

Planning Commission Members

District 1: Alan Patterson
District 2: Tamecca Neely
District 3: Charles Deese, Chair
District 4: James Barnett, Vice-Chair
District 5:
District 6: Sheila Hinson
District 7: Ben Levine

**County Attorney**

John K. DuBose III

Clerk to Planning Commission

Jennifer Bryan

Development Services Director

Rox Burhans

February 15, 2022

6:00 PM

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

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

Planning Commission monthly meeting AGENDA

- 1. Call to Order Regular Meeting and Roll Call Vote**
- 2. Approval of the Agenda**
- 3. Citizen's Comments**

[Lancaster County welcomes comments and input from citizens who may not be able to attend meetings in person. Written comments may be submitted via mail to ATTN: Jennifer Bryan, Post Office Box 1809, Lancaster, SC, 29721, by email to Jennifer Bryan at jbryan@lancastersc.org 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.]

4. Approve Minutes

- a. January 20, 2022 Regular Minutes
- b. February 3, 2022 Workshop Minutes

5. Public Items

- a. RZ-2021-1921, Panhandle Partners
Application by Panhandle Partners to rezone approximately 9.609 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.
- b. RZ-2021-2975, Llewellyn Development LLC
Request to rezone approximately 37.9 acres of property from LDR District to MDR District.

6. New Business

- a. Overview of next month's Agenda
- b. Other

7. **Adjourn**

**The Planning Commission makes a recommendation to County Council on these items. Recommendations made at this meeting are tentatively scheduled for consideration by County Council in the following month. County Council agendas are posted online at <https://lancastersc.novusagenda.com/agendapublic/meetingsresponsive.aspx>*

***The Planning Commission makes the final decision on these items.*

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

*Meetings are live streamed and can be found by using the following link:
<https://www.youtube.com/channel/UCgSImrcYjcYcu1m-e6TV54w>*

Agenda Item Summary

Ordinance # / Resolution #: January 20, 2022 Regular Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 2/15/2022

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
January 20, 2022 Regular Minutes	2/4/2022	Exhibit



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

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

MINUTES
Lancaster County Planning Commission
January 20, 2022* 6:00 p.m.

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

Commissioners Present:

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

No appointment has yet been made to fill District 5 seat. (Redistricting in process).

Staff Present:

Rox Burhans	Ashley Davis	Robert Tefft
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[Rox Burhans acted as Clerk in the absence of Jennifer Bryan.]

*Due to delay in publication of the Notice of Public Hearing because of New Year's Day holiday, the January meeting was rescheduled from Tuesday, January 18, 2022 to Thursday, January 20, 2022. Notice of the change was published in the Lancaster News and posted in the lobby of the Administration Building, and news media was notified on 12/21/2021.

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

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

2. APPROVE AGENDA

Chairman Deese called for a motion to approve the Agenda.

Motion to Amend Agenda, Item 5c. UDO-TA-2021-2980 Cluster Subdivision Overlay withdrawn. Motion by J. Barnett; 2nd by S. Hinson.

Called vote on Amendment: 6:0. **Amendment approved unanimously.**

Chairman Deese called for a motion to approve the Agenda as amended.

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

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

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

Chairman Deese opened the floor to comments from the public. None signed in.

4. **APPROVE MINUTES**

a. **December 21, 2021 Regular Meeting**

b. **January 6, 2022 Workshop Minutes.**

Chairman Deese called for a motion to approve December 21, 2021 Regular Minutes and January 6, 2022 Workshop Minutes as written. Motion to Approve minutes as written by S. Hinson; 2nd by B. Levine.

Called vote: 5-0. **Motion is approved.** Commissioner Patterson abstained as absent from 1/6/2022 Workshop Meeting.

5. **PUBLIC ITEMS**

a. **CU-2019-0942 Monte Carlo Garage Suites**

Conditional Use Permit application by Garage Investors-I, LLC to allow Minor Maintenance and Repair at 8461 Possum Hollow Road (TM# 0010G-0A-106.00 & 0010G-0A-108.00).

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. Notices and Staff Reports utilized one map with both locations represented, but presentations will be made separately.

[See attachment **revised Conditional Use Plan for Monte Carlo Garage Suites**]

Staff Recommendations: Conditional Approval, pending addressing all outstanding TRC and Evolve comments.

Questions to staff: **B. Levine** asked if the items in the "Not Approved" letter included in the staff report had been addressed; **Davis** confirmed that all items had been addressed on the revised Plan.

Comment from applicant(s): not present.

Questions from Commissioners: **A. Patterson** asked about outdoor vehicle storage pursuant to UDO 5.8.6. who would be responsible for enforcing after approval; **Davis** responded that for the Business Center, the required buffering must be in place at final inspection to receive the CO; policing/code enforcement is currently done on a complaint-based system via Code Enforcement officers in the Zoning Department.

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

Juan Diaz (Longbrook Rd, Indian Land): brought photos and information regarding existing violations on subject property. [See attachment **JUAN DIAZ INFORMATION** (10 pages)]. Asked that County staff conduct an inspection before any decision is made on the proposed project.

Chairman Deese closed Public hearing and called for a motion on item 5a, **CU-2021-0942 Monte Carlo Garage Suites.**

B. Levine asked whether the Conditional Use permit would require that applicant increase buffering on subject property, and whether staff would have to inspect to see compliance on such new buffering. **Davis** responded that there was no required change with regard to the Conditional Use request on the already-built project (Garage Suites), but staff could request that Zoning Department Code Enforcement go and inspect the property, if Commission wants a deferral of the proposal.

S. Hinson asked if anyone checks to see that the buffering requirement is in compliance; **Davis** responded that an inspection is done to see that plantings are in place before CO is issued, not necessarily any follow-up unless there is a complaint.

Chairman Deese stated that the complaint by Mr. Diaz concerns a site other than the subject parcel. **S. Hinson** noted that it was the same owners/developers.

T. Neely stated that she would not be comfortable voting for the proposal if applicants were non-compliant with requirements.

Chairman Deese intervened and requested a motion before discussion continued.

B. Levine made a Motion to Defer the item for 30 days to the February meeting; 2nd by **S. Hinson**.

Chairman Deese called for a vote on the deferral; point of order was discussed whether discussion was required before voting on a deferral.

S. Hinson and B. Levine withdrew motion.

Applicant arrived and was called to floor by Chairman Deese.

Brad Bowman (applicant/owner): building was completed 3 years ago; he had not heard of the complaints aired tonight. Previously addressed a complaint about lighting on the property beyond what was required by code. Presently dealing with some landscaping replanting; have never received any complaints about landscape plantings or buffering. Conditional Use application was needed because at time project was first submitted, B-3 zoning allowed the use, but zoning changed before building was finished and occupied, and the use was not grandfathered.

Chairman Deese called for a motion on item 5a, **CU-2021-0942 Monte Carlo Garage Suites**. Motion to Defer by **B. Levine**, 2nd by **S. Hinson**.

Discussion: **B. Levine** asked that County staff review buffer at site for compliance. **T. Neely** asked that compliance regarding lighting issues described by Mr. Diaz also be inspected. **Chairman Deese** noted that the code applicable when this project was initially approved was the 1998 UDO. **S. Hinson** asked for clarification of process when a project is approved and code subsequently changes, regarding the B-3 zoning use provisions.

Called vote: 6:0. **Motion to defer to February 15 2022 meeting is unanimously approved.**

b. CU-2021-2844 Monte Carlo Business Center

Conditional Use Permit application by Garage Investors-I, LLC to allow Minor Maintenance and Repair at 8461 Possum Hollow Road (portion of TM# 0010-00-037.04).

Staff Presentation: Ashley Davis, Senior Planner, presented the application consistent with the staff report. This project is subject to current code, not 1998 code. Revised plan submitted [See attachment **Revised Conditional Use Plan for Monte Carlo Business Center**]. TRC comments were addressed in this plan.

Staff Recommendations: Conditional Approval, subject to addressing any outstanding TRC/Evolve comments within 60 days.

Questions to staff: **B. Levine**, regarding Type C buffer referenced on revised plan, noted discrepancy in fence height between two locations on plan. **Davis** clarified the requirements for different widths of Type C buffers. **A. Patterson** asked if the proposed buffer is sufficient; **Davis** responded that it meets code requirements, noted that topography of site presents challenges.

Comment from applicant(s):

Brad Bowman: agrees this project is subject to current code, and will comply with all requirements. Agrees topography on this site is challenging with regard to buffering neighboring residential areas.

Questions from Commissioners: none.

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

Chairman Deese closed Public hearing and called for a motion on item 5b: **CU-2021-2844 Monte Carlo Business Center.**

Motion to Approve subject to resolution of all outstanding TRC/Evolve comments within 60 days, by **J. Barnett**. **No second; Motion fails.**

Discussion of point of order, whether another motion can be made, or whether item goes to Council with recommendation for denial. [**POINT OF ORDER IS RE-ADDRESSED BELOW AFTER new Business item 6a.**]

c. UDO-TA-2021-2980 Cluster Subdivision Overlay District

~~Application by Lancaster County to amend Unified Development Ordinance Section 4.4, Character Protection Overlays, to eliminate subsection 4.4.1, Cluster Subdivision Overlay District (CSO), in its entirety. APPLICANT HAS WITHDRAWN REQUEST.~~

d. UDO-TA-2021-2981 Parking Requirements

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.

Staff Presentation: Robert Tefft, Senior Planner, presented the applications consistent with the staff report. Revision specifically addresses Personal Services uses (particularly offices and medical facilities) Hospitals, and Places of Assembly. Notes that data on Mecklenburg County has been added to research in Staff Report since the information was first shared at Workshop meeting.

Staff Recommendations: Approval.

Questions to staff: **B. Levine** asked for clarification about Hospital parking calculations.

Chairman Deese thanked staff for their work on the UDO update and interim measures.

