

LANCASTER COUNTY BOARD OF ZONING APPEALS

January 12, 2016
6:30 PM
ADMINISTRATIVE BUILDING
ROOM 224

Type of meeting: Board Of Zoning Appeals/Public Hearing Facilitator: Planning Staff
Secretary: Judy Barrineau

Please read: Agenda Packet
Please bring: Agenda Packet

Approve Agenda

Chairman

Communications:

Approve minutes – December 2015

Chairman

Variance application of James A. Craig. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements. Pgs. 1-12

BZA 016-001

Tax Map 8, Parcel 16

Nick Cauthen

Variance application of Greg Welsh. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding a temporary parking lot. Pgs. 13-25

BZA 016-002

Tax Map 7, Parcel 25

Nick Cauthen

Variance application of Doby's Bridge Road Development Partners, LLC. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements. Pgs. 26-77

BZA 016-003

Tax Map 13, Parcel 18

Nick Cauthen

New Business: Educational Requirements

John Weaver

variance application of James A. Craig. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements. Pgs. 1-12
BZA 016-001
Tax Map 8, Parcel 16

Nick Cauthen

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

BOARD OF ZONING APPEALS - STATEMENT OF MATTER

I. Facts

A. General Information

Proposal: This is a variance application of James A. Craig. The applicant is requesting a variance from Chapter 2 Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements.

Location: The subject property is located along the western side of Charlotte Highway near the intersection of Fort Mill Highway.

Legal Description: Tax Map 8, Parcel 16

Zoning Classification: B-3 (General Commercial District)

Description of Plan: The applicant is seeking to build a Jim 'N Nicks BBQ restaurant on the property. The applicant believes the Highway Corridor Overlay district would unreasonably restrict the property by making customer and ADA access very difficult. The visibility of the building would also be compromised due to the grade change from the road to the lot.

B. Site Information

Site Description: The property is 2.166 acres and contains 1 outparcel (#8). The lot is currently vacant.

C. Vicinity Data

Surrounding Conditions: The surrounding property is zoned B-3. Lowes Home Improvement Store is located to the west of the subject property and AutoZone is located to the north of the property.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. UDO – Highway Corridor Overlay District
5. Findings Required for Granting Variances
6. Findings Required for Granting Variances – Planning

II. Findings

Code Considerations: Section 2.1.5 Overlay Districts

I agree that the facts and findings as stated above are true and correct.

Applicant signature(s) Date

RECEIVED
12-8-15

Jim & Nick
ZBA APP

LANCASTER COUNTY BOARD OF ZONING APPEALS

APPLICATION FORM #1

GENERAL INFORMATION

Date Filed: 12.02.15 Application No: BZA-016-001

This form must be completed on a hearing on *appeal from action* of the Zoning Official, application for a *variance*, or application for a *special exception*. Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS (indicate one):

- () From action of Zoning Officials as stated on Form 2
- (X) For a variance as stated on Form 3
- () For a special exception as stated on Form 4

Applicant(s) Print:

Name: James A. Craig Address: 1645 Westgate Circle, Brentwood, TN
c/o Design & Engineering, Inc. 37027

Telephone: 615-370-1779 Work: 615-370-1779

Interest: Civil Engineer Owner(s): _____

Other: _____

Owner(s) if other than applicant: Queensgate Investment Partners

Address: 9837 Harrisburg Road Telephone: _____
Indian Land, SC 29707

Work: _____ Other Information: _____

PROPERTY INFORMATION

Property address: Charlotte Hwy. (US 521)

Lot Area/Acres: 2.166 ACRES Block: Outparcel Subdivision: Edgewater Commons
#8'

Tax Map #: 0008-00-016.00 Plat Book: 2008 Page: 815

Lot Size or Dimension: 2.166 ACRES Zoning Classification: B-3

Use of Surrounding Properties: Lowes



Designation Agent (complete only if owner is not applicant)

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: 12/7/2015

QUEENSGATE INVESTMENT PARTNERS LLC
ROBERT BOER
By: [Signature] MEMBER
Owner(s) Signature(s)



I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.

I (we) certify that the information in this application and all other forms are true to content.

Date: 12.02.15 Applicant Signature(s) [Signature]

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: _____ Application No. _____

1. Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance: Modify Overlay District so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: Outlot 8 to be developed as shown on drawing submitted by Design and Engineering, Inc. dated 10.27.15.

for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Outlot 8 is below HWY 521 by 9' to 14' in elevation. Because of the grade change pedestrian access from the highway is impossible.

b) These conditions do not generally apply to other property in the vicinity as shown by: The North and South adjacent properties to outlot 8 do not comply with the requirements of the overlay district.

c) Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows: The overlay district would require the building to be located in the NE corner of the site with the front facing HWY 521.

