Planning Commission Members
District 1: Rosa Sansbury
District 2: Tamecca Neely
District 3: Charles Deese, Chair
District 4: James Barnett, Vice-Chair
District 5: Matthew Jones
District 6: Sheila Hinson
District 7: Ben Levine

County Attorney
John K. DuBose III

Clerk to Planning Commission

Development Services Director
Rox Burhans

January 19, 2021 | **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

AGENDA

1. **Call to Order Regular Meeting and Roll Call Vote**

2. **Approval of the Agenda**

3. **Citizen's Comments**

   [While in-person Citizens Comments are not currently suspended, due to public health and safety considerations and the need for continued social distancing, the County is strongly encouraging citizen input and comments be submitted in writing prior to the meeting. 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.]

4. **Approve Minutes**

   a. December 15, 2020 - Regular Minutes

5. **Public Items**

   a. RZ-2020-2745 Tracey Griffin

   Application by Tracey Griffin to rezone approximately 0.46 acres.

   b. RZ-2020-2772 Annie Leak

   Application by Annie Leak to rezone approximately 2.3 acres of land.

   c. CU-2020-2906 iNetwork Auto

   Application by iNetwork Auto Group for a conditional use permit to allow Vehicle Rental, Leasing and Sales as well as Major Maintenance and Repair at 6686 Waxhaw Hwy. (0020-00-004.00). This project is associated with companion Conditional Use case CU-2020-2907.

   d. CU-2020-2907 iNetwork Auto

   Application by iNetwork Auto Group for a conditional use permit to allow Vehicle Rental, Leasing

and Sales as well as Major Maintenance and Repair at 6711 Waxhaw Hwy. (0020-00-004.02). This project is associated with companion Conditional Use case CU-2020-2906.

e. RZ-2020-2859 Poovey Property *

Request to rezone TM # 0044-00-008.00 from Low Density Residential (LDR) to Medium Density Residential (MDR) District. The property is located at 2862 Charlotte Highway and is approximately 278.9 acres in size.

f. DA-2020-2859 Poovey Development Agreement *

Development Agreement to correspond with RZ-2020-2859 for 2862 Charlotte Highway (TM # 0044-00-008.00).

g. UDO-TA-2020-2578 Landfill - Class One

Application by Michael D. Wright, Savage, Royall & Sheheen, LLP, to amend Unified Development Ordinance Section 2.5.3, Use Table, Section 5.9, Industry/Wholesale/Storage Uses, and 10.3, Definitions, Use Type, to create and allow for the Landfill – Class One Composting Facility use in the Heavy Industrial (HI) District as a Special Exception and provide for use specific standards.

h. UDO-TA-2020-0309 Home Occupation

Amend Unified Development Ordinance (UDO) Section 5.4.2 to modify the existing standards for Home Occupations.

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**

Agenda Item Summary

Ordinance # / Resolution #:
Contact Person / Sponsor:
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
December 15, 2020 - Regular Minutes	1/12/2021	Exhibit

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
ROSA SANSBURY, DISTRICT 1
TAMECCA NEELY, DISTRICT 2
CHARLES DEESE, CHAIR DISTRICT 3
JIM BARNETT, VICE-CHAIR DISTRICT 4
MATT JONES, DISTRICT 5
SHEILA HINSON, DISTRICT 6
BEN LEVINE, DISTRICT 7

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
REGULAR MEETING

DECEMBER 15, 2020
MINUTES

Members Present: Charles Deese, Jim Barnett, Sheila Hinson, Rosa Sansbury, Ben Levine, Matt Jones, Tamecca Neely. A quorum of Lancaster County Planning Commission was present for the meeting.

Members Absent: N/A

Staff Members Present: Rox Burhans, Development Services Director; Katie See, Senior Planner; Robert Tefft, Senior Planner; Ashley Davis, Planner; Steve Willis, County Administrator; John DuBose, County Attorney

The following press were notified of the meeting by email in accordance of 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 the required length of time and on the County website.

Call to Order Regular Meeting

Chairman Deese called the meeting to order at 6:01 p.m.

Approval of the Agenda

Commissioner Sansbury made a motion to approve the agenda; seconded by Commissioner Hinson. Chairman Deese noted that the applicant for UDO-TA-020-2578 Landfill – Class One requested to table their request until the January Planning Commission meeting. Commissioner Barnett made a motion to amend the agenda; seconded by Commissioner Levine. Commissioner Levine made a motion to approve the agenda as amended to table UDO-TA-020-2578 Landfill – Class One until the January Planning Commission meeting; seconded by Commissioner Jones. Motion passed unanimously. Motion passed 7-0.

Citizen Comments

Chairman Deese opened the floor for Citizen Comments. There being none, Chairman Deese closed the floor for Citizen Comments.

Approval of Minutes

Commissioner Barnett made a motion to approve the November 17, 2020 Regular Meeting and December 3, 2020 Workshop minutes; seconded by Commissioner Levine. Motion passed unanimously.

Commissioner Hinson made a motion to approve the October 1, 2020 Workshop minutes; seconded by Commissioner Barnett. Motion passed 6-0 with Chairman Deese recusing himself.

Public Items

RZ-020-2602 Billie Coker
TM #: 0082-00-020.00
Proposed Zoning District: Medium Density Residential (MDR)
Applicant: Billie Coker

Ashley Davis, Planner, provided an overview of the application consistent with the staff report.

The applicant, Billie Coker, provided her reasons for wanting to rezone the property, including the ability to have a doublewide trailer on the property.

Chairman Deese opened the Public Hearing on the matter at 6:10.

Randall Coker lives beside the subject property and expressed his support for the request to put manufactured home on the lot.

Chairman Deese closed the Public Hearing.

Commissioner Hinson made a motion to approve the rezoning request, which was seconded by Commissioner Jones. Motion to recommend approval passed 6-1 with Commissioner Sansbury voting against the request.

UDO-TA-020-2790 Manufactured Homes
Applicant: Town of Heath Springs

Katie See, Senior Planner, provided an overview of the application consistent with the staff report.

Commission Levine asked if the Board of Zoning Appeals takes public comments into account like the Planning Commission does. Staff indicated that the Board of Zoning Appeals does consider public comment in the same manner as the Planning Commission.

Chairman Deese asked if the representative from Heath Springs had any comments.

Jason Truesdale, Town of Heath Springs Administrator, stated that he did not have anything to add to the staff report.

Chairman Deese opened the Public Hearing on the matter at 6:19; however as no one signed up to speak Chairman Deese closed the Public Hearing on the matter.

DRAFT

Commissioner Sansbury made a motion to approve the proposed text amendment, which was seconded by Commissioner Hinson.

Motion to recommend approval passed 7-0.

UDO-TA-020-2413 Food Pantry
Applicant: Rainbow Promise Enterprise, LLC (Larry Kelly)

Katie See, Senior Planner, provided an overview of the application consistent with the staff report.

The Applicant, Larry Kelly, thanked the Commission for considering their request. He stated that they are trying to bridge the gap for people in need.

Chairman Deese opened the Public Hearing on the matter at 6:29; however as no one signed up to speak Chairman Deese closed the Public Hearing on the matter.

Commissioner Hinson made a motion to approve the proposed text amendment, which was seconded by Commissioner Jones.

Motion to recommend approval passed 7-0.

MX-020-2051 The Lodges at Indian Land
TM #: TM #'s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04
Proposed Zoning District: Mixed Use District (MX)
Applicant: NWR Development, LLC

Robert Tefft, Senior Planner, provided an overview of the application consistent with the staff report.

Chairman Deese opened the Public Hearing on the matter at 6:47; however as no one signed up to speak Chairman Deese closed the Public Hearing on the matter.

Commissioner Levine made a motion to approve the Master Development Plan, subject to the conditions identified in the staff report, which was seconded by Commissioner Barnett. The motion to recommend approval passed 7-0.

UDO-TA-020-2648 Three and Four Family Dwellings
Applicant: Redwood USA, LLC (Bob Dyer)

Robert Tefft, Senior Planner, provided an overview of the application consistent with the staff report.

The Applicant, Bob Dyer, made himself available for questions.

DRAFT

Chairman Deese opened the Public Hearing on the matter; however as no one signed up to speak Chairman Deese closed the Public Hearing on the matter.

Commissioner Levine made a motion to approve; which was seconded by Commissioner Jones.

Commissioner Levine noted that some of the existing and proposed language seemed to be too constricting and project specific, and specifically identified UDO Section 5.2.3.B.2. Staff agreed with this position and noted that there would be no concerns if UDO Section 5.2.3.B.2 were to be proposed to be struck/removed in its entirety.

Commissioner Levine amended his motion to include the condition that all of UDO Section 5.2.3.B.2 be struck. Commissioner Sansbury seconded the amendment which was approved 7-0.

The motion to recommend approval passed 7-0.

RZ-020-2650 Redwood USA
TM #: 0003-00-040.01, 0003-00-040.07 and 0003-00-040.14
Proposed Zoning District: Professional Business (PB)
Applicant: Redwood USA, LLC (Bob Dyer)

Robert Tefft, Senior Planner, provided an overview of the application consistent with the staff report.

Commissioner Sansbury asked Mr. Tefft to check on the elementary school that students would attend and confirm that there is capacity. He indicated that he would.

The Applicant, Bob Dyer, made himself available for any questions.

Mr. Dyer followed up to Commissioner Sansbury's inquiry regarding school capacity. He stated that they project that approximately 17-19 school aged children will live in their neighborhood of 150 homes. Their project will provide $100,000 to the Lancaster County School District.

Mr. Dyer provided an overview of their product. Redwood only develops single-story rental apartments.

Chairman Deese opened the public hearing at 7:19.

Elizabeth Howey: Mrs. Howey stated that her daughter's property would be adjacent to the proposed project. Mrs. Howey and her family did not expect to see apartments in the middle of single-family neighborhoods. She urged the Commission to increase the buffer adjacent to the project. She informed the Commission that four couples from her neighborhood were also in attendance.

Eddie Howey: Mr. Howey and his wife are the developers of the Arbor Place subdivision. They believe this project would have a negative impact on neighboring home values. There are many

homes currently proposed and schools are overburdened. He and his wife are opposed to the request to rezone and request that the property remain zoned LDR.

Chairman Deese closed the public hearing at 7:27.

Commissioner Levine made a motion to approve the request, which was seconded by Commissioner Barnett.

Commissioner Levine is pleased that this is not another request for MDR district with Cluster Overlay. He said the requested PB district is one of the better districts that could locate in this area.

Motion to approve passed 6-1 with Commissioner Sansbury voting against.

DA-020-2650 Redwood, USA, LLC Development Agreement
Applicant: Redwood USA, LLC (Bob Dyer)

Robert Tefft, Senior Planner, provided an overview of the application consistent with the staff report.

Chairman Deese opened the public hearing at 7:32 and declared it closed as no one signed up to speak.

Commissioner Levine made a motion to approve; which was seconded by Commissioner Barnett. Motion passed 6-1 with Commissioner Sansbury voting against.

New Business
Director Burhans provided an update on January's agenda.

- Two rezoning requests
- Two text amendments to the Lancaster County UDO
- One request to rezone which requires a development agreement
- Conditional Use permit request for a car sale and auto repair business
- Home Occupation Text Amendment will be coming back to the Commission

Chairman Deese thanked the Commission for supporting him.

Adjournment
The meeting was adjourned at 7:38 pm.

Respectfully Submitted,

Planning Staff

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: RZ-2020-2745
Contact Person / Sponsor: Ashley Davis / Planning
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
Application by Tracey Griffin to rezone approximately 0.46 acres of land located at 4889 Charlotte Highway (TM #0026-00-026.00) from Rural Neighborhood (RN) to Institutional (INS).

Points to Consider:
the subject property is currently zoned RN District. Pursuant to UDO Chapter 2.3, the 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.*
The requested INS District *is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses, governmental and health facilities and public and private utility infrastructure. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential areas.*

Compatibility with Surrounding Area
As noted previously, the subject property is predominately surrounded by the RN and INS Districts. The RN District is intended to protect the residential character of neighborhoods. Currently, this area can be characterized by single-family homes on lots of varying sizes as well as the presence of the Van Wyck Elementary School. Staff finds that the proposed rezoning of the property to INS District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency
The Future Land Use Category of the subject properties is Neighborhood Mixed-Use, which corresponds to the Community Type of Suburban Single-Family Neighborhood. The adopted Comprehensive Plan states that the Suburban Single-Family Neighborhood Community Type "*is formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from mobile homes to large lot, low-density single-family homes to denser formats of smaller single-family homes. Homes are oriented interior to the neighborhood and typically buffered from surrounding development by transitional uses or landscaped areas. Suburban single-family neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers*." The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.
The Neighborhood Mixed-Use Future Land Use Category extends across the northern half of the panhandle, beginning at Highway 75/Waxhaw Highway. The Neighborhood Mixed-Use Future Land Use Category and Suburban Single-Family Neighborhood Community Type are, by default, intended to be compatible with the existing suburban character of the area.
The requested INS District is consistent with the Neighborhood Mixed-Use Future Land Use category.

Southern Panhandle Small Area Plan Consistency
The Southern Panhandle Small Area plan Recommended Land Use Map designates this area as **Institutional**. At this time the Small Area plan has received a recommendation to approve from the Planning Commission as well as approval during its first reading at County Council.

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

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	1/12/2021	Planning Staff Report
Exhibit 1: Application	1/12/2021	Exhibit
Exhibit 2: Location and Zoning Map	1/5/2021	Exhibit

PROPOSAL: Request to rezone approximately 0.46 acres of property (TM# 0026-00-026.00)

PROPERTY LOCATION: 4889 Charlotte Hwy.

CURRENT ZONING DISTRICT: Rural Neighborhood (RN) District

PROPOSED ZONING DISTRICT: Institutional (INS) District

APPLICANT: Tracey Griffin

COUNCIL DISTRICT: District 1, Terry Graham

OVERVIEW:

Proposal

The applicant has submitted a request to rezone their property located at 4889 Charlotte Hwy. The request comes in hopes of being able to establish a hair solon in the existing structure. Previous uses of this site include a fire station and more recently a church. Hair Salons are permitted in the requested Institutional (INS) District.

Site Information

The parcel to be rezoned is currently improved with an existing structure that was most recently a small church.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by other INS and RN zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	INS	Van Wyck Elementary School
South	Lancaster County	INS; RN	Van Wyck Elementary School; Single-Family Residential
East	Lancaster County	RN	Single-Family Residential
West	Lancaster County	INS; RN	Van Wyck Elementary School; Hall Family Farm

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently zoned RN District. Pursuant to UDO Chapter 2.3, the 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.*

The requested INS District *is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses, governmental and health facilities and public and private utility infrastructure. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential areas.*

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the RN and INS Districts. The RN District is intended to protect the residential character of neighborhoods. Currently, this area can be characterized by single-family homes on lots of varying sizes as well as the presence of the Van Wyck Elementary School. Staff finds that the proposed rezoning of the property to INS District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

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

The Neighborhood Mixed-Use Future Land Use Category extends across the northern half of the panhandle, beginning at Highway 75/Waxhaw Highway. The Neighborhood Mixed-Use Future Land Use Category and Suburban Single-Family Neighborhood Community Type are, by default, intended to be compatible with the existing suburban character of the area.

The requested INS District is consistent with the Neighborhood Mixed-Use Future Land Use category.

Neighborhood Mixed Use: Land Use Considerations		
Mobile/Modular Homes	Single-Family Detached Home	Single-Family Attached Home (Townhome/Duplex)
Church	School	Community Park
Community Center/Pool & Recreational Amenities	Natural Area	

Southern Panhandle Small Area Plan Consistency

The Southern Panhandle Small Area plan Recommended Land Use Map designates this area as **Institutional**. At this time the Small Area plan has received a recommendation to approve from the Planning Commission as well as approval during its first reading at County Council.

INFRASTRUCTURE CONSIDERATIONS

Transportation

A Traffic Impact Analysis (TIA) is not required for this rezoning request. No improvements are required.

Public Utilities

No additional utilities are required for this request.

Public Schools

This request will not result in additional students.

The subject property is in the attendance zones of Van Wyck Elementary, Indian Land Middle and Indian Land High Schools.

PHOTOS OF PROJECT AREA:



Looking south along Charlotte Hwy.



Looking north along Charlotte Hwy.



Looking directly at property from Charlotte Hwy.



Looking directly across from the property on Charlotte Hwy.

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone, pursuant to the following findings of fact for RZ-2020-2745:

1. That the subject project consists parcel TM# 0026-00-026.00;
2. That the subject property is currently zoned RN District and proposed to be rezoned INS District;
3. That the subject property has a Future Land Use designation of Neighborhood Mixed Use;
4. That the subject property has a recommended future land use of Institutional; and
5. That the proposed INS District is generally consistent with the surrounding area which is comprised of INS and RN Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

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

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@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 4898 Charlotte Hwy
City Lancaster State SC Zip 29720 Tax Parcel ID 0026-00-024.00
Current Zoning RP: rural neighborhood Current Use church
Proposed Zoning Institution/~~Comm~~ Total Acres 0.46
Project Description Sign

Surrounding Property Description Institutional / residential

CONTACT INFORMATION

Applicant Name Tracey Griffin
Address 1379 S. Potter Rd.
City Lanc. State SC Zip 29720 Phone 803-320-0728
Fax _____ Email griffintrayce2010@gmail.com
Property Owner Name Guy Properties
Address 4401 E. Indep. Blvd. #304
City Charlotte State N.C. Zip 28226 Phone _____
Fax (704) 563-3311 Email faithshoet hotmail.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: Nov 16, 2020

Property Owner(s) — Date: Nov. 16, 2020

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number 2020 2745 Date Received 11-16-2020 Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

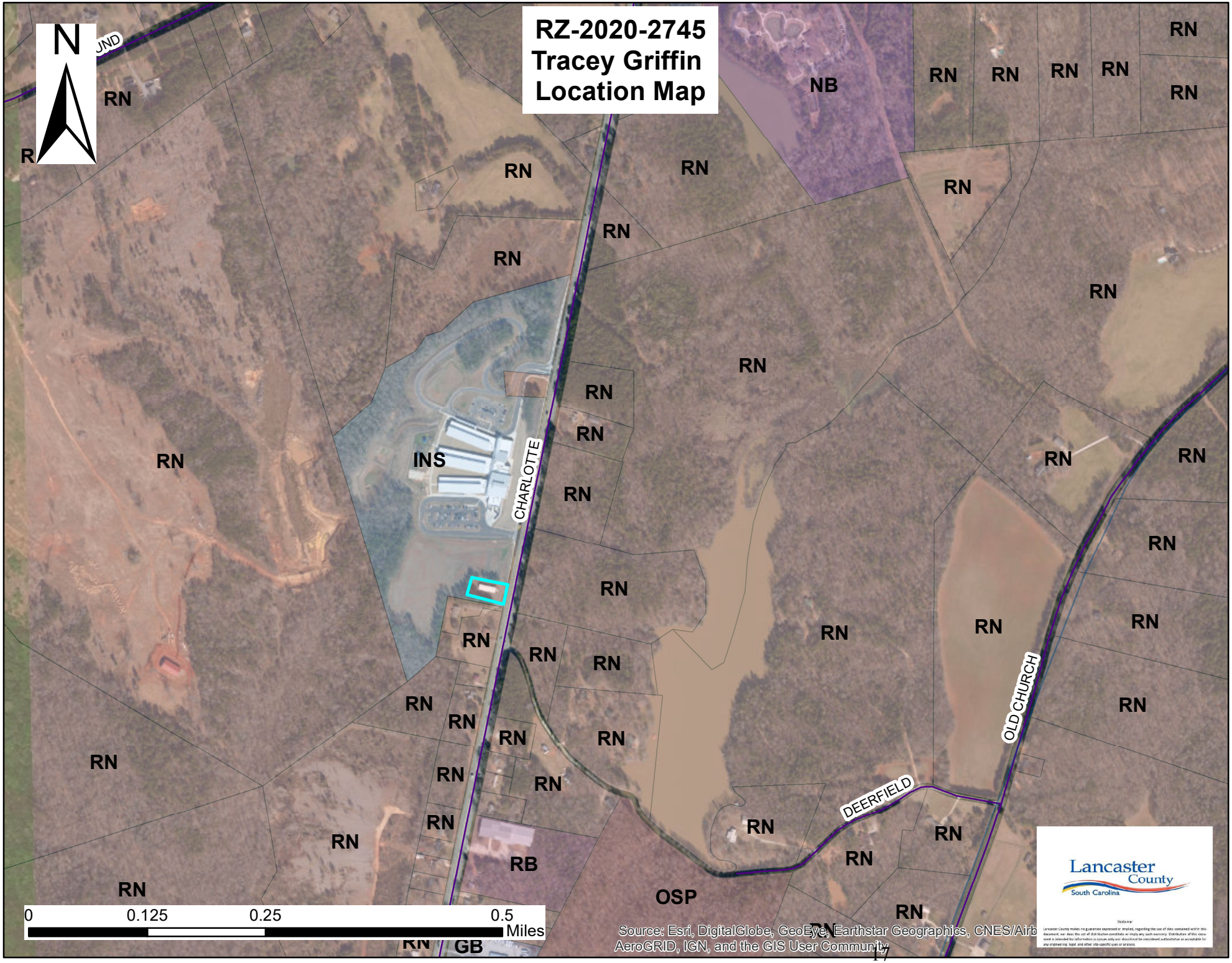
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and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

2. **Planning Commission**

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

3. **County Council**

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


RZ-2020-2745
Tracey Griffin
Location Map
N
RN
NB
INS
CHARLOTTE
OLD CHURCH
DEERFIELD
RB
OSP
GB
0
0.125
0.25
0.5
Miles
Lancaster County
South Carolina
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airb
AeroGRID, IGN, and the GIS User Community

Agenda Item Summary

Ordinance # / Resolution #: RZ-2020-2772
Contact Person / Sponsor: Ashley Davis / Planning
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
Application by Annie Leak to rezone approximately 2.3 acres of land located at 3887 Old Camden Highway (TM #0110-00-073.01) from Rural Neighborhood (RN) to Agricultural Residential (AR).

Points to Consider:
The subject property is currently zoned RN District. Pursuant to UDO Chapter 2.3, the 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.
The requested AR District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.

Compatibility with Surrounding Area
As noted previously, the subject property is predominately surrounded by the RN District. Currently, this area can be characterized by single-family homes and vacant farm land. Given the close proximity to property zoned AR and this size of this parcel staff believes that AR zoning could be compatible in this area.

Lancaster County Comprehensive Plan Consistency
The Future Land Use Category of the subject properties is Rural Living. The adopted Comprehensive Plan states that the Rural Living type "includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations."
The requested AR District is consistent with the Rural Living Land Use category.