J. Barnett concurred. **A. Patterson** asked how the staff addressed projects with multiple overlapping uses. **Tefft** responded that square footage calculations for all uses were taken into consideration to determine best application of code requirements.

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

Chairman Deese closed Public hearing and called for a motion on item 5d: **UDO-TA-2021-2981 Parking Requirements.**

Motion to approve by A. Patterson; 2nd by S. Hinson.

Discussion: **Chairman Deese** again thanked staff for their work on UDO; but in general disapproves of bringing text amendments to Commission while UDO update is in progress.

Called vote: 5:1. **Motion is approved.**

A.Patterson: For

T. Neely: For

J. Barnett: For

S. Hinson: For

B. Levine: For

C. Deese: Against

Chairman Deese stated the item will go to County Council for consideration.

6. NEW BUSINESS

- a. Overview of Next Month's Agenda: Two Rezoning applications: Charlotte Highway Active Living (LDR to GB/HCO) and Jon Hardy/North of 9 (LDR to MDR), as well as deferral from tonight's meeting.

NOTE: Attorney John Dubose addressed the Chair to clarify previous point of order concerning **CU-2021-2844 Monte Carlo Business Center,** Procedure allows for introduction of another motion on the same topic.

B. Levine notes that the applicant has already left; makes **Motion to Defer item b** to next month's meeting (February 15, 2022.) 2nd by **S. Hinson.**

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

A.Patterson: For

T. Neely: For

J. Barnett: For

S. Hinson: For

B. Levine: For

C. Deese: For

Chairman Deese stated that staff will notify applicant of deferred status.

Return to item 6. New Business:

b. Other:

(1). **Comprehensive Plan Update:** Ashley Davis: First stakeholder meeting has been held; consultants made a presentation at the last Committee of the Whole Council Meeting. Benchmark is lead consultant handling the overall Plan; Kimley-Horn is handling transportation and stormwater engineering; Greenfield is handling economic development, agriculture, and natural resource extraction; White and Smith is handling regulatory issues and alignment with new UDO. Process is overseen by a Steering Committee with 3 subcommittees addressing issues particular to their respective geographical divisions of the County. Two-year process parallel to the UDO. Presently conducting Baseline review; next is key topic exploration; then the 3 area plans; combining into full Plan; then the administrative process of adopting the new plan. Website will go live soon, and distribute Community Survey.

(2). **UDO Update:** Robert Tefft: Have received rough outline of Interim Ordinance and master plan process; meeting with consultants next week to review. Will present a draft of Interim Ordinance to Commission in April, along with amendments to remove Cluster Subdivision Overlay and MX District from ordinance. Once those measures are in place, staff and consultants will return to the overall UDO rewrite.

7. **ADJOURN**

Motion to adjourn by J. Barnett; 2nd by S. Hinson. Approved by unanimous consent. Meeting was adjourned at 7:08 pm.



PLANNING COMMISSION Public Hearing Sign In Sheet

Item 3: CITIZEN'S COMMENTS

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



Council Chambers
101 N. Main Street, Lancaster South Carolina
Thursday, January 20, 2021

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

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5a: CU-2019-0942 Monte Carlo Garage Suites

Application by Garage Investors-I, LLC for a Conditional Use permit to allow Minor Maintenance and Repair at 8461 Possum Hollow Road (TM# 0010G-0A-106.00 & 0010G-0A-108.00).



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PLEASE PRINT

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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5b: CU-2021-2844 Monte Carlo Business Center

Application by Garage Investors-I, LLC for a Conditional Use permit to allow Minor Maintenance and Repair at 8461 Possum Hollow Road (portion of TM# 0010-00-037.04).



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PLANNING COMMISSION Public Hearing Sign In Sheet

Item 5d: UDO-TA-2021-2981 Parking Requirements

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.

A blue ink handwritten signature, appearing to be "D. [unclear]", is written over the address information.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Thursday, January 20, 2021

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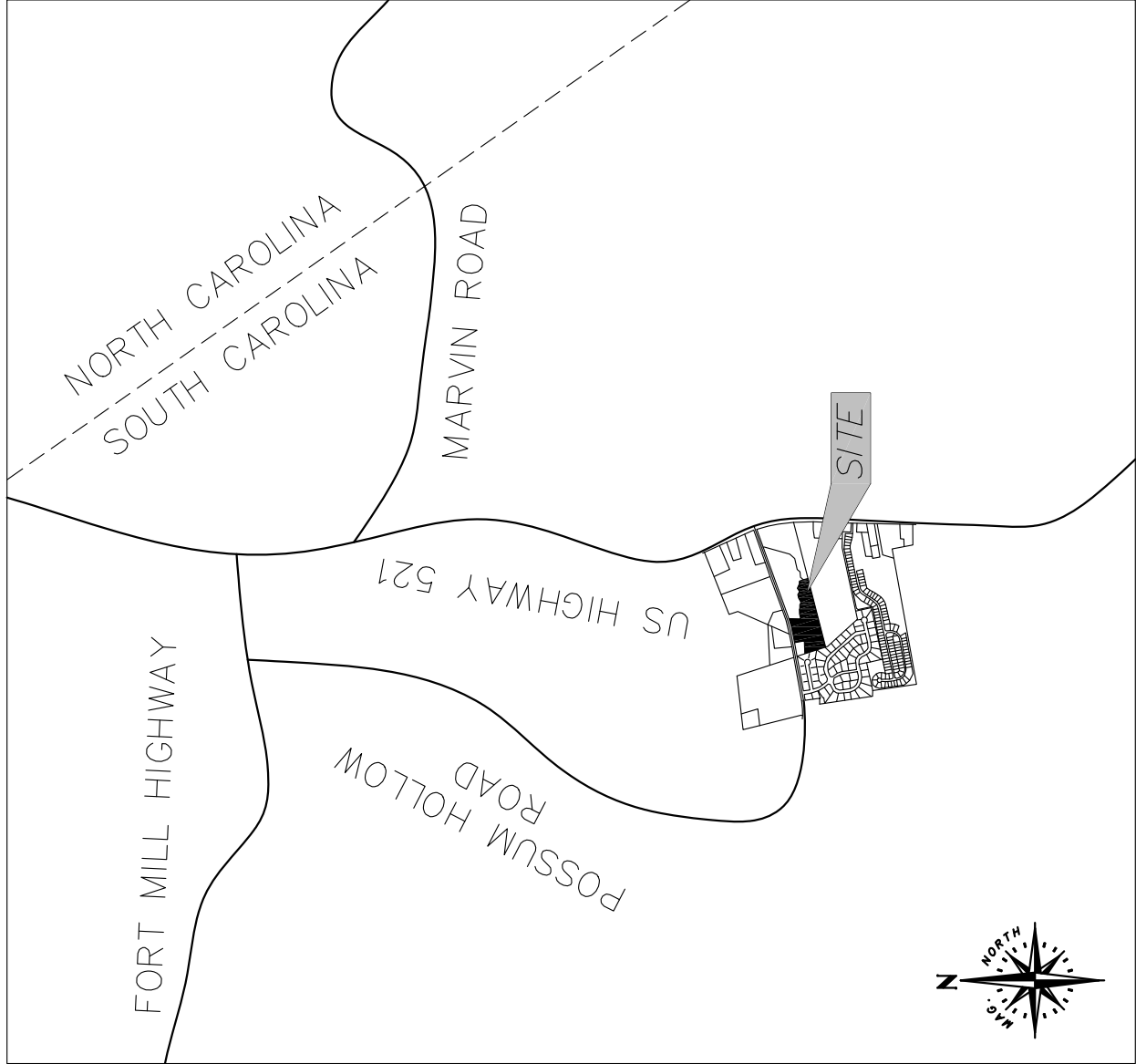
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Monte Carlo Garage Suites Building 'A' (Tract 'B')

Possum Hollow Road

Lancaster SC

RONALD LEE HARRIS, TRUSTEE
ROBERTA HARRIS, TRUSTEE
OWNERS
ZONED MDR
2.7 AC SINGLE FAMILY



VICINITY MAP

PROJECT NAME	EXISTING MONTE CARLO GARAGE SUITES BUILDING 'A'
PROPERTY LOCATION	POSSUM HOLLOW ROAD, INDIAN LAND
PARCEL NUMBER	0010-00-037.04, 0010G-0A-108.00, 0010G-0A-106.00 UNITS A108/110 AND A106
ZONING DISTRICT	GB
OVERLAY DISTRICT	NONE
APPLICANT NAME	GARAGE INVESTERS-I, LLC 19701 BETHEL CHURCH RD, STE 202 CORNELIUS, NC 28031
PROPERTY OWNER	GARAGE INVESTERS-I, LLC 19701 BETHEL CHURCH RD, STE 202 CORNELIUS, NC 28031
DESCRIPTION OF USE	COMMERCIAL
SITE AREA	1.1 ACRES
AREA IN R/W	0.1 ACRES
EXISTING BLDG AREA	10,000 SF
PROPOSED BLDG AREA	0 SF
FRONT SETBACK	GB 50'
REAR SETBACK	GB 15'
SIDE SETBACK	GB 15'
BUILDING CONSTRUCTION TYPE	EXISTING
BUILDING HEIGHT	EXISTING
PARKING REQUIRED	REQUIRED: 4,075 SF TOTAL - A100 SALES / OFFICE/STORAGE UNIT 102 HVAC CO/STORAGE UNIT 104 FRAGON [3 EMPLOYEES] - 1 PER 400 SF = 11 SPACES REQ'D REQUIRED: 6,000 SF TOTAL - UNITS 106, 108, 110 - 4 TOTAL SERVICE BAYS AND 800 SF OFFICE PER 400 SF OF OFFICE SERVICE BAY OFFICE = 6 SPACES REQ'D TOTAL REQ'D = 17 SPACES TOTAL PROVIDED = 21 SPACES
TOTAL DISTURBED ACREAGE	N/A
IMPERVIOUS ACREAGE	0.54 ACRES
% IMPERVIOUS	54%
OPEN SPACE	46%

- NOTES:
- THERE SHALL BE NO OUTDOOR STORAGE OF VEHICLES AWAITING WORK OR PICK-UP.
 - NO NOISES RESULTING FROM THE OCCASIONAL REPAIR OR MAINTENANCE OF A MOTOR VEHICLE SHALL BE AUDIBLE AT OR BEYOND THE PROPERTY LINE BETWEEN 8 PM AND 7 AM THE FOLLOWING MORNING, INTERCOM/SOUND SYSTEMS SHALL NOT BE AUDIBLE AT OR BEYOND THE PROPERTY LINE.
 - ALL REPAIR WORK SHALL BE CONDUCTED ENTIRELY WITHIN AN ENCLOSED STRUCTURE



LINE TABLE		
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4	N 76°37'28" E	650.55
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The developer cut every single tree on the border of the property. Didn't leave a tree to provide screening.