These conditions make customer and ADA access to the building very difficult. Visibility of the building from 521 will be compromised due to the grade change.

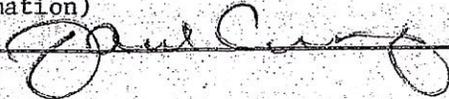
d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons: _____

The following documents are hereby submitted in support of this application: _____

Outparcel 8 survey by Freeland and Associates, C-1 and C-2
site and grading plans by Design and Engineering, Inc.

(See below for additional information)

Date: 12.2.15



Applicant signature(s)

d) (Continued from above:)

The adjacent properties North and South of Outlot 8 have already been developed and are not in compliance with the requirements of the overlay district. They both have parking between the building and HWY 521.

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, _____, have signed that I am aware of the Zoning Board of Appeals hearing date.

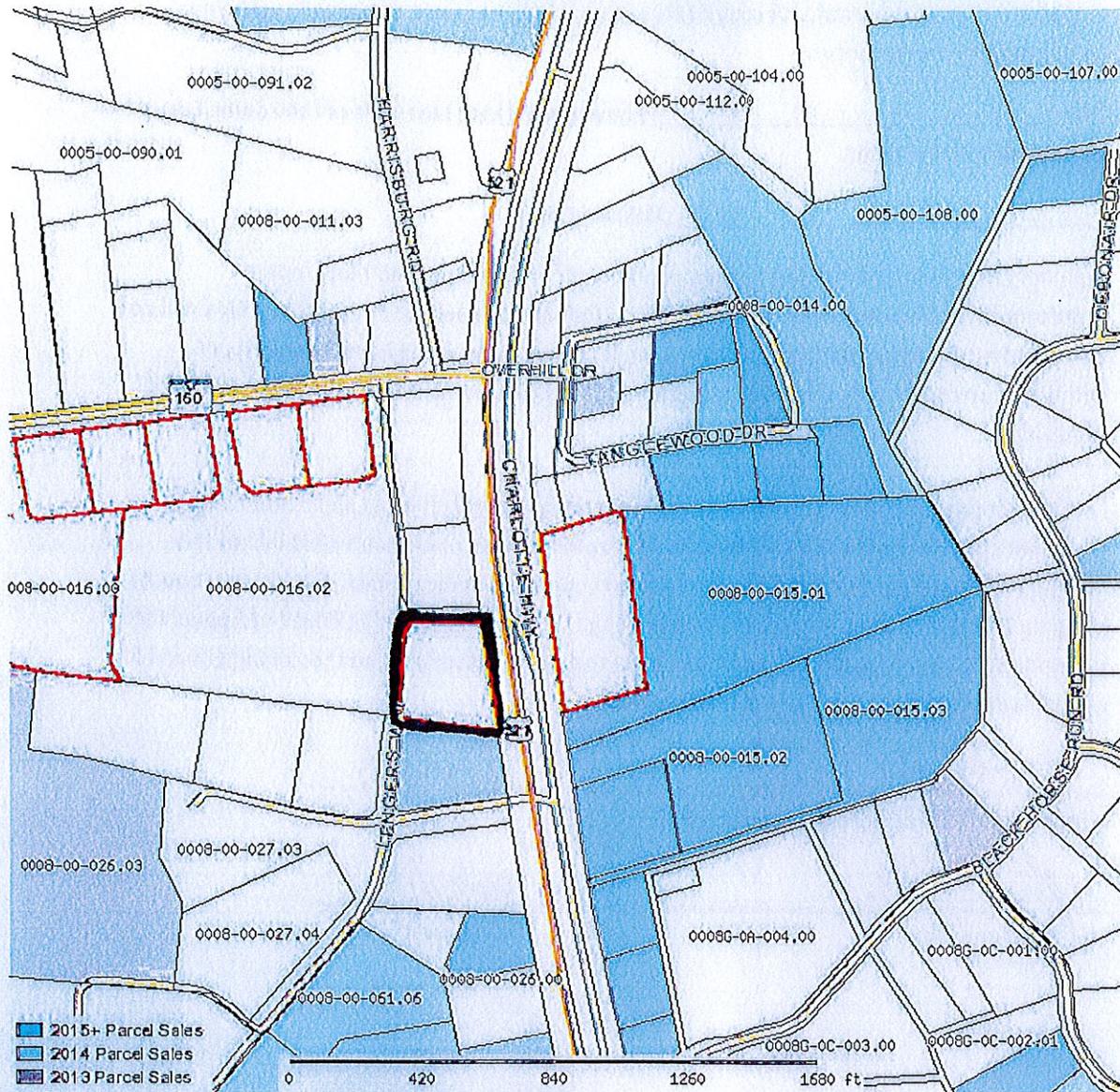
_____ (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

Paul Aron 12.7.15
(Property owner / Applicant's signature) (Date)