Recommendation:
Staff recommends Approval of the request to rezone.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	1/12/2021	Planning Staff Report
Exhibit 1: Application	1/12/2021	Exhibit
Exhibit 2: Location and Zoning Map	1/5/2021	Exhibit

PROPOSAL: Request to rezone approximately 2.3 acres of property (TM# 0110-00-073.01).

PROPERTY LOCATION: 3887 Old Camden Hwy

CURRENT ZONING DISTRICT: Rural Neighborhood (RN) District

PROPOSED ZONING DISTRICT: Agricultural Residential (AR) District

APPLICANT: Annie Leak

COUNCIL DISTRICT: District 5, Steve Harper

OVERVIEW:

Proposal
The applicant has submitted a request to rezone their property located at 3887 Old Camden Hwy. The request comes as an effort to allow a mobile home to be placed on the site.

Site Information
The property is currently vacant. There was a mobile home on the property which was demolished in March 2019. The property owner was not aware the current zoning did not allow mobile homes.

Summary of Adjacent Zoning and Uses
The property is surrounded predominantly by RN and AR zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RN	Single-Family Residential
South	Lancaster County	RN	Single-Family Residential
East	Lancaster County	RN	Railroad, Farmland
West	Lancaster County	AR	Vacant, Farmland

ANALYSIS & FINDINGS:

Zoning Districts
As previously noted, the subject property is currently zoned RN District. Pursuant to UDO Chapter 2.3, the 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.*

The requested AR District *is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.*

Compatibility with Surrounding Area
As noted previously, the subject property is predominately surrounded by the RN District. Currently, this area can be characterized by single-family homes and vacant farm land. Given the close proximity to property zoned AR and this size of this parcel staff believes that AR zoning could be compatible in this area.

RELATIONSHIP TO PUBLIC PLANS

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

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

Rural Living: Land Use Considerations		
Farmland	Single-Family Detached Home	Mobile Home
Church	Barns	Woodlands
Hardware Store	Natural Area	Livestock

INFRASTRUCTURE CONSIDERATIONS

Transportation

A Traffic Impact Analysis (TIA) is not required for this rezoning request. No improvements are required.

Public Utilities

No additional utilities are required for this request.

Public Schools

This request will not result in additional students.

PHOTOS OF PROJECT AREA:



Looking directly across the street from the subject property.



Looking directly at the subject property.



Looking north along Old Camden Hwy.



Looking south along Old Camden Hwy.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the request to rezone, pursuant to the following findings of fact for RZ-2020-2772:

1. That the subject project consists parcel TM# 0110-00-073.01;
2. That the subject property is currently zoned RN District and proposed to be rezoned AR District;
3. That the subject property has a Future Land Use designation of Rural Neighborhood; and
4. That the proposed AR District is generally consistent with the surrounding area which is comprised of the AR and RN Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

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

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@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 3887 Old Camden Hwy

City Lancaster State SC Zip 29720 Tax Parcel ID 0110-00-01301

Current Zoning RN Current Use _____

Proposed Zoning AR Total Acres 2.3 ACRES

Project Description wants to put a Double wide mobile home

Surrounding Property Description _____

CONTACT INFORMATION

Applicant Name Annie Willie Leak

Address 815 Independence Pr.

City Wingate State NC Zip 28174 Phone 704 989-1744

Fax _____ Email willieleak11@gmail.com

Property Owner Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

Fax _____ Email _____

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

Willie Annie Leak — Applicant — Date: 11/18/2020

Willie Annie Leak — Property Owner(s) — Date: 11/18-2020

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

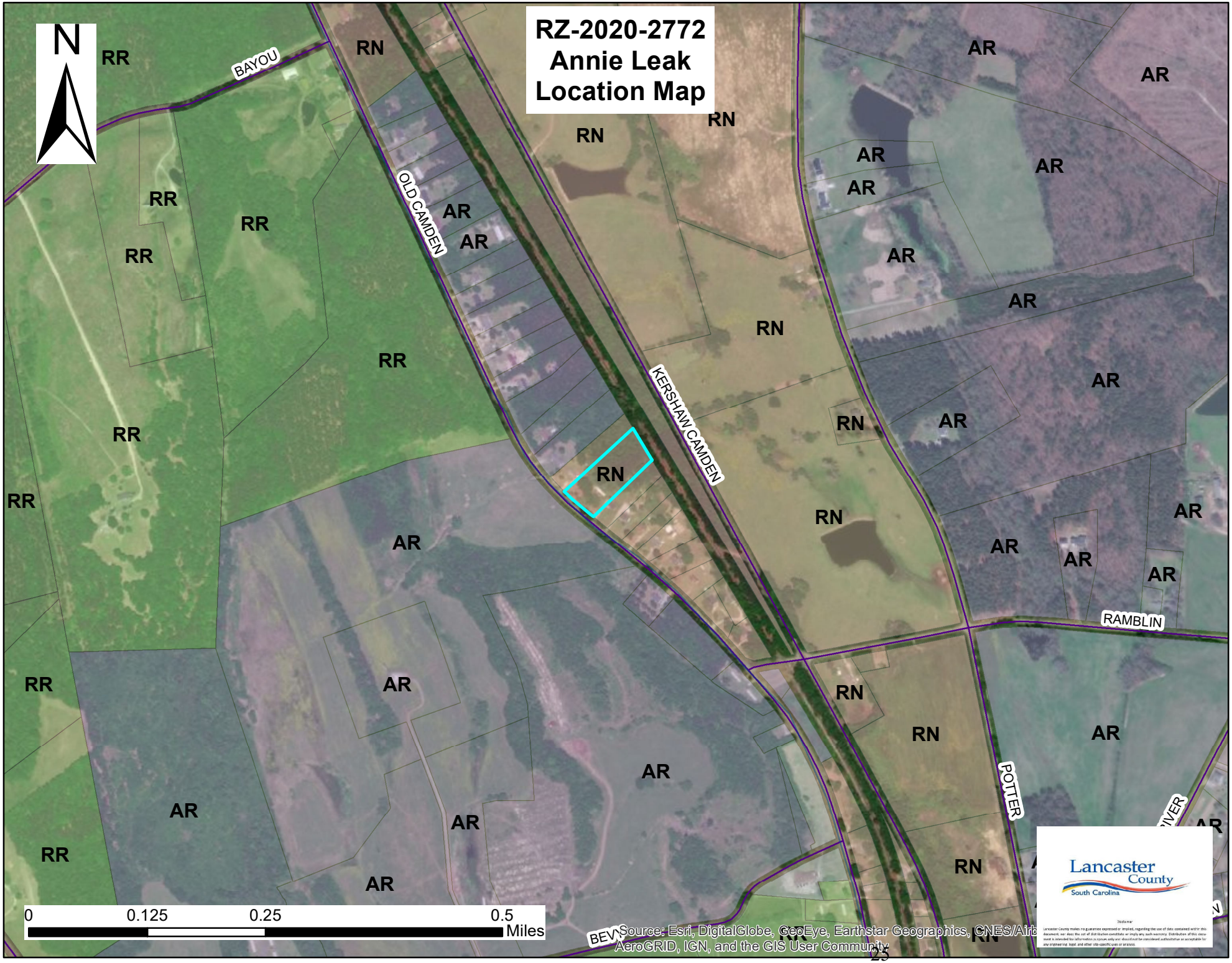
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and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

2. **Planning Commission**

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

3. **County Council**

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


RZ-2020-2772
Annie Leak
Location Map
N
BAYOU
OLD CAMDEN
KERSHAW CAMDEN
RAMBLIN
POTTER
RR
RN
AR
0
0.125
0.25
0.5
Miles
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airb
AeroGRID, IGN, and the GIS User Community
Lancaster County
South Carolina

Agenda Item Summary

Ordinance # / Resolution #: CU-2020-2906
Contact Person / Sponsor: Ashley Davis / Planning
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
Application by iNetwork Auto Group for a conditional use permit to allow Vehicle Rental, Leasing and Sales as well as Major Maintenance and Repair at 6686 Waxhaw Hwy. (0020-00-004.00). This project is associated with companion Conditional Use case CU-2020-2907.

Points to Consider:
Site Information
These parcels are adjacent to one another. iNetwork currently operates an auto repair shop out of 6711 Waxhaw Highway. 6686 Waxhaw Highway was previously used as a wood shop and is currently vacant. The railroad runs along the rear of both properties.
Current Proposal
iNetwork hopes to utilize the existing structures on each property and develop a model similar to those used at large franchise dealerships where auto repair can take place in the same location as auto sales.
Southern Panhandle Small Area Plan
The Southern Area Small Area Plan Recommended Land Use Map labels this area as "Employment". The proposed use in this case would be consistent with the "Employment" designation.

Recommendation:
Staff recommends **approval** of this conditional use application to permit a non-franchised car dealership, subject to the following condition:
1. Address the outstanding TRC/Evolve comments at the site plan phase.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	1/12/2021	Planning Staff Report
Exhibit 1: Application	1/12/2021	Exhibit
Exhibit 2: Zoning Map	1/12/2021	Exhibit
Exhibit 3: Concept Plan	1/6/2021	Exhibit
Exhibit 4: TRC Comments	1/12/2021	Exhibit

PROPOSAL:	Conditional Use Application to Permit a Non-Franchised Car Dealership and Major Maintenance and Repair
PROPERTY LOCATION:	6686 and 6711 Waxhaw Highway (TMS#0020-00-004.00 and 0020-00-004.02)
CURRENT ZONING DISTRICT:	General Business (GB) District
APPLICANT:	iNetwork Auto Group
COUNCIL DISTRICT:	District 1, Terry Graham

OVERVIEW & BACKGROUND:

Site Information

These parcels are adjacent to one another. iNetwork currently operates an auto repair shop out of 6711 Waxhaw Highway. 6686 Waxhaw Highway was previously used as a wood shop and is currently vacant. The railroad runs along the rear of both properties.

Current Proposal

iNetwork hopes to utilize the existing structures on each property and develop a model similar to those used at large franchise dealerships where auto repair can take place in the same location as auto sales.

Southern Panhandle Small Area Plan

The Southern Area Small Area Plan Recommended Land Use Map labels this area as “Employment”. The proposed use in this case would be consistent with the “Employment” designation.

Summary of Surrounding Zoning and Uses

Surrounding Property	Zoning District	Use
North	Railroad and PDD	Railroad and Walnut Creek
South	Rural Neighborhood (RN)	Single Family Residential
East	General Business (GB)	Mini-storage
West	Rural Neighborhood (RN)	Vacant

PHOTOS OF PROJECT AREA:



Looking at the existing building at 6686 Waxhaw Highway.



Looking at the existing building at 6711 Waxhaw Highway.



Looking directly across from the subject properties.



Looking west on Waxhaw Highway towards the intersection with Charlotte Hwy.

APPLICABLE UDO PROVISIONS:

5.1.2. - CONDITIONAL USE (CU)

A. Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

B. All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.

C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

D. Approval procedures for Conditional Use permits are found in Chapter 9, Administration.

5.8.5. - VEHICLE RENTAL/LEASING/SALES

A. Outdoor Vehicle Display: No vehicles displayed for sale or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any public rights-of-way.

B. Conditional Use Permit Required for Non-Franchised Dealerships: All such uses that are within 200 feet of a Residential use and are not a manufacturer-franchised dealership must obtain a Conditional Use permit.

C. Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer in accordance with Section 7.1.5.

5.8.7 VEHICLE SERVICES – MAJOR REPAIR/BODY WORK [RUB, GB, RB, LI, HI]

A. Outdoor Vehicle Storage: No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained. No vehicles awaiting work or pickup shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way.

B. Vehicle Bays: Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee.

C. Noise: No noises resulting from the repair, maintenance, or body work of a motor vehicle shall be audible at or beyond the property line between 8 PM and 8 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.

D. Repair Work: All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.

E. Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district or street shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type C buffer.

STAFF RECOMMENDATION:

Staff recommends **approval** of this conditional use application to permit a non-franchised car dealership, subject to the following condition:

1. Address the outstanding TRC/Evolve comments at the site plan phase.

ATTACHMENTS:

1. Conditional Use Application
2. Location Map/ Zoning Map
3. Concept Plan
4. TRC/Evolve Comments

STAFF CONTACT:
Ashley Davis
Planner
adavis@lancastersc.net
803-416-9433

Lancaster County
South Carolina

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

CONDITIONAL USE APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- All items noted on the Conditional Use Plan Checklist
- Fees associated with review

GENERAL INFORMATION

Property Address 6686 Waxhaw Highway

City Indian Land State SC Zip 29720 Tax Parcel ID 0020-00-004.00

Current Zoning GB Current Use Vehicle Services - Major Maintenance/Repair

Total Acres 1.114 Surrounding Property Description Parcel 0020-00-004.02 is a mostly paved commercial property with 2 buildings which formerly served as a wood shop. Surrounding properties are wooded, wet and undeveloped. A railroad runs along the back property line.

Proposed Conditional Use Vehicle Rental/Leasing/Sales with accessory use of Vehicle Services - Major Maintenance/Repair. Intent is to use property for the display of vehicles and general auto repair services focused primarily on servicing our own vehicles.

CONTACT INFORMATION

Applicant Name iNetwork Auto Group

Address 6686 Waxhaw Hwy

City Indian Land State SC Zip 29720 Phone 803-286-2200

Fax _____ Email johnny@INetworkautogroup.com

Property Owner Name GEORGE F. REMENSNYDER

Address 6686 WAXHAW Hwy

City LANCASTER State SC Zip 29720 Phone 704-771-3964

Fax _____ Email MANAGER@EVENMORESTORAGE.COM

CONDITIONAL USE PLAN CHECKLIST

_____The size of the plan and number of copies should conform to the following: Eight copies that are 24" x 36" (full size) and Two copies that are 11" x 17" (reduced size).

_____A descriptive location of the property and vicinity map at a scale of not less than one inch equals one mile.

_____Proposed name of the development.

_____The date of the survey or plan.

_____All plans shall be embossed with the seal and signature of the engineer/surveyor responsible for the work.

_____A graphic scale and numerical scale shall be shown on the plan.

_____The North arrow shall be shown and be accurately correlated with the courses with indications as to whether it is true, magnetic or grid.

_____Total acreage and boundaries of the development shall be shown on the plan.

_____All existing and proposed uses of land throughout the tract shall be shown on the plan.

_____Topography of the site with a contour interval of not more than 5 feet shall be shown on plan.

_____Typical arrangement of existing and proposed buildings and structures, including dimensions, elevations, uses, and setbacks shall be shown on the plan.

_____Location of adjoining property lines and existing buildings shall be shown on the plan.

_____The names of adjacent landowners, lot and/or block numbers, highways, streets, and named waterways shall be shown.

_____All property lines shall be defined by course and horizontal distance. All property lines shall be plotted to the scale shown in the title.

_____All easements and rights-of-way of existing and proposed buildings and structures shall be shown and shall include their widths and center lines.

_____All existing street intersections shall be shown on the plan.

_____Proposed parking areas and traffic circulation shall be shown on the plan.

_____Exact ratio of impervious surfaces to lot area shall be shown.

_____At a minimum the plan shall include basic landscape information such as the location and dimension of required buffer yards.

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.

Applicant _____ Date 12-4-20

Property Owner(s) _____ Date 11-29-20

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.
   - Conditional Use Application Fee - $325.00

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 a resolution for approval.
   - Subsequent to County Council action, notice of action will be provided to the applicant,

owner, and adjacent property owners.

- **Please note that upon approval of a conditional use, the applicant shall subsequently submit a site plan to The Lancaster County Planning Department for review. This site plan shall conform to the site plan process as enumerated in UDO Section 9.2.9 (Site Plan Process Chart)**

December 4, 2020

PROPERTY OWNER AUTHORIZATION FORM

I, GEORGE F REMENSNYDER, OWNER OF REMENSNYDER HOLDINGS LLC, HEREBY AUTHORIZE JOHNNY H. MARTIN, OWNER OF INETWORK AUTO GROUP INC. TO MAKE AN APPLICATION FOR A CONDITIONAL USE PERMIT AT 6686 WAXHAW HWY. LANCASTER SC 29720.

OWNER: REMENSNYDER HOLDINGS LLC,

BY: GEORGE F. REMENSNYDER

_____OWNER

PARCEL ID: 0020-00-004.00

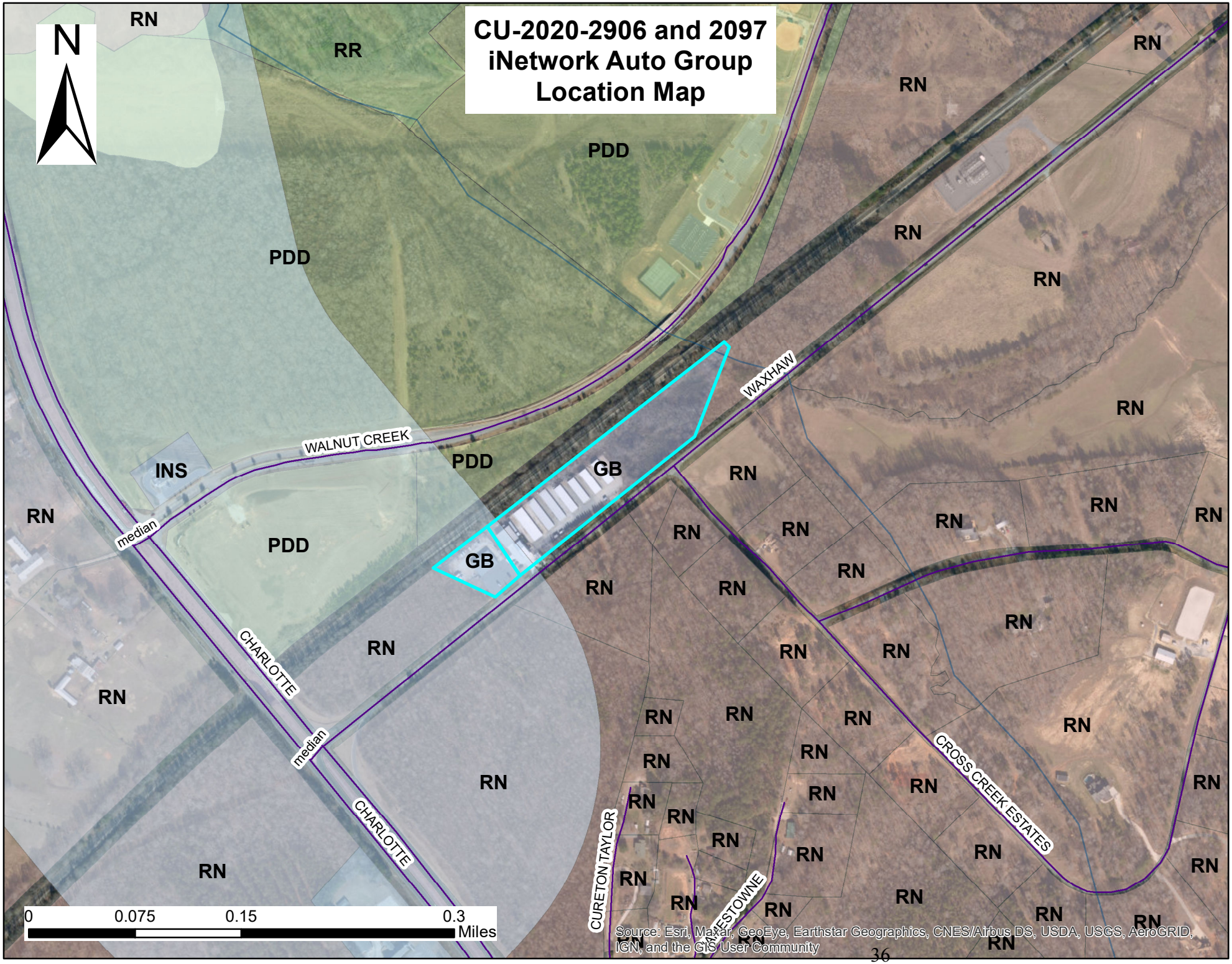
PROPERTY ADDRESS: 6686 WAXHAW HWY. LANCASTER SC 29720

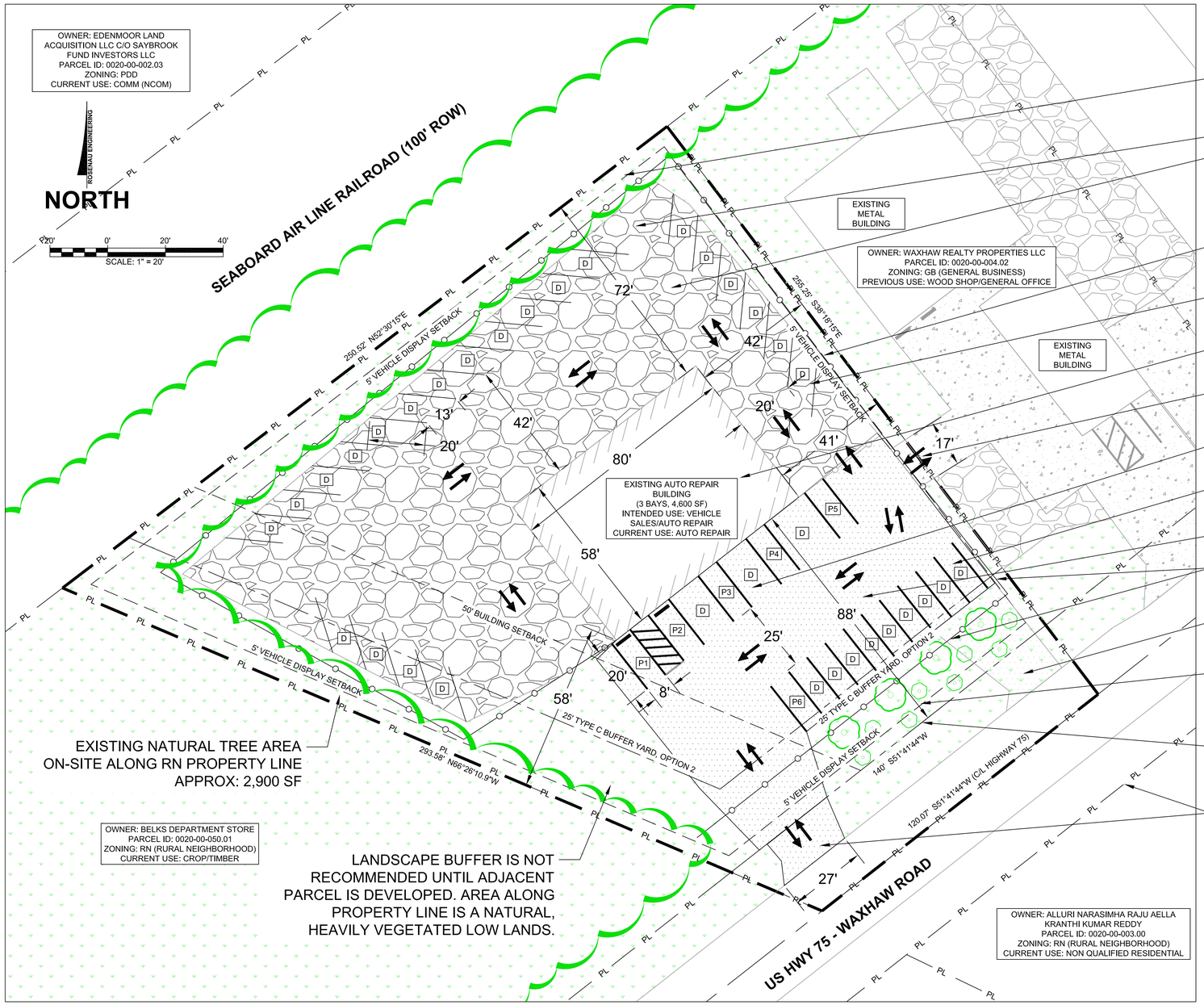
MECKLENBURG County, North Carolina
I certify that the following person(s) personally appeared before Me this day, each acknowledging to me that he or she signed the foregoing document

GEORGE F. REMENSNYDER

Date: 12.4.20

_____
Notary


CU-2020-2906 and 2097
iNetwork Auto Group
Location Map
N
RN
RR
PDD
GB
INS
WALNUT CREEK
WAXHAW
median
CHARLOTTE
CROSS CREEK ESTATES
CURETON TAYLOR
0
0.075
0.15
0.3
Miles
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



EXISTING NATURAL TREE AREA ON-SITE ALONG RR ROW APPROX: 3,000 SF

DUMPSTER

EXISTING GRAVEL SURFACE

EXISTING FENCE/LIMITS OF PAVEMENT

VEHICLE DISPLAY SPACES

BAY DOORS CAN OPEN IN FRONT AND REAR

EXISTING CROSS-CONNECTION. FENCE AND ROLLING GATE TO BE ADDED.

