rezone the 90.43-acre parcel on the south side of Jim Wilson Road from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District. This rezoning is intended to facilitate the development of the parcel as a 141-lot single-family residential subdivision.

Summary of Adjacent Zoning and Uses
The south side of Jim Wilson Road between Henry Harris Road and the North Carolina border is zoned either RN, MDR, or Planned Development District (PDD-8, Walnut Creek), while the north side of the same segment is zoned RN, Low Density Residential (LDR) District, Manufactured Home (MH) District, or Professional Business (PB) District.

Compatibility with Surrounding Area
The subject parcel is surrounded by other parcels that are residentially developed, or would permit residential use, including the adjacent Bent Creek and Walnut Creek developments, which are of consistent lot widths as would be the proposed MDR District.

Funding and Liability Factors:
N/A

Council Options:
To approve or disapprove the rezoning request.

Recommendation:
The Planning Commission voted 3-3 (Levine, Patterson, Hinson against) to recommend **disapproval** of the rezoning request. The Commissioners voting to disapprove were generally concerned with the amount of residential uses already in the vicinity, and the potential strain additional residences would place upon existing infrastructure.

One member of the public spoke, not in opposition to the rezoning request, but on the development that would likely follow should the rezoning be approved.

Planning staff recommended approval of the rezoning request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1793	3/2/2022	Ordinance

Staff Report	12/3/2021	Planning Staff Report
Ex 1: Application and Concept Plan	12/3/2021	Exhibit
Ex 2: Location / Zoning Map	12/3/2021	Exhibit
Notice of Public Hearing for Ordinance 2022-1793 (Planning Department Case Number RZ-2021-2643)	3/2/2022	Public Hearing Notices

STATE OF SOUTH CAROLINA (
(
COUNTY OF LANCASTER (

ORDINANCE NO. 2022-1793

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 90.43 ACRES OF PROPERTY (TMS# 0014-00-043.00), LOCATED ON JIM WILSON ROAD, FORT MILL, SOUTH CAROLINA, FROM RN, RURAL NEIGHBORHOOD DISTRICT, TO MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Realty Advisory Corporation applied to rezone a parcel of property owned by Kenneland Park, LLC / Carol V. Warren and totaling 90.43 acres, more or less, located on Jim Wilson Road, Fort Mill, South Carolina, from RN, Rural Neighborhood District, to MDR, Medium Density Residential District.

(b) On December 21, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 3-3 vote, recommended denial of the rezoning request.

(c) The Future Land Use Category of the subject parcel is Neighborhood Mixed Use, which corresponds to the Walkable Neighborhood Community Type, which the Comprehensive Plan describes as follows: The Community Type "Walkable Neighborhood" is synonymous with the Place Type "Mixed-Use Neighborhood." This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. The proposed MDR District is compatible with the existing Neighborhood Mixed Use Future Land Use Designation and the adjacent zoning to the east and west is consistent with and compatible with the proposed zoning.

Section 2. Rezoning.

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

Tax Map No. (0014-00-043.00)

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: March 14, 2022
Public Hearing: March 14, 2022
Second Reading: March 28, 2022
Third Reading: April 11, 2022

Approved as to form:

_____
John DuBose, County Attorney

PROPOSAL:	Request to rezone approximately 90.43 acres of property
PROPERTY LOCATION:	Jim Wilson Road (TM# 0014-00-043.00)
CURRENT ZONING:	Rural Neighborhood (RN) District
PROPOSED ZONING:	Medium Density Residential (MDR) District
PROPERTY OWNER:	Kenneland Park, LLC (Carol V. Warren)
APPLICANT:	Realty Advisory Corporation, LLC (Steven Hinshaw)
COUNCIL DISTRICT:	District 1, Terry Graham

OVERVIEW:

Proposal

The applicant has requested to rezone the 90.43-acre parcel on the south side of Jim Wilson Road from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District. This rezoning is intended to facilitate the development of the parcel as a 141-lot single-family residential subdivision.

Site Information

The subject parcel is located on the south side of Jim Wilson Road, approximately 1,600 feet east of Henry Harris Road. The subject parcel is unimproved, and used for agricultural purposes according to the Lancaster County Property Appraiser's Office.

Summary of Adjacent Zoning and Uses

The south side of Jim Wilson Road between Henry Harris Road and the North Carolina border is zoned either RN, MDR, or Planned Development District (PDD-8, Walnut Creek), while the north side of the same segment is zoned RN, Low Density Residential (LDR) District, Manufactured Home (MH) District, or Professional Business (PB) District.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RN, MH, LDR	Agriculture, Single-Family Residential
South	Lancaster County	PDD-8	Single-Family Residential
East	Lancaster County	PDD-8	Single-Family Residential
West	Lancaster County	LDR, MDR	Agriculture, Single-Family Residential

ANALYSIS & FINDINGS:

Zoning Districts

Pursuant to Unified Development Ordinance (UDO) Section 2.3, the current RN District *"is established to protect the residential character of communities and neighborhoods in the rural area at a density of 1.0 dwelling unit per acre. The district is intended to promote rural living, protect farmland, and to maintain the low density residential."*

Pursuant to UDO Section 2.3, the requested MDR District *"is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district."*

Compatibility with Surrounding Area

The subject parcel is surrounded by other parcels that are residentially developed, or would permit residential use, including the adjacent Bent Creek and Walnut Creek developments, which are of consistent lot widths as would be the proposed MDR District.

Development	Zoning District	Lot Width
Bent Creek	MDR-CSOD	70'
		90'
Walnut Creek	PDD-8	45'
		60'
		85'

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

Pursuant to the adopted Comprehensive Plan, the Future Land Use Category of the subject parcel is Neighborhood Mixed Use, which corresponds to the Walkable Neighborhood Community Type, which the Comprehensive Plan describes as follows:

> *The Community Type "Walkable Neighborhood" is synonymous with the Place Type "Mixed-Use Neighborhood." This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.*

The Comprehensive Plan further establishes several possible land use considerations representing typical development in this Community Type which are depicted in the table below.

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

INFRASTRUCTURE CONSIDERATIONS

Transportation

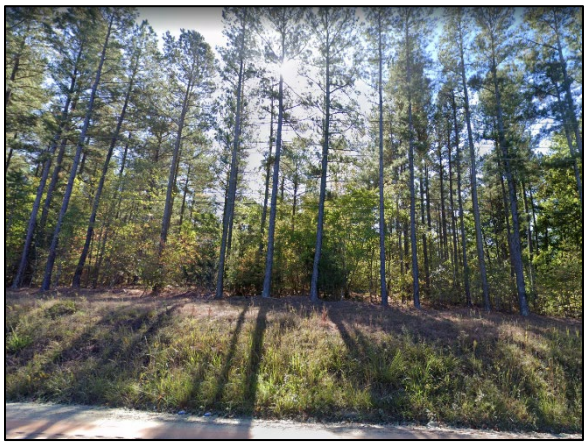
Pursuant to UDO Section 6.8, uses which will generate more than 50 peak hour cumulative trips per day at full occupancy shall be required to provide a Traffic Impact Analysis (TIA). The conceptual 141-lot single-

family residential subdivision would meet this threshold. The applicant has not yet provided a TIA for review; however this would not be necessary until a preliminary plat is submitted.

Public Utilities
The Lancaster County Water and Sewer District (LCWSD) has not provided any comments regarding this development proposal.

Public Schools
The Lancaster County School District (LCSD) has not provided any comments regarding this development proposal.

PHOTOS OF PROJECT AREA:



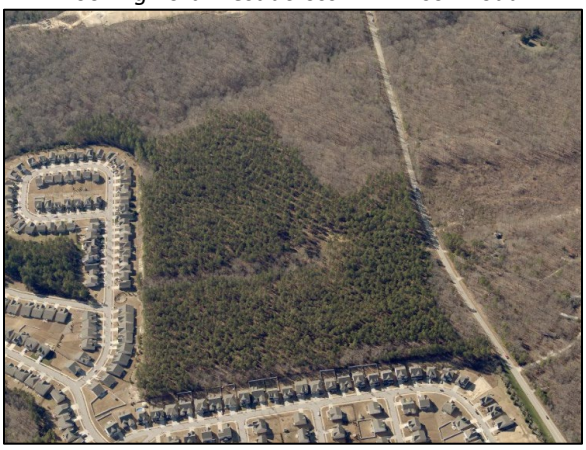
Looking southeast toward subject parcel



Looking northwest across Jim Wilson Road



Looking west along Jim Wilson Road



Aerial of subject parcel (partial)

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone approximately 90.43 acres (TM# 0014-00-043.00) from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District, pursuant to the following findings of fact:

1. That the subject application involves parcel TM# 0014-00-043.00;
2. That the subject parcel is currently zoned RN District, and is proposed to be rezoned MDR District;
3. That the subject parcel has a Future Land Use Category of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood;
4. That the proposed MDR District is compatible with the existing Neighborhood Mixed Use Future Land Use Category; and
5. That the adjacent zoning to the east and west of the subject parcel is consistent and compatible with the proposed zoning.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Robert Tefft, Senior Planner
rtefft@lancastersc.net | 803-416-9394

Lancaster County
South Carolina

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

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address Jim Wilson Road

City Indian Land State SC Zip 29707 Tax Parcel ID 0014-00-043.00

Current Zoning LDR Current Use Agricultural/Vacant

Proposed Zoning MDR Total Acres 90.43+/-

Project Description Property owners request rezoning to MDR to be more compatible with surrounding development and with the availability of public water and sewer.

Surrounding Property Description Property is bounded by Walnut Creek to the east and south and Bent Creek to the west. Properties on north side of Jim Wilson Road are currently being purchased for development consideration (and likely rezoning).

CONTACT INFORMATION

Applicant Name Realty Advisory Corporation, LLC (Steven Hinshaw)

Address 423 S Sharon Amity Road #A

City Charlotte State NC Zip 28211 Phone 704-650-6176

Fax N/A Email steven@hinshawproperties.com

Property Owner Name Kenneland Park LLC (Carol V Warren)

Address 3631 Mill Pond Road

City Charlotte State NC Zip 28226 Phone 704-

Fax N/A Email ###

STEVEN L. VITEK, KENNELAND PARK LLC CO-OWNER
773 SE ASHLEY OAKS WAY
STUART, FL 34997 772-521-0803 STEVEVITEK@OUTLOOK.COM

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

_____ 10.27.21

Applicant | Realty Advisory Corporation, LLC Date

_____ 10-27-21

Property Owner(s) | Kenneland Park LLC Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

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

2. **Planning Commission**

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

3. **County Council**

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

REZONING APPLICATION | PROPERTY OWNER(S) AUTHORIZATION

On behalf of **Kenneland Park LLC** and as the property owner(s) of **Tax Parcel #0014-00-043.00**, I hereby authorize **Realty Advisory Corporation, LLC** and its representatives to seek rezoning of the property to the MDR Zoning District and subsequent subdivision approvals in accordance with Lancaster County's Unified Development Ordinance.

Owner Signature: Steven L. Vitek Date: 10-28-21

Printed Name: STEVEN L. VITEK

Email: STEVEVITEK@OUTLOOK.COM

Contact #: 772-521-0803

State of FLORIDA
County of MARTIN

On this 28th day of October, 2021, Steven L. Vitek (print name) personally appeared before me and who provided satisfactory evidence or his/her identification to be the person whose name is subscribed to this instrument, and he/she acknowledged executing this foregoing instrument.

(Official Seal Below)

Please see attached...
Notary Public

Ruth A. Waller
Type or Print Name of Notary

My Commission Expires: 02/20/2024

Clear/Reset

WELLS FARGO

Jurat Certificate

State of Florida

County of Martin

Sworn to (or affirmed) and subscribed before me this 28th day of October, 2021, by means of ☒ physical presence or ☐ online notarization

Steven L. Vitek (name of person making statement).

☐ Personally known to me

☒ Produced Identification
Type of Identification Produced Florida Driver License

Notary Signature Ruth A. Waller

Title Notary Public

My appointment expires 02/20/2024

Place Seal Here

Ruth A. Waller
State of Florida
My Commission Expires 02/20/2024
Commission No. GG 946237

Description of Attached document

Type or Title of Document

Rezoning Application property owners authorization

Document Date

10/28/2021

Number of Pages

(1)

Signer(s) Other Than Named Above

– None –

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DSG3018FL/595500 (Rev 03 - 4/21)

REZONING APPLICATION | PROPERTY OWNER(S) AUTHORIZATION

On behalf of **Kenneland Park LLC** and as the property owner(s) of **Tax Parcel #0014-00-043.00**, I hereby authorize **Realty Advisory Corporation, LLC** and its representatives to seek rezoning of the property to the MDR Zoning District and subsequent subdivision approvals in accordance with Lancaster County's Unified Development Ordinance.

Owner Signature: Carol V. Warren Date: 10/27/2021

Printed Name: Carol V. Warren

Email: Carolv.warren52@gmail.com

Contact #: 704-554-0951

State of NORTH CAROLINA
County of MECKLENBURG

On this 27th day of OCTOBER, 2021, CAROL V. WARREN (print name) personally appeared before me and who provided satisfactory evidence or his/her identification to be the person whose name is subscribed to this instrument, and he/she acknowledged executing this foregoing instrument.

(Official Seal Below)

Inna Kaveshnikova
Notary Public

INNA KAVESHNIKOVA
Type or Print Name of Notary

My Commission Expires: 10th of MARCH 2024

INNA KAVESHNIKOVA NOTARY PUBLIC MECKLENBURG COUNTY, N.C.