Michelle Cant 12/8/15
(Staff's Signature) (Date)



Lancaster County Assessor

Parcel: 0008-00-016.00 Acres: 18.71			
Name:	QUEENSGATE INVESTMENT PARTNERS	Land Value	\$3,171,000.00
Site:	HWY 521	Improvement Val	\$0.00
Sale:	\$\$5 on 10-1999 Vacant= Qual=9K	Accessory Value	\$0.00
Mail:	9837 HARRISBURG ROAD	Total Value	\$3,171,000.00
	INDIAN LAND, SC 29707-0000		



The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 12/16/15 : 14:48:02

Add Mod Del Save Cancel

Indexed By: Parcel ID: Card #:

Parcel ID: 0008-00-016.00
 Account: 907
 Sticker #:
 Location: HWY 521 Lancaster
 Land Use: NLN - LandOnly
 Owner #1: QUEENSGATE INVESTMENT PARTNEF Own Type:

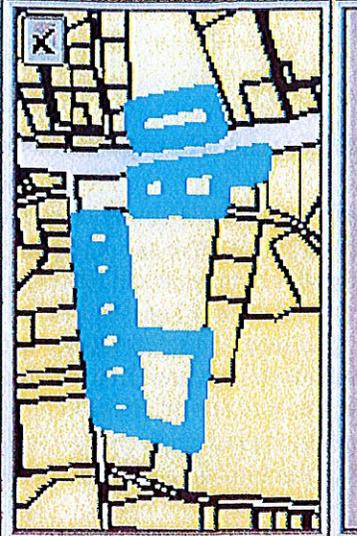
Card: 1/1
 District: 01 - County
 Ent. Parcel Area: 18.709 - AC
 Neigh: 01D - 01D

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	18.709	19.375	SPLIT SEE PCL 16.02
Full Market Value:	3,171,000	3,238,000	
Building Value:			
Yard Items:			
Land Value:	3,171,000	3,238,000	
Total Value:	190,260	194,280	
Assessed Value:	3,171,000	3,238,000	
Capped Total:			

Reval / Market	01
Reval / Market	01

Sales Information
 Grantor: QUEENSGATE INVESTMENT
 Sale Price: 5
 Sale Date: 10/12/1999 Sold/Vacant: No
 Legal Ref: 00611-0083

Office Notes Notes



No Picture Available
 No Sketch Available

The Highway Corridor Overlay District is hereby established, and is subject to the following general provisions:

- a. *Purpose and Intent:* The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in this subsection are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development.
-

h. *Parking and Vehicular Access:*

1. *Off-street Parking:* For buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than forty five percent (45%) of the principle corridor frontage line. The following shall also apply:
 - i. Side yard parking shall not be placed in an established side yard abutting an intersecting street;
 - ii. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Zoning Administrator;
 - iii. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than twenty (20) space[s] shall be broken by buildings and/or landscape features as outlined in item (k)(5) of this subsection (7); and
 - iv. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.

Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
- b. These conditions do not generally apply to other property in the vicinity;**
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.**
- e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.**

Findings Required for Granting Variances

BZA-016-001

Lancaster County

Meeting Date: Tuesday, January 12th, 2016

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property:** Outlot 8 is below Hwy. 521 by 9' to 14' in elevation, and because of the grade change pedestrian access from the Highway is impossible.
- b. **These conditions do not generally apply to other property in the vicinity:** The north and south adjacent properties to outlot 8 do not comply with the requirements of the overlay district.
- c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** The overlay district would require the building to be located on the northeast corner of the site with the front facing Hwy. 521. These conditions make customer and ADA access to the building very difficult. Visibility of the building from 521 will be compromised due to the grade change.
- d. **The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.** The adjacent properties north and south of outlot 8 have already been developed and are not in compliance with the requirements of the overlay district. They both have parking between the building and Hwy. 521.
- e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Variance application of Greg Welsh. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding a temporary parking lot. Pgs. 13-25
BZA 016-002
Tax Map 7, Parcel 25

Nick Cauthen

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

Discussion:		
Conclusions:		
Action items:	Person responsible:	Deadline:

BOARD OF ZONING APPEALS - STATEMENT OF MATTER

I. Facts

A. General Information

Proposal: This is a variance application of Greg Welsh. The applicant is requesting a variance from Chapter 2 Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding a temporary parking lot.

Location: The subject property is located along the eastern side of Old Bailes Road near the intersection of Fort Mill Hwy.

Legal Description: Tax Map 7, Parcel 25

Zoning Classification: PDD-5 (Planned Development District Bailes Ridge)

Description of Plan: The applicant seeks to place a temporary gravel parking lot on the subject property for additional parking for Movement Mortgage. The applicant does not believe the Highway Corridor Overlay district is appropriate for this considering the parking lot is only temporary until the completed construction of the parking deck.