FIVE EXISTING PARKING SPACES (1 ADA) AND THREE VEHICLE DISPLAY SPACES

ONE EXISTING PARKING SPACE AND NINE VEHICLE DISPLAY SPACES

EXISTING ASPHALT SURFACE

PROPOSED 4' BLACK FENCE WITH ROLLING GATE AT DRIVEWAY

EXISTING ASPHALT DRIVEWAY TO BE REMOVED

25' TYPE C BUFFER YARD, OPTION 2 (4 CANOPY, 4 EVERGREEN, & 4 UNDERSTORY TREES)

RIGHT OF WAY LINE

EXISTING CONCRETE DRIVEWAY TO REMAIN



VICINITY MAP

APPROXIMATE SCALE: 1" = 2,000'

LEGEND

EXISTING FEATURE	
PROPOSED FEATURE	
PROPERTY LINE	PL — PL
TRAFFIC DIRECTION	
ASPHALT	
CONCRETE	
GRAVEL	
PERVIOUS SURFACE	
FENCE	
TREES	
VEHICLE DISPLAY/PARKING	D P2

PROJECT DATA

APPLICANT:	iNETWORK AUTO GROUP
APPLICANT ADDRESS:	6686 WAXHAW HWY, INDIAN LAND, SC 29720
APPLICANT PHONE:	803-286-2200
APPLICANT EMAIL:	JOHNNY@INETWORKAUTOGROUP.COM
PROPERTY ADDRESS:	6686 WAXHAW HIGHWAY
PARCEL ID NO.:	0020-00-004.00
OWNER:	REMENSNYDER HOLDINGS LLC
OWNER ADDRESS:	PO BOX 1050, CANTON, NC 28716
OWNER PHONE:	
OWNER EMAIL:	
CURRENT ZONING:	GB (GENERAL BUSINESS) IN HIGHWAY CORRIDOR OVERLAY DISTRICT
CURRENT USE:	VEHICLE SERVICES - MAJOR MAINTENANCE/REPAIR
PROPOSED USE:	VEHICLE RENTAL/LEASING/SALES WITH ACCESSORY USE OF VEHICLE SERVICES - MAJOR MAINTENANCE/REPAIR
LOT ACREAGE:	1.114
IMPERVIOUS AREA TO LOT AREA RATIO:	70% (0.78 ACRES)
LANDSCAPE BUFFER YARD REQUIREMENTS:	TYPE C ALONG FRONT & WEST SIDE
LANDSCAPE BUFFER YARD PROVIDED:	25 FOOT TYPE C, OPTION 2 WITH 4 FOOT BLACK FENCE, 4 CANOPY, 4 EVERGREEN, & 4 UNDERSTORY TREES ALONG FRONT
BUILDING SETBACKS REQUIRED/PROVIDED:	50' REQUIRED ON WEST SIDE 58' SIDE, 88' FRONT, 72' REAR SETBACKS PROVIDED
VEHICLE DISPLAY SETBACKS REQUIRED/PROVIDED:	5 FOOT

GENERAL NOTES:

1. ACCORDING TO THE LATEST FLOOD INSURANCE RATE MAPS (FIRM) FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), NEITHER PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA.
2. CONDITIONAL USE PLAN HAS BEEN DEVELOPED FOR COUNTY REVIEW AND APPROVAL ONLY. PLAN SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT VERIFYING LOCATIONS WITH SURVEYOR.

SURVEY & DESIGN BASE DISCLAIMER:

SURVEY: THE SURVEY INFORMATION HAS BEEN SUPPLIED BY APPLICANT FOR BOTH PROPERTIES IN THE FORM OF A PDF VERSION OF SCANNED SURVEYS. NO DIGITAL (CAD FILE) VERSION OF EITHER SURVEY HAS BEEN USED IN THE DEVELOPMENT OF THIS PLAN. INFORMATION FOR EACH SURVEY IS AS FOLLOWS:

6686 WAXHAW HWY.
DAVID J. DILLS PLS, PA
PO BOX 1928
INDIAN TRAIL, NC 28079
SURVEY DATE: 01/20/2007
PURPOSE: BUILDING LOCATION

VERTICAL DATUM & BENCHMARK INFO: SURVEY DOES NOT REFERENCE NAVD88 OR INCLUDE ANY BENCHMARK INFORMATION.

AERIAL BASE: IN ADDITION TO THE SURVEYS MENTIONED ABOVE, A BING (MICROSOFT CORPORATION) AERIAL IMAGE WAS USED TO DEVELOP THE DESIGN BASE.

DISCLAIMER: ROSENAU ENGINEERING, PLLC IS NOT RESPONSIBLE FOR UTILITIES AND STRUCTURES NOT SHOWN ON PLANS OR ERRORS IN ACTUAL LOCATIONS OR DIMENSIONS. ALL INFORMATION IS APPROXIMATE AND BASED UPON THE BEST AVAILABLE INFORMATION.

Rosenau Engineering
4108 SAINT JOSEPH DR
INDIAN TRAIL, NC 28079
704-893-5482
www.rosenauengineering.com
SC COA: 5786

SEALS:

SOUTH CAROLINA LICENSED PROFESSIONAL ENGINEER JONATHAN SCOTT ROSENAU No. 29406

JONATHAN SCOTT ROSENAU
SC P.E. #29406

PROJECT NAME:

iNETWORK AUTO GROUP

6686 WAXHAW HIGHWAY,
INDIAN LAND, LANCASTER COUNTY, SOUTH CAROLINA 29720

CLIENT:
iNETWORK AUTO GROUP INC.
6686 WAXHAW HIGHWAY
INDIAN LAND, SC 29720
803-286-2200

DATE: 12/03/2020
REVISIONS:

JOB NO: 20190
SHEET TITLE:
CONDITIONAL USE PLAN

SCALE: 1" = 20'
SHEET NO.:
CU-1.0

© ROSENAU ENGINEERING, PLLC

Lancaster County
Development Services
P. O. Box 1809
Lancaster, SC 29721
803.285.1969
permits@lancastercountysc.net

January 12, 2021

Johnny Martin
iNetwork Auto Group
6686 Waxhaw Hwy
lancaster, SC 29720

Project Number	20202906
Project Name	iNetwork Auto Group
Location	6686 Waxhaw Highway
Stage	Conditional Use Permit
Parcel(s)	0020-00-004.00
Status	Not Approved

Dear: Johnny Martin

We have completed our review of the plan identified above. The comments listed on the attached report must be addressed and revised plans submitted with a response letter.

If the attached comments require changes to the plans, please submit the requisite number of sets, along with a pdf of the plan set on a CD, to the Lancaster County Planning Department.

Once revised plans are received, they will be submitted to staff for review.

Please be aware that plans will not be routed for review without a response letter

Sincerely,

Plan Review Comments

County Engineer - Stephen Blackwelder - 8035482406 — **Conditional**
sblackwelder@lancastersc.net

Review Comments:

See Attached Comments

Fire Marshal - John Magette - 8032838888 — **Approved**
jmagette@lancastersc.net

Review Comments:

LC Water & Sewer District - James Hawthorne - (803) 285-6919 — **No Review Needed**
james.hawthorne@lcwasd.org

Review Comments:

Zoning - Julie Faile - 8032830567 — **Not Approved**
jfaile@lancastersc.net

Review Comments:

The Lancaster County Zoning Department has received your preliminary plans submittal for the proposed site. This submittal is a sketch for the proposed Conditional Use Zoning and does not warrant approval of the overall design. Being preliminary in nature due to the lack of needed information, this is not to be construed as the final review. However, the following items listed below would be essential to the above referenced project and need to be addressed when a formal site plan is submitted. Please refer to the Lancaster County Unified Development Code, Chapter 4.3.2, and 7.1 to ensure this project meets all standards of the Lancaster County Code. A full plan review shall be conducted upon submittal of site plans that are within compliance with Lancaster County Zoning standards.

1. Any required landscaping and or buffers will be required to be installed with the proposed project, not at the time the adjoining parcels are developed.

2. Revise site plan to remove the required parking from the 25' required bufferyard.

3. Revise the proposed site plan to include a legend for each required bufferyard that must include the planting symbols, type of trees, required quantity, and the proposed quantity. Please provide a tree survey or add the following note to the proposed site plan: The Existing vegetation will meet or exceeds the required bufferyard at time of finale inspection or additional plantings will be required before a Certificate of Occupancy can be issued.

4. Revise site plan to include the building setback labeled from all property lines.

5. Revise site plan to include the Railroad ROW labeled.

6. Revise site plan to include the dimensions of all parking spaces including handicap spaces.

7. Be advised that required parking spaces can not be counted in front of the service bays.

8. Revise site plan to show landscape island(s) as required in the UDO 4.3.2.J. Be advised that parking/display areas must be a minimum of 10' from public ROW's and buildings. See all parking standards in the UDO Chapter 7.2.5.

9. Provide a recorded Cross/ Access easement agreement.

10.Approval from the SCDOT for any/all changes in the Road ROW or Changes the DOT may require.

Once the above comments have been addressed, please submit a cover sheet with the revisions that thoroughly details the above changes/responses and the associative locations on the plans. If there are any questions or concerns, please contact Julie Faile at 803-416-9777 or jfailer@lancastersc.net.

Planning - Ashley Davis - 803-416-9433
adavis@lancastersc.net

Conditional

Review Comments:

See Zoning Comments.
Additional Planning comments may be added following Planning Commission or at the Site Plan phase.

Development review

Project:	i Network Auto Group- Conditional Use Site Plan
Engineer/Architect:	Rosenau Engineering
Review date:	01/05/2021 based on Plan sheet dated December4, 2020
Review by:	T. Scott Edgar, P.E. CFM, Lancaster County
	Stephen Blackwelder, Environmental Compliance Manager, Lancaster County

General Comments:

1. This site is very close to the floodplain. Before committing to purchase of these parcels, the owner my want to conduct due diligence investigation of the elevation differential with the 100 year flood plain.
2. The existing cross connection access road is 17 feet wide. Because there are two different owners of these parcels, this access road should be 22 feet wide. If there is going to be one owner for the two parcels, this could be considered a private access. We defer to the Planning Department reviewer for their input as to if this access needs to be 22 feet wide or not.

Agenda Item Summary

Ordinance # / Resolution #: CU-2020-2907
Contact Person / Sponsor: Ashley Davis / Planning
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
Application by iNetwork Auto Group for a conditional use permit to allow Vehicle Rental, Leasing and Sales as well as Major Maintenance and Repair at 6711 Waxhaw Hwy. (0020-00-004.02). This project is associated with companion Conditional Use case CU-2020-2906.

Points to Consider:
Site Information
These parcels are adjacent to one another. iNetwork currently operates an auto repair shop out of 6711 Waxhaw Highway. 6686 Waxhaw Highway was previously used as a wood shop and is currently vacant. The railroad runs along the rear of both properties.
Current Proposal
iNetwork hopes to utilize the existing structures on each property and develop a model similar to those used at large franchise dealerships where auto repair can take place in the same location as auto sales.
Southern Panhandle Small Area Plan
The Southern Area Small Area Plan Recommended Land Use Map labels this area as "Employment". The proposed use in this case would be consistent with the "Employment" designation.

Recommendation:
Staff recommends **approval** of this conditional use application to permit a non-franchised car dealership, subject to the following condition:
1. Address the outstanding TRC/Evolve comments at the site plan phase.

ATTACHMENTS:

Description	Upload Date	Type
Planning Staff Report	1/12/2021	Planning Staff Report
Exhibit 1: Application	1/12/2021	Exhibit
Exhibit 2: Zoning Map	1/12/2021	Exhibit
Exhibit 3: Concept Plan	1/6/2021	Exhibit
Exhibit 4: TRC Comments	1/12/2021	Exhibit

PROPOSAL:	Conditional Use Application to Permit a Non-Franchised Car Dealership and Major Maintenance and Repair
PROPERTY LOCATION:	6686 and 6711 Waxhaw Highway (TMS#0020-00-004.00 and 0020-00-004.02)
CURRENT ZONING DISTRICT:	General Business (GB) District
APPLICANT:	iNetwork Auto Group
COUNCIL DISTRICT:	District 1, Terry Graham

OVERVIEW & BACKGROUND:

Site Information

These parcels are adjacent to one another. iNetwork currently operates an auto repair shop out of 6711 Waxhaw Highway. 6686 Waxhaw Highway was previously used as a wood shop and is currently vacant. The railroad runs along the rear of both properties.

Current Proposal

iNetwork hopes to utilize the existing structures on each property and develop a model similar to those used at large franchise dealerships where auto repair can take place in the same location as auto sales.

Southern Panhandle Small Area Plan

The Southern Area Small Area Plan Recommended Land Use Map labels this area as “Employment”. The proposed use in this case would be consistent with the “Employment” designation.

Summary of Surrounding Zoning and Uses

Surrounding Property	Zoning District	Use
North	Railroad and PDD	Railroad and Walnut Creek
South	Rural Neighborhood (RN)	Single Family Residential
East	General Business (GB)	Mini-storage
West	Rural Neighborhood (RN)	Vacant

PHOTOS OF PROJECT AREA:



Looking at the existing building at 6686 Waxhaw Highway.



Looking at the existing building at 6711 Waxhaw Highway.



Looking directly across from the subject properties.



Looking west on Waxhaw Highway towards the intersection with Charlotte Hwy.

APPLICABLE UDO PROVISIONS:

5.1.2. - CONDITIONAL USE (CU)

A. Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

B. All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.

C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

D. Approval procedures for Conditional Use permits are found in Chapter 9, Administration.

5.8.5. - VEHICLE RENTAL/LEASING/SALES

A. Outdoor Vehicle Display: No vehicles displayed for sale or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any public rights-of-way.

B. Conditional Use Permit Required for Non-Franchised Dealerships: All such uses that are within 200 feet of a Residential use and are not a manufacturer-franchised dealership must obtain a Conditional Use permit.

C. Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer in accordance with Section 7.1.5.

5.8.7 VEHICLE SERVICES – MAJOR REPAIR/BODY WORK [RUB, GB, RB, LI, HI]

A. Outdoor Vehicle Storage: No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained. No vehicles awaiting work or pickup shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way.

B. Vehicle Bays: Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee.

C. Noise: No noises resulting from the repair, maintenance, or body work of a motor vehicle shall be audible at or beyond the property line between 8 PM and 8 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.

D. Repair Work: All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.

E. Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district or street shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type C buffer.

STAFF RECOMMENDATION:

Staff recommends **approval** of this conditional use application to permit a non-franchised car dealership, subject to the following condition:

1. Address the outstanding TRC/Evolve comments at the site plan phase.

ATTACHMENTS:

1. Conditional Use Application
2. Location Map/ Zoning Map
3. Concept Plan
4. TRC/Evolve Comments

STAFF CONTACT:

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

Lancaster County
South Carolina

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

CONDITIONAL USE APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- All items noted on the Conditional Use Plan Checklist
- Fees associated with review

GENERAL INFORMATION

Property Address 6711 Waxhaw Highway

City Indian Land State SC Zip 29720 Tax Parcel ID 0020-00-004.02

Current Zoning GB Current Use Former Wood Shop

Total Acres 0.52 Surrounding Property Description Parcel 0020-00-004.00 is a mostly paved auto repair shop with 1 building. Parcel 0020-00-004.01 is a mostly paved self-storage with multiple buildings. A railroad and floodplains run along the back property line.

Proposed Conditional Use Vehicle Rental/Leasing/Sales with accessory use of Vehicle Services - Major Maintenance/Repair. Intent is to use property for vehicle sales, marketing and vehicle painting. The primary vehicle display and repair services will be performed on the adjacent parcel (Parcel 0020-00-04.00).

CONTACT INFORMATION

Applicant Name iNetwork Auto Group

Address 6686 Waxhaw Hwy

City Indian Land State SC Zip 29720 Phone 803-286-2200

Fax _____ Email johnny@iNetworkautogroup.com

Property Owner Name Waxhaw Realty Properties LLC

Address 2107 MONARDA WAY

City WAXHAW State NC Zip 28173 Phone 914-879-3219

Fax _____ Email John @ STONERIDGEPROS.COM

CONDITIONAL USE PLAN CHECKLIST

_____The size of the plan and number of copies should conform to the following: Eight copies that are 24" x 36" (full size) and Two copies that are 11" x 17" (reduced size).

_____A descriptive location of the property and vicinity map at a scale of not less than one inch equals one mile.

_____Proposed name of the development.

_____The date of the survey or plan.

_____All plans shall be embossed with the seal and signature of the engineer/surveyor responsible for the work.

_____A graphic scale and numerical scale shall be shown on the plan.

_____The North arrow shall be shown and be accurately correlated with the courses with indications as to whether it is true, magnetic or grid.

_____Total acreage and boundaries of the development shall be shown on the plan.

_____All existing and proposed uses of land throughout the tract shall be shown on the plan.

_____Topography of the site with a contour interval of not more than 5 feet shall be shown on plan.

_____Typical arrangement of existing and proposed buildings and structures, including dimensions, elevations, uses, and setbacks shall be shown on the plan.

_____Location of adjoining property lines and existing buildings shall be shown on the plan.

_____The names of adjacent landowners, lot and/or block numbers, highways, streets, and named waterways shall be shown.

_____All property lines shall be defined by course and horizontal distance. All property lines shall be plotted to the scale shown in the title.

_____All easements and rights-of-way of existing and proposed buildings and structures shall be shown and shall include their widths and center lines.

_____All existing street intersections shall be shown on the plan.

_____Proposed parking areas and traffic circulation shall be shown on the plan.

_____Exact ratio of impervious surfaces to lot area shall be shown.

_____At a minimum the plan shall include basic landscape information such as the location and dimension of required buffer yards.

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.

Applicant _____ Date 12.4.20

Property Owner(s) WAXHAW REALTY PROPERTIES LLC _____ Date Nov/20/2020

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.
   - Conditional Use Application Fee - $325.00

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 a resolution for approval.
   - Subsequent to County Council action, notice of action will be provided to the applicant,

owner, and adjacent property owners.

- **Please note that upon approval of a conditional use, the applicant shall subsequently submit a site plan to The Lancaster County Planning Department for review. This site plan shall conform to the site plan process as enumerated in UDO Section 9.2.9 (Site Plan Process Chart)**

NOVEMBER 30 2020

PROPERTY OWNER AUTHORIZATION FORM

I, JOHN MAIDA, OWNER OF WAXHAW REALTY PROPERTIES, LLC, HEREBY AUTHORIZE JOHNNY H MARTIN, REPRESENTITIVE FOR i NETWORK GROUP, TO MAKE AN APPLICATION FOR A CONDITIONAL USE PERMIT AT 6711 WAXHAW HWY LANCASTER SC 29720.