This is how it was before. This is the forest they will destroy.



They left no trees at all

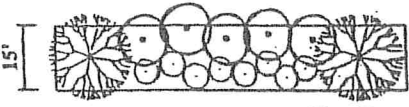
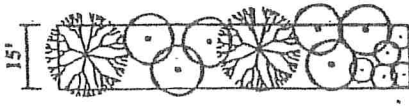
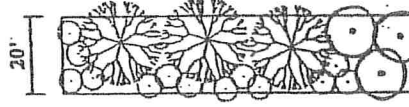
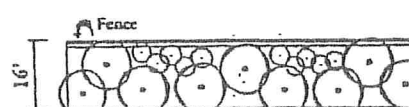
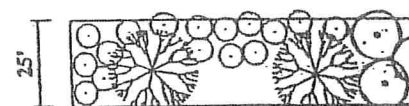
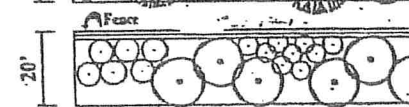
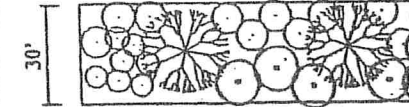
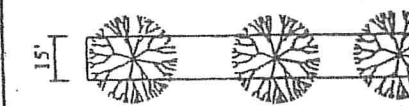
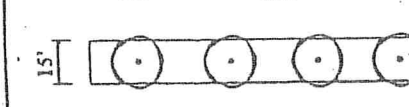
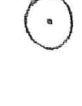
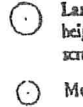
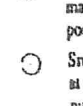
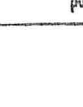
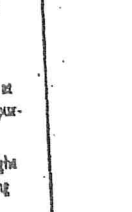


Table 12-2

UNIFIED DEVELOPMENT ORDINANCE of LANCASTER COUNTY

LANCASTER COUNTY

Buffer Yard Requirements

PLANTING YARD TYPE *	REQUIREMENTS **	TYPICAL PLAN VIEWS - 100-FOOT SEGMENTS	TYPICAL ADJACENT LAND USES
1	Minimum width 15 feet Required trees Shade 1/75 linear ft Ornamental 1/100 linear ft Points/linear foot 0.7	 2 shade trees @ 12 pts. ea. 5 ornamental trees @ 6 pts. ea. 8 medium shrubs @ 2 pts. ea. = 78 pts.  2 shade trees @ 12 pts. ea. 6 ornamental trees @ 6 pts. ea. 5 medium shrubs @ 2 pts. ea. = 78 pts.	EXISTING PROPOSED    RESIDENTIAL OFFICE
2	Minimum width 20 feet Required trees Shade 1/50 linear ft Ornamental 1/100 linear ft Points/linear foot 0.8* *Minimum width and points of Yards 2-4 may be reduced by 20% with inclusion of 6-foot fence or plant screen **With overhead utility line, ornamental trees may be substituted for shade trees	 3 shade trees @ 12 pts. ea. 3 ornamental trees @ 6 pts. ea. 13 medium shrubs @ 2 pts. ea. = 88 pts.  9 ornamental trees @ 6 pts. ea. 10 small shrubs @ 1 pts. ea. = 64 pts.	EXISTING PROPOSED    MULTI-FAMILY RESIDENTIAL RETAIL TRADE BUSINESS
3	Minimum width 25 feet * Required trees Shade 1/50 linear ft Ornamental 1/75 linear ft Points/linear foot 0.9* *Minimum width and points of Yards 2-4 may be reduced by 20% with inclusion of 6-foot fence or plant screen **With overhead utility line, ornamental trees may be substituted for shade trees	 2 shade trees @ 12 pts. ea. 3 ornamental trees @ 6 pts. ea. 16 small shrubs @ 3 pts. ea. = 90 pts.  6 ornamental trees @ 6 pts. ea. 6 large shrubs @ 3 pts. ea. 9 medium shrubs @ 2 pts. ea. = 72 pts.	EXISTING PROPOSED    RESIDENTIAL RETAIL TRADE BUSINESS
4	Minimum width 30 feet * Required trees Shade 1/50 linear ft Ornamental 1/50 linear ft Points/linear foot 1.0 *Minimum width and points of Yards 2-4 may be reduced by 20% with inclusion of 6-foot fence or plant screen	 2 shade trees @ 12 pts. ea. 6 ornamental trees @ 6 pts. ea. 11 large shrubs @ 3 pts. ea. 7 small shrubs @ 1 pt. ea. = 100 pts.  2 shade trees @ 12 pts. ea. 3 ornamental trees @ 6 pts. ea. 13 large shrubs @ 3 pts. ea. = 81 pts.	EXISTING PROPOSED    RESIDENTIAL INDUSTRIAL
STREET YARD KEY	Minimum width 15 feet Required trees Shade 1/50 linear ft OR Ornamental 1/25 linear ft	 3 shade trees  4 ornamental trees	   PROPERTY LINE
	 Shade Tree: A large tree growing to over 40' in height at maturity, usually deciduous, that is planted to provide canopy cover shade. (12 points/shade tree)  Ornamental Tree: A small to medium tree, growing 15' to 40' in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. (6 points/ornamental tree)	 Large Shrub: An upright plant growing 10' to 20' in height at maturity that is planted for ornamental or screening purposes. (3 points/large shrub)  Medium Shrub: A plant growing 5' to 10' in height at maturity that is planted for ornamental or screening purposes. (2 points/medium shrub)  Small Shrub: A plant growing to less than 5' in height at maturity that is planted for ornamental or screening purposes. (1 point/small shrub)	

The rules for the buffer were clear on the 1998 UDO used to approve this project.

2. Screening can lessen the visual pollution that may otherwise occur within a developed area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
3. Screening can establish a greater sense of privacy from visual or physical intrusion with the degree of privacy varying with the intensity of the screening.
4. The provisions of this Chapter are necessary to safeguard the public health, safety, and welfare.

Section 12.2.2 General Screening Standards.

Every development shall provide sufficient screening so that:

1. Neighboring properties are shielded from any adverse external effects of that development.
2. The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 12.2.3 Applicability.

The provisions of this ordinance shall apply to all uses other than single-family and two-family residential uses.

Section 12.3 Location of Bufferyards.

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way; however, they may occupy part or all of any required front, side, or rear yard setback. Where required, bufferyards and/or bufferyard structures shall be developed as an integral part of the proposed use. (See Figure 12.1.3)

Section 12.4 Minimum Plant Size. (Ord. #707, 1/9/06)

Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants shall be used where berms or structures are required as part of the bufferyard. The following table shall serve as a guide for determining minimum plant size:—

Plant Materials Type	Planting in Bufferyards Abutting Structures, Fences, and Berms
Large trees	2.0 inch caliper
Ornamental trees	2.0 inch caliper
Shrub - deciduous or evergreen	3 gallon container

The buffer didn't provide any screening. Trees didn't have size then to provide separation.