RECORDED THIS 7th DAY
OF JANUARY, 2009
IN BOOK O PAGE K-1

Auditor, Lancaster County, SC

LANCASTER COUNTY ASSESSOR
Tax Map:
0014 00 043 00

2008017498
DEED
RECORDING FEES $10.00
EXEMPT
PRESENTED & RECORDED:
12-31-2008 11:33 AM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE KIRKLEY DEPUTY
BK:DEED 499
PG:47-50

RECORDING INFORMATION ABOVE THIS LINE

THE STATE OF SOUTH CAROLINA)
)
)
COUNTY OF LANCASTER)

TITLE TO REAL ESTATE
QUITCLAIM DEED
(Title Not Examined)

KNOW ALL MEN BY THESE PRESENTS, That, I, **Kenn E. Vitek** (Grantor) in the State aforesaid, for and in consideration of the sum of five dollars ($5.00) and other valuable consideration to me paid by **Kenneland Park, LLC** (Grantee), having the address of 3609 Fountainhill Ridge Road, Charlotte, North Carolina 28226 (the receipt and sufficiency whereof is hereby acknowledged), have granted, quitclaimed and released, and by these presents do grant, bargain, quitclaim and release unto the said Grantee, all my rights title and interest in the following described property, to wit:

All that certain piece, parcel or lot of land containing 90.43 acres, more or less, lying, being and situate in Indian Land Township, Lancaster County, South Carolina and being described as follows:

BEGINNING at a point in the center line of South Carolina State Highway No. 66, which said beginning point is located South 62-33 West 1,549.47 feet from a point formed by the intersection of the present boundary line between the States of North Carolina and South Carolina with the center line of South Carolina State Highway No. 66, and running thence from said beginning point with five lines in or near the center line of said South Carolina State Highway No. 66 as follows: (1) South 62-33 West 174.18 to a point; (2) South 66-50 West 200.0 feet to a point; (3) South 69-40-30 West 200.0 feet to a point; (4) South 73-36-15 West 200.0 feet to a point; (5) South 77-42-50 West 200.0 feet to a point in the center line of said road; thence continuing with the center line of said road South 79-55-20 West 1,393.40 feet to a point in the center line of said South Carolina State Highway No. 66; thence running with a line of the Otto H. Haas (now or formerly) South 11-55-40 East 1,915.61 feet to a stone; thence with the property of Agnes W. Yarbrough (now or formerly) South 12-48-20 East 871.19 feet to a stone; thence South 74-03-20 East 56.60 feet to an iron in the present center line of 12.mile creek; thence with the present center line of said creek in 6 calls as follows: (1) North 19-24 East 312.45 feet; (2) North 30-37-50 East 284.81 feet; (3) North 56-22-40 East 70.72 feet; (4) South 86-38-40 East 68.50 feet; (5) South 63-11-50 East 340.37 feet; and (6) South 45-41 East 434.46 feet to an iron; thence with the McLeod Plywood & Box Co. property line (now or formerly) North 34-07 West 604.78 feet to an iron; thence continuing with the McLeod property North 22-07 West 1,135.0 feet to an old iron; thence with the McLeod property North 83-18 East 1,786.19 feet to an old iron; thence continuing with the McLeod property N 11-43-40 West 1,490.47 feet to the point and place of beginning.

BEING a portion of that property shown on that survey dated April, 1973 entitled "boundary survey showing property of Needham C. Holden" by John R. Yarbrough, to which reference is hereby made for a more particular description, which said survey was filed for record in the office of the Clerk of Court, Lancaster County, South Carolina at 9:51 A.M. on August 9, 1973 and is recorded as Plat number 1092. The property herein conveyed contains 90.43 acres, according to said plat, and is all of that portion of the property shown on said map which lies on the South side of said South Carolina State Highway No. 66.

The within described property is conveyed subject to existing easements and to restrictive covenants, if any, appearing in the chain of title or apparent upon a reasonable inspection of the premises, which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantee(s), his/hers/their heirs, successors and assigns forever.

WITNESS my hand and seal this 31 day of **December** in the year of our Lord two thousand eight (2008) and in the two hundred and thirty-second of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESS

Kenn E. Vitek

WITNESS

THE STATE OF North Carolina)
)
COUNTY OF Mecklenburg)

The foregoing instrument was acknowledged before me this 31 day of December by Kenn E. Vitek.

L.S.

Notary Public for North Carolina
Commission Expires: Feb. 15, 2012

JONATHAN S FRANK
Notary Public
Mecklenburg County
State of North Carolina
My Commission Expires 2-15-12

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is described as Tax Map: 0014-00-043.00, Lancaster County, South Carolina, was transferred by Kenn E. Vitek to Kenneland Park, LLC on the 31 day of December in the year of our Lord two thousand eight (2008).

3. Check one of the following: The deed is

(a) ____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.

(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

(c) __X__ exempt from the deed recording fee because (See information section of affidavit): __8__. (If exempt, please skip items 4-7, and go to item 8 on this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):

(a) ____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $_____.

(b) _____ The fee is computed on the fair market value of the realty which is _____.

(c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes ____ or No ____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here: $0

(b) Place the amount listed in item 5 above here: 0
(If no amount is listed, place zero here.)

(c) Subtract Line 6(b) from Line 6(a) and place result here: $0

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: _____.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Closing Attorney.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsible Person Connected with the Transaction

Jonathan S. Frank

JONATHAN S. FRANK
Name Printed or Typed

SWORN to before me this 31
day of December, 2008.

Wendy Bauer
Notary Public for SC
My Commission Expires: 11.09.10

ALBERT L. WILSON

HUGH WILSON

CHARLOTTE PISTOL & RIFLE CLUB

HICKORY TREE

N 70-47E 2279.92'

OLD IRON

N 79-35-10E 319.40'

OLD IRON

N 70-47E 884.34'

IRON

IRON

OLD IRON

NOTE: SEE DEED BK L-4/198 PLAT IN DEED BK L, PAGE 357

ISAAC BARBER

N 13-00-10W 997.02'

94.76 Ac.

3917.69' ROAD FRONTAGE

S 36-39-10E 974.27'

CAROLINE CORPORATION

NORTH CAROLINA SOUTH CAROLINA

APPROX. 2.1 MILES TO HWY. 521

IRON

IRON

NOTE: SEE DEED BK L-4, PAGE 197

A-6/2855

SC 29-66

N 79-55-20E 1898.40

N 77-42-50E 200.0

N 73-36-15E 200.0

N 69-40-30E 200.0

N 66-50E 200.0

N 62-33E 174.82

3917.69' ROAD FRONTAGE

2368.22' ROAD FRONTAGE

IRON

SC 29-66

NC 1305

APPROX. 1 MILE TO WAXHAW - MARVIN RD.

OLD IRON

STATE LINE

S 66-29E 1549.47'

185.19 Ac. TOTAL

90.43 Ac.

2368.22' ROAD FRONTAGE

McLEOD PLYWOOD & BOX CO.

OTTO H. HAAS

N 11-55-40W 1956.61'

APPROXIMATE LOCATION BRANCH

NOTE: FOR 67.37 AC. OF THIS SEE PLAT BK 11, PAGE 177 DEED BK Z-4/160

S 04-45E 1404.78'

OLD IRON

N 83-18W 1786.19'

S 25-07E 1195.0'

IRON

S 34-07E 604.78'

IRON

NOTE: SEE DEED BK L-4/198 PLAT IN DEED BK L, PAGE 357

STONE

STONE

AGNES W. YARBROUGH

N 12-48-20W 87.19'

S 30-37-50W 284.81'

S 19-00-40W 91.25'

N 14-03-20W 25.60'

N 86-22-50W 56.72'

N 86-38-05W 68.50'

TWELVE MILE CREEK

S 68-11-50E 405.69'

S 64-37E 454.46'

IRON

McLEOD PLYWOOD & BOX CO.

RAILROAD R/W (T)

FILED
1973 AUG -9 AM 9:51
Plat # 2802

BOUNDARY SURVEY SHOWING PROPERTY OF

NEEDHAM C. HOLDEN

INDIAN LAND TOWNSHIP — LANCASTER COUNTY, SOUTH CAROLINA

SCALE : 1" : 200'
DATE : APRIL, 1973

JOHN R. YARBROUGH
S.C.R.L.S. L-4192

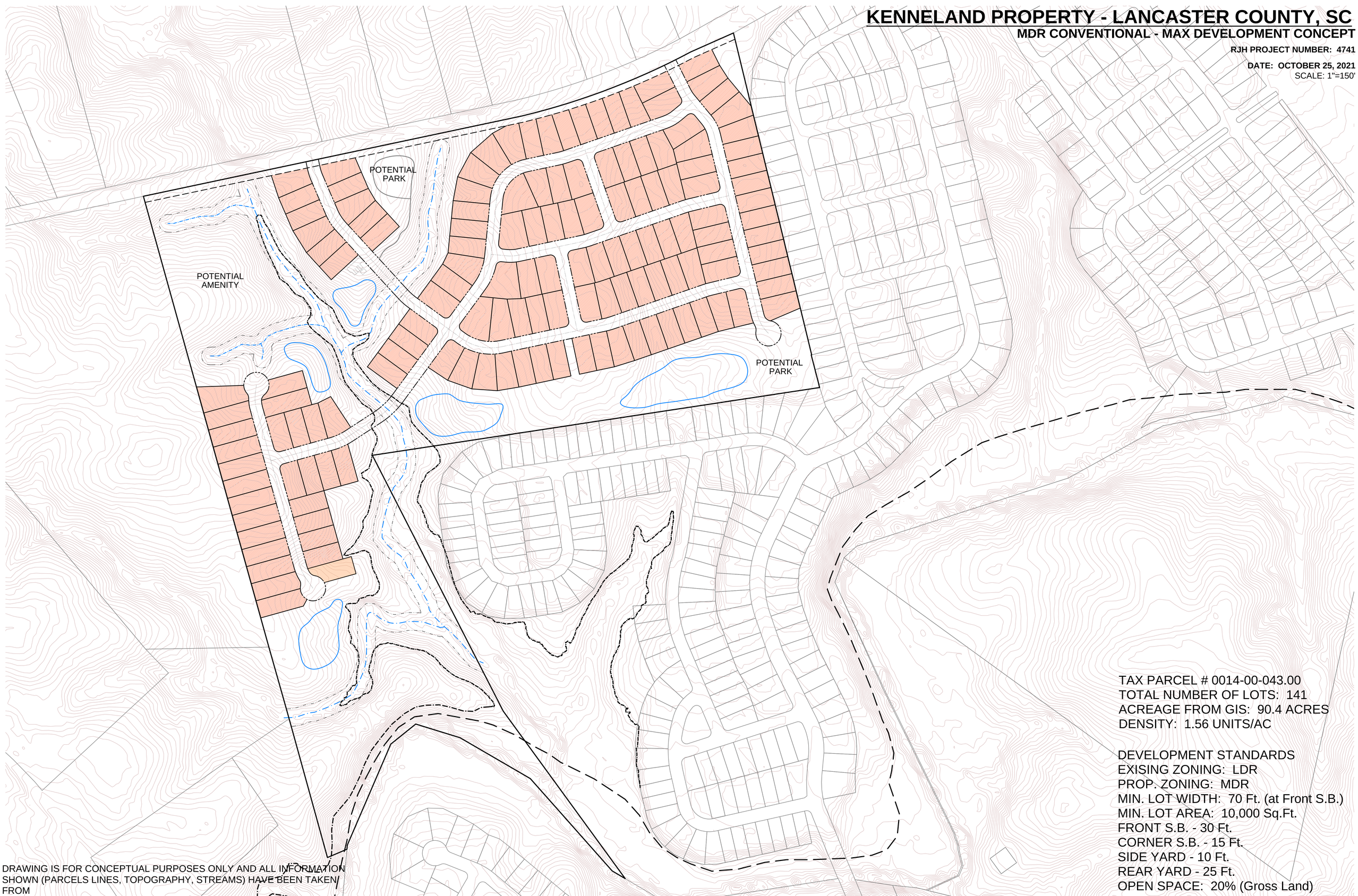
KENNELAND PROPERTY - LANCASTER COUNTY, SC