OWNER WAXHAW REALTY PROPERTIES, LLC

BY JOHN MAIDA _____ OWNER

PARCEL ID 0020-00-004.02

PROPERTY ADDRESS 6711WAXHAW HWY, LANCASTER SC

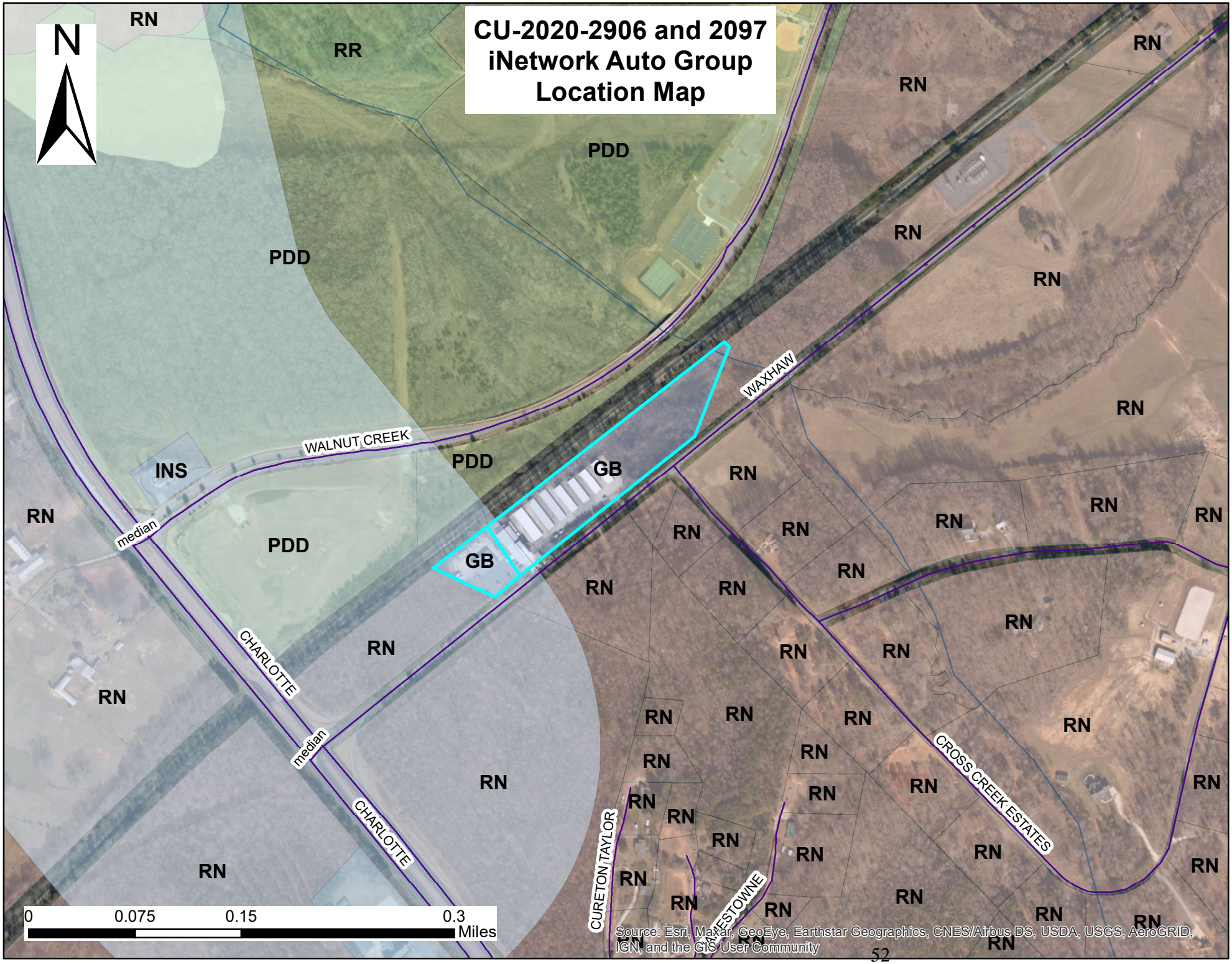
Union County, North Carolina
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

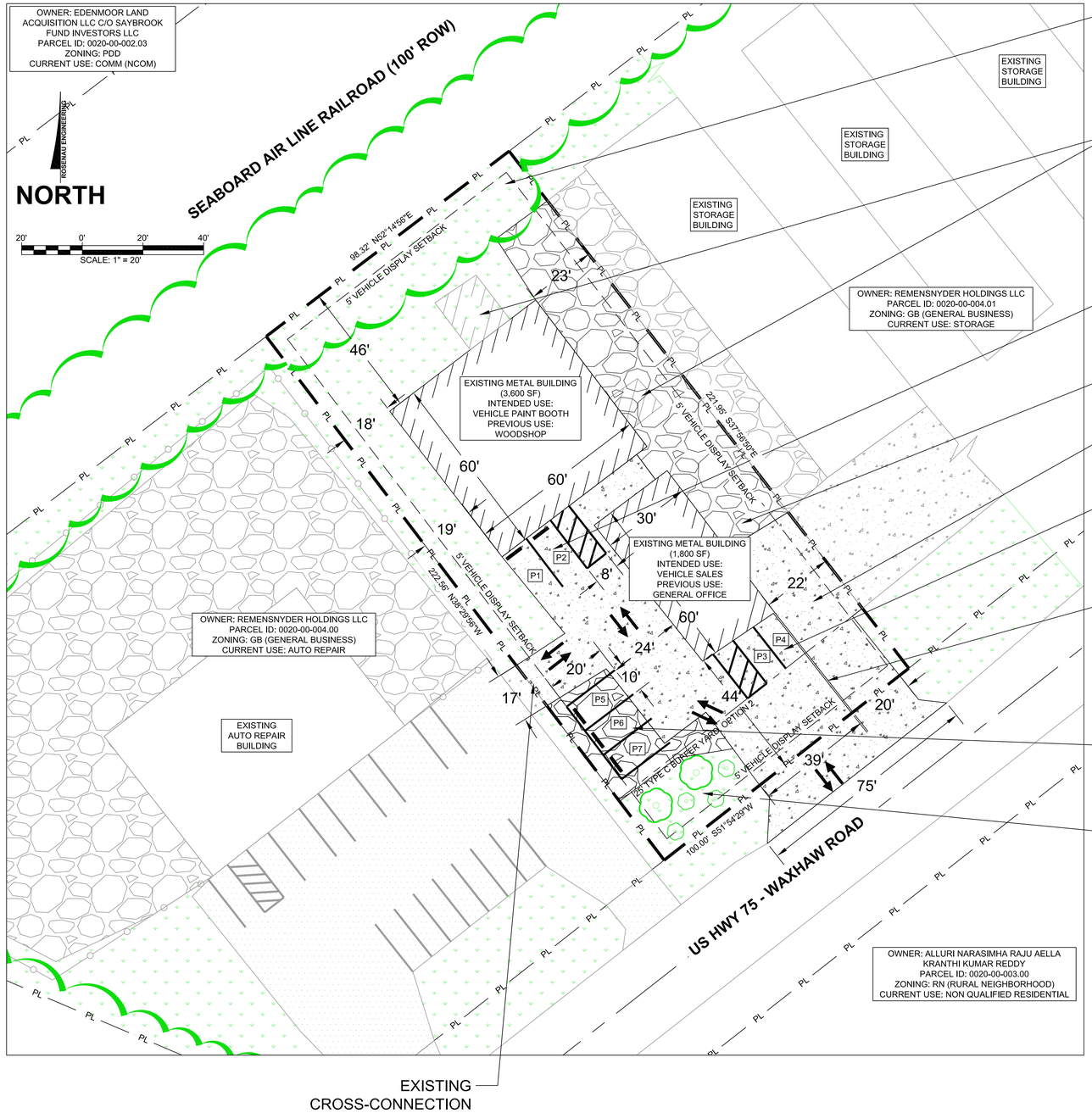
John Maida
Name(s) of principal(s)

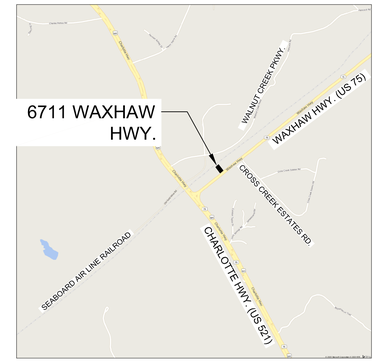
Date: 12/01/2020

Official Signature of Notary

SHARELLE QUICK
Notary Public, North Carolina
Union County
My Commission Expires
09/27/2023


CU-2020-2906 and 2097
iNetwork Auto Group
Location Map
N
RN
RR
PDD
INS
GB
WALNUT CREEK
WAXHAW
median
CHARLOTTE
CROSS CREEK ESTATES
CURETON TAYLOR
0
0.075
0.15
0.3
Miles
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





VICINITY MAP

APPROXIMATE SCALE: 1" = 2,000'

LEGEND

EXISTING FEATURE	
PROPOSED FEATURE	
PROPERTY LINE	PL — PL
TRAFFIC DIRECTION	
ASPHALT	
CONCRETE	
GRAVEL	
PERVIOUS SURFACE	
FENCE	
TREES	
VEHICLE DISPLAY/PARKING	D P2

PROJECT DATA

APPLICANT:	iNETWORK AUTO GROUP
APPLICANT ADDRESS:	6686 WAXHAW HWY, INDIAN LAND, SC 29720
APPLICANT PHONE:	803-286-2200
APPLICANT EMAIL:	JOHNNY@INETWORKAUTOGROUP.COM
PROPERTY ADDRESS:	6711 WAXHAW HIGHWAY
PARCEL ID NO.:	0020-00-004.02
OWNER:	WAXHAW REALTY PROPERTIES LLC
OWNER ADDRESS:	2107 MONARDA WAY, WAXHAW, NC 28173
OWNER PHONE:	704-879-5219
OWNER EMAIL:	STONERIDGEPROS@GMAIL.COM
CURRENT ZONING:	GB (GENERAL BUSINESS) IN HIGHWAY CORRIDOR OVERLAY DISTRICT
CURRENT USE:	GENERAL COMMERCIAL
PROPOSED USE:	VEHICLE RENTAL/LEASING/SALES WITH ACCESSORY USE OF VEHICLE SERVICES - MAJOR MAINTENANCE/REPAIR
LOT ACREAGE:	0.52
IMPERVIOUS AREA TO LOT AREA RATIO:	71% (0.37 ACRES)
LANDSCAPE BUFFER YARD REQUIREMENTS:	TYPE C ALONG U.S. 75 FRONTAGE
LANDSCAPE BUFFER YARD PROVIDED:	25 FOOT TYPE C, OPTION 2 WITH 2 CANOPY, 2 EVERGREEN, & 2 UNDERSTORY TREES
BUILDING SETBACKS REQUIRED/PROVIDED:	NONE REQUIRED. 18'/22' SIDE, 44' FRONT, 46' REAR SETBACKS PROVIDED.
VEHICLE DISPLAY SETBACKS REQUIRED/PROVIDED:	5 FOOT

GENERAL NOTES:

1. ACCORDING TO THE LATEST FLOOD INSURANCE RATE MAPS (FIRM) FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), NEITHER PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA.
2. CONDITIONAL USE PLAN HAS BEEN DEVELOPED FOR COUNTY REVIEW AND APPROVAL ONLY. PLAN SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT VERIFYING LOCATIONS WITH SURVEYOR.

SURVEY & DESIGN BASE DISCLAIMER:

SURVEY: THE SURVEY INFORMATION HAS BEEN SUPPLIED BY APPLICANT FOR PROPERTY IN THE FORM OF A PDF VERSION OF SCANNED SURVEY. NO DIGITAL (CAD FILE) VERSION OF THE SURVEY HAS BEEN USED IN THE DEVELOPMENT OF THIS PLAN. INFORMATION FOR EACH SURVEY IS AS FOLLOWS:

6711 WAXHAW HWY.
JULIAN E. SAVERANCE, PLS
1991 TARA TRAIL
LANCASTER, SC 29720
SURVEY DATE: 12/18/2017
PURPOSE: BOUNDARY SUBDIVISION

VERTICAL DATUM & BENCHMARK INFO: SURVEY DOES NOT REFERENCE NAVD88 OR INCLUDE ANY BENCHMARK INFORMATION.

AERIAL BASE: IN ADDITION TO THE SURVEYS MENTIONED ABOVE, A BING (MICROSOFT CORPORATION) AERIAL IMAGE WAS USED TO DEVELOP THE DESIGN BASE.

DISCLAIMER: ROSENAU ENGINEERING, PLLC IS NOT RESPONSIBLE FOR UTILITIES AND STRUCTURES NOT SHOWN ON PLANS OR ERRORS IN ACTUAL LOCATIONS OR DIMENSIONS. ALL INFORMATION IS APPROXIMATE AND BASED UPON THE BEST AVAILABLE INFORMATION.

Rosenau Engineering
4108 SAINT JOSEPH DR
INDIAN TRAIL, NC 28079
704-893-5482
www.rosenauengineering.com
SC COA: 5786

SEALS:

SOUTH CAROLINA LICENSED PROFESSIONAL ENGINEER JONATHAN SCOTT ROSENAU No. 29406 Date 12/03/2020

JONATHAN SCOTT ROSENAU
SC P.E. #29406

PROJECT NAME:

iNETWORK AUTO GROUP

6711 WAXHAW HIGHWAY,
INDIAN LAND, LANCASTER COUNTY, SOUTH CAROLINA 29720

CLIENT:
INETWORK AUTO GROUP INC.
6686 WAXHAW HIGHWAY
INDIAN LAND, SC 29720
803-286-2200

DATE: 12/03/2020
REVISIONS:

JOB NO: 20190
SHEET TITLE:
CONDITIONAL USE PLAN
SCALE: 1" = 20'
SHEET NO.: **CU-1.0**

© ROSENAU ENGINEERING, PLLC

Lancaster County
Development Services
P. O. Box 1809
Lancaster, SC 29721
803.285.1969
permits@lancastercountysc.net

January 12, 2021

Johnny Martin
iNetwork Auto Group
6686 Waxhaw Hwy
lancaster, SC 29720

Project Number	20202907
Project Name	iNetwork Auto Group
Location	6711 Waxhaw Highway
Stage	Conditional Use Permit
Parcel(s)	0020-00-004.02
Status	Not Approved

Dear: Johnny Martin

We have completed our review of the plan identified above. The comments listed on the attached report must be addressed and revised plans submitted with a response letter.

If the attached comments require changes to the plans, please submit the requisite number of sets, along with a pdf of the plan set on a CD, to the Lancaster County Planning Department.

Once revised plans are received, they will be submitted to staff for review.

Please be aware that plans will not be routed for review without a response letter

Sincerely,

Plan Review Comments

County Engineer - Stephen Blackwelder - 8035482406 — **Conditional**
sblackwelder@lancastersc.net

Review Comments:

See Attached Comments

Fire Marshal - John Magette - 8032838888 — **Approved**
jmagette@lancastersc.net

Review Comments:

LC Water & Sewer District - James Hawthorne - (803) 285-6919 — **No Review Needed**
james.hawthorne@lcwasd.org

Review Comments:

Zoning - Julie Faile - 8032830567 — **Not Approved**
jfaile@lancastersc.net

Review Comments:

The Lancaster County Zoning Department has received your preliminary plans submittal for the proposed site. This submittal is a sketch for the proposed Conditional Use Zoning and does not warrant approval of the overall design. Being preliminary in nature due to the lack of needed information, this is not to be construed as the final review. However, the following items listed below would be essential to the above referenced project and need to be addressed when a formal site plan is submitted. Please refer to the Lancaster County Unified Development Code, Chapter 4.3.2, and 7.1 to ensure this project meets all standards of the Lancaster County Code. A full plan review shall be conducted upon submittal of site plans that are within compliance with Lancaster County Zoning standards.

1. Any required landscaping and or buffers will be required to be installed with the proposed project, not at the time the adjoining parcels are developed.

2. Revise site plan to remove the required parking from the 25' required bufferyard.

3. Revise the proposed site plan to include a legend for each required bufferyard that must include the planting symbols, type of trees, required quantity, and the proposed quantity. Please provide a tree survey or add the following note to the proposed site plan: The Existing vegetation will meet or exceeds the required bufferyard at time of finale inspection or additional plantings will be required before a Certificate of Occupancy can be issued.

4. Revise site plan to include the building setback labeled from all property lines.

5. Revise site plan to include the Railroad ROW labeled.

6. Revise site plan to include the dimensions of all parking spaces including handicap spaces.

7. Be advised that required parking spaces can not be counted in front of the service bays.

8. Revise site plan to show landscape island(s) as required in the UDO 4.3.2.J. Be advised that parking/display areas must be a minimum of 10' from public ROW's and buildings. See all parking standards in the UDO Chapter 7.2.5.

9. Provide a recorded Cross/ Access easement agreement.

10.Approval from the SCDOT for any/all changes in the Road ROW or Changes the DOT may require.

11. Separate Demo permit will be required for the removal of any structures.

Once the above comments have been addressed, please submit a cover sheet with the revisions that thoroughly details the above changes/responses and the associative locations on the plans. If there are any questions or concerns, please contact Julie Faile at 803-416-9777 or jfailer@lancastersc.net.

Planning - Ashley Davis - 803-416-9433 **Conditional**
adavis@lancastersc.net

Review Comments:

See Zoning Comments.
Additional Planning comments may be added following Planning Commission or at the Site Plan phase.

Development review

Project:	i Network Auto Group- Conditional Use Site Plan
Engineer/Architect:	Rosenau Engineering
Review date:	01/05/2021 based on Plan sheet dated December4, 2020
Review by:	T. Scott Edgar, P.E. CFM, Lancaster County
	Stephen Blackwelder, Environmental Compliance Manager, Lancaster County

General Comments:

1. This site is very close to the floodplain. Before committing to purchase of these parcels, the owner my want to conduct due diligence investigation of the elevation differential with the 100 year flood plain.
2. The existing cross connection access road is 17 feet wide. Because there are two different owners of these parcels, this access road should be 22 feet wide. If there is going to be one owner for the two parcels, this could be considered a private access. We defer to the Planning Department reviewer for their input as to if this access needs to be 22 feet wide or not.

Agenda Item Summary

Ordinance # / Resolution #: RZ-2020-2859 Poovey Property *
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
Request to rezone approximately 278.9 acres from Low Density Residential (LDR) to Medium Density Residential (MDR) District. The intent is to build an approximately 590 lot single-family residential subdivision.

Points to Consider:
The Applicant will be developing the property under the Cluster Subdivision Overlay District provisions within the MDR District upon rezoning, which requires a Development Agreement (DA) between the Applicant and Lancaster County. Therefore, the companion DA case (DA-2020-2859) has also been submitted for review.

Recommendation:
Staff recommends approval of the request to rezone approximately 278.9 acres (TM # 0044-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District with the condition that noise and dust abatement measures be provided, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0044-00-008.00;
2. That the subject property is currently zoned LDR District and proposed to be rezoned MDR District;
3. That the subject property has a Future Land Use designation of Transitional, and a Community Type of Suburban Single-Family Neighborhood; and
4. That the proposed MDR District is generally consistent with the surrounding area which is comprised of LDR and GB Districts.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/12/2021	Exhibit
Zoning & Location Map	12/31/2020	Exhibit

PROPOSAL:	Request to rezone approximately 278.9 acres (TM # 0044-00-008.00) to Medium Density Residential (MDR) District
PROPERTY LOCATION:	2862 Charlotte Highway; near intersection of Charlotte Highway & Shiloh Unity Road
CURRENT ZONING DISTRICT:	Low Density Residential (LDR) Districts
PROPOSED ZONING DISTRICT:	Medium Density Residential (MDR) District
APPLICANT:	LGI Homes-SC, LLC
COUNCIL DISTRICT:	District 1, Terry Graham

OVERVIEW:

Proposal

The applicant has requested to rezone a total of approximately 278.9 acres. The intent is to build an approximately 590 lot single-family residential subdivision.

The applicant will be developing the property under the Cluster Subdivision Overlay District provisions within the MDR District upon rezoning, which requires a Development Agreement (DA) between the applicant and Lancaster County. Therefore, the companion DA case (DA-2020-2859) has also been submitted for review. *The corresponding concept plan and TIA correspondence are included with the DA-2020-2859 staff report.*

Site Information

The parcel to be rezoned is currently used for agricultural purposes.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by LDR and GB zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RN	Single-family residential
South	Lancaster County	GB; INS; LDR	Lancaster Motor Speedway; church; single-family residential
East	Lancaster County	GB; LDR	Lancaster Motor Speedway; single-family residential (Shiloh North)
West	Lancaster County	LDR; GB	Lancaster Motor Speedway; single-family residential; Dollar General

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently zoned LDR District. Pursuant to UDO Chapter 2.3, the LDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development,*

these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Requested MDR

UDO Chapter 2.3 describes 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

As noted previously, the subject property is predominately surrounded by the LDR and GB Districts. The MDR District is intended to serve as a transitional zoning district between rural and urban development. Currently, this area is characterized by single-family homes on lots of varying sizes, as well as the Shiloh North neighborhood.

This area is also defined by the existing Lancaster Motor Speedway, which is surrounded to its north, east and west by the Poovey property. The Speedway was built in 1954 and has been actively used since it opened. Numerous homes are currently located near the racetrack, including the residential subdivision, Shiloh North. The races which take place at the speedway are well known to be loud and dusty during the events which can start early in the morning and run late into the night.

While the Speedway has been in its current location for over 60 years, Staff recommends that noise and dust abatement should be provided since so many homes will be within close range of the track. Such abatement measures can include a combination of an earth berm, sound fence, and landscaping.

Staff finds that the proposed rezoning of the property to MDR District is generally compatible with the surrounding residential uses and consistent with UDO Section 2.3.

COMMUNITY MEETING

A community meeting will be held virtually on January 14, 2021. Mailed notifications were sent to neighboring property owners. The letter provides an invitation to attend a Zoom meeting and also provides a way to obtain information about the proposed project if internet access is not available.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

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

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

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

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

INFRASTRUCTURE CONSIDERATIONS

Transportation

A Traffic Impact Analysis (TIA) is required to be submitted as part of the companion Development Agreement associated with this rezoning request. A TIA dated November 30, 2020 was submitted by Ramey Kemp & Associates to Lancaster County to be reviewed by the traffic engineering consultant Kimley-Horn. Kimley-Horn and the SCDOT have provided comments to the TIA recommendations (see attached). The applicant's traffic engineer is in the process of addressing their comments. Ramey Kemp's recommendations are as follows (see attached recommendations):

US 521 and Access A (proposed entrance closest to Shiloh Unity Road):

1. Construct Access A as the westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one right-turn lane.
2. Restripe existing two-way left-turn lane to create an exclusive southbound left turn lane with at least 150 feet of full-width storage and appropriate decel and taper.

US 521 and Access B (proposed entrance closest to Harris Hill Road):

1. Construct Access B as the westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one right-turn lane.
2. Construct southbound left turn lane with at least 150 feet of full-width storage and appropriate decel and taper.

Shiloh Unity road and Airdale Road/Access C:

1. Construct Access C as the southbound approach with one ingress lane and one egress lane striped as a shared left/through/right lane.
2. Construct an eastbound left turn lane with at least 150 feet of full-width storage and appropriate decel and taper.

The subject parcel is located near the northeast intersection of Highway 521 and Shiloh Unity Roads. Both roads are maintained by SCDOT. Traffic volumes on Highway 521 and West Shiloh Unity Road are shown below:

STREET	VEHICLES PER DAY		
	2019	**2016**	**2013**
Highway 521	22,800	21,600	17,600
West Shiloh Unity Road	1,050	1,000	900
Source: SCDOT Traffic Counts 2009-2019			

Public Utilities
The flow from this site will need to be approved by both LCWSD and the City of Lancaster to accept the discharge at the City's WWTP.

LCWSD will look to have the County and SCDHEC require enhanced provisions for stormwater. LCWSD is seeking to prevent changes to the flood plain (due to development increasing impervious surfaces) from adversely affecting infrastructure that will be at or near the current designated flood plain boundaries.

Public Schools
The subject properties are in the attendance zones of North Elementary, Rucker Middle and Lancaster High Schools. There are no capacity concerns at these schools.