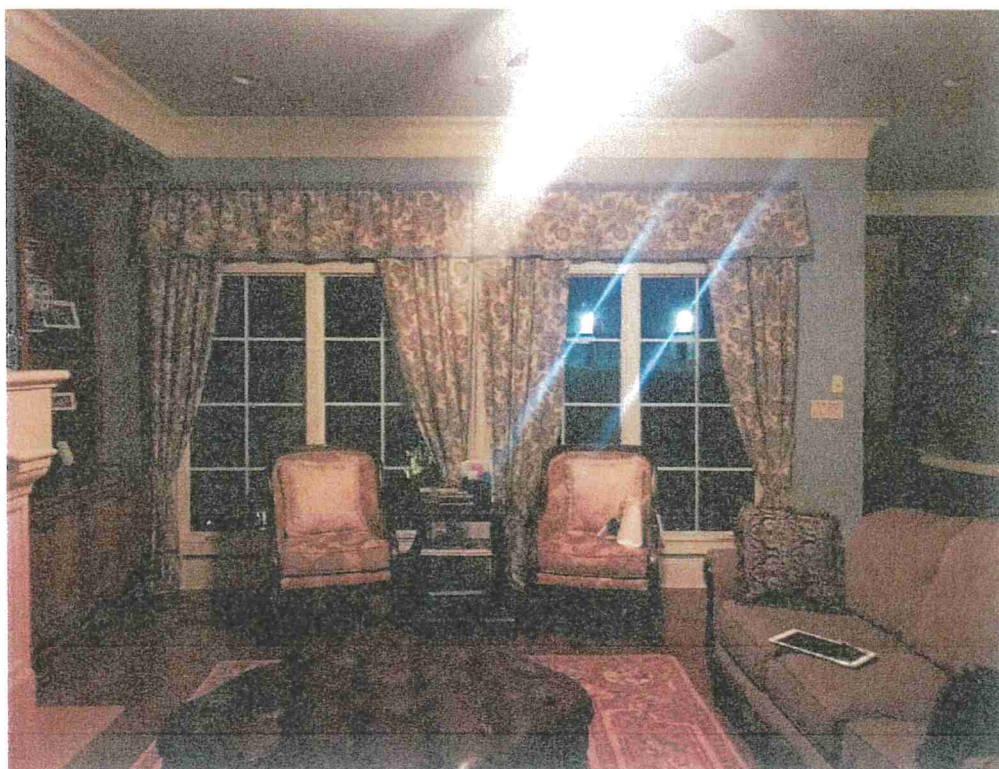
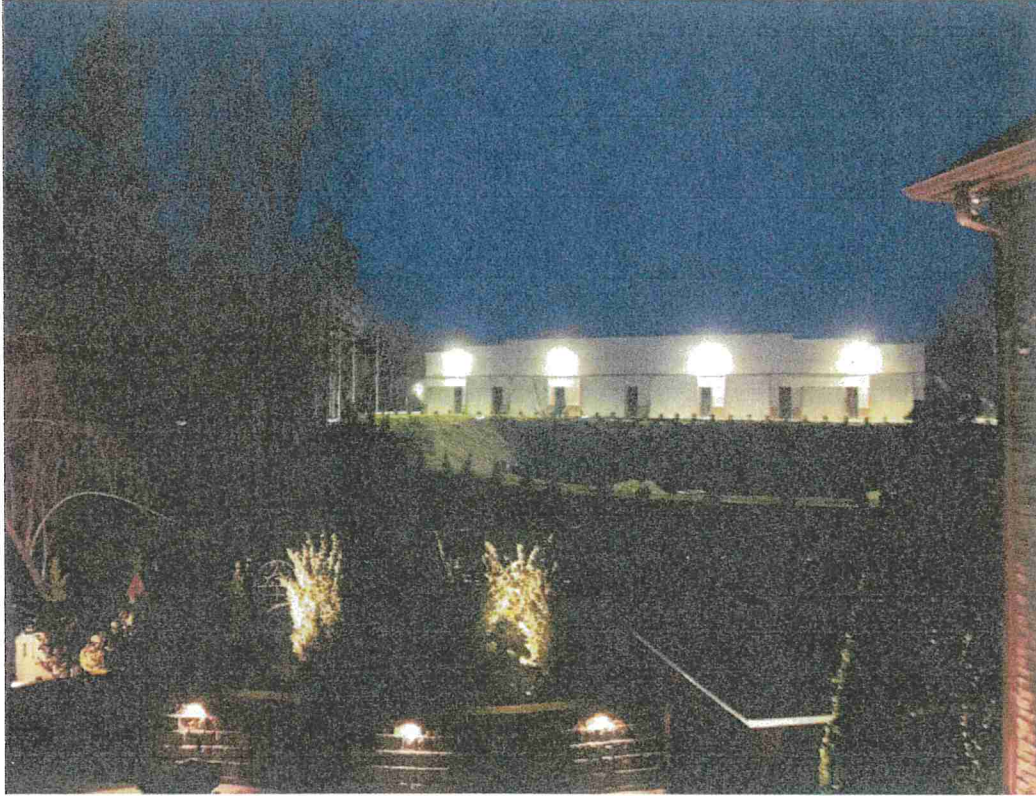


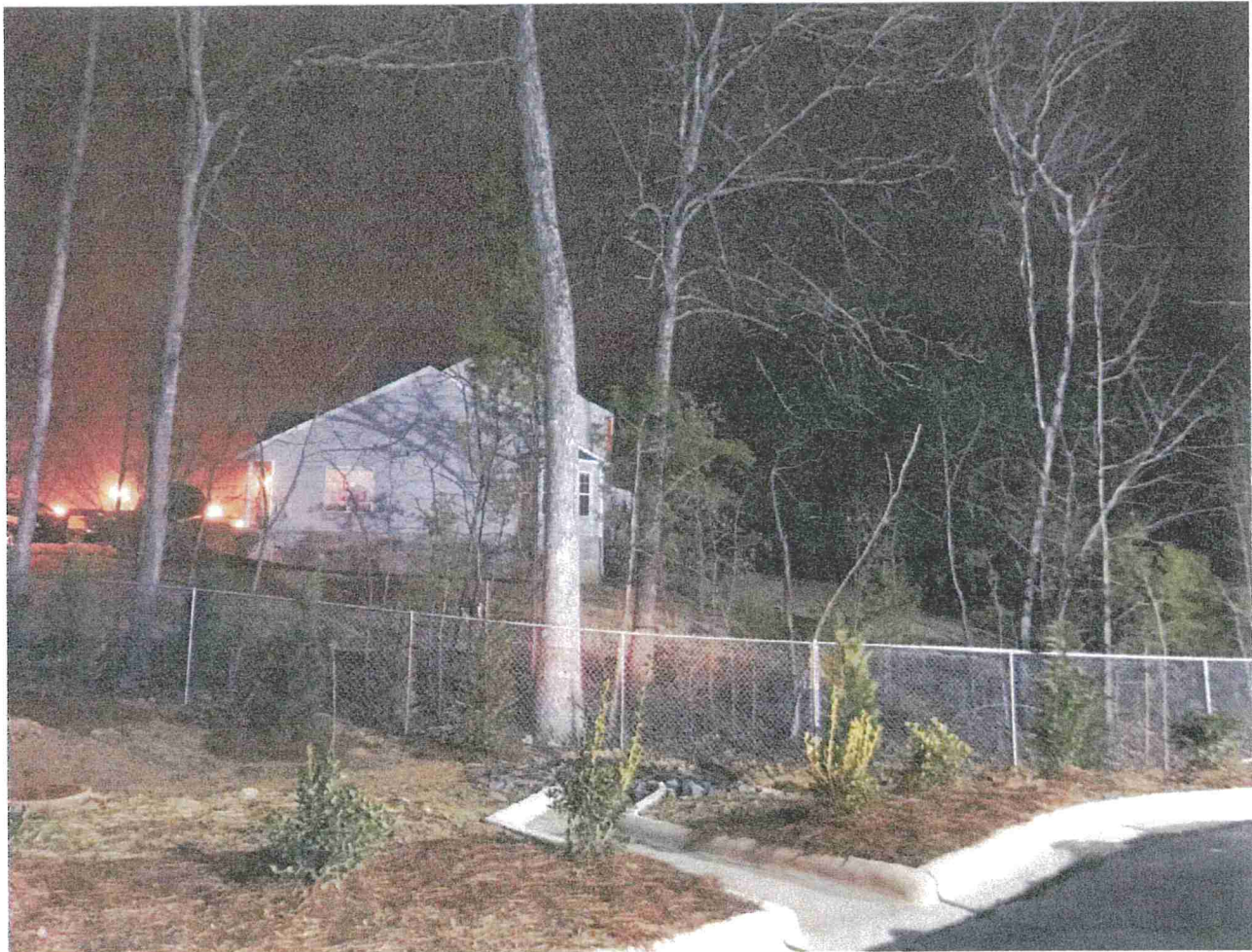
Caliper and Height of Big trees didn't meet the requirements



Bush Size were absurd small

Light Trespassing was huge. Some cover was added to the lighting then, but still the lights are trespassing. No mitigation was done towards the community of Hanover. At all.





How Light trespassing is affecting other houses

TODAY

Bushes supposedly meant to provide screening are kept too small.



Dead Trees were never replaced



Big trees are abandoned. Weed have been always preventing them from growing

No maintenance at all is being doing to them.



Section 12.7 Required Maintenance.

The maintenance of all required bufferyards shall be the responsibility of the property owner. All bufferyards shall be properly maintained so as to insure continued buffering. Failure to do so is a violation of this ordinance and shall be remedied in the manner prescribed for other violations.

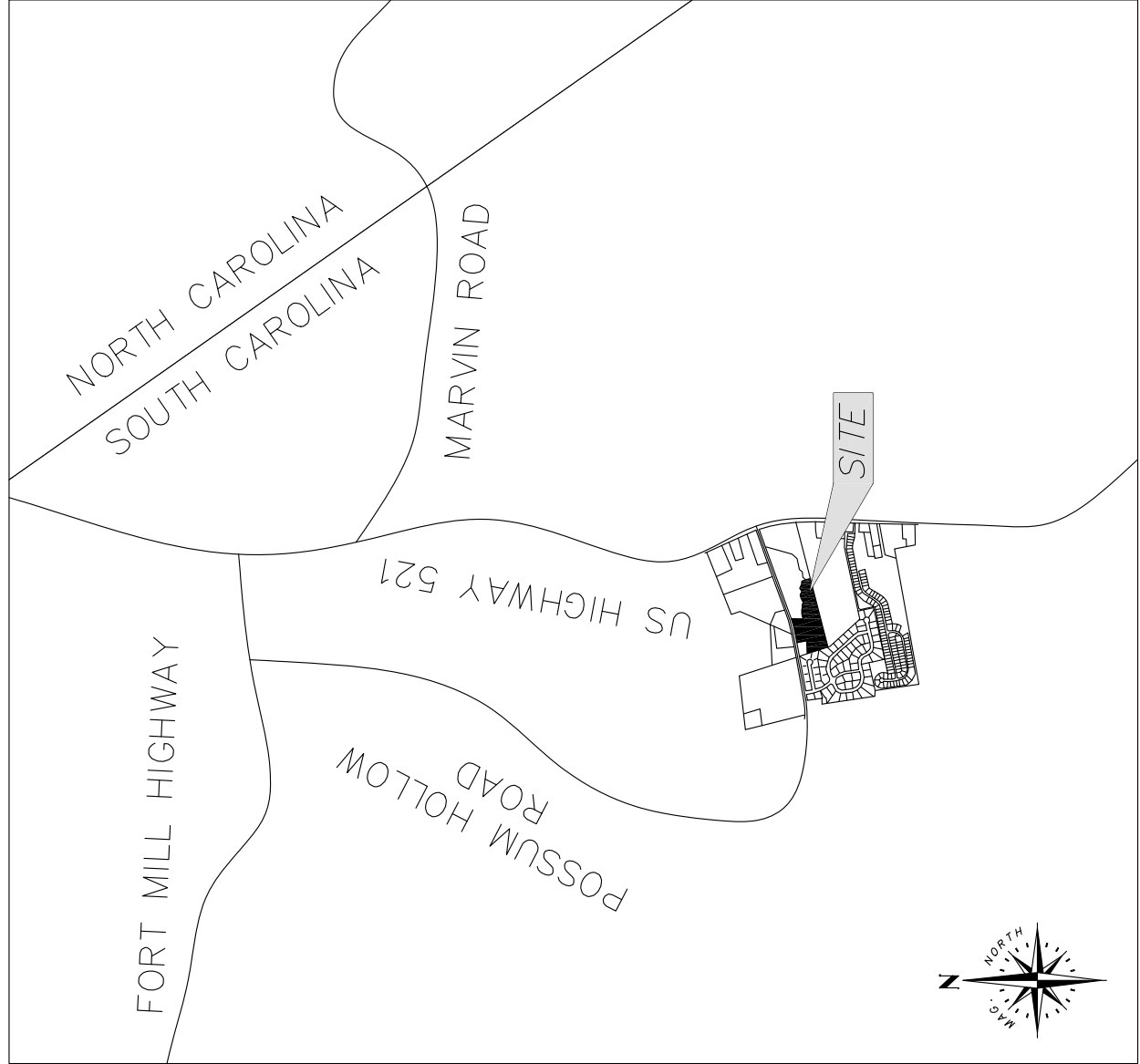
Section 12.8 Installation of Bufferyard.