MDR CONVENTIONAL - MAX DEVELOPMENT CONCEPT

RJH PROJECT NUMBER: 4741

DATE: OCTOBER 25, 2021

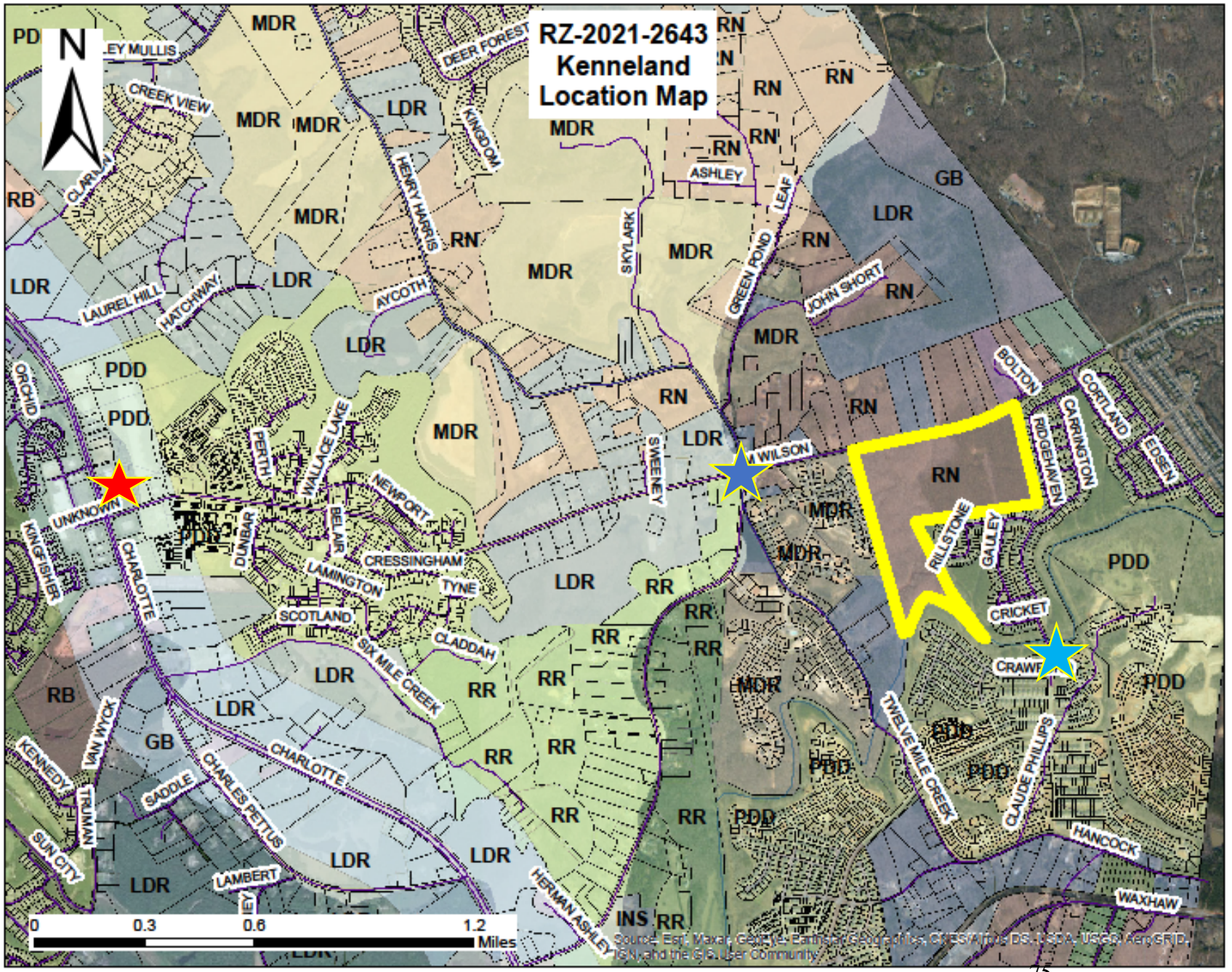
SCALE: 1"=150'



TAX PARCEL # 0014-00-043.00
TOTAL NUMBER OF LOTS: 141
ACREAGE FROM GIS: 90.4 ACRES
DENSITY: 1.56 UNITS/AC

DEVELOPMENT STANDARDS
EXISING ZONING: LDR
PROP. ZONING: MDR
MIN. LOT WIDTH: 70 Ft. (at Front S.B.)
MIN. LOT AREA: 10,000 Sq.Ft.
FRONT S.B. - 30 Ft.
CORNER S.B. - 15 Ft.
SIDE YARD - 10 Ft.
REAR YARD - 25 Ft.
OPEN SPACE: 20% (Gross Land)

DRAWING IS FOR CONCEPTUAL PURPOSES ONLY AND ALL INFORMATION SHOWN (PARCELS LINES, TOPOGRAPHY, STREAMS) HAVE BEEN TAKEN FROM
PUBLIC SOURCES AND NOT VERIFIED FOR ACCURACY.



Lancaster County
South Carolina

Proposal:
Request to rezone from LDR to MDR

Legend:

- Subject Property
- Intersection of Jim Wilson and Henry Harris
- The Promenade
- Walnut Creek Development

The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING

Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, March 14, 2022, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2022-1793, an ordinance titled **"AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 90.43 ACRES OF PROPERTY (TMS# 0014-00-043.00), LOCATED ON JIM WILSON ROAD, FORT MILL, SOUTH CAROLINA, FROM RN, RURAL NEIGHBORHOOD DISTRICT, TO MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (https://www.mylancastersc.org/), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on February 23rd 2022.

SWORN to before me this 2nd day of March, 2022

Ashley Johnson
Notary Public for South Carolina
My Commission Expires: 01/20/2027

Newspaper Rep Signature

Ashley L Johnson NOTARY PUBLIC SOUTH CAROLINA

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1797 / Planning Case Number: RZ-2021-1921
Contact Person / Sponsor: A. Davis / Planning
Department: Planning
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Application by Panhandle Partners to rezone approximately 9.6 acres located on the west side of Charlotte Highway (TM 0016-00-047.00), adjacent to #7415, from NB (Neighborhood Business) District and LDR (Low Density Residential) District to GB (General Business) District.
The applicant has indicated that the rezoning would facilitate development of an indoor and outdoor self-storage facility. A concept plan has been provided by the applicant (see Exhibit 3). This parcel is within the area encompassed by the recently adopted Southern Panhandle Small Area Plan.

Points to Consider:
The currently proposed General Business (GB) District is not incompatible with this section of US-521. However, given the existing surroundings, size and design of the proposed development, Staff is concerned that this specific rezoning may not be compatible with the overall development goals for this area reflected in the adopted small area plan.

Cross Access/Frontage Road Study: The Planning and Zoning Dept. has initiated development of a scope of work with an engineering company for preparation of a study that will identify the location of feasible shared access drives and/or a frontage road. Consolidated access along this section of US-521 was identified as a priority in the small area plan. The recommendations of the access study may change the design and driveway location for this parcel, as well as the cross access to the neighboring parcel.

Transportation
Pursuant to Unified Development Ordinance, Section 6.8, uses which will generate more than 50 peak hour cumulative trips per day at full occupancy shall be required to provide a Traffic Impact Analysis (TIA). Using the ITE Trip generation rate for self-storage (0.17 per 1,000 sq.ft.) the 115,000 square feet of proposed self-storage would generate 19.55 peak hour trips. Therefore, it is not anticipated that the proposed use would meet the required threshold for a TIA. As such, none has been provided.

Public Utilities
The Lancaster County Water and Sewer District (LSWSD) has reviewed the proposed rezoning, and had no comments or concerns as to the ability to provide adequate water, however, there is currently no sewer access to the property.

Funding and Liability Factors:
N/A

Council Options:
To approve or deny the rezoning.

Recommendation:
The Planning Commission recommended **denial** by a vote of 1-5. Discussion was primarily focused on the recommendations of the small area plan (connectivity, shared drives, master planned developments, and desire for sewer extension). Commissioners were concerned the approval of this rezoning/plan could set a bad precedent for future development along the corridor in light of it being the first rezoning since adoption of the small area plan (adopted 9/13/21).

Staff also recommended denial of the proposed rezoning for reasons consistent Planning Commission.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1797	3/9/2022	Ordinance
Planning Staff Report	2/8/2022	Planning Staff Report
Exhibit 1: Application	2/8/2022	Exhibit
Exhibit 2: Zoning Map	11/3/2021	Exhibit
Exhibit 3: Concept Plan	2/8/2022	Exhibit
Public Hearing Notice for Ordinance 2022-1797 (Planning Department Case Number: RZ-2021-1921)	2/17/2022	Public Hearing Notices

STATE OF SOUTH CAROLINA (
(
COUNTY OF LANCASTER (

ORDINANCE NO. 2022-1797

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE 9.6 ACRES OF PROPERTY (TMS# 0016-00-047.00), LOCATED ON CHARLOTTE HIGHWAY, SOUTH CAROLINA, FROM LDR, LOW DENSITY RESIDENTIAL AND NB, NEIGHBORHOOD BUSINESS DISTRICTS, TO GB, GENERAL BUSINESS DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Panhandle Partners LLC applied to rezone a parcel of property totaling 9.6 acres, more or less, located on Charlotte Highway, South Carolina, from LDR, Low Density Residential and NB, Neighborhood Business Districts, to GB, General Business District.

(b) On February 15, 2022, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 1-5 vote, recommended denial of the rezoning request.

(c) The subject parcel is surrounded by other parcels zoned LDR or NB District. The requested GB District is intended to accommodate the predominately auto-oriented pattern of existing development until such time that transportation network is retrofitted to accommodate more urban development patterns. While the subject parcel is immediately adjacent to low density residential uses, they are in an area which was given a recommended Future Land Use of "Commercial" in the recently adopted Small Area Plan Extension. Given, the proximity of the subject parcel to existing commercial uses and the recommended future land use of Commercial, Council finds that the rezoning is consistent with the Comprehensive Plan and Southern Small Area Plan Extension as well as the surrounding properties.

Section 2. Rezoning.

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

Tax Map No. (0016-00-047-00)

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	March 14, 2022
Public Hearing:	March 14, 2022
Second Reading:	March 28, 2022
Third Reading:	April 11, 2022

Approved as to form:

_____
John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 9.6 acres from Low Density Residential (LDR) and Neighborhood Business (NB) Districts to General Business (GB) District.

PROPERTY LOCATION: Charlotte Highway (TM# 0016-00-047.00)

CURRENT DISTRICT: Low Density Residential (LDR) and Neighborhood Business (NB) Districts

PROPOSED DISTRICT: General Business (GB) District

APPLICANT: Panhandle Partners LLC

COUNCIL DISTRICT: District 7, Brian Carnes

OVERVIEW:

Proposal

The applicant has requested to rezone an approximately 9.6-acre parcel zoned both Low Density Residential (LDR) and Neighborhood Business (NB) Districts to General Business (GB) District. The applicant has indicated that the rezoning would facilitate a self-storage facility. A concept plan has been provided by the applicant (see Exhibit 3).

Site Information

The subject parcel is located immediately south of Southern Paws Animal Hospital between Charlotte Highway and Charles Pettus Road, and is within the *Southern Panhandle Small Area Plan Extension*. The subject parcel is presently vacant.

Non-Conformance Status

This parcel is currently considered non-conforming as there are presently two zoning districts on this parcel. In early 2019, 4.5 acres of this 9.6 acre tract was rezoned from LDR to NB (RZ-019-014). While this rezoning was approved and a plat reflecting the subdivision of the parcel was recorded a new deed was never received reflecting the change in parcel, therefore, the parcel was never subdivided on the County Tax Maps.

Summary of Adjacent Zoning and Uses

The majority of the surrounding area is zoned LDR with a small amount of NB to the north and south. Further to the north-northwest are several parcels zoned either General Business (GB) District or RB District.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	NB	Southern Paws Animal Hospital
South	Lancaster County	LDR; NB	Single-Family Residential; Vacant
East	Lancaster County	LDR	Single-Family Residential
West	Lancaster County	LDR	Single-Family Residential

ANALYSIS & FINDINGS:

Zoning Districts

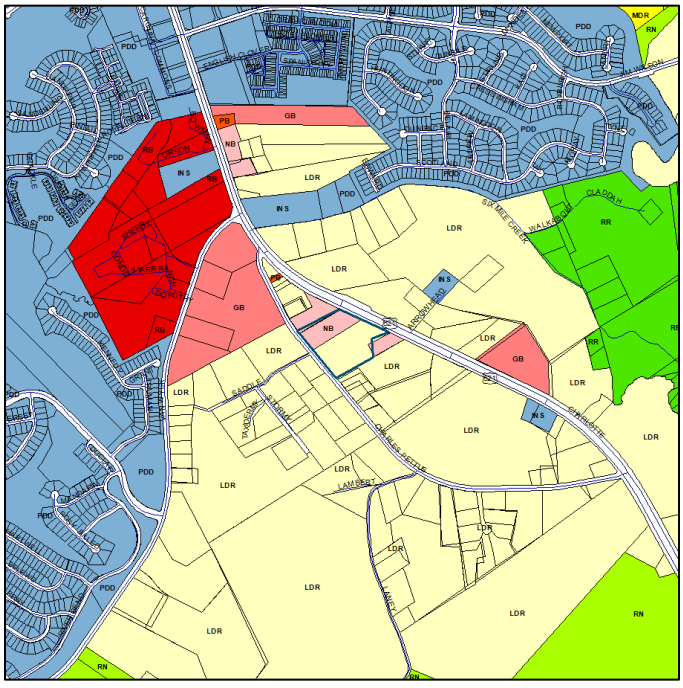
Pursuant to UDO Section 2.3, the current LDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional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

Pursuant to UDO Section 2.3, the current NB District *is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.*

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

Compatibility with Surrounding Area

The subject parcel is surrounded by other parcels zoned LDR or NB District. The requested GB District is intended to accommodate the predominately auto-oriented pattern of existing development until such time that transportation network is retrofitted to accommodate more urban development patterns.



While the subject parcel is immediately adjacent to low density residential uses, they are located in an area which was given a recommended Future Land Use of "Commercial" in the recently adopted Small Area Plan Extension.

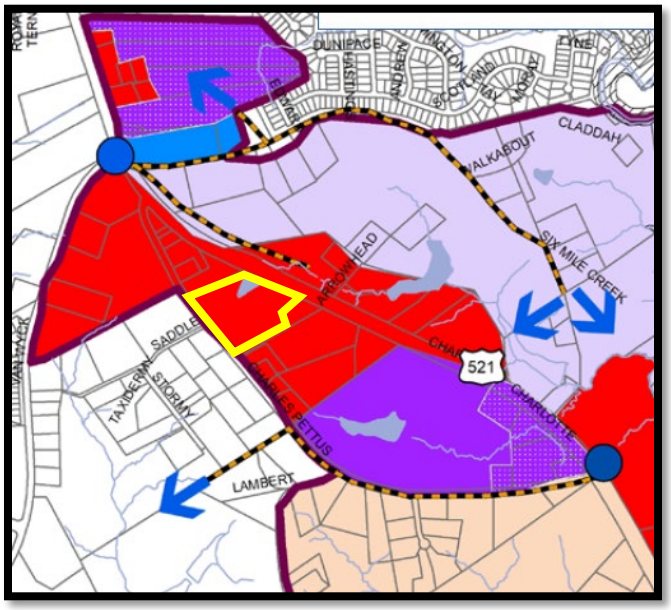
Given, the proximity of the subject parcel to existing commercial uses and the recommended future land use of Commercial, planning staff is not opposed to a rezoning of this parcel to a commercial district.