PHOTOS OF PROJECT AREA:



Looking directly at subject property from Hwy 521



Looking north across Hwy 521 from subject property



Looking north along Highway 521



Looking south along Highway 521



Looking west along Shiloh Unity Road



Looking east along Shiloh Unity Road

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone approximately 278.9 acres (TM # 0044-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District with the condition that noise and dust abatement measures be provided, pursuant to the following findings of fact:

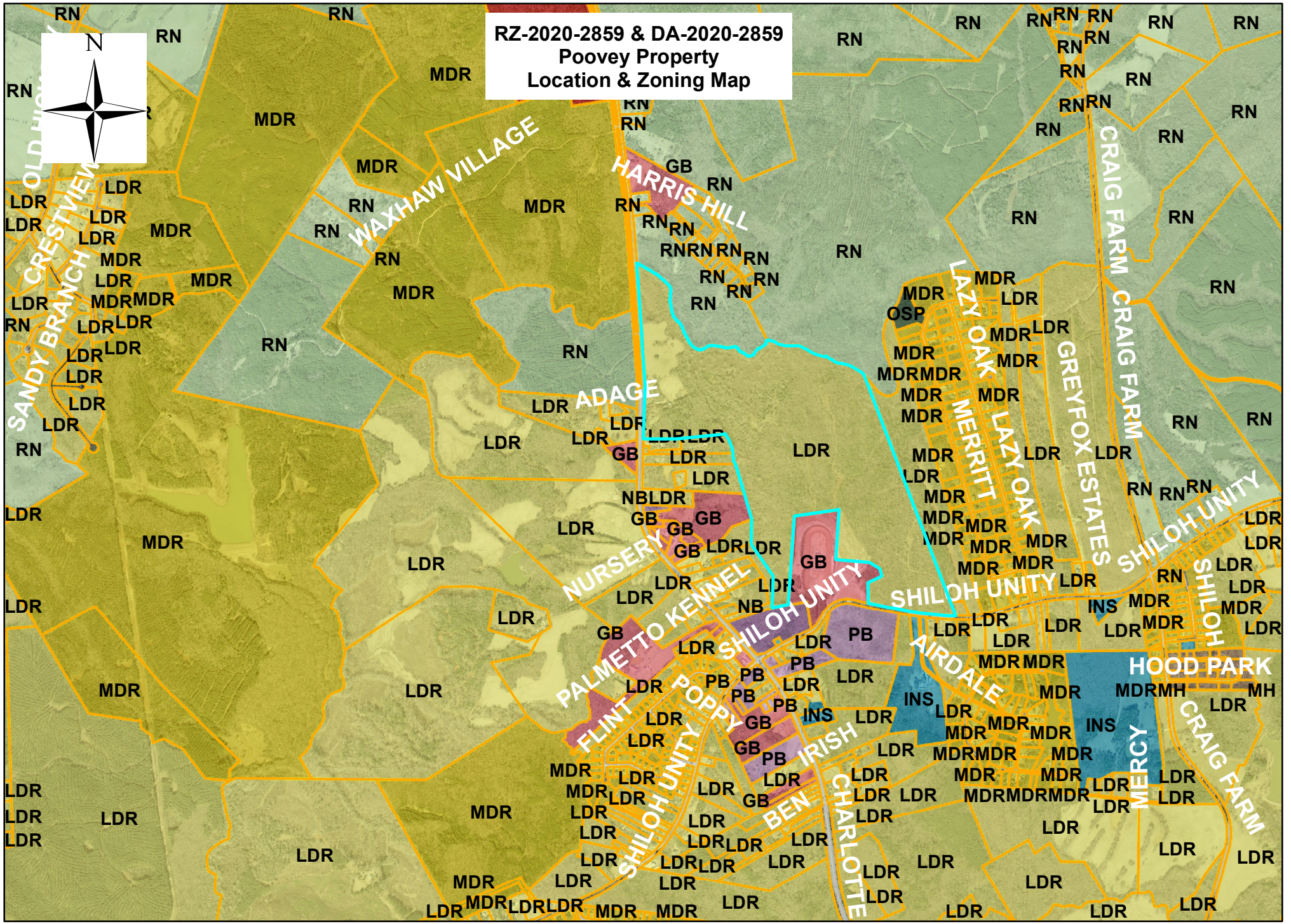
1. That the subject project consists of the following parcel: TM# 0044-00-008.00;
2. That the subject property is currently zoned LDR District and proposed to be rezoned MDR District;
3. That the subject property has a Future Land Use designation of Transitional, and a Community Type of Suburban Single-Family Neighborhood; and
4. That the proposed MDR District is generally consistent with the surrounding area which is comprised of LDR and GB Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

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


RZ-2020-2859 & DA-2020-2859
Poovey Property
Location & Zoning Map
N
WAXHAW VILLAGE
HARRIS HILL
CRESTVIEW
SANDY BRANCH
ADAGE
NURSERY
PALMETTO KENNEL
SHILOH UNITY
FLINT
POPPY
IRISH
BEN
CHARLOTTE
LAZY OAK
MERRITT
GREYFOX ESTATES
CRAIG FARM
AIRDALE
HOOD PARK
MERCY
SHILOH
RN
LDR
MDR
GB
PB
NB
INS
OSP
MH
0
1,550
3,100
6,200
Feet

Agenda Item Summary

Ordinance # / Resolution #: DA-2020-2859 Poovey Development Agreement *
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
The Applicant has requested to rezone approximately 278.9 acres from Low Density Residential (LDR) to Medium Density Residential (MDR) District. The intent is to build an approximately 590 lot single-family residential subdivision.

See Staff Report RZ-2020-2859.

Points to Consider:
Section 9.2.18 of the UDO requires Development Agreements (DA) when utilizing the Cluster Subdivision Overlay District.

Recommendation:
Staff recommends approval of the Development Agreement.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/12/2021	Planning Staff Report
DA Submittal Letter from Applicant	1/11/2021	Exhibit
DRAFT Development Agreement	1/11/2021	Exhibit
Ramey Kemp TIA Recommendations	1/11/2021	Exhibit
KH Review Comments for TIA	1/11/2021	Exhibit
SCDOT Review Comments for TIA	1/11/2021	Exhibit

TO: Planning Commission

FROM: Katie See, AICP, Senior Planner

DATE: January 12, 2021

SUBJECT: **Poovey Property Development Agreement**

LGI Homes-SC, LLC has requested to rezone approximately 278.9 acres. *See Staff Report for RZ-2020-2859*. Application RZ-2020-2859 is a request to rezone the property from the Low Density Residential (LDR) District to the Medium Density Residential (MDR) District. The intent is to build an approximately 590 lot single-family residential subdivision.

The applicant intends on developing the property with the Cluster Subdivision Overlay District provisions associated with the MDR District. Section 9.2.18 of the UDO requires Development Agreements (DA) when utilizing the Cluster Subdivision Overlay District. The applicant submitted the required DA enclosed with this memo as well as a submittal letter. The DA reflects the requirements of Section 9.2.18 including, but not limited to: legal description, description of uses, traffic impact analysis (TIA) and reservation of public land. A TIA dated November 30, 2020 was submitted to the Planning Department for review.

The DA must first be reviewed by the Planning Commission who shall hold one public hearing. It will then be reviewed by the Infrastructure & Regulation Committee, tentatively scheduled for February, 2021. The second and final public hearing before County Council as well as the first ordinance reading will be scheduled at a later date.

A copy of the DA template is enclosed with this memo. It does not include any proposed fees or dedication of land, both of which will be discussed with the I&R Committee and County Council.

Please feel free to contact me at 416-9395 should you have any questions before the meeting.

December 18, 2020

Katie See, AICP, Senior Planner
Lancaster County Planning Department
P.O. Box 1809
Lancaster, SC 29720

RE: Poovey Property Development Agreement

Katie,

LGI Homes Group, LLC is requesting a Development Agreement with Lancaster County to develop a single-family, detached residential community located at 2862 Charlotte Hwy, Lancaster, SC 29720. The 274.48-acre project site, referred to as the Poovey Property, is currently zoned LDR and we are requesting the land be rezoned to MDR. Based on our site analysis, we have determined that approximately 224.24 acres can be classified as "highland area" and thus a Development Agreement application fee of $5,606 has been submitted to the County which was calculated at $25 per acre of highland area as required in Section 9.2.18.F of the County's Unified Development Ordinance.

Please feel free to contact us if you have any further questions related to this submittal.

Thank you,

Ian E. Anderson, PLA | LEED AP

Senior Landscape Architect | Merrick & Company

301 S. McDowell Street, Suite 300 | Charlotte, NC 28204
T: (704) 529-6500 | **C:** (720) 935-3169

----------(Space above this line for recording use)----------

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

DEVELOPMENT AGREEMENT

_____

This **DEVELOPMENT AGREEMENT** (the "Agreement") is made and entered into as of the _____ day of *_[DATE OF THIRD READING APPROVAL]*____, 2020 ("Agreement Date"), by and among **LGI Homes Group, LLC** a **Texas** state of incorporation **limited liability** corporation ("Developer"), and the **COUNTY OF LANCASTER** (the "County"), a body politic and corporate, a political subdivision of the State of South Carolina.

R E C I T A L S

WHEREAS, Developer has obtained the right to acquire certain real property consisting of approximately **274.48 acres**, more or less, located in the County and known as **Poovey Property** development and more fully described in Section 1.04 of this Agreement ("Property").

WHEREAS, Developer has submitted an application to the County requesting that the Property be rezoned to **MDR District.**

WHEREAS, Developer and County have determined that it is in the best interests of the County and Developer to enter into this Agreement to set forth the terms and conditions of the development in order to achieve a well-coordinated, master planned development, reasonably mitigate any project impacts to the community and achieve predictability to the County and the Developer on the scope and terms of the development.

WHEREAS, the Developer desires to obtain from the County in connection with the development, and the County is willing to provide, assurances: (1) that the property will be zoned **MDR** for the duration of this Agreement; (2) that upon receipt of its development and construction permits it may proceed with the planned development and construction; and (3) that the development rights will be vested for the duration of this Agreement.

WHEREAS, in connection with the proposed development, Developer and County recognize that the scope and term of the planned development under this Agreement accomplish the statutory aims of comprehensive, orderly planning and development within the County, thus providing benefits to the citizens of the County and providing public benefits through, among other

things, the donation of funds or financing of those public facilities and services described and identified in this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the terms and conditions set forth in this Agreement, the receipt and sufficiency of such consideration being acknowledged by the parties, and pursuant to the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act") and the Development Agreement Ordinance for Lancaster County, South Carolina ("Ordinance No. 663"), the parties to this Agreement, intending to be legally bound to a development agreement in accordance with the Act and Ordinance No. 663, agree as follows:

ARTICLE I

GENERAL

Section 1.01. Incorporation. The above recitals are incorporated in this Agreement as if the recitals were set out in this Agreement in its entirety. The findings contained in the Act are incorporated into this Agreement as if it were set out in this Agreement in its entirety.

Section 1.02. Definitions. (A) As used in this Agreement:

(1) "Act" means the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended.

(2) "Agreement" means this Development Agreement.

(2A) "Agreement Date" means ___*[DATE OF THIRD READING APPROVAL]*____, 2020.

(3) "County" means the County of Lancaster, a body politic and corporate, a political subdivision of the State of South Carolina.

(4) "County Council" means the governing body of the County.

(5) "Developer" means **LGI Homes Group, LLC,** a North Carolina corporation, and its successors in title to the Property who undertake Development of the Property or who are transferred Development Rights.

(6) "Development Rights" means the right of the Developer to develop all or part of the Property in accordance with this Agreement.

(7) "Laws and Land Development Regulations" means the County's applicable rules and regulations governing development of real property as set forth on Exhibit E hereto.

(8) "Ordinance No. 663" means Ordinance No. 663 of the County which is cited as the Development Agreement Ordinance for Lancaster County, South Carolina.

(9) "Ordinance No. 2020-####" means Ordinance No. 2020-#### of the County, zoning the Property _____ District.

(10) "Ordinance No. 2020-____" means Ordinance No. 2020-____ of the County approving this Agreement.

(11) "Parties" means County and Developer.

(12) "Property" means the land, and any improvements thereon, described in Section 1.04.

(13) "UDO" means Ordinance No. 309, as amended to be the most current adopted version on file with County.

(B) Unless the context clearly indicates otherwise, terms not otherwise defined in this Agreement have the meanings set forth in the Act and Ordinance No. 663 or the UDO.

Section 1.03. Parties. The parties to this Agreement are County and Developer.

Section 1.04. Property. This Agreement applies to **1** parcel of land identified as Tax Map Nos **0044-00-008.00** and is reflected in Exhibit A, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety.

Section 1.05. Zoning. The Property is currently zoned Low Density Residential (LDR) and is anticipated to be rezoned **MDR** pursuant to Ordinance No. 2020-xxxx.

Section 1.06. Development Program.

(A) The UDO provides for the development uses on the Property, including population densities, building intensities and height.

(B) All lots for the Development must meet all standards contained in the most current version of the UDO unless otherwise modified by this Agreement. In the event of conflict between the standards contained in the UDO and this Agreement, the terms of this Agreement control. The Development Program for the Property is set forth in Exhibit B.

Section 1.07. Development Schedule. (A) The estimated development schedule for the Property is set forth on Exhibit C, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety.

(B) County and Developer acknowledge that the development schedule is an estimate. The failure of the Developer to meet a commencement or completion date does not, in and of itself, constitute a material breach of this Agreement, but must be judged based on the totality of the circumstances. The development schedule is a planning and forecasting tool only. County and Developer acknowledge that actual development is likely to take place at a different pace than set forth in the development schedule because of future market forces.

(C) County agrees that if Developer requests an adjustment to the development schedule, including commencement dates and interim completion dates, then the dates must be modified if the Developer is able to demonstrate and establish that there is good cause to modify those dates. "Good cause" includes, but is not limited to, changes in market conditions.

(D) Periodic adjustments to the development schedule do not require a formal amendment to this Agreement and are not considered a major modification. To adjust the development schedule, the Developer shall submit a proposed adjustment to the Clerk to Council who shall forward copies of the proposed adjustment to each member of County Council. The proposed adjustment must be accompanied by an explanation and justification. The proposed adjustment is effective sixty (60) days from receipt by the Clerk to Council unless the County Council has disapproved the proposed adjustment by passage of a resolution to that effect within the sixty (60) day period.

Section 1.08. Relationship of Parties. This Agreement creates a contractual relationship among the Parties. This Agreement is not intended to create, and does not create, the relationship of partnership, joint venture, or any other relationship wherein any one of the parties may be held responsible for the acts of any other party. This Agreement is not intended to create, and does not create, a relationship whereby any one of the parties may be rendered liable in any manner for the debts or obligations of any other party, to any person or entity whatsoever, whether the debt or obligation arises under this Agreement or outside of this Agreement.

Section 1.09. Benefits and Burdens.

(A) The Parties agree that the burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all successors in interests to the Parties to this Agreement.

(B) Except for the owners and lessees of completed residences on individual lots who are the end users and not developers thereof and the owners and lessees of individual lots, who are not developers and who intend to build a residence on the lot for the owner or lessee to occupy, any purchaser or other successor in title is responsible for performance of Developer's obligations pursuant to this Agreement as to the portion of the Property so transferred. Developer must give notice to the County of the transfer of property to a developer in the manner prescribed in Section 3.05.

(C) Developer acknowledges and agrees that it and its successors and assigns (*i*) are responsible for the development of the Property when Developer acquires title to or development rights for the Property, and (*ii*) will develop the Property in accordance with the terms and conditions of this Agreement.

Section 1.10. Term. The term of this Agreement commences on the Agreement Date and terminates ten (10) years thereafter.

Section 1.11. Required Information. Ordinance No. 663 requires a development agreement to include certain information. Exhibit D contains the required information or identifies where the information may be found in this Agreement. Exhibit D is incorporated herein by reference as if the exhibit were set out in this Agreement in it entirety.

ARTICLE II

REPRESENTATIONS AND WARRANTIES

Section 2.01. Representations and Warranties of County.

(A) The County has found that the development permitted by this Agreement is consistent with the County's comprehensive plan and UDO.

(B) The County has approved this Agreement by adoption of Ordinance No. 2020-____ in accordance with the procedural requirements of the Act, Ordinance No. 663 and any other applicable state law.

(C) The County represents that prior to the final reading of Ordinance No. 2020-____ that at least two public hearings were held after publication of the required notice and the publication of a notice of intent to consider a proposed development agreement.

Section 2.02. Representations and Warranties of Developer.

(A) Developer represents that the number of acres of highland contained in the Property is greater than twenty-five and that the highlands equal **224.14 acres.**

(B) Developer represents that, as of the Agreement Date, it has contractual rights to acquire the Property.

(C) Developer represents and warrants that the execution, delivery and performance by the respective individual or entity signing this Agreement on behalf of the party has been duly authorized and approved by all requisite action on the part of Developer.

ARTICLE III

DEVELOPMENT RIGHTS

Section 3.01. Vested Right to Develop.

(A) County agrees that the Developer, upon receipt of its development permits as identified in Section 3.04, may proceed to develop the Property according to the terms and conditions of this Agreement and the UDO. The right of Developer to develop the Property as set forth in this Agreement is deemed vested with Developer for the term of this Agreement when the Developer has complied with all of the requirements of Section 5.19 of this Agreement.

(B) County agrees that the specific Laws and Land Development Regulations in force as of the Agreement Date as set forth in Exhibit E to this Agreement, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety, shall govern all aspects of the development of the Property, according to the terms and standards as stated in this Agreement, for the term of this Agreement.

(C) The Developer has a vested right to proceed with the development of the Property in accordance with the zoning classification set forth in Ordinance No. 2020-1266, the UDO and the terms of this Agreement when the Developer has complied with all of the requirements of Section 5.19 of this Agreement.

(D) To the extent that this Agreement may contain zoning and development standards which conflict with existing zoning and development standards, including zoning and development standards contained in the UDO, the standards contained in this Agreement supersede all other standards and this Agreement is deemed controlling.

(E) The Developer acknowledges that financial guarantees will not be accepted for water, sewer and storm water infrastructure and the water, sewer and storm water infrastructure must be installed, tested and in acceptable condition before final plat approval.

Section 3.02. Effect on Vested Rights Act and County Ordinance No. 673. The Parties agree that vested rights conferred upon Developer in this Agreement are not affected by the provisions of the Vested Rights Act, codified as Sections 6-29-1510 to -1560, Code of Laws of South Carolina 1976, as amended, or the provisions of Ordinance No. 673, the County's ordinance relating to the Vested Rights Act.

Section 3.03. Applicability of Subsequently Adopted Laws and Land Development Regulations.

(A) It is recognized that laws and regulations will periodically change. County may apply laws adopted after the execution of this Agreement to the development of the Property unless said adopted laws prevent development in the manner set forth in this Agreement.

(B) Notwithstanding the provisions of subsection (A) of this section, the County agrees that if County Council imposes a moratorium or other similar restriction that would curtail or hinder the rate at which development can occur, then the moratorium or other similar restriction shall not apply to the Development of the Property.

(C) Developer agrees to comply with any county-wide storm water regulations, building, housing, electrical, plumbing, and gas codes adopted by County Council after the Agreement Date and in force at the time plans for buildings are submitted to the County for review. Nothing in this Agreement is intended to supersede or contravene the requirements of any storm water, building, housing, electrical, plumbing, or gas code adopted by County Council.

Section 3.04. Development Permits.

(A) Developer agrees to obtain all local development permits for the development of the property. Local development permits, approvals and processes, some of which may have been obtained or complied with as of the Agreement Date, include, but are not limited to:

(1) Site Plan approval;
(2) Preliminary plan approval
(3) Final plat approval;
(4) Zoning permits;
(5) Building permits; and
(6) Sign permits.

(B) The failure of this Agreement to address a particular permit, condition, term, or restriction does not relieve the Developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

Section 3.05. Transfer of Development Rights. Developer may, at its sole discretion, transfer its Development Rights to other developers. The transferring Developer must give notice to the County of the transfer of any Development Rights. The notice to the County must include the identity and address of the transferring Developer, the identity and address of the acquiring Developer, the acquiring Developer's contact person, the location and number of acres of the Property associated with the transfer and the number of residential units or commercial acreage subject to the transfer. Any Developer acquiring Development Rights is required to file with the County an acknowledgment of this Agreement and the transfer of Development Rights is effective only when the County receives a commitment from the acquiring Developer to be bound by it. This provision does not apply to the purchaser or other successor in title to the Developer who is the owner or lessee of a completed residence and is the end user and not the developer thereof or who is the owner or lessee of an individual lot, who is not a developer and who intends to build a residence on the lot for the owner or lessee to occupy.

ARTICLE IV

DEDICATIONS AND FEES AND RELATED AGREEMENTS

Section 4.01. Purpose of Article. The Parties understand and agree that Development of the Property imposes certain burdens and costs on the County, including those for certain services and infrastructure improvements. Eventually, *ad valorem* taxes collected from the property may meet or exceed the burdens and costs placed upon the County, but certain initial costs and capital expenditures are now required that are not to be funded by any increase in taxes paid by existing residents of the County. The purpose of this article is to identify the matters agreed upon to be provided by the Developer to mitigate such burdens and costs.

Section 4.01A. Payment. Developer agrees to pay to the County for the benefit of the Lancaster County School District _____ Hundred and No/100 dollars ($XXX.00) for each lot created from the Property for residential dwelling units (the "School Payment"). Except as otherwise provided in this section, from the Agreement Date until the end of the one hundredth seventeenth (117th) month of the Agreement, the School Payment is due and payable at the same time that the County building permit fees for the lot are due and payable. Payment of the School Payment is a condition for the issuance of a building permit. For the period after the one hundredth seventeenth (117th) month, Developer agrees to pay County by the end of the one hundredth eighteenth (118th) month for the benefit of the Lancaster County School District an amount equal to _____ Hundred and No/100 dollars ($xxx.00) times the number of lots for which a building permit has not been issued. If the Developer sells a portion of the ABC Acres development, whether subdivided or not, the Developer shall pay not later than closing on the sale an amount equal to _____ Hundred and No/100 dollars ($xxx.00) times the number of lots associated with the portion of the ABC Acres development that is sold. The School Payment is separate and distinct from any fees or amounts payable to the County for a building permit. Monies received from the School Payment shall be remitted by the County to the Lancaster County School District by the end of the month following the month in which the School Payment is received by the County. Developer acknowledges and agrees that County is responsible only for the remittance of the School Payment to the Lancaster County School District and that the County has no other obligation or responsibility for the School Payment. As used in this section, "Developer" means XYZ Corporation, a North Carolina corporation, and does not include its successors or assigns.

Section 4.01B. Funds for Public Safety. Developer agrees to pay County the sum of _____hundred thousand dollars ($xxx,000.00) by July 1, 2020 to be used for public safety purposes (the "Public Safety Payment"). Upon receipt of the Public Safety Payment, the monies must be accounted for separate and distinct from other monies of the County. The Public Safety Payment must be used for non-recurring purposes for law enforcement, fire and emergency medical service in the _____ area of the County. The determination of the specific uses for the Public Safety Payment is in the discretion of the County Council.