B. Site Information

Site Description: The ±25 acre lot is currently vacant and is proposed to have ±415 parking spaces.

C. Vicinity Data

Surrounding Conditions: The surrounding property is zoned PDD-5 Bailes Ridge. Keer America is located to the west of the subject property and the new Movement Mortgage building is located to the east of the subject property. Clairemont Subdivision is located across Fort Mill Highway.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Concept Plan
5. UDO – Highway Corridor Overlay District
6. Findings Required for Granting Variances
7. Findings Required for Granting Variances – Planning

II. Findings

Code Considerations: Section 2.1.5 Overlay Districts

I agree that the facts and findings as stated above are true and correct.

Applicant signature(s)

Date

RECEIVED
12-8-15

LANCASTER COUNTY BOARD OF ZONING APPEALS

APPLICATION FORM #1

GENERAL INFORMATION

Date Filed: 12/8/2015 Application No: BZA-016-002

This form must be completed on a hearing on *appeal from action* of the Zoning Official, application for a *variance*, or application for a *special exception*. Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS (indicate one):

- From action of Zoning Officials as stated on Form 2
- For a variance as stated on Form 3
- For a special exception as stated on Form 4

Applicant(s) Print:

Name: GREG WELSH Address: 5950 FAIRVIEW RD Suite 100
BURTON ENGINEERING CHARLOTTE, NC 28210
 Telephone: (704) 553-8881 Work: (704) 553-8881

Interest: CIVIL ENGINEER Owner(s): _____

Other: _____

Owner(s) if other than applicant: KEITH CORPORATION

Address: 5935 CARNEGIE BLDG #200 Telephone: (704) 365-6000
CHARLOTTE, NC 28209

Work: _____ Other Information: _____

PROPERTY INFORMATION

Property address: MOVEMENT MORTGAGE, CALVIN HALL ROAD

Lot Area/Acres: 25+ Block: _____ Subdivision: BAILES RIDGE BUSINESS PARK

Tax Map #: 0007-00-025.00 Plat Book: 164 Page: 328

Lot Size or Dimension: 10.359 AC Zoning Classification: B-1

Use of Surrounding Properties: BUSINESS / INDUSTRIAL / OFFICE

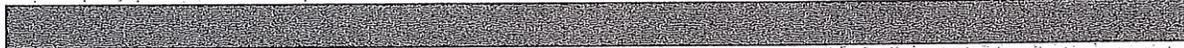


Designation Agent (complete only if owner is not applicant)

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

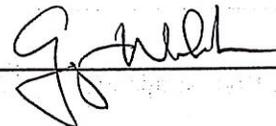
Date: _____

Owner(s) Signature(s)



I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.

I (we) certify that the information in this application and all other forms are true to content.

Date: 12.8.2015 Applicant Signature(s) 

RECEIVED
12-8-15

LANCASTER COUNTY BOARD OF ZONING APPEALS
VARIANCE APPLICATION - FORM #3

Date Filed: 12-8-2015 Application No. BZA-016-002

1. Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance: _____ so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: Temporary gravel parking lot for additional employee parking for Movement Mortgage while a permanent parking deck is constructed. for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Permanent/paved parking lot would ~~not~~ be cost-prohibitive.

b) These conditions do not generally apply to other property in the vicinity as shown by: gravel parking lots are not generally used or accepted within the Builes Ridge Business Park. The Park's Architectural Review Committee is accepting this condition for a period of three (3) years (max.)

c) Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows: The time to construct a permanent parking lot (to code) to meet the immediate needs of the business is prohibitive.

d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons: _____

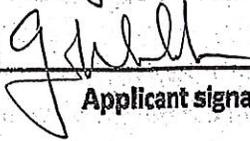
The ~~temp~~ gravel parking lot will be temporary while the permanent parking structure is designed, permitted, and built on the adjacent property

The following documents are hereby submitted in support of this application: _____

Concept Plan SP-1 dated 12/8/2015

Date: 12/8/2015

Greg Weisk, PE



Applicant signature(s)

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, Greg Welsh, have signed that I am aware of the Zoning Board of Appeals hearing date.