The currently proposed General Business (GB) District is better suited for this area than the previously proposed Regional Business (RB) District. That said, given the existing surroundings, size and design of the proposed development Staff is concerned that this rezoning is not consistent with the overall development goals for this area.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Southern Panhandle Small Area Plan Extension

The recently adopted Southern Panhandle Small Area Plan establishes the Recommended Future Land Use Category of the subject parcel as Commercial.



The Small Area Plan Extension (SAPE) defines Commercial as "Opportunities for shopping, professional services, and entertainment. *These areas do not typically allow auto-oriented developments*."

The plan also list a long-term goal as "focus(ing) long-term economic development at the northernmost portion of the project boundary and also near the intersection of US-521 and the southern segment of Charles Pettus Road".

Further, the plan states "It shall be a priority to support development of larger master planned sites that are served by public water and sewer and utilize shared/consolidated driveways along the US-521 Corridor within the non-residential and mixed-use portions of the study area."

That said, the SAPE acknowledges that there will be instances when it is impractical or undesireabe to have parcels develop as a master planned project in which case the plan establishes the following criteria:

> Non-residential or mixed-use rezoning requests along the US-521 Corridor that are not part of a larger master planned project should include a justification statement with an associated concept plan indicating the rationale for the smaller rezoning area and how the rezoning and/or future development project will implement the objectives of the Southern Panhandle Small Area Plan Extension. Such objectives may include, but are not limited to: *accessing or extending public water and sewer infrastructure and utilizing or creating shared/cross access ways (Emphasis added).*

While the applicants have provided a revised concept plan (see exhibit 3) they fail to address how the key objectives of the Small Area Plan Extension will be implemented.

The applicant has been in communication with Lancaster County Water and Sewer District and has agreed to provide a 30'easment along Hwy 521 in the event of a future sewer extention by a larger developer but this site will not be extending sewer in conjunction with this project.

The applicant has added a cross access easment to a neighboring parcel which appears to be separate from their driveway. They have also provided a stub to the same neighboring parcel. It is unclear whether any communcation or topographic information was used when determining the location of this connection.

OTHER CONSIDERATIONS:

Frontage Road Study: Planning has initiated an engineered study to develop a frontage road plan consistent with the goals of the Small Area Plan Extension. This road would limit the number of curb cuts directly off of Hwy 521 and assist in locating the best points for cross-access between parcels. Staff expects to receive a draft of this plan within the next two weeks. The alignment of this frontage road may change the design and access of this parcel, as well as the cross access to the neighboring parcel.

Transportation

Pursuant to UDO Section 6.8, uses which will generate more than 50 peak hour cumulative trips per day at full occupancy shall be required to provide a Traffic Impact Analysis (TIA). Using the ITE Trip generation rate for self-storage (0.17 per 1,000 sq.ft.) the 115,000 square feet of proposed self-storage would generate 19.55 peak hour trips. Therefore, it is not anticipated that the proposed use would meet the required threshold for a TIA. As such, none has been provided.

Public Utilities

The Lancaster County Water and Sewer District (LSWSD) has reviewed the proposed rezoning, and had no comments or concerns as to the ability to provide adequate water, however, there is currently no sewer access to the property.

PHOTOS OF PROJECT AREA:



Aerial of parcel from 521



Looking South along 521



Summary:

Given the existing conditions in the surrounding area staff believes the General Business (GB) district is better suited for this parcel as it stands currently than the previously proposed Regional Business (RB) district. That said, the incompatibility of the needs of the proposed use and the goals and objectives of the Southern Panhandle Small Area Plan Extension lead staff to recommend denial of the proposed rezoning.

STAFF RECOMMENDATION:

Staff recommends **denial** of the request to rezone approximately 9.6 acres (TM# 0016-00-047.00) from Low Density Residential (LDR) and Neighborhood Business (NB) Districts to General Business (GB) District, subject to the following findings of fact:

1. That the subject application involves parcel TM# 0016-00-047.00;
2. That the subject parcel is currently zoned both LDR District and NB District, and is proposed to be rezoned GB District;
3. That the subject parcel has a Recommended Future Land Use of Commercial;
4. The Planning Department is actively engaged in a Frontage Road Study which involves this parcel, and
5. That the proposed rezoning is not consistent with the adopted *Southern Panhandle Small Area Plan Extension*.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. Concept plan

STAFF CONTACT:

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

Lancaster County
South Carolina

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

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address Charlotte Highway, Indian Land (see attached description)
City Indian Land State SC Zip _____ Tax Parcel ID _____
Current Zoning LDR + NB Current Use Vacant Land
Proposed Zoning GB Total Acres 9.61 acres
Project Description Mixed use to include office, retail and self storage

Surrounding Property Description Veterinarian clinic to the north, residential to the west, residential to the south, residential to the east. Most residential in this are on larger tracts of land

CONTACT INFORMATION

Applicant Name Panhandle Partners LLC
Address 12806 Westmoreland Farm Road
City Davidson State NC Zip 28036 Phone 704-651-7704
Fax _____ Email sg@piedmontproperties.com
Property Owner Name Johnny Helms
Address 2507 Waxhaw Marvin Road
City Waxhaw State NC Zip 28173 Phone _____
Fax _____ Email jhlanford@gmail.com

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Applicant _____ Date _____

John Helms by Julie Helms Lafond, POA _____ Date 12/29/21

Property Owner(s)

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

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

2. **Planning Commission**

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

3. **County Council**

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

G.S. § 10B-41 NOTARIAL CERTIFICATE FOR ACKNOWLEDGMENT

Mecklenburg County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Johnny Helms by Julie Helms Lanford, POA.

Name(s) of principal(s)

Date: 12/29/2021

(Official Seal)

CARLY R VIS
Notary Public
Mecklenburg
County
My Comm. Exp.
8.10.26
NORTH CAROLINA

Official Signature of Notary

Carly R. Vis, Notary Public

Notary's printed or typed name

My commission expires: August 10, 2026

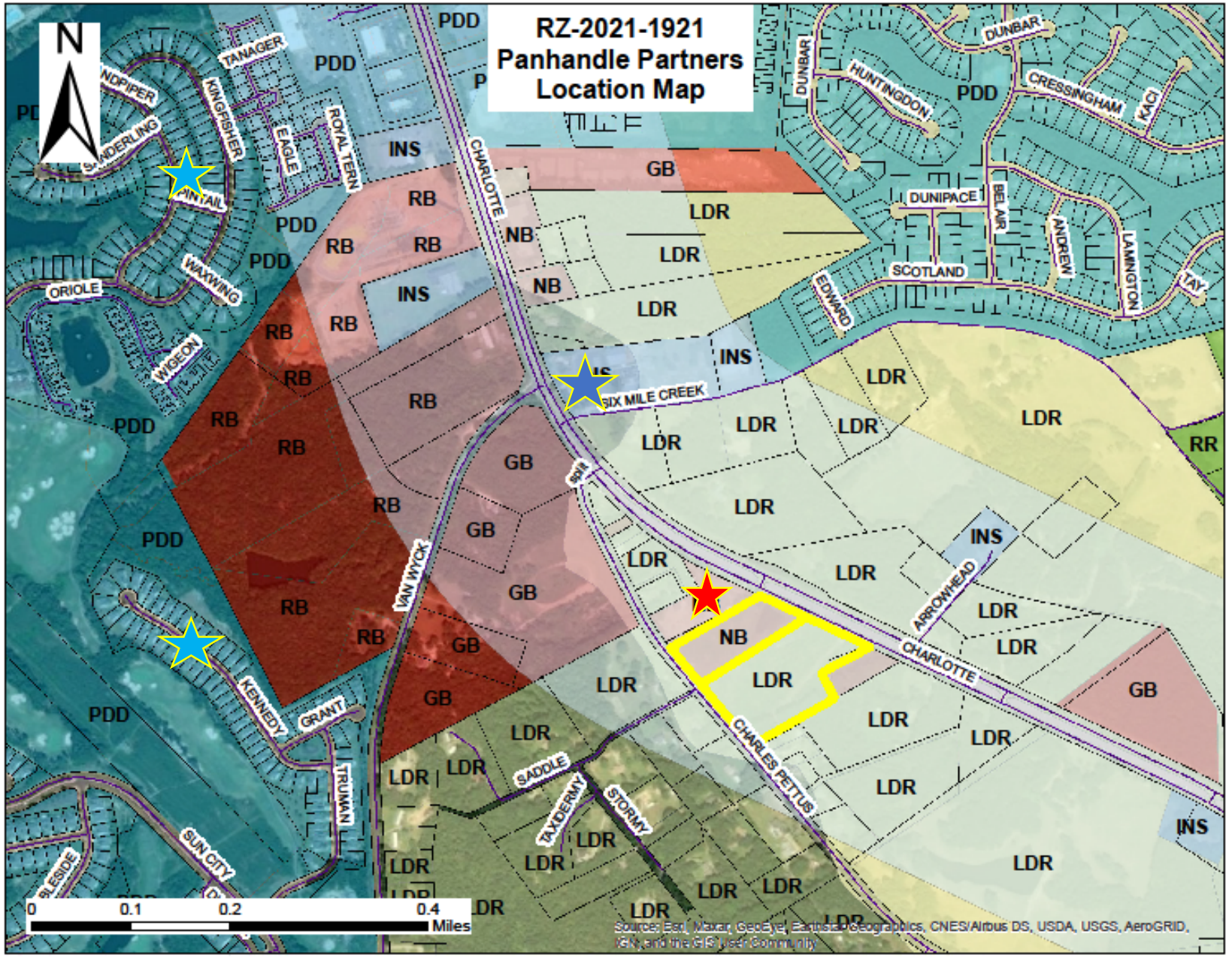
OPTIONAL

This certificate is attached to a _____, signed by _____

Title/Type of Document *Name of Principal Signer(s)*

on _____, and includes _____ pages.

Date *# of pages*

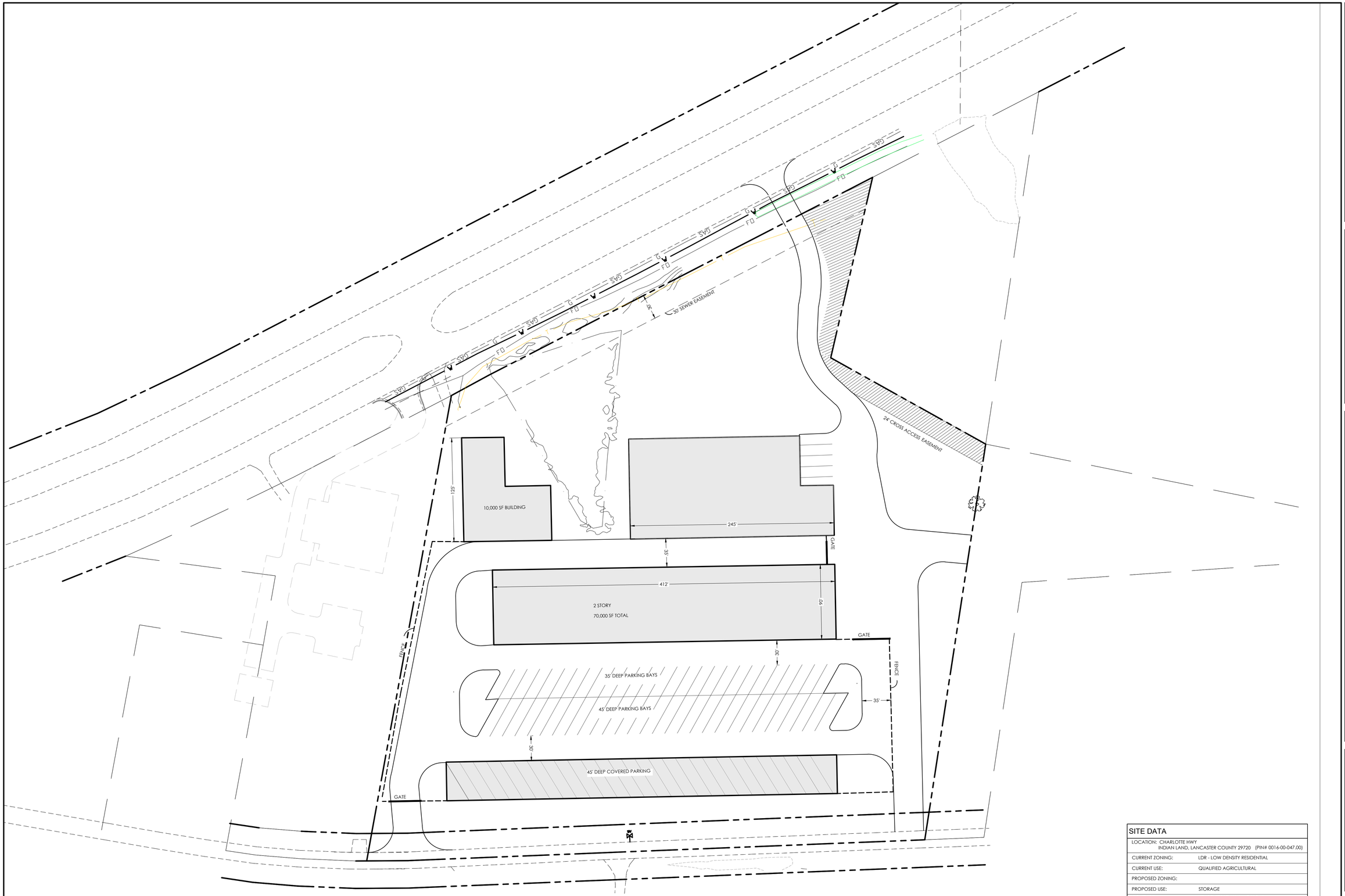


Lancaster County
South Carolina

Proposal:
Request to rezone from NB/LDR to RB

Legend:

- Subject Property
- Faith Presbyterian Church
- Paws in the Panhandle
- Sun City Carolina Lakes



SITE DATA

LOCATION: CHARLOTTE HWY. INDIAN LAND, LANCASTER COUNTY 29720 (PIN# 0016-00-047.00)	
CURRENT ZONING:	LDR - LOW DENSITY RESIDENTIAL
CURRENT USE:	QUALIFIED AGRICULTURAL
PROPOSED ZONING:	
PROPOSED USE:	STORAGE
CONTACT:	HENSONFOLEY (JAY HENSON) 704-875-1615

ITEM	PROVIDED
TOTAL SITE AREA	9.610 AC (418,612 SF)
FEMA MAP NUMBER	45057C0087E
FEMA EFFECTIVE DATE	05/16/2017

HensonFoley
Landscape Architecture | Civil Engineering
121 Gilead, Huntersville NC 28078
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-2781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

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NORTH ARROW

0 25 50 100

GRAPHIC SCALE 1"=50 FT.