Section 4.01C Funds for _____.

Section 4.02. Payment of Costs.

Upon submission of appropriate documentation of the expenditure, Developer agrees to reimburse the County, not later than **(date TBD),** for the County's reasonable unreimbursed actual

costs related to this Agreement. The foregoing cost reimbursement is capped at ten thousand dollars ($10,000.00) and is limited to County payments to third-party vendors and service providers that have not been otherwise reimbursed from the fee paid by Developer pursuant to Section 10 of Ordinance No. 663.

Section 4.03. Other Charges or Fees.

(A) Nothing in this Agreement shall be construed as relieving Developer from the payment of any fees or charges in effect at the time of collection as may be assessed by entities other than the County.

(B) Developer is subject to the payment of any and all present or future fees enacted by the County that are of County-wide application and that relate to the County's costs of processing applications, issuing development permits, reviewing plans, conducting inspections or similar type processing costs.

Section 4.04. Infrastructure and Services.

The Parties recognize that the majority of the direct costs associated with the Development of the Property will be borne by Developer, and many necessary infrastructure improvements and services will be provided by Developer or other governmental or quasi-governmental entities, and not by the County. For clarification, the Parties make specific note of and acknowledge the following:

(A) Roads. (1)(a) Developer is responsible for the construction and costs of all roads, whether for public or private use, within the Property including but not limited to any necessary entrance and intersection improvements as required by the South Carolina Department of Transportation related to the development of the Property. All roads must be constructed in accordance with the County's road standards. The road improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development. Developer is also responsible for maintenance of all roads that are not public roads. Pursuant to Ordinance 2014-1299, Developer acknowledges that County will only accept as public roads those roads constructed in full compliance with the UDO and providing connectivity to the county road system or serving as a necessary component for the proper development of the county road system. County will not accept the roads within the Property into the County road system for any other purpose, including, but not limited to, maintenance. Developer may transfer the ownership of the roads and its obligations for the roads to a homeowners' or property owners' association or similar organization.

(b) Developer shall cause to be prepared a traffic impact analysis conducted and sealed by a licensed South Carolina professional engineer (if not already prepared at time of Agreement). Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be incorporated into the final site plan prior to County approval and the Developer is responsible for all costs of the road improvements. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County-level traffic planner is not available to review the traffic impact analysis at the time of submittal, the County may choose to hire a third-party consultant to assist in this review. The cost of the traffic impact analysis, including any additional reviews requested by the County, shall be paid by the Developer. Improvements set forth in the traffic impact analysis may be installed based on a phasing study prepared by a licensed South Carolina

professional engineer at the expense of Developer. The installation of new traffic signals or improvements to existing traffic signals shall be based on warrant studies conducted by a licensed South Carolina professional engineer at established specific times and at the expense of Developer.

(B) Potable Water, Sewage Treatment and Disposal. Potable water, sewage treatment and disposal will all be supplied to the Property by the Lancaster County Water and Sewer District. Developer will construct, or cause to be constructed, all necessary water and sewer service infrastructure within the Property and the water and sewer service infrastructure will be maintained by the provider. County is not responsible for any construction, treatment, maintenance, or costs associated with water or sewer service or water and sewer service infrastructure to or within the Property. The water and sewer service infrastructure is expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development. Developer acknowledges that County has no authority or responsibility for providing potable water services or sewer services in the County and that the Lancaster County Water and Sewer District is a governmental entity separate and distinct from the County.

(C) Storm Water Management. Developer will construct or cause to be constructed all storm water runoff and drainage improvements within the Property required by the development of the Property and such infrastructure will be maintained by Developer or a homeowners' association. County is not responsible for any construction, maintenance or costs associated with the storm water runoff and drainage for the Property. Storm water management improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development.

(D) Solid Waste Collection. The County shall provide solid waste collection to the Property on the same basis as is provided to other residents and businesses within the County. It is understood and acknowledged that the County does not presently provide solid waste disposal for single, multi-family or commercial developments. Residential units shall be served by a private waste hauling company.

(E) Fire Services. The Property is located in the _____ Fire Department service area and fire services will be provided by the _____Fire Department, or its successor entities. Developer acknowledges that the _____ Fire Department provides services by the use of volunteers.

(F) School Services. Public school services are now provided by the Lancaster County School District. Developer acknowledges that County has no authority or responsibility for providing public school services in the County.

ARTICLE V

MISCELLANEOUS

Section 5.01. Notices. Any notice, election, demand, request or other communication to be provided under this Agreement shall be in writing and shall be effective (*i*) when delivered to the party named below, (*ii*) when deposited with the United States Postal Service, certified mail,

return receipt requested, postage prepaid, or (*iii*) when deposited in Federal Express (or any other reputable national "next day" delivery service) addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms hereof require receipt rather than sending of any notice, in which case such provision shall control:

To the County: County of Lancaster
Attn: County Administrator
101 N. Main St.
P.O. Box 1809
Lancaster, SC 29721

With a Copy to: County of Lancaster
Attn: County Attorney
101 N. Main St. (29720)
P.O. Box 1809 (29721)
Lancaster, SC

And to Developer: LGI Homes Group, LLC
Attn: Ian Anderson
301 S. McDowell Street, Ste 300
Charlotte, NC 28204

With a Copy to:

With a Copy to:

Section 5.02. Amendments.

(A) This Agreement may be amended or cancelled by mutual consent of the parties to the Agreement. An amendment to this Agreement must be in writing. No statement, action or agreement made after the Agreement Date shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom the change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

(B) An amendment to this Agreement with the exceptions identified for Exhibit B, must be processed and considered in the same manner as set forth in Ordinance No. 663 for a proposed development agreement. Any amendment to this Agreement constitutes a major modification and the major modification may occur only after public notice and a public hearing by the County Council.

(C) This Agreement must be modified or suspended as may be necessary to comply with any state or federal laws or regulations enacted after the Agreement Date which prevents or precludes compliance with one or more of the provisions of this Agreement but only to the extent necessary to effectuate compliance with the state or federal law.

Section 5.03. Periodic Review. At least every twelve (12) months, the Development Services Director for the County or the designee of the Development Services Director for the County, must review compliance with this Agreement by the Developer. At the time of review the Developer must demonstrate good faith compliance with the terms of the Agreement.

Section 5.04. Breach of Agreement.

(A) If, as a result of the periodic review provided in Section 5.03 of this Agreement or at any other time, the Development Services Director for the County, or their designee, finds and determines that the Developer has committed a material breach of the terms or conditions of this Agreement, the Development Services Director for the County shall serve notice in writing, within a reasonable time after the periodic review, upon the Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the Developer a reasonable time in which to cure the material breach.

(B) If the Developer fails to cure the material breach within a reasonable time and is not proceeding expeditiously and with diligence to cure the breach, then the County Council may unilaterally terminate or modify this Agreement. Prior to terminating or modifying this Agreement as provided in this section, the County Council must first give the Developer the opportunity (*i*) to rebut the finding and determination, or (*ii*) to consent to amend the Agreement to meet the concerns of the County Council with respect to the findings and determinations.

Section 5.05. Enforcement. The Parties shall each have the right to enforce the terms, provisions and conditions of this Agreement, if not cured within the applicable cure period, by any remedy available at law or in equity, including specific performance, and the right to recover attorney's fees and costs associated with enforcement.

Section 5.06. No Third Party Beneficiary. The provisions of this Agreement may be enforced only by the Parties. No other persons shall have any rights hereunder.

Section 5.07. Recording of Agreement. The Parties agree that Developer shall record this Agreement with the County Register of Deeds within fourteen (14) days of the date of execution of this Agreement.

Section 5.08. Administration of Agreement. County is the only local government that is a party to this Agreement and the County is responsible for the Agreement's administration.

Section 5.09. Effect of Annexation and Incorporation. The Parties agree that this Agreement remains in effect if the Property is, in whole or in part, included in a newly-incorporated municipality or is annexed into a municipality. The Parties acknowledge that upon incorporation or annexation the application and duration of this Agreement is controlled by Section 6-31-110 of the Act. County reserves the right to enter into an agreement with the newly-incorporated municipality or the annexing municipality for the administration and enforcement of this Agreement after the date of incorporation or annexation.

Section 5.10. Estoppel Certificate. Any of the Parties may, at any time, and from time to time, deliver written notice to the other party requesting the party to certify in writing (*i*) that this Agreement is in full force and effect, (*ii*) that this Agreement has not been amended or modified, or if so amended, identifying the amendments, and (*iii*) whether, to the knowledge of the party, the requesting party is in default or claimed default in the performance of its obligation under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default, and (*iv*) whether, to the knowledge of the party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute a default and, if so, specifying each such event.

Section 5.11. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions, and understandings among the Parties relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the Parties relative to the matters addressed in this Agreement other than as set forth or as referred to in this Agreement.

Section 5.12. Covenant to Sign other Documents. County and Developer acknowledge that consummation of the transactions contemplated by this Agreement may require the execution contemporaneously with the execution of this Agreement and thereafter of certain documents in addition to this Agreement and County and Developer agree to cooperate with the execution thereof.

Section 5.13. Construction of Agreement. The Parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

Section 5.14. Assignment. The rights, obligations, duties and responsibilities devolved by this Agreement on or to the Developer are assignable to any other person, firm, corporation or entity except that the assignment must conform to the requirements of Section 1.09 and Section 3.05. County may assign its rights, obligations, duties and responsibilities devolved by this Agreement on or to the County to any other person, firm, corporation, or entity.

Section 5.15. Governing Law; Jurisdiction; and Venue.

(A) This Agreement is governed by the laws of the State of South Carolina.

(B) The Parties agree that jurisdiction and venue for disputes relating to this Agreement is the Sixth (6^{th}) Judicial Circuit of the State of South Carolina.

Section 5.16. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

Section 5.17. Eminent Domain. Nothing contained in this Agreement shall limit, impair or restrict the County's right and power of eminent domain under the laws of the State of South Carolina.

Section 5.18. Severability. If any provision in this Agreement or the application of any provision of this Agreement is held invalid, the invalidity shall apply only to the invalid provision, and the remaining provisions of this Agreement, and the application of this Agreement or any other provision of this Agreement, shall remain in full force and effect. However, if the invalid provision would prevent or materially impair Developer's right or ability to complete performance of this Agreement, the Parties agree to use their best efforts to renegotiate that provision in order for Developer to complete performance of this Agreement.

Section 5.19. When Agreement takes Effect. This Agreement is dated as of the Agreement Date and takes effect when (*i*) the County and Developer have each executed the Agreement, and (*ii*) the Developer has delivered to the County Administrator clocked-in copies, with book and page numbers, of the recorded deeds conveying the Property to Developer. If the County Administrator has not received clocked-in copies of the deeds conveying the Property to Developer by 5:00 p.m., Monday, August 30, 20--, then this Agreement is automatically terminated without further action of either the County or Developer. The obligation of the Developer pursuant to Section 4.02 is effective on the date the last Party to sign this Agreement executes this Agreement and the obligations imposed on Developer pursuant to Section 4.02 survives the termination of this Agreement pursuant to this Section.

SIGNATURES FOLLOW ON NEXT PAGE.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date below found.

WITNESSES:	DEVELOPER:
	LGI Homes Group, LLC, a Texas corporation
_____	By: _____ Name: Title:
_____	Date: _____
_____	By: _____ Name: Title:
_____	Date: _____

WITNESSES:	COUNTY:
	COUNTY OF LANCASTER, SOUTH CAROLINA
_____	By: _____ Steve Harper, Chair, County Council
_____	Date: _____
_____	By: _____ Larry Honeycutt, Secretary, County Council
_____	Date: _____

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF LANCASTER)

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

_____
First Witness Signs Again Here

Seal

SWORN to before me this
____ day of _____, 2020

_____
Notary Public Signs AS NOTARY
Notary Public for the State of _____
My Commission Expires:_____

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF LANCASTER)

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

_____
First Witness Signs Again Here

Seal

SWORN to before me this
____ day of _____, 2020.

_____
Notary Public Signs AS NOTARY
Notary Public for the State of South Carolina
My Commission Expires:_____

Exhibit A

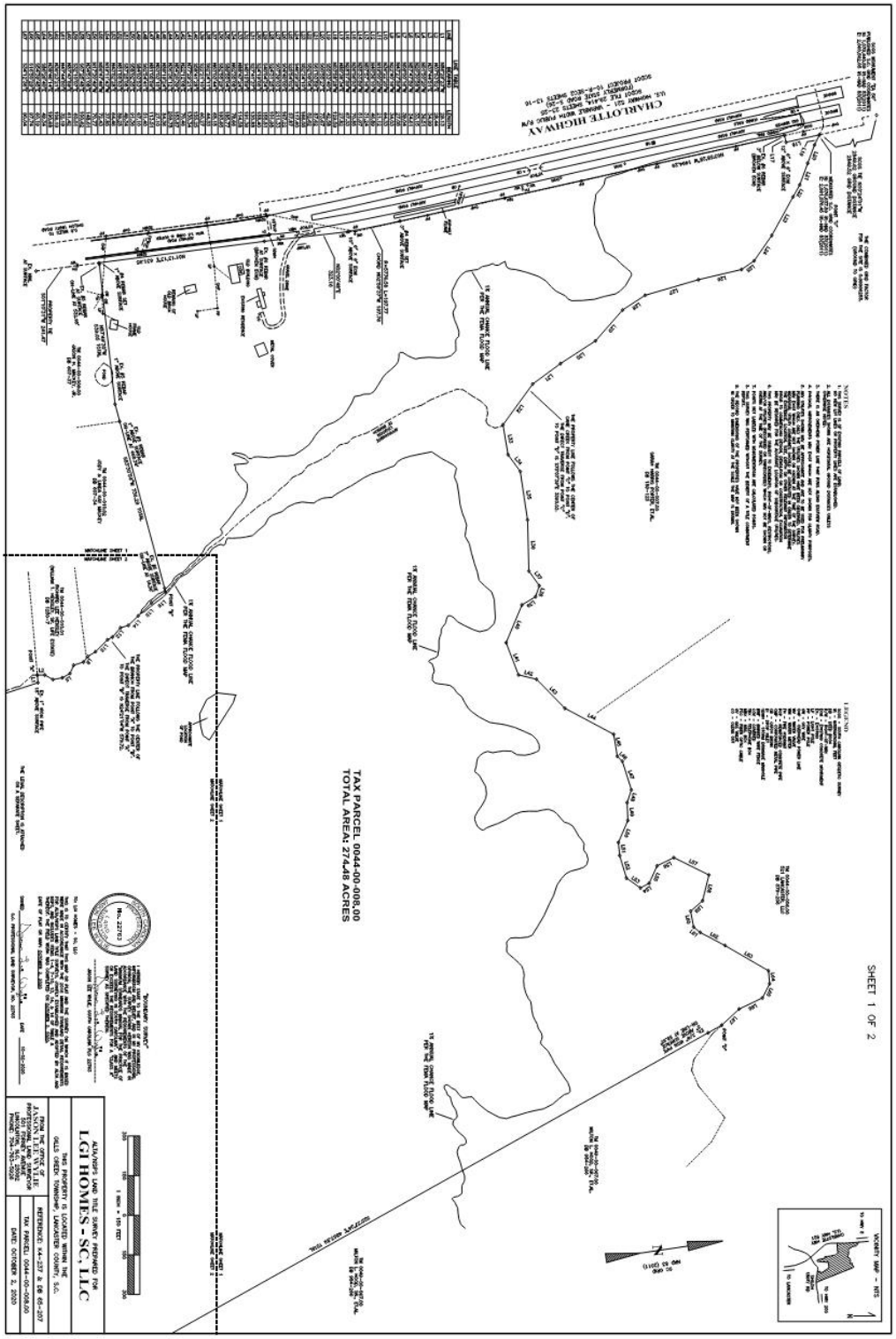

CHARLOTTE HIGHWAY
TAX PARCEL 0044-00-008.00
TOTAL AREA: 274.48 ACRES
SHEET 1 OF 2
ALTA/NSPS LAND TITLE SURVEY PREPARED FOR
LGI HOMES - SC, LLC
GILLS CREEK TOWNSHIP, LANCASTER COUNTY, S.C.
REFERENCE: 444-227 & DB 651-207
TAX PARCEL 0044-00-008.00
DATE: OCTOBER 2, 2020

Exhibit A (cont'd)

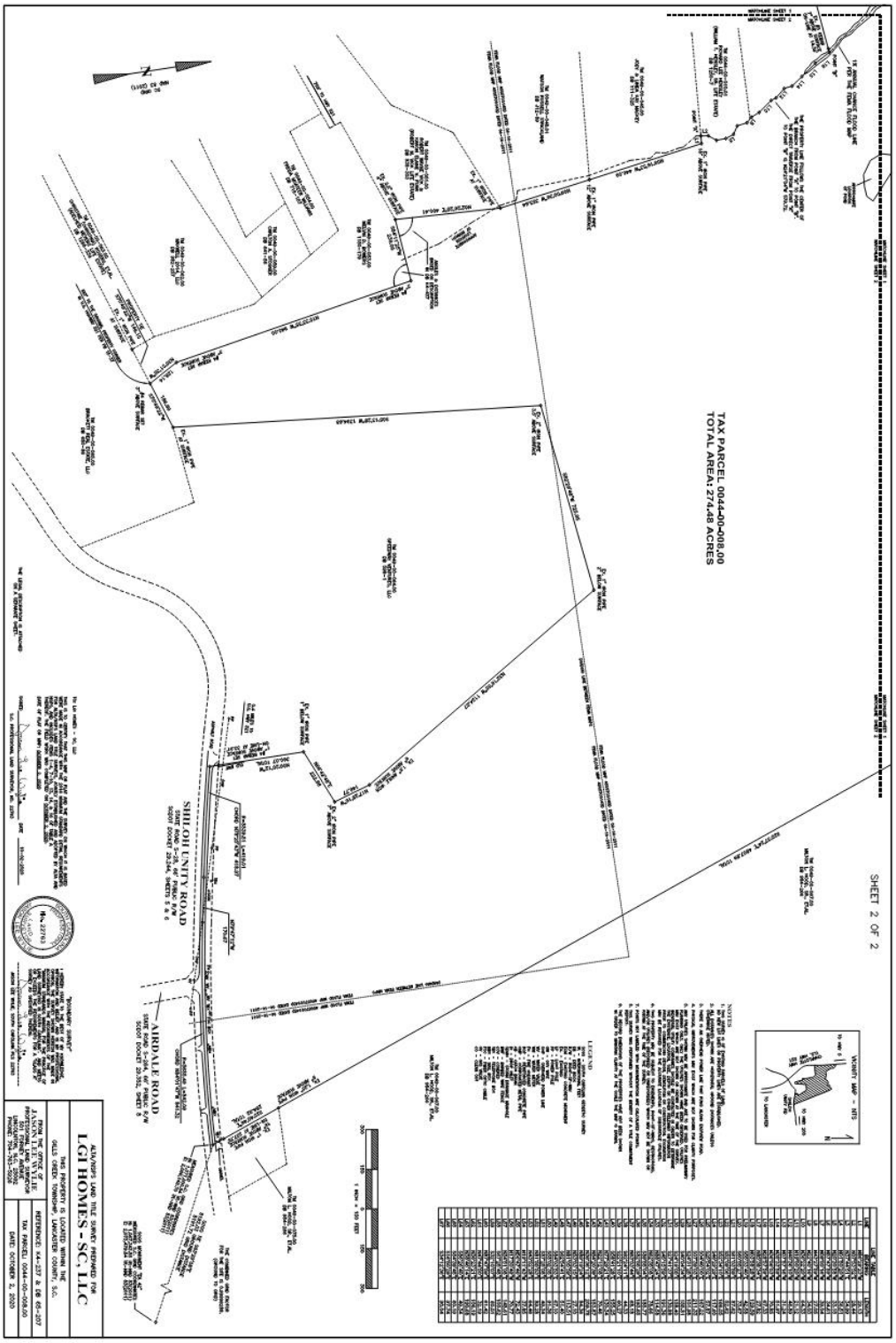


Exhibit B
Development Program

1. *Master Plan*: The Master Plan shall serve as the general guide for the location of roads, buildings and other development features. The Property shall be generally developed consistent with the approved Master Plan and associated exhibits located at the end of Exhibit B unless otherwise modified consistent with the terms of the Agreement.
2. *Zoning District*: The Property, once rezoned, will be located in the **MDR** zoning districts and shall develop consistent with the provisions of these districts unless otherwise specified in the Agreement
3. *Permitted Uses*: The Property shall be permitted to be developed with all uses permitted within the **MDR** Zoning District and not identified as being prohibited. The permitted location of said uses on the Property shall be identified on the approved Master Plan.
4. *Prohibited Uses*: The following uses shall not be permitted on the Property regardless of the provisions contained in the UDO: gas station, vape lounge, and digital gaming.
5. *Cluster Subdivision Overlay Standards*: A third lot type (defined by min. width) shall not be required.
6. *Dimensional Requirements*: The portion of the Property located in the **MDR** District shall comply with the dimensional requirements (i.e. building setbacks, height, and related provisions) specified in the UDO and noted below.

MODIFIED MDR DISTRICT MINIMUM DIMENSIONAL STANDARDS*

Lot Width	Front Setback	Side Setback	Side Setback (Corner)	Rear Setback	Building Height
50-ft, 60-ft, and 70-ft.	20-ft	7.5-ft	15-ft	30-ft	40-ft

7. *Maximum Development Intensity*: The maximum number of residential units within the MDR District on the Property shall be limited as specified below in the table. There shall be no development limitations for the GBD sections of the property beyond those created by compliance with the UDO and other sections of this Agreement.

Type of Residential	Proposed # of Units
50’ Wide Lots	194
60’ Wide Lots	197
70’ Wide Lots	199

8. *Residential Section – Site Layout and Architecture*
    a. General Site Layout:
    b. Architecture: Homes shall be constructed with a mix of materials including brick, stone, and/or cementitious siding (i.e. Hardie), and vinyl siding.
9. *Commercial Section-Site Layout and Architecture:*
    a. General Site Layout:
    b. Architectural Design and Materials:

10. *Open Space and Landscaping*
    a. Open Space Quantity and Design:
    b. Open Space Amenity Features (including timing):
    c. Tree Preservation and Protection:
    d. Buffers:
    e. Pump Station Screening:
    f. *Landscaped Medians:*
    g. BMP Design/Landscaping:
11. *Transportation:*
    a. Offsite Improvements:
        i. Traffic Impact Analysis (TIA): All improvements identified in the November 30, 2020 TIA shall be installed by the Developer. Any Right of Way phasing plan for the improvements may be proposed subject to approval by SCDOT and the County Engineer.
        ii. Collector Road:
        iii. *Perimeter Streetscape Improvements*: All streetscape improvements (i.e.: street lights, landscaping street trees, etc.) shall be consistent with the approved Master Plan.

    b. Onsite Improvements:
        i. Internal Streets/ROW: All internal streets shall be privately maintained by the Developer or his/her assigns. All streets shall be constructed in accordance with County standards and inspected by the County throughout the development process. Performance and maintenance bonds shall also be required in accordance with County standards. Construction testing results and Asbuilt surveys of all constructed roads shall also be required.
        ii. *Traffic Calming*: Traffic calming measures such as speed bumps or speed cushions shall be provided along _____ Drive and _____Road, as shown in Exhibit 1, and considered throughout the development subject to approval by the Director of Engineering.
        iii. *Walkway Connections:* The project will be interconnected with a comprehensive pedestrian walkway system providing pedestrian access between individual non-residential buildings, project phases, and the public sidewalk system. An enhanced pedestrian zone (i.e. – large sidewalk, planters, benches, etc.) shall be provided along _____ Drive to create an attractive streetscape in the commercial area.
        iv. *Overflow Neighborhood Parking:* Overflow parking areas shall be constructed as generally represented on the Master Plan.