Any required bufferyard shall be required to be installed at the time of construction so long as this is within the usual growing period for the area. If the time of planting occurs in the non-growing period of the year, e.g., April through October, the bufferyard shall be installed during the next growing season, i.e., November through March. If this occurs, a performance bond shall be provided to the governing body in the amount equal to at least 125 percent of the cost of the required landscaping.

If Well Maintained and promoted they trees should be as tall as the trees on my side. They were planted at the same time, and on a ground at least 6 feet lower.



Today still No privacy or light trespassing blocking or any of the intentions of a type 3 buffer is achieved.



VICINITY MAP

PROJECT NAME	MONTE CARLO BUSINESS CENTER
PROPERTY LOCATION	POSSUM HOLLOW ROAD, INDIAN LAND
PARCEL NUMBER	0010-00-037.04
ZONING DISTRICT	CURRENT ZONING GB
OVERLAY DISTRICT	NONE
APPLICANT NAME	GARAGE INVESTERS-I, LLC 19701 BETHEL CHURCH RD, STE 202 CORNELIUS, NC 28031
PROPERTY OWNER	GARAGE INVESTERS-I, LLC 19701 BETHEL CHURCH RD, STE 202 CORNELIUS, NC 28031
DESCRIPTION OF USE	MINOR VEHICLE SERVICES
SITE AREA	TRACT 'A' 2.281 AC
AREA IN R/W	0.18 AC
EXISTING BLDG AREA	0 SF
PROPOSED BLDG AREA	TOTAL AREA 11,177 SF MEZZANINE 2,794 SF GROUND FLOOR 8,383 SF
FRONT SETBACK	GB 50'
REAR SETBACK	GB 15'
SIDE SETBACK	SEE ARCHITECT PLAN
BUILDING CONSTRUCTION TYPE	25'
BUILDING HEIGHT	8383 SF BLDG - 20 BAYS =20 SPACES 2794 SF COMMERCIAL - 1 PER 400 SF REQ D - SPACES REQ D
PARKING REQUIRED	28 STANDARD SPACES - 2 HG SPACES
PARKING PROVIDED	1.10 AC
TOTAL DISTURBED ACREAGE	0.75 AC
% IMPERVIOUS	0.75 AC / 2.10 AC = 36%
OPEN SPACE	1.53 AC / 2.10 AC = 64%

NOTES:

1. ALL OUTDOOR STORAGE OF VEHICLES AWAITING WORK OR PICK-UP SHALL BE SCREENED BY A TYPE C BUFFER IN ACCORDANCE WITH SECTION 7.1.5. NO VEHICLES AWAITING WORK OR PICK UP SHALL BE LOCATED CLOSER THAN 5 FEET TO ANY ADJOINING PROPERTY LINE. WITHIN A REQUIRED LANDSCAPE BUFFER TO ANY ADJOINING PROPERTY LINE. NO OUTSIDE STORAGE OF JUNK VEHICLES OR PARTS SHALL BE PERMITTED UNLESS A PERMIT FOR AN OUTDOOR STORAGE YARD IS ALSO OBTAINED FROM THE OCCASIONAL REPAIR OR MAINTENANCE OF A MOTOR VEHICLE SHALL BE AUDIBLE AT OR BEYOND THE PROPERTY LINE BETWEEN 8 PM AND 7 AM THE FOLLOWING MORNING. INTERCOM/SOUND SYSTEMS SHALL NOT BE AUDIBLE AT OR BEYOND THE PROPERTY LINE.
2. ALL REPAIR WORK SHALL BE CONDUCTED ENTIRELY WITHIN AN ENCLOSED STRUCTURE.

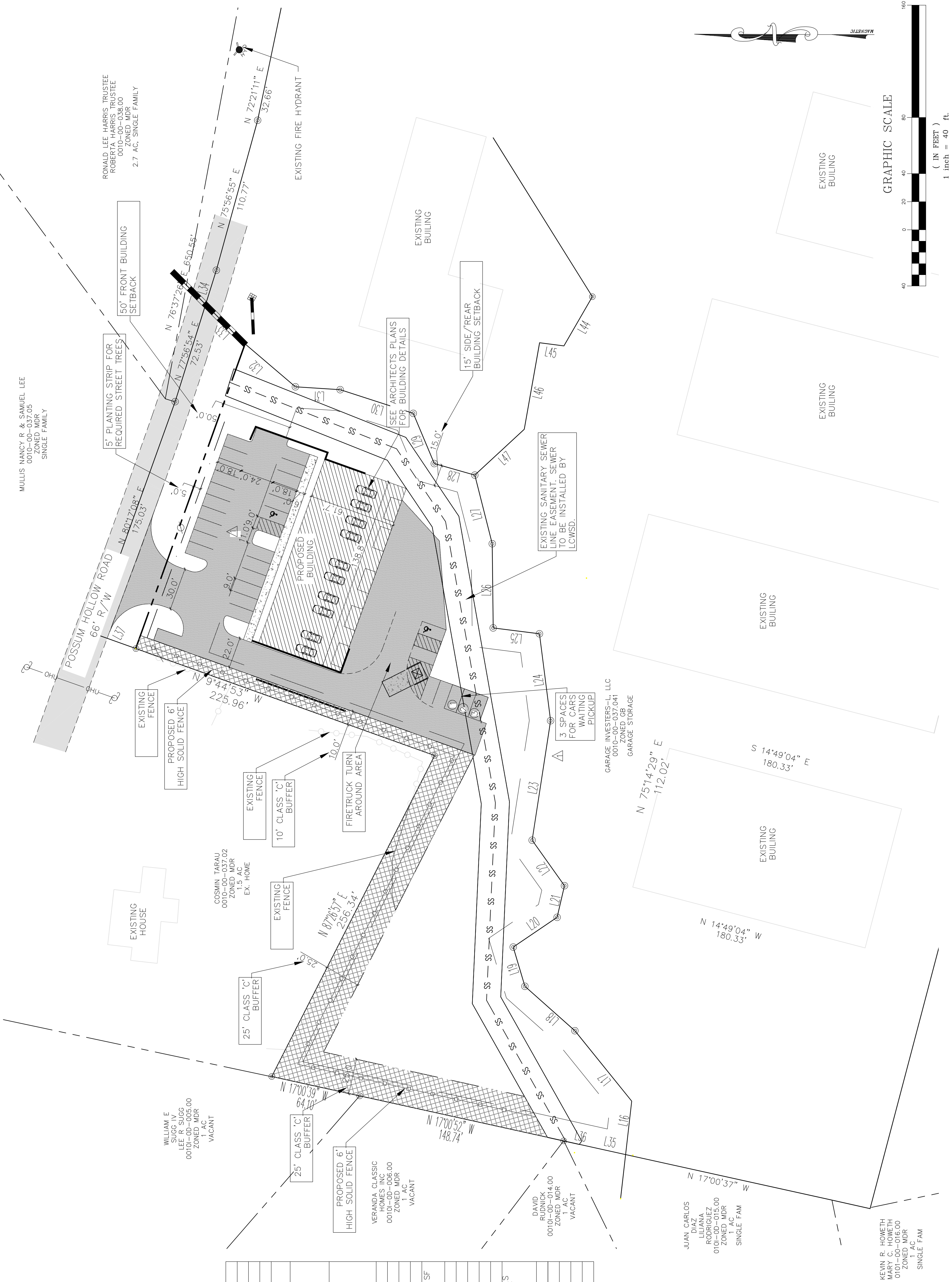
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Monte Carlo Business Center

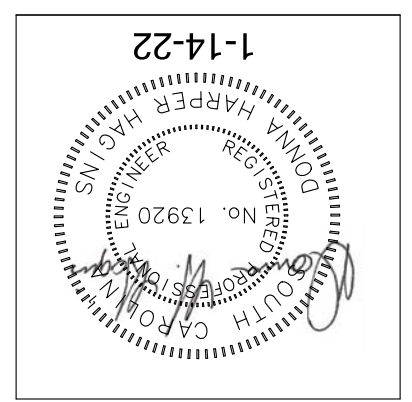
Possum Hollow Road

Lancaster SC



REV	DATE	DESCRIPTION
1	01-14-22	PER LANCASTER CO COMMENTS

D H Hagins & Associates, LLC
Civil Consulting Engineers
2583 Kershaw Comden Hwy, Lancaster, SC 29720
Phone: (803) 286-4472



Agenda Item Summary

Ordinance # / Resolution #: February 3, 2022 Workshop Minutes

Contact Person / Sponsor: J. Bryan

Department: Planning

Date Requested to be on Agenda: 2/15/2022

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
February 3, 2022 Workshop Minutes	2/4/2022	Exhibit



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

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

**MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
WORKSHOP MEETING**

**February 3, 2022 5:00 P.M.
MINUTES**

Chairman Deese called the meeting to order at 5:00 p.m.