STATE OF SOUTH CAROLINA
No. 715
JAY ALAN HENSON
02/03/2022

INDIAN LAND STORAGE

TAX MAP 0016-00-047.00
CHARLOTTE HWY., INDIAN LAND, SC 29720

REZONING PLAN

REVISIONS:

NOV 16 2021 PER TOWN REVIEW

X-BASE-221074.DWG
PROJECT NUMBER: 221074
DATE: 02/03/2022 DRAWN BY: TSF
SHEET 01 OF 1

The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission and County Council will conduct public hearings on Tuesday, February 15, 2022, and Monday, March 14, 2022, respectively. The public hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. RZ-2021-1961: Application by Panhandle Partners to rezone approximately 9.609 acres (TM 0016-00-047.00) located on the west side of Charlotte Highway, adjacent to 7415 Charlotte Highway, from Neighborhood Business (NB) and Low Density Residential (LDR) Districts to General Business (GB) District.

2. RZ-2021-2559: Application by CSH Charlotte Highway Act, LLC to rezone 3.63 acres (TM # 0008-00-069.07) located at 7829 Charlotte Highway, adjacent to Parcel # 0008-00-067.00, from Low Density Residential (LDR) District to General Business (GB) District to facilitate development of an active living (Age 55+ Independent Living) project.

3. RZ-2021-2975: Application by Llewellyn Development, LLC to rezone three parcels totaling approximately 37.9 acres (TM#s 0003-00-043.00, 0003-00-043.02, and 0003-00-044.00) located at 10695, 10681, and 10749 Harrisburg Road, from Low Density Residential (LDR) District to Medium Density Residential (MDR) District to facilitate the development of the parcels as a single-family residential neighborhood.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department located at 101 North Main Street, Lancaster, South Carolina. Persons requiring special arrangements due to handicap please call (803) 285-6005 at least 24 hours in advance.

Public comments may be made in person at the hearing or submitted in written format to be provided to the Planning Commission or to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website (https://www.mylancastersc.org/), email to SSimpson@lancastersc.net, or by mail addressed to Clerk to Council at 101 N. Main Street, Lancaster, SC 29720 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on January 29th 2022.

SWORN to before me this 31st day of January, 2022

Ashley Johnson

Notary Public for South Carolina
My Commission Expires: 01/20/2027

Newspaper Rep Signature

Ashley L Johnson
NOTARY PUBLIC
SOUTH CAROLINA

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1798
Contact Person / Sponsor: Dennis Marstall / Administration and John DuBose / County Attorney
Department: Attorney
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Whether to grant a water and sewer easement to Lancaster County Water and Sewer District (LCWSD) for the provision of water and sewer services to the Indian Land Recreation Center

Points to Consider:
The Indian Land Recreation Center is being renovated and improved and adjacent property owned by E&B of Indian Land, LLC (E&B) is being developed with both projects requiring improvements to the water and sewer utilities serving each project. By Ordinance 2021-1718 Lancaster County Council approved a reciprocal easement agreement with E&B that, among other things, allowed for construction and installation of water and sewer infrastructure.

LCWSD, as owner and operator of the infrastructure now requires an easement grant from Lancaster County for the water and sewer infrastructure serving Indian Land Recreation Center.

The form of the easement agreement with LCWSD is attached as Exhibit 1 to the Ordinance.

Funding and Liability Factors:
Not applicable.

Council Options:
Approve or disapprove of the Ordinance granting an easement to LCWSD.

Recommendation:
Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1798	2/23/2022	Ordinance
Exhibit 1 to Ordinance 2022-1798, Easement Agreement	2/23/2022	Exhibit
Exhibit B to Easement Agreement	2/23/2022	Exhibit
Notice of Public Hearing for Ordinance 2022-1798	3/2/2022	Public Hearing Notices

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2022 - 1798**
COUNTY OF LANCASTER)

AN ORDINANCE

TO APPROVE AN EASEMENT GRANT TO LANCASTER COUNTY WATER AND SEWER DISTRICT UPON REAL PROPERTY OWNED BY LANCASTER COUNTY BEARING TAX PARCEL NUMBER 0013-00-047.01 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENT AND TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

(1) Lancaster County (the "County") owns land at tax parcel number 0013-00-047.01 (the "subject property") containing the Indian Land Recreation Center.

(2) The subject property is being renovated by Lancaster County and an adjacent property owned by E&B of Indian Land LLC (tax parcel number 0013-00-048.04) is being developed. Both projects require infrastructure installation for water and sewer services and upgrades and easement grants to Lancaster County Water and Sewer District (LCWSD) are required.

(4) The water and sewer easement upon the subject property will encumber 7,541 sq. feet (0.173 acres). The sewer easement is attached hereto and incorporated herein by reference as Exhibit 1. Exhibit A to the aforesaid sewer easement is the plat showing the precise location of the sewer easement.

(5) County staff have confirmed that the easement grant will not adversely impact utilization of the subject property for a recreation center.

(6) The easement grant is in furtherance of providing for the public health and safety of the citizens of Lancaster County as the easement is necessary and desirable for the provision

of water and sewer services by LCWSD to Lancaster County for the Indian Land Recreation Center.

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

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

Council authorizes and approves the grant of an easement (the "Easement") to LCWSD for the construction maintenance and repair of a variable width water and sewer easement upon Tax Map No. 0013-00-047.01 as described in Section 1. The form of the Easement is attached to this ordinance as Exhibit 1 and all terms, provisions and conditions of the Easement are incorporated herein by reference as if the Easement were set out in this ordinance in its entirety.

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

Section 3. Authority to act.

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

Section 4. Severability.

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

Section 5. Conflicting provisions.

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

Section 6. Effective date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED, this _____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	March 14, 2022
Second Reading:	March 28, 2022
Third Reading:	April 11, 2022
Public Hearing:	March 14, 2022

Approved as to form:

_____
John DuBose, County Attorney

<u>Exhibit 1</u> to Ordinance No. 2022 - 1798

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

Tax Map No. 0013-00-047.01

STATE OF SOUTH CAROLINA)
) **EASEMENT AGREEMENT**
COUNTY OF LANCASTER)

THIS EASEMENT AGREEMENT (this "Easement") is made and entered into this ___ day of _____, 2022, by and between **Lancaster County Water and Sewer District,** a special purpose district created under the laws of the state of South Carolina, with an address of 1400 Pageland Hwy, Lancaster, South Carolina, 29720 ("Grantee"), and **Lancaster County**, with an address of 101 North Main Street, Lancaster, South Carolina 29770 ("Grantor").

RECITALS:

A. Grantor is the owner of that certain +/- 2.62 acre parcel of land located at 8288 Charlotte Highway, Indian Land, South Carolina, more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Servient Estate").

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

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

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

1. Grant of Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its successors and assigns forever, a perpetual, non-exclusive appurtenant easement over, through, under and across the Easement Area (defined below) for the purpose of laying, constructing, installing, inspecting, operating, using, maintaining, repairing, removing, enlarging, and/or reconstructing the water line and sewer line and related facilities, including, without limitation, pipes, fixtures, equipment, meters, pumps, connections and other personal property (collectively, "Facilities") for the conveyance and transfer of water and collection of sewer, as may be reasonably necessary, appropriate or desirable for Grantee's use of the water and sewer lines, TOGETHER WITH (i) a perpetual, non-exclusive appurtenant easement and right for access, ingress, and egress over and across the Easement Area for Grantee's exercise of the easement rights herein conveyed; and (ii) a perpetual, non-exclusive appurtenant easement and right to clear and keep the Easement Area free of trees, structures, buildings, fixtures, wells, septic tanks, underground storage tanks, garbage, or any type of personal property which may interfere in any way with or endanger the water and sewer lines, the Facilities or Grantee's rights under this Easement provided, however, Grantor may pave over the Easement Area in connection with the construction of a parking lot, roadway or driveway (if such paving does not interfere with the rights given to Grantee hereunder).

The "Easement Area" is that certain strip of land shown as "WATER AND SEWER EASEMENT (WIDTH VARIES) 8,032 SQ. FT. 0.184 ACRES" on that certain plat of survey by Mark Smith, SC PLS L-23574 of Burton Engineering Associates, Inc., dated February 2, 2022, and entitled "WATER AND SEWER EASEMENT EXHIBIT" (the "Plat"), with the metes and bounds thereof shown on the Plat, a copy of which is attached hereto as **Exhibit B**. Nothing herein is designed or intended to give Grantee any right, property or interest in or to the storm drainage easements or infrastructure depicted on the Plat.

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

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

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

5. Miscellaneous.

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

(b) Remedies; Attorneys' Fees. If either Grantor or Grantee breaches any of its obligations under this Easement, the non-breaching party will have available to it all remedies

available at law or equity, including the right to recover reasonable costs and expenses of suit, including, without limitation, reasonable attorneys' fees.

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

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

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

[signature pages follow]

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

Signed, sealed and delivered
in the presence of:

GRANTOR:

LANCASTER COUNTY

_____
Witness #1

By: _____
Dennis Marstall
Lancaster County Administrator

_____
Witness #2

State of South Carolina
County of Lancaster

ACKNOWLEDGEMENT

On this _____ day of _____, 2022, before me personally appeared Lancaster County, by Dennis Marstall, its County Administrator, who provided satisfactory evidence of his/her identification to be the person whose name is subscribed to this instrument and s/he acknowledged that s/he executed the foregoing instrument by his/her signature here.

_____
Dennis Marstall

Sworn to (or affirmed) and subscribed before me this the _____ day of _____, 2022.

_____
Official Signature of Notary

(Official Seal)

_____, Notary Public
Notary's printed or typed name

_____ County, South Carolina
My commission expires: _____

IN WITNESS WHEREOF, Grantee has caused this Easement to be executed and delivered by its respective undersigned officer(s) and/or representative(s), he/she being duly authorized, effective as of the date first above written

Signed, sealed and delivered
in the presence of:

GRANTEE:

LANCASTER COUNTY WATER AND SEWER DISTRICT

_____
Witness #1

By:_____
Bradley H. Bucy, Manager

_____
Witness #2

State of South Carolina
County of Lancaster

ACKNOWLEDGEMENT

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

_____
Bradley H. Bucy

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

_____
Official Signature of Notary

(Official Seal)