01/12/2016 (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

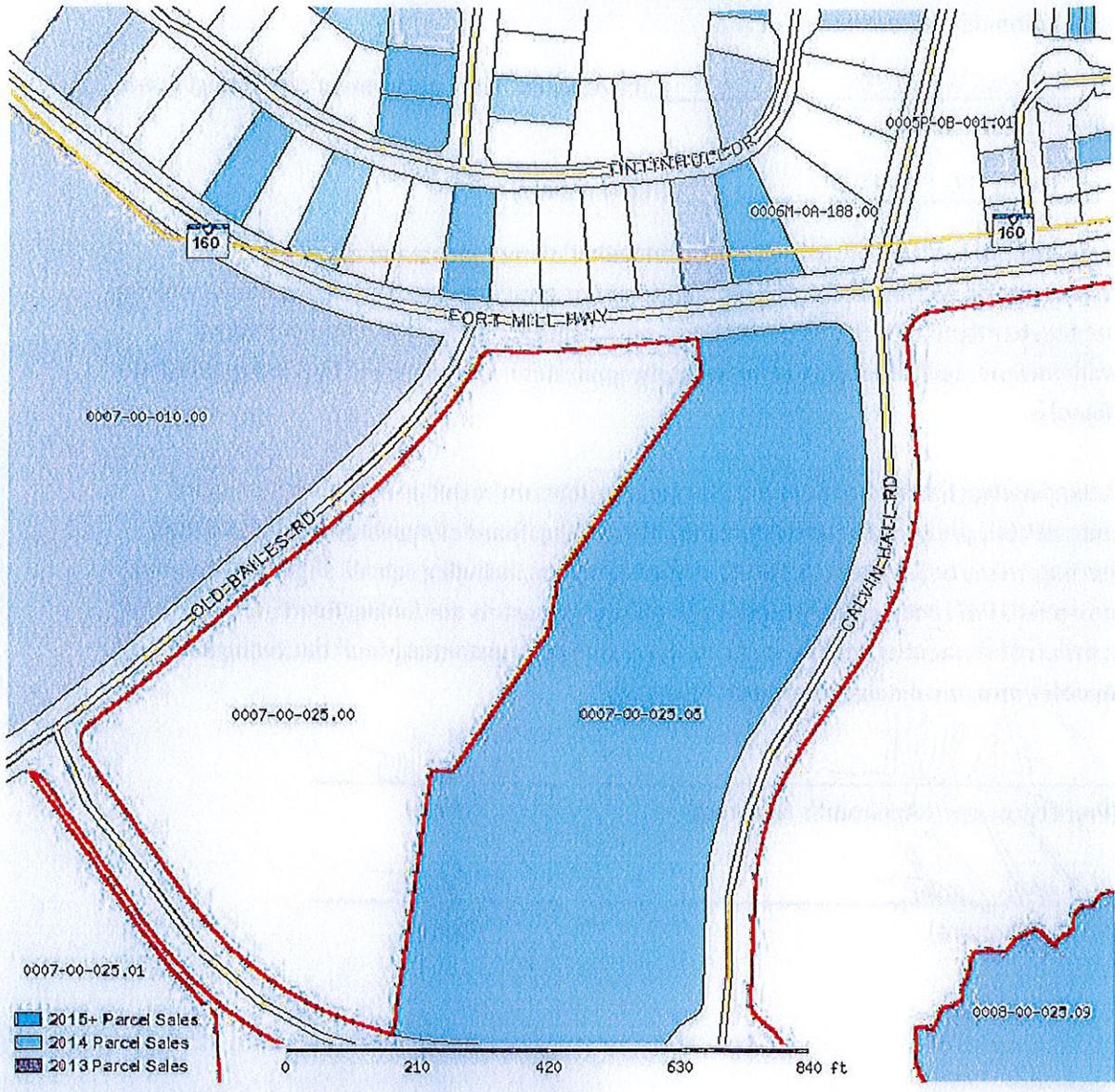
I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

[Signature]
(Property owner / Applicant's signature)

12/8/15
(Date)

[Signature]
(Staff's Signature)

12/8/15
(Date)



Lancaster County Assessor			
Parcel: 0007-00-025.00 Acres: 2.01			
Name:	BAILES INVESTMENT ASSOCIATES L % MER	Land Value	\$4,044,800.00
Site:	OLD LANCASTER HWY	Improvement Val	\$0.00
Sale:	\$\$1 on 07-2002 Vacant= Qual=9J	Accessory Value	\$0.00
Mail:	521 E MOREHEAD ST STE 400 CHARLOTTE, NC 28202	Total Value	\$4,044,800.00



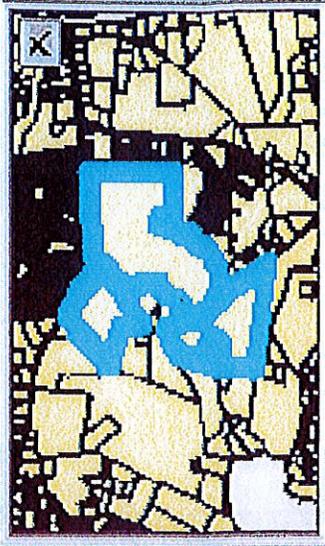
The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 12/16/15 : 16:04:43