1. Roll Call:

Members Present:

Jim Barnett Charles Deese
Sheila Hinson Alan Patterson

Absent: Ben Levine, Tamecca Neely

Others Present:

Rox Burhans, Division Director Clerk: Jennifer Bryan
Ashley Davis, Senior Planner
Robert Tefft, Senior Planner

The following press were notified of the meeting by email in accordance with the Freedom of Information Act: The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times, Cable News 2, Channel 9, and the local Government Channel.

2. New Business

a. RZ-2021-2975 Llewellyn Development LLC (a/k/a Harrisburg Road Development)

Application by Llewellyn Development LLC to rezone 3 parcels totaling approximately 37.9 acres (TM#s 0003-00-043.00, 0003-00-043.02, & 0003-00-044.00) located at 10695, 10681 & 10749 Harrisburg Road, from Low Density Residential (LDR) to Medium Density Residential (MDR) zoning district for the purpose of developing a single-family residential neighborhood.

Staff Presentation: Robert Tefft, Senior Planner

RZ-2021-2975 Discussion points:

- Staff inclined not to recommend approval due to lack of information about intended use.
- Corner of Barberville road would better serve needs of community as commercial property
- Commissioners asked if there was a recent TIA for other nearby projects
- Council will likely want more information as to developer's intent.
- MDR is not entirely out of character for the surrounding area, but Harrisburg Road is a high-visibility area and would be better served under the Master Planning process.

b. RZ-2021-1921 Panhandle Partners

Application by Panhandle Partners to rezone approximately 9.609 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.

Staff Presentation: Ashley Davis, Senior Planner.

Discussion points:

- Ongoing discussions with applicant; there is a possibility the application will be withdrawn.
- Staff is inclined to not recommend approval as the plan does not fulfill key aspects of Small Area Plan.
- Applicant provided a new site plan after 4:30 pm today.
- Plan proposes two access points on Charles Pettus and one on Hwy 521; still has RV and boat storage at back of property.

3. Other:

- a. General discussion of pros and cons of the proposed Master Plan/Flexible Districts process that is being developed by consultants as part of the Interim Ordinance later this spring.
- b. Monte Carlo update (CU 2019-0942 and 2021-2844): site has been inspected, violations have been assessed. Notice of violations will be issued. Applicant will be informed that best option would be to withdraw, develop a compliance plan, and then resubmit, as the violations cannot be remedied before the 2/15/2022 meeting.
- c. Review of Next Month's Agenda: one rezoning, Charlotte Active Living, LDR to GB at Lodge Road property. Commissioners and staff discussed problematic access off of Lodge Road.

4. Adjourn

Meeting was adjourned at 5:53 pm.

Agenda Item Summary

Ordinance # / Resolution #: RZ-2021-1921, Panhandle Partners

Contact Person / Sponsor: A. Davis

Department: Planning

Date Requested to be on Agenda: 2/15/2022

Issue for Consideration:

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). This parcel is within the area encompassed by the recently adopted Small Area Plan Extension.

Points to Consider:

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.

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.

Recommendation:

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.

ATTACHMENTS:

Description	Upload Date	Type
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

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.*

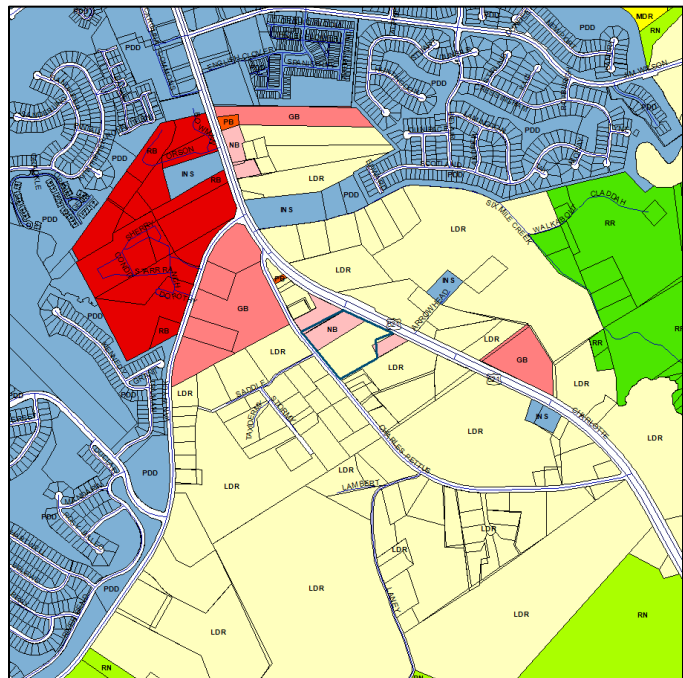
Compatibility with Surrounding Area

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

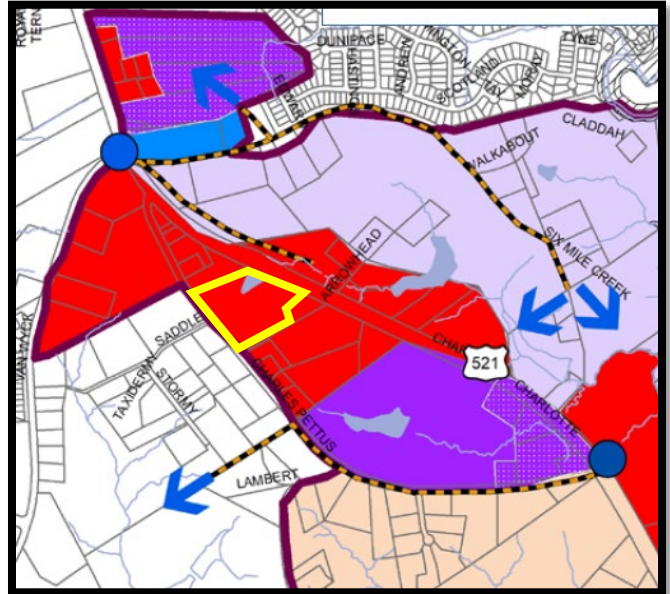
Lancaster County Southern Panhandle Small Area Plan Extension

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 undesirable 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 extension 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 communication 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

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

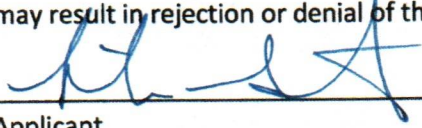
Property Address Charlotte Highway, Indian Land (see attached description)
City Indian Land State SC Zip _____ Tax Parcel ID _____
Current Zoning LDR + NB Current Use Vacant Land
Proposed Zoning GB Total Acres 9.61 acres
Project Description Mixed use to include office, retail and self storage

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

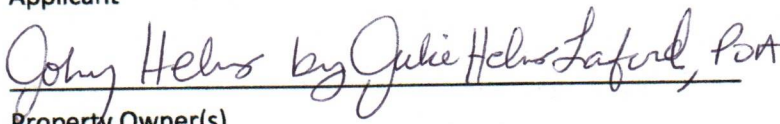
CONTACT INFORMATION

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 jhlantford@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


Property Owner(s)

Date

12/29/21

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.
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- 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



Carly R. Vis
Official Signature of Notary

Carly R. Vis, Notary Public
Notary's printed or typed name

My commission expires: August 10, 2026

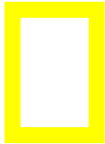
OPTIONAL

This certificate is attached to a _____, signed by _____
Title/Type of Document Name of Principal Signer(s)

on _____, and includes _____ pages.
Date # of pages

Proposal:
Request to rezone from
NB/LDR to RB

Legend:



Subject Property



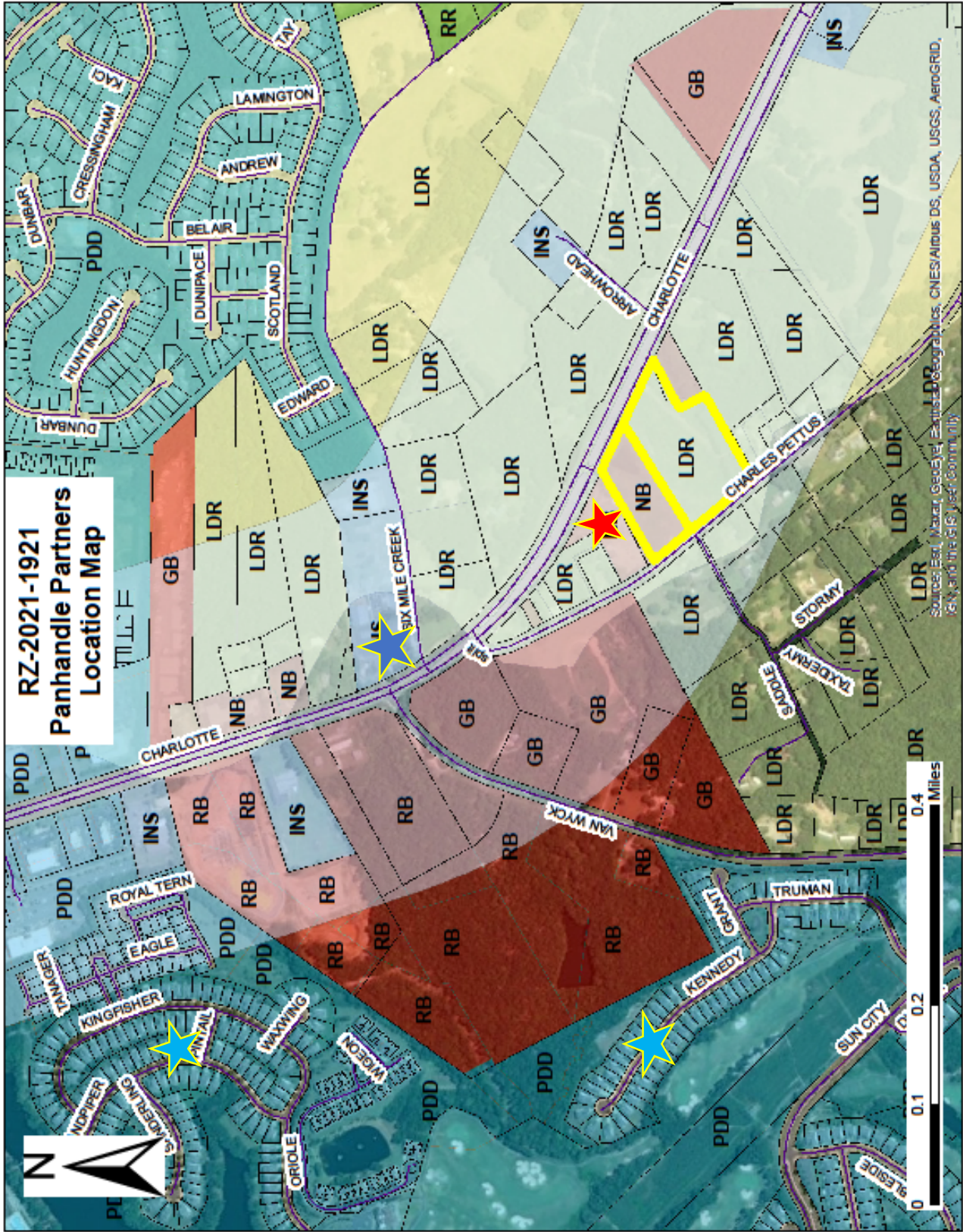
Faith Presbyterian
Church

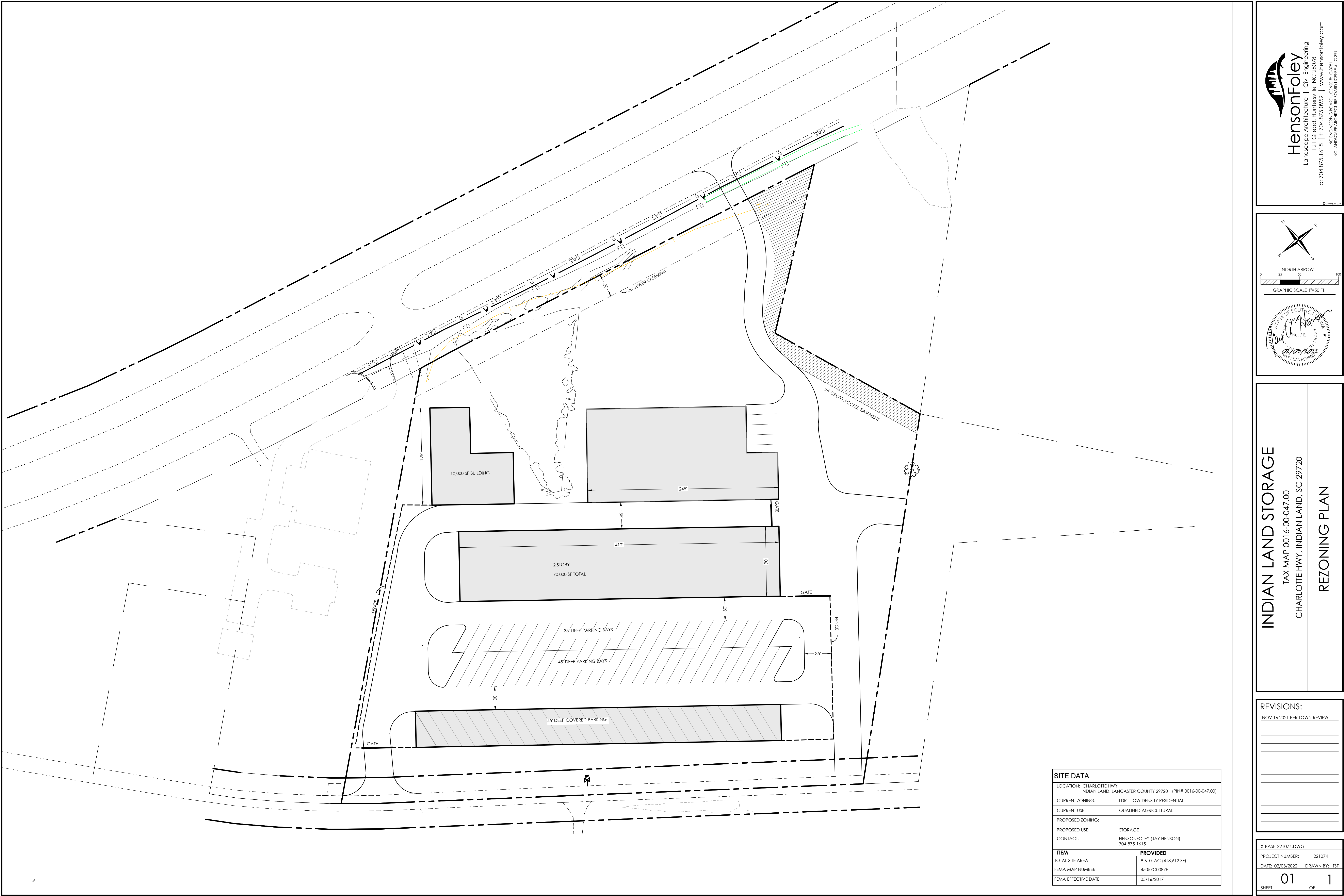


Paws in the Panhandle



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



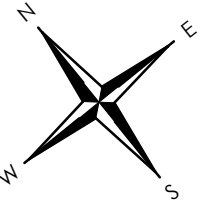
HensonFoley

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-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



NORTH ARROW

0 25 50 100

GRAPHIC SCALE 1"=50 FT.



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

01 OF 1

SHEET OF

Agenda Item Summary

Ordinance # / Resolution #: RZ-2021-2975

Contact Person / Sponsor: Robert Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 2/15/2022

Issue for Consideration:

See Staff Report.

Points to Consider:

See Staff Report.

Recommendation:

See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	2/8/2022	Planning Staff Report
Ex 1: Application	2/8/2022	Exhibit
Ex 2: Location / Zoning Map	2/8/2022	Exhibit

PROPOSAL:	Request to rezone approximately 37.9 acres of property
PROPERTY LOCATION:	10695, 10681, and 10749 Harrisburg Road (TM#s 0003-00-043.00, 0003-00-043.02, and 0003-00-044.00)
CURRENT ZONING:	Low Density Residential (LDR) District
PROPOSED ZONING:	Medium Density Residential (MDR) District
PROPERTY OWNERS:	HMP III, LLC, Howard M. Phillips, III, and Kermit H. Patterson, Jr., Trustee
APPLICANT:	Llewellyn Development, LLC
COUNCIL DISTRICT:	District 7, Brian Carnes

OVERVIEW:

Proposal

The applicant has requested to rezone three parcels totaling approximately 37.9 acres on the west side of Harrisburg Road from Low Density Residential (LDR) District to Medium Density Residential (MDR) District. Pursuant to the applications submitted, this rezoning is intended to facilitate the development of the parcels as a single-family residential neighborhood.

Summary of Adjacent Zoning and Uses

The east and west sides of Harrisburg Road south of Barberville Road is generally zoned either LDR or MDR District; however there are also parcels zoned INS or NB within the surrounding area. Across Harrisburg Road from the subject parcels is the Estates at Covington development.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	INS, NB	Indian Hill AME Zion Church; Shamrock Landscaping
South	Lancaster County	LDR, MDR	Single-Family Residential
East	Lancaster County	LDR, MDR, INS	Single-Family Residential; Infrastructure
West	Lancaster County	LDR	Single-Family Residential

ANALYSIS & FINDINGS:

Zoning Districts

Pursuant to Unified Development Ordinance (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 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 parcels are surrounded by other residentially developed parcels, including the Estates at Covington across Harrisburg Road, which has lot areas and widths in excess of that required with the proposed MDR District. Most other surrounding development is on LDR zoned parcels that also exceed the established minimums.

It is noted that the subject parcels include land at the southwest corner of the intersection of Harrisburg and Barberville Roads. This land is adjacent to a one-acre parcel zoned INS District and directly across Barberville Road from lands zoned NB District. Given this location and existing adjacent zoning, it may be more appropriate for the roughly one-acre portion of the subject parcels at the aforementioned intersection to be zoned and ultimately developed under the NB District rather than the MDR District.

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). While no specific development proposal has been made, it is reasonable to conclude based upon the total acreage of the parcels and the use identified in the applications that subsequent development will exceed this threshold. However, the applicant has not yet provided a TIA for review.

Public Utilities

The Lancaster County Water and Sewer District (LCWSD) has provided the following comments with regard to this proposed rezoning:

In order to connect to the sewer line currently under construction by Toll Brothers to serve the Ridgecrest (FKA Chateau Ridge) Subdivision, the sewer line first has to receive a SCDHEC permit to operate, per LCWSD's Developer Policy. Currently, there is no available capacity in the downstream sewer pump station (Clemons Branch pump station) to handle any additional development, and their subsequent flows, until substantial upgrades are made to the pump station and downstream sewer forcemain system. LCWSD is currently planning the design for the required upgrades; however, if a developer needs to serve its site prior to LCWSD making the upgrades, the developer will assume the responsibility of upgrading the station to serve its site needs, with LCWSD participating to oversize the infrastructure through a reimbursement agreement, pending LCWSD board approval.

For water availability, LCWSD has a new 12" waterline that was installed by Kolter (Estates at Covington) along Harrisburg Road, that does not go to the end of their site; therefore, depending on connections that need to be made to Harrisburg Road to serve this site, the 12" waterline may need to be extended, through the LCWSD Developer Policy and Procedures requirements.