12. *Modification of Development Program*: It is recognized that periodic modifications to the Development Program may be needed to address market conditions, environmental challenges, and other elements. The following will outline the processes for Minor, Moderate, and Major Modifications to Exhibit B. Modifications to other sections of the Agreement will be processed in accordance with those provisions.

a. Minor Modifications: Minor Modifications are defined as those modifications that reflect minor adjustments to the site layout caused by environmental features, adaptations to comply with regulatory requirements, and other changes considered incidental by County staff. Generally, Minor Modifications shall only be to the Master Plan and not to a specific development standard set forth within Exhibit B. The Planning Director shall determine what shall constitute a Minor Modification and have the authority to administratively approve such.
b. Moderate Modifications: Moderate Modifications are those modification to the Master Plan that are not caused by environmental features, adaptations to comply with regulatory requirements, and are not considered by County staff to be incidental changes, or are modifications to the text of Exhibit B that do not reflect the inclusion of new land use categories, increases to maximum dwelling units or square footage allowances. Moderate Modifications may be approved by the Infrastructure and Regulation Committee after a review and recommendation is provided by County Staff. Approved Moderate Modifications shall be recorded by the Developer and made an amendment to Exhibit B.
c. Major Modifications: Major Modifications are those that do not qualify as either a Minor or Moderate Modification, such as a substantive changes in the location of land uses or the addition of new external access point to the public road system. Major Modifications must be processed and considered in the same manner as set forth in Ordinance No. 663 for a proposed development agreement.

Exhibit C
Development Schedule

Years	Residential
1	100 units
2	100 units
3	100 units
4	100 units
5	100 units
6	90 units
Total	**590 units**

This Development Schedule is an estimate. The provisions of Section 1.07 of this Agreement apply to this exhibit.

NOTE: County and Developer acknowledge that development of the Property is limited to _____ residential units.

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Exhibit D
Required Information

The Act and Ordinance No. 663 require a development agreement to include certain information. The following information is provided in conformance with the Act and Ordinance No. 663.

(A) *a legal description of the property subject to the agreement and the names of the property's legal and equitable owners.* The legal description of the Property is set forth in Exhibit A. As of the Agreement Date, **(date TBD)** , a North Carolina not-for-profit corporation, is the legal and equitable owner of the Property, except to the extent that Developer has contractual rights to acquire the Property.

(B) *the duration of the agreement which must comply with Code Section 6-31-40.* See Section 1.10.

(C) *a representation by the developer of the number of acres of highland contained in the property subject to the agreement.* See Section 2.02.

(D) *the then current zoning of the property and a statement, if applicable, of any proposed re-zoning of the property.* See Section 1.05.

(E) *the development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities and height.* See Section 1.06.

(F) *a description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the County shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.* See Article IV.

(G) *a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement.* Developer agrees to comply with all applicable environmental laws.

(H) *a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.* See Section 3.04.

(I) *a finding that the development permitted or proposed is consistent, or will be consistent by the time of execution of the agreement, with the County's comprehensive plan and land development regulations.* See Section 2.01(A).

(J) *a description, where appropriate, of any provisions for the preservation and restoration of historic structures.* Developer agrees to comply with all laws applicable to the preservation and restoration of historic structures within the Property.

(K) *a development schedule including commencement dates and interim completion dates at no greater than five year intervals.* See Section 1.07 and Exhibit C.

(L) *if more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement.* See Section 5.08.

(M) *a listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers or portions of the County Code of Ordinances or both.* See Section 3.01(B) and Exhibit E.

(N) *a provision, consistent with Code Section 6-31-80, addressing the circumstances under which laws and land development regulations adopted subsequent to the execution of the agreement apply to the property subject to the agreement.* See Section 3.03.

(O) *a provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly-incorporated area and, if so, that the provisions of Code Section 6-31-110 apply.* See Section 5.09.

(P) *a provision [relating to the amendment, cancellation, modification or suspension of the agreement]*. See Section 5.02.

(Q) *a provision for periodic review, consistent with the provisions of Section 8 of Ordinance No. 663.* See Section 5.03.

(R) *a provision addressing the effects of a material breach of the agreement, consistent with the provisions of Section 9 of Ordinance No. 663.* See Section 5.04.

(S) *a provision that the developer, within fourteen days after the County enters into the agreement, will record the agreement with the County Register of Deeds.* See Section 5.07.

(T) *a provision that the burdens of the agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.* See Section 1.09(A).

(U) *a provision addressing the conditions and procedures by which the agreement may be assigned.* See Section 1.09(B), Section 3.05 and Section 5.14.

Exhibit E
Laws and Land Development Regulations

1. Ordinance No. 2020-xxxx zoning the Property **MDR** District.
2. Ordinance No. 2020-_____, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County (UDO): Ordinance No. 309, as amended as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County. A copy of the UDO has been signed by the Parties and is on file in the office of the County Planning Department.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County.
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.

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8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Poovey Property Residential-Use development to be located east of US 521, and north of Shiloh Unity Road in Lancaster County, South Carolina. The proposed development is anticipated to be built out by 2029 and consist of 550 single family homes.

Site access is proposed via one (1) full movement driveway on Shiloh Unity Road and two (2) full movement driveways on US 521. The full movement site drive on Shiloh Unity Road is proposed to be aligned with Airdale Road at the existing intersection. The southern driveway on US 521 is expected to be located near the existing intersection of the northern leg of Adage Road, while the northern driveway on US 521 is proposed to be located at the existing median break south of Harris Hill Road. Refer to Figure 2 for a copy of the preliminary site plan.

This study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios (future analysis year is one year beyond the anticipated build out year, per County guidelines):

- Existing (2020) Traffic Conditions
- No-Build (2030) Traffic Conditions
- Build (2030) Traffic Conditions

Trip Generation

It is estimated that the proposed development will generate approximately 4,990 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 395 trips (99 entering and 296 exiting) will occur during the weekday AM peak hour and 522 (329 entering and 193 exiting) will occur during the weekday PM peak hour.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the

exception of the intersections listed below. A summary of the study area intersections at which improvements should be considered is as follows:

US 521 and Harris Hill Road/Roselyn Access B

This intersection is proposed to be signalized when the Roselyn site is developed and it creates an eastbound approach (Access B) at the intersection. According to the TIA prepared for the Roselyn Development, the traffic signal would operate with permitted left turn phasing for the northbound left turn movement on US 521. Due to the anticipated poor LOS of the northbound left turn movement and the heavy opposing through traffic volumes on US 521, it may be beneficial to consider protected-permitted or protected-only phasing for the movement.

US 521 and Access B

According to the SCDOT guidelines for left turn lanes, a left turn lane would be warranted on the southbound approach of US 521 since it is a divided highway. The SCDOT guidelines for right turn lanes indicate a right turn lane would not be needed based on the anticipated build (2030) traffic volumes.

Shiloh Unity Road and Airdale Road/Access C

According to the SCDOT guidelines for left turn lanes, a left turn lane would be warranted on the eastbound approach of Shiloh Unity Road based on anticipated build (2030) traffic volumes. The SCDOT guidelines for right turn lanes indicate a right turn lane would not be needed.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Improvements by Roselyn Development

US 521 and Harris Hill Road/Roselyn Access B

- Construct Roselyn Access B as the eastbound approach and provide site access with one ingress lane and two egress lanes, striped as one left-turn lane and one shared through/right-turn lane.
- Construct northbound left-turn lane with at least 225 feet of full-width storage and appropriate decel and taper.
- Construct southbound right-turn lane with at least 150 feet of full-width storage and appropriate decel and taper.
- Install traffic signal at intersection when warranted.

Recommended Improvements by Developer

US 521 and Access A

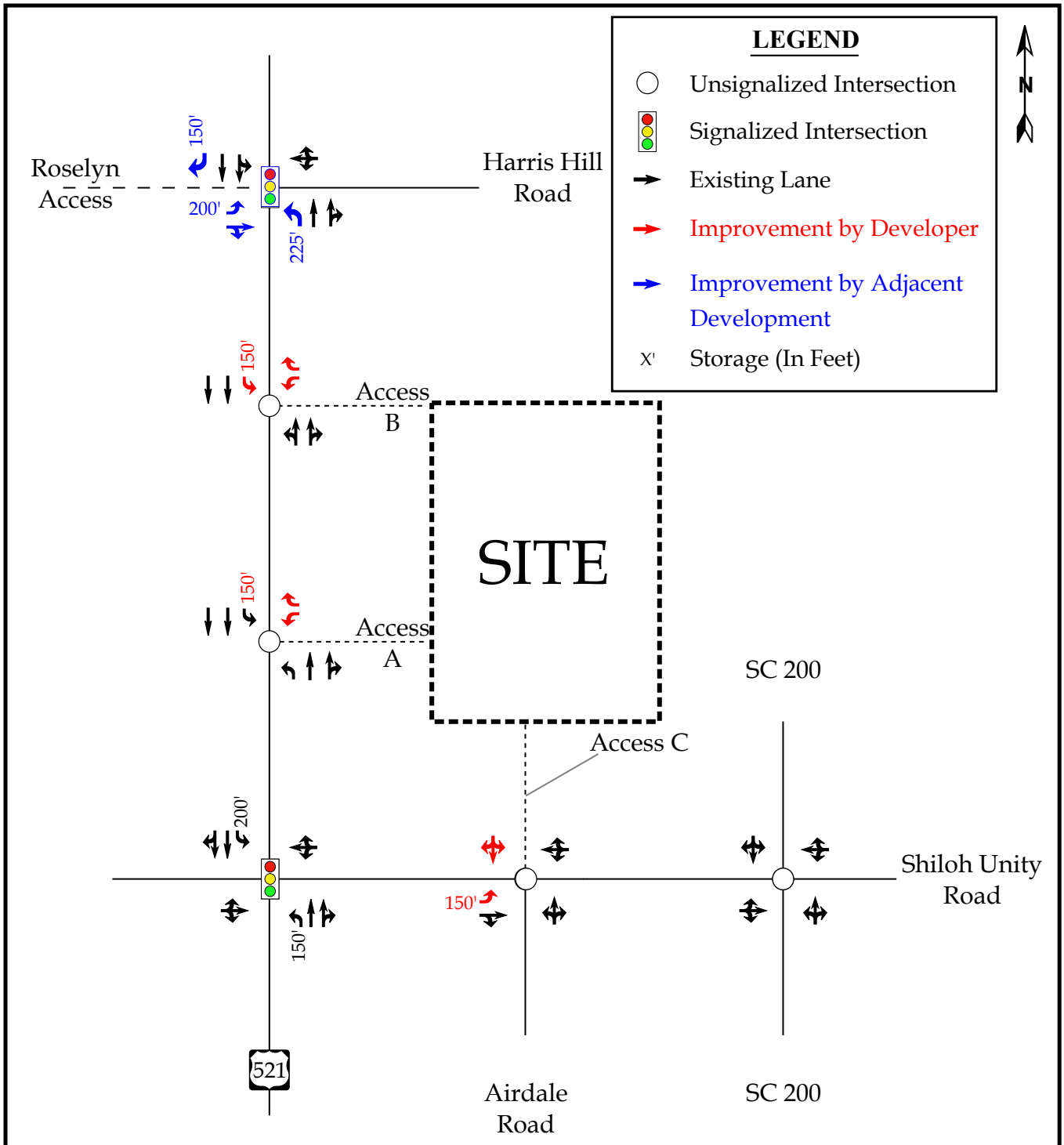
- Construct Access A as the westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one right-turn lane.
- Restripe existing two-way left-turn lane to create an exclusive southbound left turn lane with at least 150 feet of full-width storage and appropriate decel and taper.

US 521 and Access B

- Construct Access B as the westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one right-turn lane.
- Construct southbound left turn lane with at least 150 feet of full-width storage and appropriate decel and taper.

Shiloh Unity Road and Airdale Road/Access C

- Construct Access C as the southbound approach with one ingress lane and one egress lane striped as a shared left/through/right lane.
- Construct an eastbound left turn lane with at least 150 feet of full-width storage and appropriate decel and taper.



Moving forward. RKA RAMEY KEMP ASSOCIATES	Poover Property Lancaster County, SC	Recommended Lane Configurations Scale: Not to Scale | Figure 11

Kimley»Horn

Memorandum

To: Rox Burhans, AICP
Lancaster County Planning Director

From: Amy Massey, PE

Date: January 5, 2021

Subject: Poovey Property
Traffic Impact Analysis (TIA) Review

At the direction of Lancaster County, Kimley-Horn has conducted a limited review of the TIA prepared by Ramey Kemp & Associates for the Poovey Property development in Lancaster County, SC, dated November 30, 2020. The TIA is intended to evaluate the impact of the proposed 550 single family homes located along the east side of US 521 north of Shiloh Unity Road.

The following comments outline Kimley-Horn's review of the TIA with focus on its consistency with South Carolina Department of Transportation's (SCDOT's) *Access and Roadside Management Standards* (*ARMS*) Manual and the Lancaster County Unified Development Ordinance (UDO) Section 6.8. Technical review comments and recommendations are provided below.

Existing Traffic Volumes

1. It is noted in the TIA that 2019 turning movement counts at the intersection of SC 200 and Shiloh Unity Road were obtained from the Dollar General TIA and grown by 3% to 2020 conditions. However, an excerpt from the Dollar General TIA showing 2020 no build volumes is included in Appendix B (Count Data) rather than the 2019 volumes. The 2020 Dollar General TIA volumes included in Appendix B do not match the 2020 volumes shown on Figure 4. Further explanation should be provided as to how the 2020 volumes at SC 200/Shiloh Unity Road were calculated.

No Build Traffic Volumes

2. Allison Love's email included in Appendix A (Scoping Documentation) notes that Option 2 was approved for the Roselyn/Norman development at the US 521/Harris Hill Road/Norman Property Access B intersection. Based on the figure included in Appendix C (Adjacent Development Information), site trip assignment Option 1 appears to be included in the 2030 no build volumes. This results in 457 fewer AM and 285 fewer PM eastbound approach trips exiting Access B and 169 fewer AM and 540 fewer PM trips entering Access B from US 521 at this study intersection. Explanation should be provided, or this should be updated on the figures and in analyses as appropriate.

Site Trip Assignment

3. The site trip distribution figure (Figure 8) shows 90% of the site traffic entering the site rather than 100%. This appears to have been corrected on the site trip assignment figure (Figure 9) and therefore is not expected to have an impact on the analysis results.

Capacity Analysis and Recommendations

US 521 and Shiloh Unity Road

4. The 2020 existing conditions AM and PM results appear to be switched in Table 5.
5. The northbound and southbound through volumes shown on the Synchro reports included in the Appendix do not match the figures included in the TIA in any scenario. However, the provided Synchro

files appear to have the correct volumes. Since the results tables included in the TIA match the Synchro files with the correct volumes, this is not expected to have an impact on the results.

6. Consideration should be given to extending the designated southbound left-turn lane storage to 275 feet based on the PM peak-hour Synchro 95th percentile queue length.

US 521 and Harris Hill Road/Norman Property Access B

7. As noted in bullet 2 above, Allison Love's email included in Appendix A notes that mitigation Option 2 was approved for the Roselyn/Norman development at the US 521/Harris Hill Road/Norman Property Access B intersection. Based on the figure included in Appendix C (Adjacent Development Information), the Option 1 laneage and volumes appear to be included in the 2030 background and build analyses. Explanation should be provided, or the laneage and volumes should be updated in the analyses as appropriate.
8. The site's impact at this intersection should be reviewed with the appropriate Roselyn/Norman development volumes and improvements included.

Shiloh Unity Road and Airdale Road/Access C

9. The northbound left- and eastbound right-turn volumes shown on the Synchro reports included in the Appendix do not match the figures included in the TIA in any scenario. However, the provided Synchro files appear to have the correct volumes. Since the results tables included in the TIA match the Synchro files with the correct volumes, this is not expected to impact the results.
10. The volumes shown on the turn lane warrant graphs included in the Appendix do not match the volumes shown on Figure 10. However, this is not expected to impact the results of the warrants at this intersection.

Shiloh Unity Road and SC 200

11. The stop-controlled eastbound approach of Shiloh Unity Road is expected to drop from LOS D to LOS E during the PM peak hour between 2030 background and build-out conditions. Per Section 6.8 of the Lancaster County UDO, "For collector or local streets, a Level-of-Service (LOS) 'C' or better shall be maintained…Where the existing LOS is below these standards, the traffic impact analysis shall identify those improvements required to ensure that development related traffic demands result in no net reduction in LOS, and identify additional improvements needed to raise the level of service to the standards on the applicable street to the adopted LOS standard." Therefore, mitigation should be identified to improve eastbound approach operations back to LOS D, and additional improvements that would be needed to improve the eastbound approach to LOS C should also be provided in the TIA.

US 521 and Access A

12. Volumes for multiple movements shown on the Synchro reports included in the Appendix do not match the figures included in the TIA. However, the provided Synchro files appear to have the correct volumes. Since the results tables included in the TIA match the Synchro files with the correct volumes, this is not expected to impact the results.
13. The volumes shown on the turn lane warrant graphs included in the Appendix do not match the volumes shown on Figure 10. However, this is not expected to impact the results of the warrants at this intersection.
14. Westbound left- or right-turn storage length recommendations should be provided in the TIA.

US 521 and Access B

15. It is noted that Table 10 shows three 2030 build scenarios. The first two appear to be existing and background conditions; however, Synchro reports are not provided for these scenarios in the Appendix.
16. The northbound and southbound through volumes shown on the AM peak hour Synchro reports included in the Appendix do not match the figures included in the TIA. However, the provided Synchro

files appear to have the correct volumes. Since the results tables included in the TIA match the Synchro files with the correct volumes, this is not expected to impact the results.

17. It is agreed that a southbound left-turn lane should be provided at Access B. Based on review of the SimTraffic reports included in the Appendix, the southbound left-turn maximum queue is expected to be 232' during the PM peak hour with 150' of storage modeled. Based on review of the simulation without southbound left-turn storage modeled, the maximum southbound left-turn queue is expected to be 180'. Therefore, the southbound left-turn lane is recommended to include 200' of storage.
18. Access B is shown to operate at LOS F in both peaks considering a separate left- and right-lane exiting, with 268 seconds of delay in the AM peak and 490 seconds in the PM peak. Additional turn lanes along US 521 are not expected to provide a significant operational benefit. It is noted that the analysis does not consider the potential for a two-stage crossing for westbound left-turning movements and therefore the westbound approach results would likely be better than shown. However, consideration should be given to the location of the proposed residential driveways in relation to the projected westbound approach queues to avoid blocking the driveways.
19. Westbound left- or right-turn storage length recommendations should be provided in the TIA.

We recommend submittal of responses to the technical comments above and submittal of an updated TIA as appropriate.

We appreciate the opportunity to provide these services to you. Should you have any questions concerning this matter please feel free to contact me at 704-954-7470.

cc: Mr. David Gamble, PE, SCDOT
Ms. Allison Love, AICP, SCDOT
Mr. Andrew Eagle, PE, Ramey Kemp & Associates

South Carolina
Department of Transportation

Cherokee County
Chester County
Chesterfield County
Fairfield County
Lancaster County
Union County
York County

January 4, 2021

J. Andrew Eagle, P.E.
Ramey Kemp & Associates, Inc.
8210 University Executive Park Drive
Suite 220
Charlotte, North Carolina 28262

RE: Poovey Property Traffic Impact Analysis
US Highway 521 and Shiloh Unity Road (S-29-28)
Lancaster County

Dear Mr. Eagle:

Thank you for allowing us to review the Traffic Impact Analysis (TIA) regarding the site on US Highway 521 and Shiloh Unity Road (S-29-28). The Department provides the following comments.

TIA Recommendations

- US 521 and Access A
  - Construct Access A as the westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one right-turn lane.
  - Restripe existing two-way left-turn lane to create an exclusive southbound left-turn lane with at least 150 feet of full-width storage and appropriate taper.
- US 521 and Access B
  - Construct Access B as the westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one right-turn lane.
  - Construct southbound left turn lane with at least 150 feet of full-width storage and appropriate taper.
- Shiloh Unity Road and Airdale Road/Access C
  - Construct Access C as the southbound approach with one ingress lane and one egress lane striped as a shared left/through/right lane.
  - Construct an eastbound left-turn lane with at least 150 feet of full-width storage and appropriate taper.

SCDOT Comments

- US 521 and Access A
  - Align Access A with Adage Road.
  - The existing two-way left turn lane striping on US 521 shall remain.
- US 521 and Access B
  - Construct the recommended southbound left turn lane as an offset lane.

District Four Engineering
Post Office Box 130
1232 JA Cochran Bypass
Chester, SC 29706
803-377-4155 | 803-581-0156 Fax

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- Shiloh Unity Road and Airdale Road/Access C
  - Construct an eastbound and a westbound left-turn lane with at least 150 feet of full-width storage and appropriate taper at this intersection.
- US 521 and Shiloh Unity Road
  - On document page 21, Table 5, what is the reason for the improvement in LOS for eastbound movements from No-Build (2030) Conditions to Build (2030) Conditions?
  - Extend the existing concrete median from the intersection to 200' total length. Restripe the existing southbound left-turn lane storage to 250', then taper to the existing two-way left turn lane width.
- Shiloh Unity Road and SC Highway 200
  - On document page 27, Table 8, the level of service for PM Peak Hour Conditions on the eastbound approach decreases to an unsuitable level from No-Build (2030) Conditions to Build (2030) Conditions. Provide recommendations to mitigate this decrease in level of service.