Add Mod Del Save Cancel

Indexed By Parcel ID Card #

No Picture Available

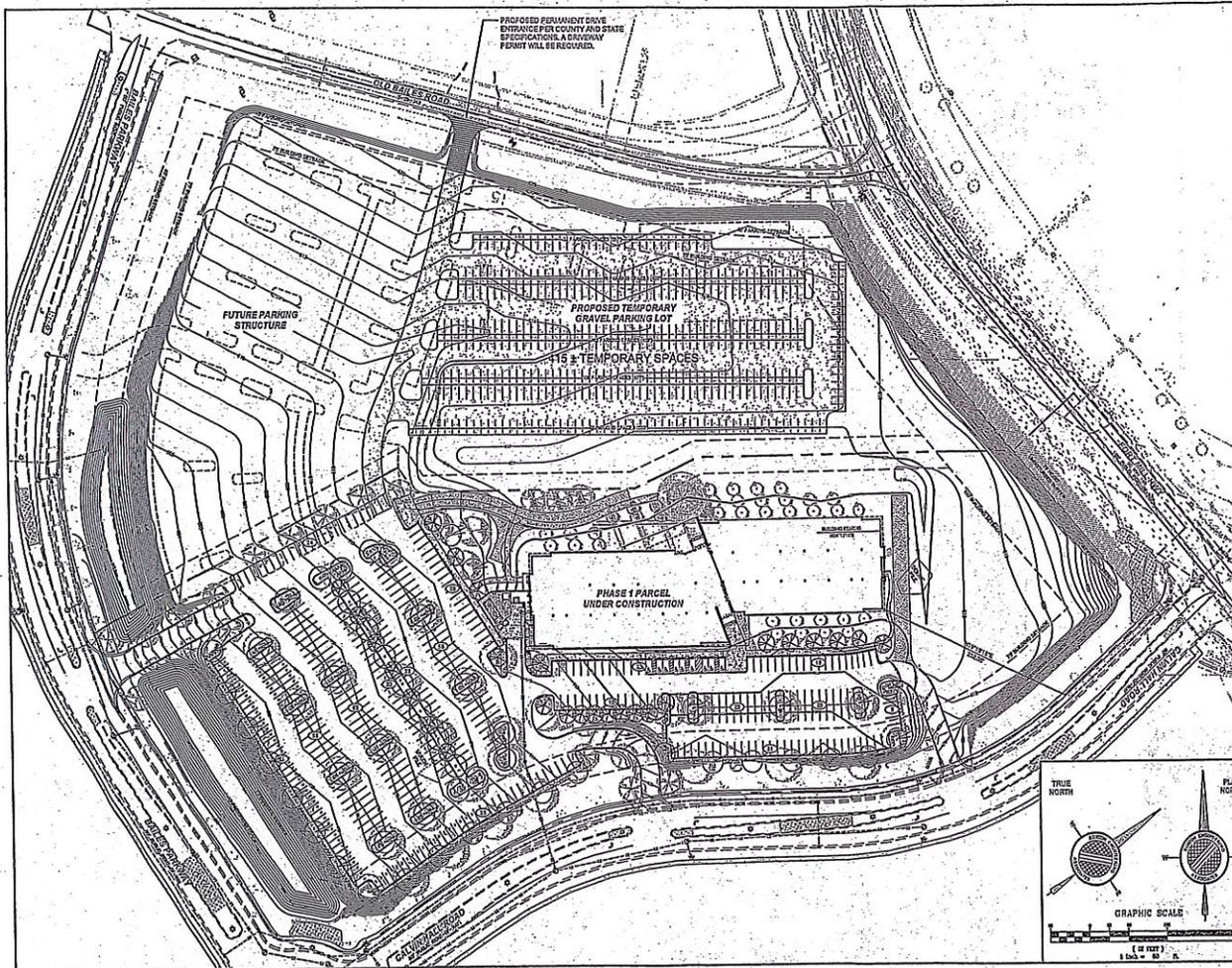


No Sketch Available

Parcel ID: 0007-00-025.00 Card: 1/1
 Account: 462 District: 14BR - BAILES RIDGE
 Sticker #: Ent. Parcel Area: 2.014 - AC
 Location: OLD LANCASTER HWY Kershaw Neigh: 01A - 01A
 Land Use: NCOM - Comm
 Owner #1: BAILES INVESTMENT ASSOCIATES LLJ Own Type:

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	123,160	172,804	
Full Market Value:	4,044,800	5,534,000	
Building Value:			
Yard Items:			
Land Value:	4,044,800	5,534,000	
Total Value:	242,688	332,040	
Assessed Value:	4,044,800	5,534,000	
Capped Total:			Reval / Market .01

Sales Information
 Grantor: BAILES LIMITED PARTNERSHIP This Parcel contains 2.014 AC of land mainly classified as Comm.
 Sale Price: 1 Validity: 9J
 Sale Date: 7/17/2002 Sold Vacant: No
 Legal Ref: 164-324



PROPOSED PERMANENT DRIVE
 BYSTRONG PER COUNTY AND STATE
 SPECIFICATIONS. A CROSBYWAY
 PERMIT WILL BE REQUIRED.