Public Schools

The Lancaster County School District (LCSD) has not provided comments for this development proposal.

OTHER CONSIDERATIONS

UDO Update

In November 2021, the County began the process of updating its UDO. As a part of that process the County has elected to develop and implement as an "interim ordinance" a portion of that update ahead of the balance of the UDO. This "interim ordinance" would create the ability to establish flexible zoning districts specific to individual developments, and is currently expected to have public hearings in April and May of this year.

Given the uncertainty of what may be proposed/developed as a result this proposed rezoning, it may be appropriate for this application to be withdrawn until this "interim ordinance" has been adopted. Furthermore, handling this rezoning through this new process would give the County and the applicant the ability to properly incorporate commercial zoning at the corner of the subject parcel in what is already a busy and rapidly developing corridor in the County with the recent approval of the Redwood multi-family development, and either the on-going or soon to commence construction of the Sugar Creek, Patterson Preserve, and Covington developments.

PHOTOS OF PROJECT AREA:



Aerial of subject property



Looking southeast from intersection of Barberville and Harrisburg Roads



Looking west from Harrisburg Road



Looking west from Harrisburg Road

STAFF RECOMMENDATION:

Staff recommends **disapproval** of the request to rezone approximately 37.9 acres (TM#s 0003-00-043.00, 0003-00-043.02, and 0003-00-044.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District, pursuant to the following findings of fact:

1. That the subject application involves parcels TM# 0003-00-043.00, 0003-00-043.02, and 0003-00-044.00;
2. That the subject parcels are currently zoned LDR District, and are proposed to be rezoned MDR District;
3. That the subject parcels have 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 zoning surrounding the subject parcels is consistent and compatible with the proposed zoning.

ATTACHMENTS:

1. Rezoning Applications
2. Location Map/ Zoning Map

STAFF CONTACT:

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

**Planning Department**

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

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

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

GENERAL INFORMATIONProperty Address 10695 and 10681 Harrisburg RoadCity Indian Land State SC Zip 29707 Tax Parcel ID 000300043.00 and .02Current Zoning LDR Current Use _____Proposed Zoning MDR Total Acres 25.7 acresProject Description Single family residential neighborhood

Surrounding Property Description Primarily new single family residential neighborhoodsAlso a church and a landscaping business

CONTACT INFORMATIONApplicant Name Llewellyn Development, LLCAddress POB 473023City Charlotte State NC Zip 28247 Phone 704-408-4830Fax _____ Email Terrence@LlewellynDevelopment.comProperty Owner Name PHILLIPS HOWARD MITCHELL IIIAddress 10695 and 10681 Harrisburg RoadCity Indian Land State SC Zip 29707 Phone _____

Fax _____ Email _____

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

Terrance D. Dwyer

Applicant

December 23, 2021

Date

DocuSigned by:

[Signature]

Property Owner(s)

12/27/2021 | 6:50 AM PST

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 _____

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**Planning Department**

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

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

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

GENERAL INFORMATIONProperty Address 10749 Harrisburg RoadCity Indian Land State SC Zip 29707 Tax Parcel ID 000300044.00Current Zoning LDR Current Use _____Proposed Zoning MDR Total Acres 12.2 acresProject Description Single family residential neighborhood

Surrounding Property Description Primarily new single family residential neighborhoodsAlso a church and a landscaping business

CONTACT INFORMATIONApplicant Name Llewellyn Development, LLCAddress POB 473023City Charlotte State NC Zip 28247 Phone 704-408-4830Fax _____ Email Terrence@LlewellynDevelopment.comProperty Owner Name PATTERSON KERMIT HUNTER JR, TRUSTEEAddress 10749 HARISBURG RDCity Indian Land State SC Zip 29707 Phone _____

Fax _____ Email _____

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

Terrance Dlewodyn

Applicant

December 23, 2021

Date

DocuSigned by:

Kermit H. Patterson Jr

Property Owner(s)

12/23/2021 | 2:09 PM PST

Date

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

LANCASTER COUNTY OFFICE USE ONLY

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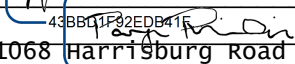
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December 23, 2021

Mr. Terrence Llewellyn
Llewellyn Development, LLC
PO Box 473023
Charlotte, NC 28247

This letter serves to notify all interested parties that I/we consent to Llewellyn Development, LLC petitioning for the rezoning of property known as Tax Parcels 000300043.00 and 000300043.02 located at 10695 and 10681 Harrisburg Road, Indian Land SC. This letter serves to represent my/our signature on the zoning application.

Thank you.

DocuSigned by:			
Owner		DocuSigned by:	Date 12/23/2021 12:03 PM PST
Owner			Date 12/23/2021 12:58 PM PST
Address 10681 Harrisburg Road Indian Land SC 29707			
Phone Number 704-201-3895			

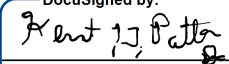
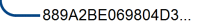
HOWARD MITCHELL PHILLIPS III and wife, Paige S. Phillips, and HWP III LLC, a North Carolina limited liability company
10681 Harrisburg Road
Indian Land, SC 29707

December 23, 2021

Mr. Terrence Llewellyn
Llewellyn Development, LLC
PO Box 473023
Charlotte, NC 28247

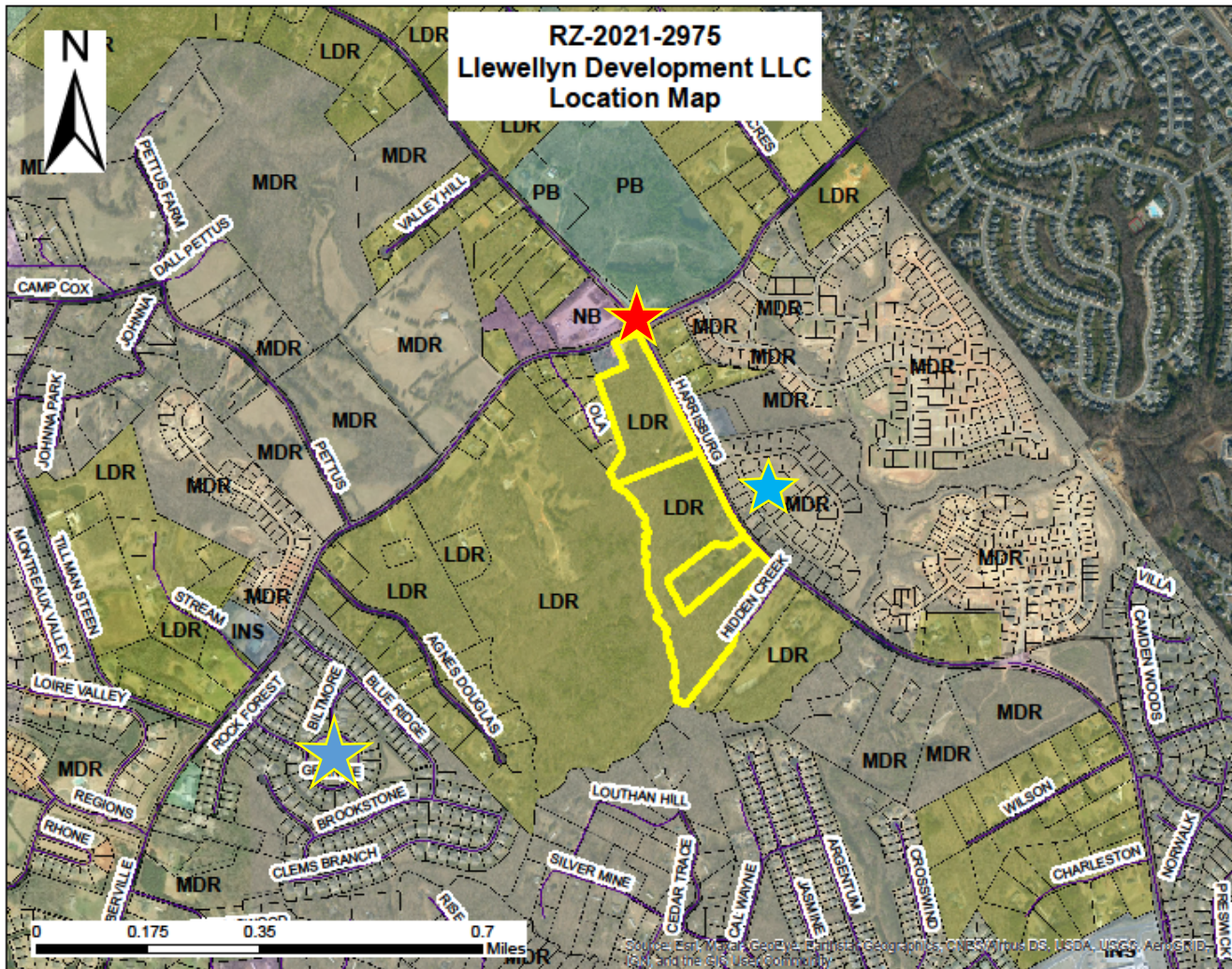
This letter serves to notify all interested parties that I/we consent to Llewellyn Development, LLC petitioning for the rezoning of property known as Tax Parcel 000300044.00 located at 10749 Harrisburg Road, Indian Land SC. This letter serves to represent my/our signature on the zoning application.

Thank you.

DocuSigned by:
Owner  Date 12/23/2021 | 10:35 AM PST
Owner  Date _____
Address 10749 Harrisburg Road Indian Land SC 29707
Phone Number 704-578-2732

KERMIT HUNTER PATTERSON, JR., TRUSTEE OF THE BUDDY PATTERSON
LIVING TRUST
10749 Harrisburg Road
Indian Land, SC 29707

RZ-2021-2975
Llewellyn Development LLC
Location Map



Proposal:

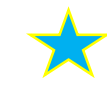
Request to rezone from
LDR to MDR

Legend:

 Subject Property

 Bretagne

 Intersection
Harrisburg &
Barberville

 Estates at
Covington