_____, Notary Public
Notary's printed or typed name

Lancaster County, South Carolina
My commission expires: _____

EXHIBIT A

Description/Depiction of the Servient Estate

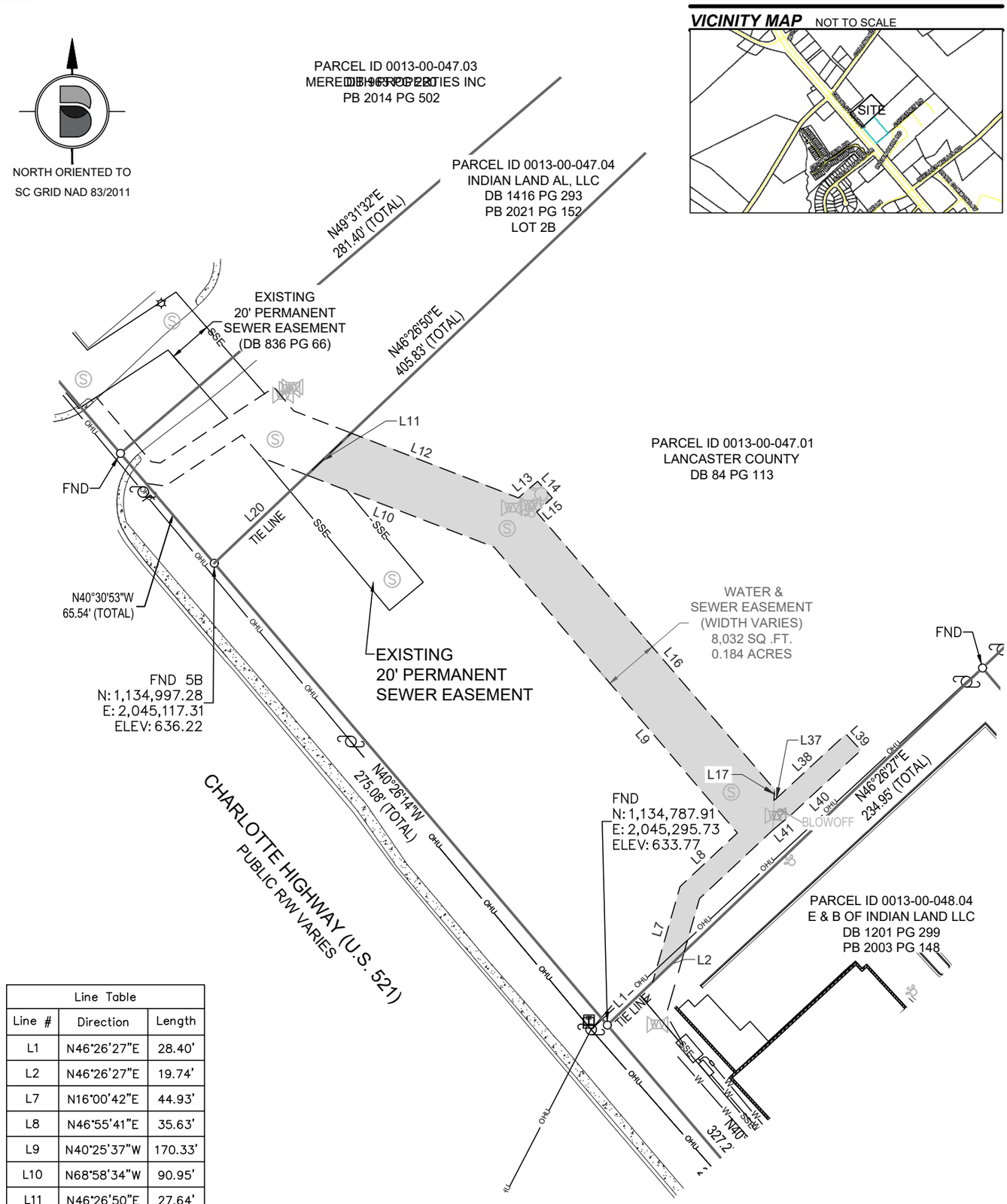
All that certain piece, parcel, or lot of land, with improvements thereon, situate, lying, and being in the Indian Land Community, Lancaster, South Carolina, and more particularly being bounded and described as follows: West by U.S. Highway 521, for a distance of 275'; South by property now or formerly of Lancaster County for a distance of 424.03'; East by property now or formerly of Lancaster County School District Board of Trustees for a distance of 274.63'; and North by property now or formerly of Lancaster County School District Board of Trustees for a distance of 405.85'. The above-described property is more particularly shown and described as Parcel "B' on a plat prepared for Lancaster County Board of Education by William Charles Hendley, Jr., RLS, dated April 24, 2000, and recorded as Plat # 2000-351, in the Office of the Clerk of Court/ROD for Lancaster County. Reference to said plat is made for a more accurate description.

Derivation:
Being that same property conveyed to Lancaster County by deed of Lancaster County School District dated June 2, 2000 and recorded in the Office of the Clerk of Court/ROD for Lancaster County on June 6, 2000, in Deed Book 84 at page 113.

TMS No. 0013-00-047.01

Exhibit B attached hereto

Description/Depiction of Easement Area



Line Table		
Line #	Direction	Length
L1	N46°26'27"E	28.40'
L2	N46°26'27"E	19.74'
L7	N16°00'42"E	44.93'
L8	N46°55'41"E	35.63'
L9	N40°25'37"W	170.33'
L10	N68°58'34"W	90.95'
L11	N46°26'50"E	27.64'
L12	S68°50'34"E	81.42'
L13	N49°15'57"E	11.53'
L14	S41°41'05"E	10.00'
L15	S48°02'05"W	9.61'
L16	S40°38'31"E	165.79'
L17	S02°31'41"W	4.96'
L20	N46°26'50"E	58.05'
L37	S50°04'16"W	2.02'
L38	S47°16'35"W	42.36'
L39	N42°38'52"W	10.00'
L40	N47°16'35"E	42.59'
L41	N50°09'27"E	11.39'

EXHIBIT B

0 30 60 120

(IN FEET)

1 inch = 60 ft.

BURTON ENGINEERING ASSOCIATES, P.C. ENGINEERS AND LAND SURVEYORS C-1157

SOUTH CAROLINA PROFESSIONAL SEAL L-23574 LAND SURVEYOR MARK SMITH

2/2/2022

BURTON ENGINEERING

5950 FAIRVIEW RD STE 100
CHARLOTTE NC 28210
(T) 704.553.8881
burtonengineering.com

PROJECT NUMBER
021.888.005

DATE
1/10/2022

WATER & SEWER EASEMENT EXHIBIT

OWNER: LANCASTER COUNTY
INDIAN LAND, LANCASTER COUNTY, SOUTH CAROLINA

DAVID E LOOPER AND COMPANY, INC
PO BOX 3224
HICKORY, NC 28602

SHEET 1 OF 1

The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING

Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, March 14, 2022, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2022-1798, an ordinance titled **"AN ORDINANCE TO APPROVE AN EASEMENT GRANT TO LANCASTER COUNTY WATER AND SEWER DISTRICT UPON REAL PROPERTY OWNED BY LANCASTER COUNTY BEARING TAX PARCEL NUMBER 0013-00-047.01 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENT AND TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (https://www.mylancastersc.org/), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on February 26th 2022.

SWORN to before me this 28th day of February, 2022

Ashley L Johnson

Notary Public for South Carolina
My Commission Expires: 01/20/2027

Ashley L Johnson NOTARY PUBLIC SOUTH CAROLINA

Newspaper Rep Signature

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1800
Contact Person / Sponsor: John DuBose- County Attorney
Department: Attorney
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Whether to grant an easement to Duke Energy Carolinas, LLC ("Duke Energy") for the purpose of providing electrical service to soccer complex improvements located on Lancaster County property bearing tax parcel number 0005-00-077.00 near Harrisburg Road.

Points to Consider:
The easement grant will allow Duke Energy to provide appropriate electrical power infrastructure to the county owned real property.

The easement agreement is Exhibit A to Ordinance 2022-1800 and is included in the agenda package.

Funding and Liability Factors:
Not applicable.

Council Options:
Approve or disapprove the ordinance.

Recommendation:
Approve the easement grant.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1800	3/4/2022	Ordinance
Exhibit A to Ordinance 2022-1800	3/7/2022	Exhibit
General location map of easement	3/4/2022	Backup Material

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2022 - 1800**
COUNTY OF LANCASTER)

AN ORDINANCE

TO APPROVE AN EASEMENT GRANT TO DUKE ENERGY CAROLINAS, LLC UPON REAL PROPERTY OWNED BY LANCASTER COUNTY AND LOCATED ON HARRISBURG ROAD BEARING TAX PARCEL NUMBER 0005-00-077.00 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENTS AND TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

(1) Lancaster County (the "County") owns land at tax parcel number 0005-00-077.00.

(2) To provide appropriate power infrastructure to the County's real property, Duke Energy Carolinas, LLC ("Duke Energy") wishes to install underground facilities on the parcel, allowing Duke Energy to provide the transmission and distribution of electrical energy for the purpose related to the operation of the electric facilities and for communication purposes of Incumbent Local Exchange Carriers ("Facilities").

(3) Duke Energy requires a strip of land twenty feet (20') in uniform width, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10') wide on all sides of the foundation of any of Duke Energy's enclosure/transformer, vault and/or manhole.

(4) The County desires to grant utility easements rights over a portion of the County property so Duke Energy may construct and maintain underground electrical facilities.

(5) The easement grant is in the best interest of the County and is in furtherance of the development and improvement of a county asset, the new soccer complex on Harrisburg Road.

(5) It is the purpose of this ordinance to approve the easement grant from the County to Duke Energy.

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

Council authorizes and approves the grant of the easements to Duke Energy for the construction, management, and maintenance of an underground electrical facility over and upon Tax Map No. 0005-00-077.00 as described in Section 1.

The form of the Easement instrument is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the easements are incorporated herein by reference as if the easements were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Easement instrument on behalf of the County. By adoption of this ordinance, Council approves the easement instrument and all its terms, provisions and conditions. The easement instrument is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the easement instrument, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Easement instrument attached to this ordinance.

Section 3. Authority to act.

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

Section 4. Severability.

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

Section 5. Conflicting provisions.

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

Section 6. Effective date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this _____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	March 14, 2022
Second Reading:	March 28, 2022
Public Hearing:	March 28, 2022
Third Reading:	April 11, 2022

Approved as to form:

_____
John DuBose, County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

<u>Exhibit A</u> to Ordinance No. 2022-1800

Duke Energy Right of Way -10167 Harrisburg Road Easement Agreement
Lancaster County to Duke Energy Carolinas, LLC

Tax Map No. 0005-00-077.00

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Prepared by: Duke Energy Carolinas, LLC
Return to: Duke Energy Carolinas, LLC
Attn: Elliott Wallace
6325 Wilkinson Blvd.
Charlotte, NC 28214

Parcel # 0005-00-077.00

EASEMENT

State of South Carolina

County of Lancaster

THIS EASEMENT ("**Easement**") is made this ____ day of _____ 20____, from **LANCASTER COUNTY,** a South Carolina body politic and corporate, and a political subdivision of the State of South Carolina ("**Grantor**", whether one or more), to **DUKE ENERGY CAROLINAS, LLC**, a North Carolina limited liability company ("**Grantee**").

Grantor, for and in consideration of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, "**Facilities**"). Grantor is the owner of that certain property described in that instrument recorded in Deed Book 1368, Page 134, Lancaster County Register of Deeds ("**Property**"). The Facilities shall be underground, except as needed on or above the ground to support the underground Facilities, and located in, upon, along, under, through, and across a portion of the Property within an easement area described as follows: A strip of land twenty feet (20') in uniform width, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10') wide on all sides of the foundation of any Grantee enclosure/transformer, vault and/or manhole, (hereinafter referred to as the "Easement Area").

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.

3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
5. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
6. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
7. The rights granted in this Easement include the right to install Facilities wherever needed on the Property to serve future development on the Property and neighboring lands. Portions of the Facilities may be installed immediately, and other portions may be installed in the future as the need develops. Facilities installed in the future shall be installed at locations mutually agreeable to the parties hereto if they are to be located outside of the Easement Area. Upon any future installations of Facilities at mutually agreed locations, the Easement Area shall be deemed to include such future locations at the widths defined in this Easement.
8. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this ____ day of _____, 20_____.

Witnesses:

LANCASTER COUNTY
a South Carolina body politic and corporate, and a political subdivision of the State of South Carolina

_____ (SEAL)
(Witness #1)
DENNIS E. MARSTALL, County Administrator

_____
(Witness #2)

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that DENNIS E. MARSTALL, as County Administrator of LANCASTER COUNTY, a South Carolina body politic and corporate, and a political subdivision of the State of South Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing EASEMENT.

Witness my hand and notarial seal, this ____ day of _____, 20_____.

(Notary Seal)

Notary Public: _____

Commission expires: _____


Install 3 phase through customer installed conduit form existing primary pole to new pad mount transformer location.
0005-00-018.00
0005H-0C-001.01
0005H-0C-005.00
1030
0005H-0C-004.00
0005-00-077.00
10167
0005H-0C-045.00
1029
1024
0005H-0C-046.00
1018
0005H-0C-003.00
0005H-0C-047.00
0005H-0C-002.00
0005H-0C-048.00
1009
0005H-0C-001.00
1006
GLEN LAUREL DR
CALVIN HALL RD
100 ft
KARRIKER CT
0005H-0B-017.00
5026
5022
0005H-0B-018.00
0005H-0B-019.00
0005H-0B-020.00
5010
0005H-0B-021.00
0005H-0A-047.00
0005-00-076.00
10121
Parcel ID 0005-00-077.00
Class Code Exempt
Taxing District County
Indian Land
Land Size 10.03 ACRES
(Note: Not to be used on legal documents)
Owner LANCASTER COUNTY
PO BOX 1809
LANCASTER, SC 29721
Physical Address 10167 HARRISBURG ROAD
Assessed Value
Last 2 Sales
Date Price Reason Qual
9/17/2020 $5 QUIT CLAIM Q
3/20/2017 $5 SOLD DOES NOT MATCH APPRAISAL RECORD Q

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 20022-1801
Contact Person / Sponsor: Dennis Marstall/Administration and John DuBose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Whether to purchase approximately sixty four (64) acres of real property for the new Lancaster County Detention Center.

The subject property is located at 1666 Pageland Highway and is adjacent to the Lancaster County Sheriff's Office.

Points to Consider:
The Detention Center is the first project authorized by voters in a November 3, 2020 referendum and by County Council's passage of the second re-imposed Capital Project Sales Tax by Ordinance 2020-1673.

Lancaster County staff, Lancaster County Sheriff's Office staff, and Magistrate's Office staff have identified certain real property consisting of approximately 64.806 acres in total, comprised of Tax Map 0068-00-045.00 (less and except 1.136 acres +/- at 1666 Pageland Highway), Tax Map 0068L-0F-016.00, Tax Map 0068L-0F-015.00, Tax Map 0068L-0F-013.00, and Tax Map 0068L-0F-011.00 (collectively the "subject property"), and located along Pageland Highway as a suitable site for a new Lancaster County Detention Center. A plat of the subject property is attached as Exhibit 1 to the Ordinance.

County staff has negotiated a purchase for the subject property of One Million Eight Hundred Sixteen Thousand Eight Hundred Fifty Dollars ($1,816,850).

Pursuant to Lancaster County Code Section 2-300.4. County Council must be provided an appraisal for the subject property. The real property was appraised by a third-party appraiser on November 11, 2021, and returned a value of the subject property at Two Million Five Hundred Sixty-Five Dollars ($2,560,000).