FUTURE PARKING
 STRUCTURE

PROPOSED TEMPORARY
 GRAVEL PARKING LOT
 15 ± TEMPORARY SPACES

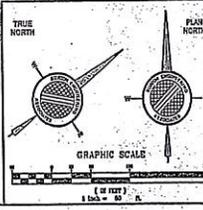
PHASE 1 PARCEL
 UNDER CONSTRUCTION

THIS DRAWING IS THE PROPERTY OF BURTON & BURTON ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

BURTON & BURTON ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 1000 MARKET STREET, SUITE 100
 PHILADELPHIA, PA 19107
 TEL: 215-592-1234

MOVEMENT MORTGAGE
 LANCASTER COUNTY, SOUTH CAROLINA
 TEMPORARY PARKING LOT
 CONCEPT PLAN

GTW
 Designer MBDG
 Date 12/8/2015
 Scale
 Project Number 664-012
 Sheet of
 SP-1 XX



RECEIVED
 12-2-15

The Highway Corridor Overlay District is hereby established, and is subject to the following general provisions:

- a. *Purpose and Intent:* The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in this subsection are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development.
-

5. *Driveway and Internal Street Standards:*

- i. All newly constructed streets within the Highway Corridor Overlay District shall meet the construction standards of Chapters 13 and 21 of the UDO and [Chapter 26](#) of the Lancaster County Code. The minimum right-of-way and pavement widths shall comply with the provisions set forth in [§ 26-61](#) and [§ 26-65](#) of the Lancaster County Code. Where applicable, such streets shall also comply with the standards established by SCDOT;
- ii. Private and public roads are as defined in Chapter 13 of the UDO;
- iii. The minimum spacing between driveway accesses to the corridor shall comply with the provisions set forth in item (g) of this subsection (7);
- iv. Curb and gutter shall be required on all newly constructed private streets, drives and parking areas within the Highway Corridor Overlay District and shall comply with the requirements set forth in [§ 21.11](#) of the UDO; and
- v. Interconnectivity between adjacent parcels is required when there is not a conflict in use and is subject to the provisions set forth in item (g) of this subsection (7).

Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
- b. These conditions do not generally apply to other property in the vicinity;**
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.**
- e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.**

Findings Required for Granting Variances

BZA-016-002

Lancaster County

Meeting Date: Tuesday, January 12th, 2016

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property:** The permanent/paved parking lot would be cost-prohibitive.
- b. **These conditions do not generally apply to other property in the vicinity:** The gravel parking lots are not generally used or accepted within the Bailes Ridge Business Park. The Park's Architectural Review Committee is accepting this condition for a period of three years max.
- c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** The time to construct a permanent parking lot (to code) to meet the immediate needs of the business is prohibitive.
- d. **The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.** The gravel parking lot will be temporary while the permanent parking structure is designed, permitted, and built on the adjacent property.
- e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Variance application of Doby's Bridge Road Development Partners, LLC. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements. Pgs. 26-77

Nick Cauthen

BZA 016-003

Tax Map 13, Parcel 18

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

Discussion:		
Conclusions:		
Action items:	Person responsible:	Deadline:

Agenda Item Summary

TO: Chairman, Board of Zoning Appeals

FROM: John L. Weaver, County Attorney

DATE: January 5, 2016

SUBJECT: Rehearing BZA 015-009, Tax Map 13, Parcel 18

I have been asked to issue a legal opinion as to the appropriateness of the Board of Zoning Appeals rehearing the variance application of Doby's Bridge Road Development Partners, LLC originally heard and denied on December 8, 2015.

BACKGROUND:

Following the Board's denial of the variance application, the applicant was served with the Board's order dated December 11, 2015. (**Attachment 1 [3pages]**). Thereafter, both verbally and in writing (**Attachment 2 [2 pages]**), the applicant was notified that a written request for rehearing must be in the hands of the Board's Secretary by December 30, 2015. On December 30, the applicant submitted three (3) emails with accompanying documentation, including:

1. 12:13 PM (**Attachment 3A [2 pages]**);
2. 2:42 PM (**Attachment 3B [3 pages]**);
3. 4:09 PM (**Attachment 3C [7 pages]**).

Of particular interest is page # 5 in Attachment 3C – a blank sheet.

On January 5, 2016, the applicant emailed the county staff with an explanation for the blank page and his assertion as to what page 5 should have been had not the error occurred (**Attachment 4 [2 pages]**). Accompanying that email were the same documents earlier submitted on December 30, 2015.