Once comments from all reviewers have been addressed, please submit a digital copy of the final draft to the Department. We look forward to the project proceeding to the encroachment permit process. At that time, all geometrical features, pavement designs, etc., will be reviewed by the appropriate office. If you have any additional questions or concerns, please contact the District 4 Permit Office at 803-377-4155.

Sincerely,

C. Jason Johnston, P.E.
District 4 Engineering Administrator

CJJ/mrg
ec: Rox Burhans, Lancaster County Planning
Clint Beaver, Lancaster Resident Maintenance Engineer

File: D4/PO/ACL

District Four Engineering
Post Office Box 130
1232 JA Cochran Bypass
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Agenda Item Summary

Ordinance # / Resolution #: Planning Case Number: UDO-TA-020-2578
Contact Person / Sponsor: Robert G. Tefft / Planning
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
See Staff Report.

Points to Consider:
See Staff Report.

Recommendation:
See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/11/2021	Planning Staff Report
Ex 1: Application	1/11/2021	Exhibit
Ex 2: Proposed Text Amendment	1/11/2021	Exhibit

Text Amendment UDO-TA-020-2578
Staff Report to Planning Commission
Meeting Date: January 19, 2021

PROPOSAL:	Amend Unified Development Ordinance Section 2.5.3, Use Table, Section 5.9, Industry/Wholesale/Storage Uses, and 10.3, Definitions, Use Type, to create and allow for the Landfill – Class One Composting Facility use in the Heavy Industrial (HI) District as a Special Exception and provide for use specific standards.
APPLICABLE CHAPTER(S):	Chapters 2, 5 and 10
APPLICANT:	Michael D. Wright, Savage, Royall & Sheheen, LLP on behalf of Stacy Faile, S.M. Smith & Sons, Inc.

PROJECT SUMMARY & PROPOSAL:
Michael D. Wright, Savage, Royall & Sheheen, LLP, has submitted a request on behalf of Stacy Faile, S.M. Smith & Sons, Inc. to amend Chapters 2, 5 and 10 of the Unified Development Ordinance (UDO) concerning the creation and allowance of the Landfill – Class One Composting Facility use in the Heavy Industrial (HI) District as a Special Exception along with the provision of use specific standards.

OUTLINE OF TEXT AMENDMENT:
The proposed text amendment would create and allow for Landfill - Class One Composting Facility uses in the HI District as a Special Exception, and establish specific development standards for the use.

The following sections of the UDO are proposed to be amended:

Section 2.5.3, Use Table: Amend to allow Landfill – Class One Composting Facility as a use in the HI District, subject to the approval of a Special Exception.

Section 5.9, Industry/Wholesale/Storage Uses: Amend to provide for development standards specific to the proposed Landfill – Class One Composting Facility use.

Section 10.3, Definitions, Use Type: Amend to provide a definition for Landfill – Class One Composting Facility.

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 1.

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. The proposed text amendment will provide for a use in the County that would otherwise not be permissible and would provide specific regulations for that use.

It is noted that the provisions proposed by the applicant are consistent with those which exist for the Landfill – Class Two and Landfill – Class Three uses; however the provisions have been adjusted to account the lesser impact of the Class One use in comparison to the Class Two and Three uses.

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

ATTACHMENTS:
1. Application
2. Proposed Text Amendment

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

SAVAGE ROYALL & SHEHEEN L.L.P.
ATTORNEYS AND COUNSELORS AT LAW

EDWARD M. ROYALL
ROBERT J. SHEHEEN
MOULTRIE B. BURNS, JR.
WILLIAM B. COX, JR.
VINCENT A. SHEHEEN*
STEPHEN R. SMOAK
MICHAEL D. WRIGHT
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GREG B. COLLINS

HENRY SAVAGE, JR.
1903-1990

*CERTIFIED MEDIATOR & ARBITRATOR

1111 CHURCH STREET
CAMDEN S.C. 29020

P.O. DRAWER 10
CAMDEN S.C. 29021

TELEPHONE: (803) 432-4391
FACSIMILE: (803) 425-4816
FACSIMILE: (803) 425-4812

October 21, 2020

Lancaster County
Attention: Planning Department
PO Box 1809
Lancaster, SC 29721

RE: Text Amendment Application

To Whom it May Concern:

I hope this correspondence finds you doing well.

Enclosed please find a Text Amendment Application filed on behalf of Stacy Faile of S.M. Smith and Sons, Inc. In addition to enclosing the proposed applicable text amendment application, supporting documentation, and my law firm's check in the amount of $435.00 for the application fee, I have also enclosed a notarized letter of support from the property owner of 7472 Van Wyck Road, Hickory Hills Smoked Products, LLC.

I would appreciate a reply confirming the receipt of the application and that it has been properly submitted. I am happy to answer any inquires the Planning Department might have regarding this request. Last, please kindly notify me of the Planning Commission's recommendation to Lancaster County Council

If you have any questions or concerns, please do not hesitate to contact me. Thank you, in advance, for your help in this matter.

Very Truly,

Michael Wright

Enclosures as Stated

cc: Stacy M. Faile (via electronic mail)
Kyle Starnes (via electronic mail)

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: To add Landfill--Class One to Heavy Industrial District

Current Text: Not Applicable.

Proposed Text: Please see attached.

Description of Need for Proposed Text:

Lancaster County does not have a designed for a class one composting facility as currently authorized pursuant to South Carolina law to allow for the grinding or composting source seperated organic residual wastes.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name: Stacy Faile, S.M. Smith & Sons, Inc.

Address: c/o Savage, Royall, & Sheheen, LLP, Attention: Michael D. Wright, PO Drawer 10

City: Camden State: SC Zip: 29021 Phone: 803-432-4391

Fax: 803-425-4812 Email: mwright@thesavagefirm.com

APPLICATION CERTIFICATIONS

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

Applicant Stacy Faile — Date: Oct. 12, 2020

Property Owner(s) Kyle Starnes — Date: Oct 12, 2020

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.
- Text Amendment Application Fee - $435.00

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

10/15/2020

Lancaster County Planning Department
PO Box 1809
Lancaster, SC 29721

Re: 7472 Van Wyck Road, Text Amendment Application

To Whom it May Concern:

I hope this correspondence finds you doing well.

I am the writing in support of Stacy Faile and S.M. Smith and Son's Text Amendment application being submitted to the Lancaster County Planning Department. I am the sole member of Hickory Hills Smoked Products, LLC, the owner of the property located at 7472 Van Wyck Road, TMS# 0025-00-010.02. Mr. Faile has discussed the submission of the text amendment with me and I support his request to Lancaster County.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kyle Starnes
Hickory Hills Smoked Products, LLC

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

I Steve Jenkins a Notary Public for the State of South Carolina, do hereby certify that the above-referenced individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 20th day of Oct, 2020.

Signature of Officer

Steve D. Jenkins
Printed Name of Officer

My commission expires: STEVE D. JENKINS SR.
Notary Public, State of South Carolina
(AFFIX NOTARY SEAL) My Commission Expires 4/28/2021

EXHIBIT A

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

****

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					NEIGHBORHOOD					
H. INDUSTRY/WHOLESALE/STORAGE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
Artist Studio/Light Manufacturing Workshops	-	-	-	P	-	-	-	-	-	P	P	-	-	P	P	-	-	-	-	P	P	
Industry, Light	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	
Industry, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
Industry, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	5.9.1
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.9.2
Landfill-Class One	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.9.16
Landfill – Class Two	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	-	-	-	-	-	-	5.9.3
Landfill – Class Three	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.9.4
Mining - Major In-Depth Resource Extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	P	-	-	-	-	-	5.9.5/6
Mining - Minor Surface Resource Extraction	PR	PR	PR	PR	-	-	-	-	-	PR	PR	PR	-	PR	PR	P	-	-	PR	PR	PR	5.9.6/7
Private Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	-	PR	-	PR	PR	-	-	-	-	-	-	5.9.8
Public Recycling and Waste Collection Facilities	-	-	-	PR	-	-	-	-	-	-	-	PR	-	PR	PR	-	-	-	-	-	-	5.9.9
Research and Development Facilities	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	-	-		-	-	P	
Storage – Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	PR	PR	-	-	PR	PR	-	-	-	-	-	-	5.9.10
Storage – Self Service (Mini)	-	-	-	-	-	-	-	-	-	PR	PR	-	-	PR	PR	-	-	-	-	-	-	5.9.11
Storage – Warehouse Indoor	-	-	-	-	-	-	-	-	-	CU	PR	-	-	PR	PR	-	-	-	-	-	PR	5.9.12
Storage – Warehouse Indoor, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	PR	-	-	-	-	-	-	5.9.13
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	PR	-	-	P	P	-	-	-	-	-	P	5.9.14
Wholesaling and Distribution, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	PR	-	-	-	-	-	-	5.9.15

EXHIBIT B

10.3 DEFINITIONS, USE TYPE

****

LANDFILL- CLASS ONE – COMPOSTING FACILITY- A Composting Facility, as defined in South Carolina Code of Laws, Title 44, as amended, is a facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material. Such a facility shall consist of the grinding or composting of source separated organic residual wastes. These wastes shall include only yard trimmings, leaves, grass clippings, woodchips, trees, stumps, and other land-clearing debris, but shall under no circumstances include food waste, masonry materials, road spoils, paving material, solid waste from agricultural or silvicultural operations, scrap metal, vehicles, or other scrap materials.

****

EXHIBIT C

5.9.3 LANDFILL - CLASS ONE COMPOSTING FACILITY [HI]

A. Minimum Lot Area. The minimum lot area for Class One Composting Facilities shall be 15 acres.

B. Separation Requirement. The subject property shall not be adjacent to any residential zoning district or property which contains a conforming residential use.

C. Location. No such facilities shall be located within a designated water supply watershed, special flood hazard area or wetland area, or block a natural drainage-way so that water is impounded.

D. Setbacks.

1. A 100-foot setback shall apply along all property lines and public or private rights-of-way for all facilities, including parking, buildings, or disposal.

2. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area.

E. Screening.

1. A Type B buffer shall be required along all property lines and public or private rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.

2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence must be placed inside the required Type B buffer and may be placed inside the buffer area.

3. All existing trees within the buffer area shall be preserved, except to allow for construction of road crossings and monitoring of wells determined to be necessary by the Administrator.

F. Vehicular Access. Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Burning Prohibited. No burning shall be permitted on the premises.

H. SCDHEC Permit. All applicable permits shall be obtained from the South Carolina Department of Health and Environmental Control pursuant to Title 44 of the South Carolina Code of Laws.

I. Hours of Operation. Class One Composting Facilities may only operate between the hours of 7:00am and 7:00pm.

Agenda Item Summary

Ordinance # / Resolution #: Planning Case Number: UDO-TA-020-0309
Contact Person / Sponsor: Robert G. Tefft / Planning
Department: Planning
Date Requested to be on Agenda: 1/19/2021

Issue for Consideration:
See Staff Report.

Points to Consider:
See Staff Report.

Recommendation:
See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/11/2021	Planning Staff Report
Ex 1: Application	1/11/2021	Exhibit
Ex 2: Proposed Text Amendment	1/11/2021	Exhibit

Text Amendment UDO-TA-020-0309
Staff Report to Planning Commission
Meeting Date: January 19, 2020

PROPOSAL: Amend Unified Development Ordinance Section 5.4.2, Home Occupation, to modify the various standards applicable to Home Occupations.

APPLICABLE CHAPTERS: Chapter 5

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:
In January 2020, the Lancaster County Infrastructure and Regulation (I & R) Committee requested to have those provisions of the Unified Development Ordinance (UDO) concerning home occupations amended so as to provide appropriate provisions for larger home occupations that may occur in rural areas on larger lots. Staff prepared and ordinance to address this, as well as updating the home occupation provisions as a whole and brought the amendment before the Planning Commission at its meeting of March 17, 2020, where the Planning Commission recommended approval of the proposed ordinance by a vote of 6-1. County Council subsequently passed the ordinance on First Reading at its meeting of April 27, 2020; however the Council also remanded the amendment back to the I & R Committee for further discussion. After the I & R Committee discussed the amendment on June 9, 2020, County Council passed the ordinance on Second Reading, but with the Council still having concerns as to the proposed regulations, the amendment was once again remanded to the I & R Committee for further discussion at their meeting of August 11, 2020.

At the I & R Committee of August 11, 2020, staff received direction on changes to be made, including simplifying and condensing some of the language, as well as direction to bring the item back before the Committee at its meeting of November 10, 2020. The version of the ordinance which is currently before the Planning Commission was discussed with the I & R Committee at that meeting, and direction was given to bring the item back before the Planning Commission as proposed.

OUTLINE OF TEXT AMENDMENT:
The proposed text amendment would replace the existing language regulating home occupations in its entirety. It is noted, however, that much of the existing language is effectively being retained, but relocated and/or restructured within the revised language.

The following section of the UDO is proposed to be amended:

Section 5.4.2, Home Occupation: Amend to replace Section 5.4.2 in its entirety.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Board'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 1.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3. Further, the proposed amendment will help bring home occupation regulations up to a contemporary standard while providing opportunities for larger, home-based service businesses to operate in the rural residential areas of the County.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes.

ATTACHMENTS:

1. Proposed Text Amendment
2. Application

STAFF CONTACT:

Robert G. 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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended SEC. 2.5.3; 5.4.2; 7.2.4.A; AND 10.3

Current Text SEE ATTACHED ORDINANCE.

Proposed Text SEE ATTACHED ORDINANCE.

Description of Need for Proposed Text AMEND HOME OCCUPATION REGULATIONS TO ACCOMMODATE HOME OCCUPATIONS IN RURAL AREAS OF THE COUNTY.

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name ROX BURHANS

Address 101 N. MAIN ST.

City LANCASTER State SC Zip 29720 Phone 803-416-9422

Fax _____ Email rburhans@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.

Rex H. Burhus — Applicant

2-13-2020 — 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 2020-0309 Date Received 1-31-20 Receipt Number —

Amount Paid — Check Number — Cash Amount —

Received By ~~1-31-20~~ Planning Commission Meeting Date 03-17-20

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.
   - Text Amendment Application Fee - $325.00

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.

~~Indicates Matter Stricken~~
Indicates New Matter

~~5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, UR, HDR, RMX, MX, IMX]~~

~~A. General Standards~~

1. ~~The home occupation shall be clearly incidental and secondary to residential occupancy.~~
2. ~~The use shall be carried on entirely within an enclosed structure on the premises.~~
3. ~~The home occupation shall be operated by a resident of the dwelling.~~
4. ~~A maximum of 25 percent of the gross floor area of the dwelling unit or 500 square feet, whichever is less, may be used for the home occupation.~~
5. ~~A maximum of one full-time equivalent non-residents of the dwelling may be employed on the premises.~~
6. ~~The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.~~
7. ~~The home occupation shall not involve the use of any commercial vehicles and semi tractor trailers for the delivery of materials to or from the premises. Common and routine frequency for residential parcel delivery service is not prohibited.~~
8. ~~No equipment or process shall be used in connection with the use which creates noise, vibration, glare, fumes, fire hazard, odors, dust, or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit, outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.~~
9. ~~The home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, gas, garbage, etc.) such that the combined total use for dwelling and home occupation purposes exceeds a level normally expected in a residential neighborhood.~~

~~B. Exterior Appearance~~

1. ~~Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.~~
2. ~~Parking areas in the front yard shall be limited to the existing residential driveway only. Additional parking may be provided in the rear yard only, but shall not include more than one non-commercial vehicle used in connection with the home occupation parked or stored on the premises.~~
3. ~~No display of goods, products, services, or other advertising (except permitted signage as set forth in Chapter 7) shall be visible from outside of the dwelling.~~

~~C. Standards for Specific Types of Home Occupations~~

1. ~~Personal Services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:~~
   a. ~~Such uses shall meet all applicable state requirements;~~
   b. ~~Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;~~
   c. ~~Only 1 barber/styling chair shall be permitted;~~
   d. ~~No more than 2 hair drying chairs shall be permitted;~~
   e. ~~Only incidental sales of hair products shall be allowed on the premises;~~

f. Must meet all accessibly features, including restroom facilities, etc., meeting the International Building Code in accordance with the Americans with Disabilities Act;

g. No more than 1 sign identifying, or in any way pertaining to, such uses shall be permitted, and such sign shall meet all requirements of Chapter 7 of this ordinance; and

h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, not split between both.

2. No group instruction service, including but not limited to dance, music, exercise, arts, and crafts, may be provided for a group larger than 8 persons.

3. Retail sales shall be limited to the resale of handmade items grown or produced on-site such as food items, crafts, antiques, jewelry, and clothing.

D. Uses Prohibited as Home Occupations: The following uses are prohibited as home occupations because the nature of their operation has the tendency to impair the use and value of properties in a residential district:

1. Residential Care Facilities
2. Halfway Homes
3. Any Lodging Uses (Section 2.5.3.)
4. Kennels
5. Medical Clinic
6. Personal Services, Restricted
7. Veterinary Clinic
8. Any Commercial/Entertainment Uses (Section 2.5.3), except specifically those retail uses noted in Section 5.4.2.C.3 above.
9. Correctional Institution
10. Day Treatment Center
11. Hospital
12. Any Automotive Uses (Section 2.5.3)
13. Any Industrial/Wholesale/Storage Uses (Section 2.5.3)
14. Nail Salons
15. Barber Shops/Salons with more than one chair.

5.4.2 HOME OCCUPATION [AR, RR, RN, MH, LDR, MDR, PB, RB, UR, HDR, RMX, MX, IMX]

A. General Standards

1. Any internal or external modifications, either permanent or accessory, that will make the dwelling appear less residential, either in nature or function, are prohibited. The dwelling and site must remain residential in appearance and characteristics.

2. The home occupation must be conducted within the dwelling or permitted accessory structure. It shall not exceed 25 percent of the gross floor area of the dwelling or 500 square feet, whichever is greater.

3. The home occupation shall not be operated by any person other than residents living in the dwelling, and shall not employ more than one non-resident of the dwelling for employment at the dwelling.

4. No equipment, material, or process shall be used in any such home occupation that produces or emits any additional noise; increased vibration; intensified lighting or glare; smoke, dust, or other particulate matter; excessive heat or humidity; blight or unsightliness; gas, fumes, or odor; increased electrical interference; or any other nuisances, hazards, or objectionable conditions detectable at the boundary of the lot, if the occupation is conducted in a detached dwelling unit, or outside the dwelling

unit, if conducted in an attached dwelling unit. Explosive or highly flammable materials and toxic or hazardous waste are not permitted.

5. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to the hours between 7:00 a.m. to 8:00 p.m.

6. One non-illuminated sign of two square feet in area or smaller is allowed. The sign must be attached to the dwelling and must be compatible with the building architecture and materials.

7. **Traffic, Parking, and Vehicles**

   a. No vehicular traffic may be generated by the home occupation business in greater volumes than would reasonably be expected in the residential neighborhood, nor may it create unreasonable parking or traffic congestion for the residents of the immediate neighborhood. Any parking or traffic of such character, intensity, or continued duration that substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities shall be considered unreasonable.

   b. Commercial vehicles and semi-tractor trailers shall not access a property from a shared driveway. If parked or stored within 100 feet of any property or right-of-way line, commercial vehicles or trailers shall be fully screened by a solid wood or vinyl fence, or masonry wall, berm, or opaque evergreen landscaping.

   c. Any parking associated with the home occupation shall occur on the premises and not within a public or private right-of-way. Any parking in the front yard shall be as per the requirements of Section 7.2.5.A.10, and screened in accordance with the requirements of Section 5.4.2.A.6.b, above, regardless of distance from any property or right-of-way line. Additional parking may be provided in the side and rear yards.

B. Additional Standards for Specific Types of Home Occupations

1. *Personal Services*. Personal services, including cosmetic services, salons, barber shops, and non-permanent makeup services, but not including nail salons, may be permitted provided they comply with all of the following:

   a. Shall meet all applicable state requirements;

   b. Any exterior entrance/exit to an area of the principal building shall be on the side or rear of the building;

   c. Only incidental sales of cosmetic and hair products shall be allowed on the premises;

   d. No more than one barber/styling chair, and no more than two hair drying chairs shall be permitted;

   e. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or within an accessory building, and shall not be split between said buildings; and

   f. All service professionals shall include copies of their State professional licenses (if applicable) in the home occupation application submittal.

2. *Group Instruction Services*. Group instruction services, including but not limited to teaching art, dance, music, and tutoring may be provided so long as the group does not exceed four persons at any time. Additionally, adequate parking must be provided onsite for both the residents of the dwelling and the maximum number of clients receiving instructional services; however said parking for clients is not required to be permanent.

3. *Independent Contractors*. Independent contractors include, but are not limited to, electric or plumbing contractors, landscapers and similar businesses that have employees and require the storage of

commercial vehicles or equipment on the property. These businesses may be permitted provided that they comply with all of the following:

a. The property upon which the home occupation will be located must be zoned either AR, RN, RR, LDR or MH District;

b. When located within an accessory building(s), the floor area of the home occupation shall not cumulatively exceed 3,000 square feet or 75 percent of the gross floor area of the principal dwelling, whichever is greater;

c. Any goods or materials, but not vehicles or equipment, associated with the home occupation shall be stored entirely within an enclosed structure on the premises, or screened from view of any street, public or private right-of-way, or adjacent property by an opaque evergreen screen or fence;

4. *Retail Sales*. Onsite retail sales conducted directly from the home (not including internet sales business) shall be limited to the sale of handmade items grown or produced on-site such as: arts and crafts, clothing, foodstuffs, furniture, and/or jewelry.

C. Prohibited Home Occupations. The following are prohibited as home occupations due to the nature of their operation having the tendency to impair the use and value of surrounding properties in a residential district:

1. Automotive uses (Section 2.5.3);

2. Civic uses (Section 2.5.3);

3. Commercial/Entertainment uses (Section 2.5.3), except for those specific retail uses permitted by Section 5.4.3.B.;

4. Educational/Institutional uses (Section 2.5.3), except for Child/Adult Day Care Home (5 or fewer persons) and Studio;

5. Halfway Homes;

6. Industry/Wholesale/Storage uses (Section 2.5.3);

7. Infrastructure uses (Section 2.5.3), except for Artist Studio/Light Manufacturing Workshops;

8. Lodging uses (Section 2.5.3.);

9. Office/Services uses (Section 2.5.3), except for Personal Services permitted by Section 5.4.3.B., Business Support Services, and Professional Services; and,

10. Residential Care Facilities.

D. Grandfathered Home Occupations

1. Home occupation permits issued prior to the effective date of this section shall be grandfathered. However, any subsequent home occupation permit issued at the same address must be in conformance with these standards.

2. Any expansion of a grandfathered home occupation shall be in compliance with the standards of Section 5.4.2.

3. Any change of a grandfathered home occupation to a different home occupation shall require that the new home occupation be in compliance with the standards of Section 5.4.2.