Due Diligence has occurred and there are no adverse conditions or encumbrances upon the subject property that will prevent the subject property from being utilized as the site of the new Lancaster County Detention Center.

Pursuant to Lancaster County Code Section 2-300.4 County Council must be provided a phase one environmental assessment prior to the acquisition of real property. Certain parcels of the subject property front South Carolina Highway 9- Pageland Highway, further identified as Tax Map 0068L-0F-011.00/ 0068L-0F -013.00/ 0068L-0F -015.00/ and 0068L-0F -016.00 (the "access parcels"), are being acquired to provide driveway access to South Carolina Highway 9 and no occupied county structures are intended to be located on any of these parcels. The existing residential structures located on the access parcels will be demolished and the land cleared to provide for vehicular access purposes. The proposed ordinance contains a finding of fact that there is no need to spend county funds to perform a phase one environmental assessment on the access Parcels and provides a waiver of the requirement for the phase one environmental assessment for the Access Parcels as set forth Lancaster County Code Section 2-300.4.

The subject property parcels are currently zoned either Light Industrial (LI) or General Business (GB) and the Lancaster County staff involved in the development of the new Lancaster County Detention Center have consulted with the staff of the Lancaster County Planning Department – Development Services Division regarding the proper zoning for the facility and Lancaster County planners have advised that the suitable zoning classification for the facility, being government owned, is Institutional (INS). There are several government owned tracts already zoned INS adjacent to this property.

Seller is retaining approximately 1.136 acres of Tax Map 0068-00-045.00 identified as tract "TR 2" on a plat of the subject property attached to the ordinance and this agenda (Exhibit 1). The retained property is zoned Light Industrial (LI). Seller is retaining the acreage to continue operation of their existing business. To prevent a non-conformity, Lancaster County staff have agreed to retain the Light Industrial zoning designation of approximately one acre of the subject property that is identified as tract "TR 2A" on the plat of the subject property.

Funding and Liability Factors:
A funding source must be identified and provided. The detention center is the project of first priority in the second re-imposed Capital Projects Sales Tax (Ordinance 2020-1673). The second re-imposed Capital Projects Sales Tax commences on May 1, 2022.

The purchase and sale agreement for the subject property set a closing date of April 26, 2022.

Council Options:
Approve or disapprove of the property acquisition.

Recommendation:
N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1801	3/9/2022	Ordinance
Exhibit 1 to Ordinance 2022-1801	3/7/2022	Exhibit

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2022 -1801**
COUNTY OF LANCASTER)

AN ORDINANCE

AUTHORIZING THE ACQUISITION OF APPROXIMATELY SIXTY-FOUR (64) ACRES OF REAL PROPERTY LOCATED ON PAGELAND HIGHWAY FOR THE CONSTRUCTION OF A NEW COUNTY DETENTION CENTER AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE PURCHASE OF THE REAL PROPERTY AND THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

1) Counties are authorized by the Capital Project Sales Tax Act, codified as Sections 4-10-300 to -380, Code of Laws of South Carolina 1976, as amended (the "Enabling Act"), subject to approval by a majority of the votes cast in a referendum, to impose or reimpose countywide a one percent sales and use tax for the purpose of generating funds to pay for certain capital improvements; and

2) Pursuant to Ordinance No. 2020-1673 duly enacted by the Council on July 22, 2020, and a successful referendum held on November 3, 2020, the County re-imposed the one percent sales and use tax within the County for seven years commencing May 1, 2022 (the "Second Reimposed Tax"); and

3) Ordinance 2020-1673 and the referendum identified the project of first priority as a portion of the cost of acquiring, constructing, and equipping a new Lancaster County Detention Center including a Magistrate's Office and land acquisition; and

4) Lancaster County staff, Lancaster County Sheriff's Office staff, and Magistrate's Office staff have identified certain real property consisting of approximately 64.806 acres in total, comprised of Tax Map 0068-00-045.00 (less and except 1.136 acres +/- at 1666 Pageland Highway), Tax Map 0068L-0F-016.00, Tax Map 0068L-0F-015.00, Tax Map 0068L-0F-013.00, and Tax Map 0068L-0F-011.00 (collectively the "subject property"), and located along Pageland Highway as a suitable site for a new Lancaster

County Detention Center. A plat of the subject property is attached hereto and incorporated herein by reference as Exhibit 1 to the Ordinance; and

5) County staff negotiated purchase of the subject property at One Million Eight Hundred Sixteen Thousand Eight Hundred Fifty Dollars ($1,816,850); and

(6) Pursuant to Lancaster County Code Section 2-300.4. County Council must be provided an appraisal for the subject property. The real property was appraised by a third-party appraiser on November 11, 2021, and returned a value of the subject property at Two Million Five Hundred Sixty-Five Dollars ($2,560,000); and

(7) Due Diligence has occurred and there are no adverse conditions or encumbrances upon the subject property that will prevent the subject property from being utilized as the site of the new Lancaster County Detention Center; and

(8) Pursuant to Lancaster County Code Section 2-300.4 County Council must be provided a phase one environmental assessment prior to the acquisition of real property; and

(9) Certain parcels of the subject property front South Carolina Highway 9- Pageland Highway, further identified as Tax Map 0068L-0F-011.00/ 0068L-0F -013.00/ 0068L-0F -015.00/ and 0068L-0F -016.00 (the "access parcels"), are being acquired to provide driveway access to South Carolina Highway 9 and no occupied county structures are intended to be located on any of these parcels; and

(10) The existing residential structures located on the access parcels will be demolished and the land cleared to provide for vehicular access purposes so there is no need to spend county funds to perform a phase one environmental assessment on the access Parcels and County Council hereby waives the requirement for the phase one environmental assessment for the Access Parcels as set forth Lancaster County Code Section 2-300.4; and

(11) The subject property parcels are currently zoned either Light Industrial (LI) or General Business (GB) and the Lancaster County staff involved in the development of the new Lancaster County Detention Center have consulted with the staff of the Lancaster County Planning Department – Development Services Division regarding the proper zoning for such a facility; and

(12) Lancaster County planners have advised that the suitable zoning classification for such a facility, being government owned, is Institutional (INS) and there are several government owned tracts already zoned INS adjacent to this property: and

(13) Seller is retaining approximately 1.136 acres of Tax Map 0068-00-045.00 identified as tract "TR 2" on a plat of the subject property attached hereto and incorporated herein by reference as Exhibit 1 and that retained property is zoned Light Industrial (LI). Seller is retaining the acreage to continue operation of their existing business. To prevent a non-conformity, Lancaster County has agreed to

retain the Light Industrial zoning designation of approximately one acre of the subject property that is identified as tract "TR 2A" on the plat of the subject property.

(14) The purchase price for the subject property and all other necessary and incidental fees and costs associated with the acquisition of the subject property for the new Lancaster County Detention Center, an approved second reimposed Capital Project Sales Tax project, shall be paid for with excess funds collected from the first reimposed Capital Project Sales Tax pursuant to S.C. Code 4-10-340(c)(2)

(15) Council has studied the options and considered the recommendations of Lancaster County staff associated with the new Lancaster County Detention Center project and, accordingly, Council has concluded that it is prudent and wise to acquire the subject property as the site of the new Lancaster County Detention Center.

Section 2. Approval of property acquisition.

Council authorizes and approves the acquisition of the subject property described in this ordinance upon the terms and conditions stated in this ordinance.

The County Administrator is authorized and directed to execute and deliver all documents necessary to effectuate purchase of the subject property. The County Admisntrator is further authorized and directed to submit a rezoning application(s), pursuant to the terms and conditions set forth in Section 1 of this Ordinance, to effectuate the use of the subject property for its intended purpose as a new Lancaster County Detention Center.

Section 3. Authority to act.

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

Section 4. Severability.

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

Section 5. Conflicting provisions.

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

Section 6. Effective date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	March 14, 2022
Second Reading:	March 28, 2022
Third Reading:	April 11, 2022
Public Hearing:	April 11, 2022

Approved as to form:

_____
John DuBose, County Attorney

PROPERTY OWNERS:

1. LOTS 26-28
MARY LOIS LOYD ESTATE
1514 PAGE LAND HWY.
DEED BOOK V-4 PAGE 116
PLAT BOOK 2 PAGE 147
TAX PARCEL - 0068L-0F-021.00
ZONED - GB

2. LOTS 29-32
JOHN CLARK CARNES
1554 PAGE LAND HWY.
DEED BOOK 1086 PAGE 89
PLAT BOOK 2 PAGE 147
TAX PARCEL - 0068L-0F-019.00
ZONED - GB

3. LOTS 33-36
JOHN CLARK CARNES
PAGELAND HWY.
DEED BOOK 1008 PAGE 89
PLAT BOOK 2 PAGE 147
TAX PARCEL - 0068L-0F-018.00
ZONED - GB

4. LOTS 37-41
JOHN CLARK CARNES
1570 PAGELAND HWY.
DEED BOOK 1089 PAGE 89
PLAT BOOK 2 PAGE 147 LOTS 37-41
TAX PARCEL - 0068L-0F-17.00
ZONED - GB

5. LOTS 42-44
ROSS CONSTRUCTION INC.
1578 PAGELAND HWY.
DEED BOOK F-6 PAGE 383
PLAT BOOK 2 PAGE 147
TAX PARCEL - 0068L-0F-016.00
ZONED GB

6. LOTS 45-47
SOUTH ROSS MORTGAGE LLC
1586 PAGELAND HWY.
DEED BOOK 371 PAGE 134
PLAT BOOK 2 PAGE 147 LOTS 45-47
TAX PARCEL - 0068L-0F-015.00
ZONED - GB

7. LOTS 48-52
SOUTH ROSS PROPERTIES LLC
1592 PAGELAND HEY.
DEED BOOK 397 PAGE 348
PLAT BOOK 2 PAGE 147 LOTS 48-52
TAX PARCEL - 0068L-0F-013.00

8. LOTS 53-58
GLORIA R. CAUTHEN
1604 PAGE LAND HWY.
DEED BOOK 1481 PAGE 77
PLAT BOOK 2 PAGE 147 LOTS 53-58
TAX PARCEL - 0068L-0F-011.00
ZONED - GB

9. LOTS 59-60
CINDY C. KNIGHT
PAGE LAND HWY.
DEED BOOK 230 PAGE 39
PLAT BOOK 2 PAGE 147 LOTS 59-61
TAX PARCEL - 0068L-0F-010.00
ZONED - GB

10. LOTS 61-70
FRANCISO ESCAMILLA
1620 PAGELAND HWY.
DEED BOOK 1008 PAGE 119
PLAT BOOK 2 PAGE 147 LOTS 62-70
TAX PARCEL - 0068L-0F-009.00
ZONED - GB

11. LOTS 72-76
TIMOTHY J & GINGER S. TRUJILLO
1644 PAGELAND HWY.
DEED BOOK T-14 PAGE 110
PLAT 97-131
TAX PARCEL - 0068L-0F-007.00
ZONED - GB

12. LOTS 77-80
MARY M. S. TRUJILLO
1650 PAGELAND HWY.
DEED BOOK B-6 PAGE 2765
PLAT BOOK 2 PAGE 147 LOTS 77-80
TAX PARCEL - 0068L-0F-006.00
ZONED GB

13. JESSICA D. BLACKMON
1678 PAGELAND HWY.
DEED BOOK 1414 PAGE 268
PLAT BOOK 2 PAGE 242
TAX PARCEL - 0068L-0F-004.00
ZONED - GB

NOTES:

- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD.

-THERE WERE NO WETLAND MARKERS OBSERVED IN THE FIELD

-THERE WAS NO EVIDENCE OF ANY EARTH MOVING WORK OBSERVED

-THERE WERE NO ENCROACHMENTS OR PROJECTIONS ON THIS PROPERTY AT THIS TIME.

- ZONING REQUIREMENTS : LI (LIGHT INDUSTRAIL)
FRONT SETBACK 40'.
SECONDARY STREET 35',
SIDE SETBACK 35',
REAR SETBACK 35'

- THIS PROPERTY HAS DIRECT PHYSCIAL ACCESS TO PAGELAND HWY., STATE ROAD NUMBER 9. A 100' PUBLIC RIGHT OF WAY, AND OLD DIXIE ROAD, STATE ROAD NUMBER S29-70, A 66' PUBLIC RIGHT OF WAY.

THISC PARCEL DOES NOT FALL WITHIN THE McWHIRTER AIRFIELD OVERLAY DISTRICT.

UTILITY SERVICES

(PUPS) PALMETTO UTILITY PROTECTION SERVICE
TEL. (888)-721-7877

LANCASTER COUNTY NATURAL GAS AUTHORITY
1010 KERSHAW CAMDEN HWY.
LANCASTER, S.C. 29720
TEL. (8030-285-2045

LANCASTER COUNTY WATER & SEWER DISTRICT
1403 KERSHAW CAMDEN HWY.
LANCASTER, S.C. 29720
TEL. (803)-285-6919

COMPORIUM COMMUNICATIONS
703 NORTH WHITE STREET
LANCASTER, S.C. 29720
TEL. (803) 283-9011

DUKE ENERGY
CRAIG MANOR ROAD
LANCASTER, S.C.
TEL. (803) 581-4127
(800) 922-0983

TRANSPORTATION AGENCIES

SOUTH CAROLINA DEPT. OF TRANSPORTATION
DISTRICT ENGINEERING OFFICE
1232 J.A. COCHRAN BYPASS
CHESTER, S.C. 29706
TEL. (803)-377-4155

GOVERNMENTAL AGENCIES

LANCASTER COUNTY BUILDING AND ZONING DEPT.
101 NORTH MAIN STREET
LANCASTER, S.C.29720
TEL. (803)-285-1969

LANCASTER COUNTY PLANNING AND ZONING OFFICE
101 NORTH MAIN STREET
LANCASTER, S.C.29720
TEL. (803)-285-6005

LANCASTER TAX ASSESSOR'S OFFICE
101 NORTH MAIN STREET
LANCASTER, S.C.29720
TEL. (803)- 285-6964

LANCASTER COUNTY REGISTER OF DEEDS OFFICE
101 NORTH MAIN STREET
LANCASTER, S.C.29720
TEL. (803)-416-9440

LANCASTER COUNTY E-911 ADDRESSING OFFICE
101 NORTH MAIN STREET
LANCASTER, S.C. 29720
TEL. (803)-285-4488

LANCASTER COUNTY ECONOMIC DEVELOPMENT OFFICE
210 WEST GAY STREET
LANCASTER, S.C. 29720
TEL. (803)-285-9471

NOTE: This lot does not lie within any designated flood area and there are no encroachments or projections other than as shown on this plat. See Flood Insurance Map 4501020 0090B Dated 01/06/83

"I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "B" survey as specified therein."

DRAWN BY: JCC/RKB	DATE: 02/25/2022
CHECKED BY: JCC	TAX PARCEL 0068-00-045.00
JOB NO.: 22-02-3	SHEET 1 OF 1

CONTROL POINTS #5 REBAR CAPPED

HV-104 N1051840.1177 E 2079338.5825 ELEV. 525.31	HV-101 N1052217.0538 E 2078508.4634 ELEV. 509.56
HV-107 N1051782.9938 E 2079776.5756 ELEV.521.58	HV-105 N1051567.7710 E 2078577.3045 ELEV.480.34
HV-110 N1052165.9757 E 2080009.6484 ELEV. 529.27	HV-106 N1050915.7816 E 2079099.7386 ELEV. 488.83
HV-103 N1052372.2944 E 2079650.0448 ELEV. 536.17	HV-109 N1050898.3805 E 2080382.1192 ELEV. 504.98
HV-102 N 1052344.8037 E 2079097.2046 ELEV. 517.74	HV-108 N 1051286.0629 E 2080782.1528 ELEV. 519.70

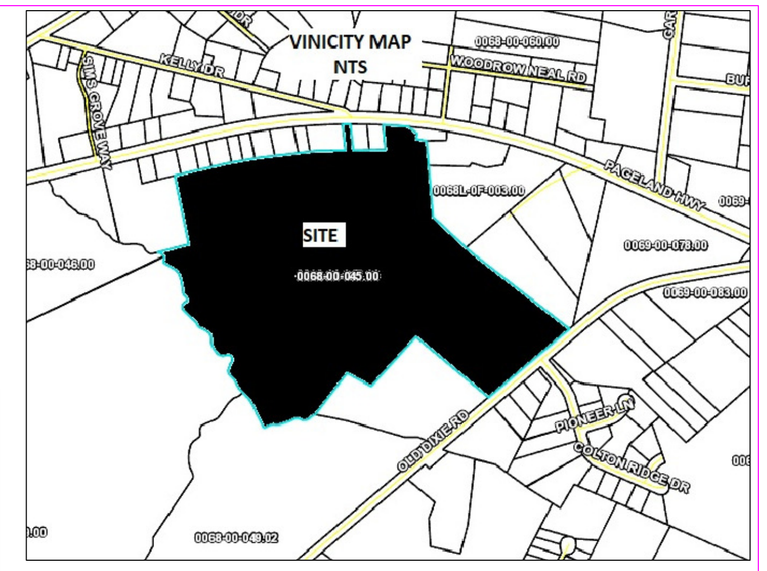
TREE TABLE

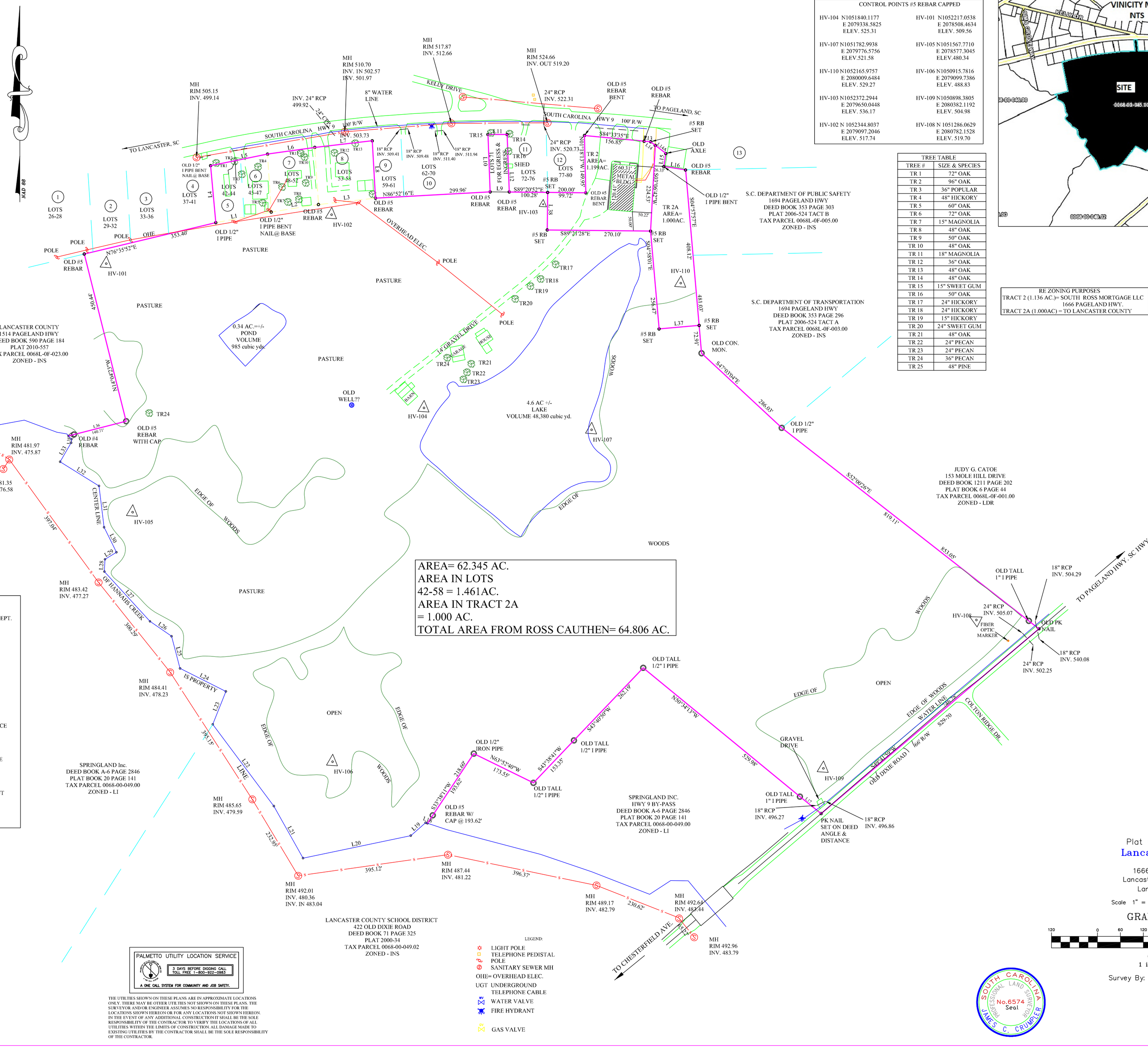
TREE #	SIZE & SPECIES
TR 1	72" OAK
TR 2	96" OAK
TR 3	36" POPULAR
TR 4	48" HICKORY
TR 5	60" OAK
TR 6	72" OAK
TR 7	15" MAGNOLIA
TR 8	48" OAK
TR 9	50" OAK
TR 10	48" OAK
TR 11	18" MAGNOLIA
TR 12	36" OAK
TR 13	48" OAK
TR 14	48" OAK
TR 15	15" SWEET GUM
TR 16	50" OAK
TR 17	24" HICKORY
TR 18	24" HICKORY
TR 19	15" HICKORY
TR 20	24" SWEET GUM
TR 21	48" OAK
TR 22	24" PECAN
TR 23	24" PECAN
TR 24	36" PECAN
TR 25	48" PINE

LINE TABLE

LINE	LENGTH	BEARING
L1	147.41	N79°10'51"E
L2	125.01	N80°59'15"E
L3	149.93	N83°37'06"E
L4	149.45	N05°12'08"W
L5	151.77	N78°31'11"E
L6	124.57	N81°54'28"E
L7	151.28	N83°27'32"E
L8	150.13	S03°13'33"E
L9	50.02	S89°47'24"E
L10	150.24	N02°11'59"W
L11	50.01	S89°50'06"E
L12	150.28	S02°12'18"E
L13	16.74	S84°17'34"E
L14	15.16	S52°36'33"E
L14A	34.94	S52°36'33"E
L15	34.43	S08°28'11"W
L16	57.37	S81°13'46"E
L17	71.00	N51°28'55"W
L18	5.01	N71°57'30"W
L19	51.44	S48°59'32"W
L20	287.58	S78°12'52"W
L21	155.87	N29°16'55"W
L22	266.55	N36°46'46"W
L23	92.66	N21°37'39"E
L24	133.91	S63°21'35"E
L25	86.98	N14°47'29"W
L26	68.42	N55°22'28"W
L27	176.38	N42°30'29"W
L28	32.00	N02°45'55"E
L29	35.17	N58°19'24"E
L30	72.95	N26°18'03"W
L31	108.71	N06°57'13"W
L32	119.67	N58°07'16"W
L33	57.38	N30°10'39"E
L34	9.10	N04°50'56"E
L35	11.77	N41°07'13"W
L36	155.48	N75°44'56"E
L37	105.10	S85°02'03"W
L38	98.15	S00°39'08"W

RE ZONING PURPOSES
TRACT 2 (1.136 AC.)= SOUTH ROSS MORTGAGE LLC
1666 PAGELAND HWY.
TRACT 2A (1.000AC) = TO LANCASTER COUNTY





LEGEND:
- LIGHT POLE
- TELEPHONE PEDISTAL
- POLE
- SANITARY SEWER MH
- OHE= OVERHEAD ELEC.
- UGT UNDERGROUND TELEPHONE CABLE
- WATER VALVE
- FIRE HYDRANT
- GAS VALVE

PALMETTO UTILITY LOCATION SERVICE
3 DAYS BEFORE DIGGING CALL TOLL FREE 1-800-922-0983
A ONE CALL SYSTEM FOR COMMUNITY AND JOB SAFETY.

THE UTILITIES SHOWN ON THESE PLANS ARE IN APPROXIMATE LOCATIONS ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR AND/OR ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN HEREON OR FOR ANY LOCATIONS NOT SHOWN HEREON. IN THE EVENT OF ANY ADDITIONAL CONSTRUCTION IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

Plat Of Property Of
Lancaster County
Located In
1666 Pageland Hwy.
Lancaster, South Carolina
Lancaster County

Scale 1" = 120' Date 02/25/2022

GRAPHIC SCALE
120 0 60 120 240 480
(IN FEET)
1 inch = 120 ft.

Survey By: J. C. Crumpler
S.C. Reg. No. 6574
207 Chesterfield Avenue
Lancaster, South Carolina
1-803-283-9818
lseleySurveying@gmail.com

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR No.6574 Seal JAMES C. CRUMPLER

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Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson/Clerk to Council
Department: County Clerk
Date Requested to be on Agenda: 3/14/2022

Issue for Consideration:
Whether to appoint Christopher Manor to the Lancaster County Accommodations Tax Advisory Committee. If appointed, he would serve as one of two lodging representatives. Currently, there are no lodging representatives on the Committee.

Points to Consider:
Ordinance 2020-1650 outlines the Membership for the Committee: it "shall be composed of seven (7) regular members. Membership shall be in compliance with the applicable state statute, with the majority of the membership being selected from the hospitality industry of Lancaster County, including two (2) from the lodging industry and one from a cultural organization. To that end, the committee shall be composed of the following:

Two (2) representatives from the lodging industry whose business is located in Lancaster County;
One (1) representative from the food and beverage industry whose business is located in Lancaster County;
One (1) representative from a cultural organization located in Lancaster County;
One (1) representative of unincorporated Lancaster County who resides north of SC Highway 5;
One (1) representative of unincorporated Lancaster County who resides south of SC Highway 5;
One (1) representative who resides in Lancaster County at-large.

Christopher Manor's application is attached for Council's review and consideration.

Funding and Liability Factors:
N/A

Council Options:
Approve or deny the appointment.

Recommendation:
Approve the appointment.

ATTACHMENTS:

Description	Upload Date	Type
Application from Christopher Manor for the Accommodations Tax Advisory Committee	3/2/2022	Backup Material

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Christopher Manar *County Council District* _____

Mailing Address _____ *City/Zip* Charlotte 28277

Street Address _____ *Registered Voter yes*___ *no*___

Tel. Number (home) _____ *(work)* _____ *(other)* _____

Email: _____

Occupation Hotel Manager *Place of employment* TownePlace Suites / HIEX

Address 1047 Red Ventures Drive *Normal working hours* M-F 9-5

(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Lancaster County ACC Tax Advisory *2nd choice* _____

3rd choice _____

Reason for interest I received mp Bachelors Degree from the University of South Carolina Bluffton and this opportunity will be another outlook on what I Love.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

Do you presently serve any State, County or Municipal Boards? N *If yes, list* _____

Have you ever served on a county board? N *If yes, list* _____

Additional pertinent information

Applicant's signature _____ *Date* 3/1/22

Receipt of application does not guarantee ~~an appointment~~. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

Form Revised 1-20-17