ISSUE(S) FOR THE BOARD:

1. Whether or not the applicant's failure to provide the Board's Secretary with a written request for a rehearing because of an administrative oversight should be grounds for the Board to refuse the rehearing request or whether the clerical error has been addressed sufficiently for the Board so as to waive the December 30, 2015 deadline and accept the written request submitted on January 5, 2016?
2. If the Board was to waive the deadline date and accept to variance for a rehearing, what information/evidence should be considered by the Board during a rehearing?

LEGAL OPINION

1. As to Issue #1, I call the Board's attention to Attachment 3A, page 1 wherein the applicant references the rehearing variance request (highlighted). Whether or not this is sufficient for the Board to accept the applicant's administrative error justification for not properly submitting the written rehearing request is

a decision for the Board. I call the Board's attention to Section 8.12.4.10 of the Unified Development Ordinance of Lancaster County (**Attachment 5**). Although the Board of Zoning Appeals is a quasi-judicial arm of the Lancaster County government, there are no rules beyond the **Rehearing** section of the UDO that mandates a decision one way or the other by the Board. Had the word "**must**" been used in the ordinance in conjunction with that portion of the sentence reading "...written request "**must**" be filed with the secretary within fifteen (15) days...", my opinion unquestionably would be that the Board had no leeway except to deny the rehearing. But the ordinance contains no such mandatory language.

Thus, my opinion is that the decision to grant or deny the rehearing based upon the applicant's administrative error and subsequent explanation is a decision of the Board's majority vote. Lastly, in making a decision, it may be of interest to the Board that later on in the noted section of Attachment 5 that a "clerical error" might be grounds for a rehearing being granted.

2. As to Issue # 2, I again call the Board's attention to **Attachment 5, Section 8.1.2.4.10** wherein a rehearing may be granted if there is "**...new evidence which could not reasonably have been presented at the hearing or evidence of a clerical error or mutual mistake of fact affecting the outcome.**" The purpose of a rehearing, if granted, is not to give the applicant an opportunity to make a better or more complete presentation. I voice no opinion as to whether or not the documentation/information provided to the staff after December 8th is or is not new material. That answer for the Board lies with the staff. However, having been in attendance on December 8th and recognizing that an exhibit provided to the staff by the applicant had not been included in the Board's packet, I believe all parties would acknowledge that a clerical error had occurred. That missing document is included as **Attachment 6**.

Thus, my opinion is that if a rehearing is granted by the Board, it would be appropriate for the Board to consider **Attachment 6** with all other documentation provided with the original application/presentation. However, any additional documentation, other than **Attachment 6**, which is deemed by the staff or the Board to be new material/evidence that could have been presented at the December 8th hearing, but was not, should not be considered.

December 11, 2015

Dear Doby's Bridge Development Partners,

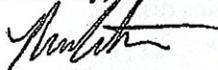
The Lancaster County Board of Zoning Appeals held a public hearing on Tuesday, December 8th, 2015 to consider your appeal for relief from the requirements of Section 2.1.5, subsection 7 Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance on property located along the eastern side of Charlotte Hwy. at the intersection of Doby's Bridge Rd., Indian Land, SC. (TMS 0013-00-018.00). This letter serves as official notification of the action taken by the Board of Zoning Appeals on this matter.

After consideration of the evidence and arguments presented, the Board of Zoning Appeals concluded that the request for a variance from the requirements of Section 2.1.5, subsection 7 Highway Corridor Overlay District be **DENIED (5-0)**. Denial was based on the findings of fact and conclusions stated in the order on the variance application issued by the Board of Zoning Appeals (see enclosed order). Keep this for your records.

The applicant should be aware that the Board's decision may be appealed, by any person with substantial interest in the decision, to the Circuit Court in and for the County of Lancaster within 30 days from the date of this letter. If the Board's decision is appealed to the Circuit Court and work authorized by this decision has begun, the County's Building and Zoning Department will place a "stop work order" on this site. This means all work related to the application will be required to stop until after the Circuit Court has made a decision on the appeal.

If you have any questions or concerns, please contact the Planning Department at (803) 285-6005.

Sincerely,



Nick Cauthen
Planner

Enclosure

cc: Kenneth Cauthen, Lancaster Co. Zoning Official
Amy Bowers, Lancaster Co. Zoning Compliance Officer
Dwight Witherspoon, Lancaster Co. Zoning Compliance Officer
Gavin Witherspoon, Lancaster Co. Zoning Compliance Officer

LANCASTER COUNTY BOARD OF ZONING APPEALS
APPLICATION FORM 6
ORDER ON VARIANCE APPLICATION

Date Filed: 11-3-15

Application No: BZA-015-009

The Lancaster County Board of Zoning Appeals held a public hearing on Tuesday, December 8, 2015 to consider the appeal of Doby's Bridge Development Partners LLC., for a variance from the requirements of Section 2.1.5, subsection 7 Highway Corridor Overlay District, as stated on the Variance Application (Form 3) affecting the property described on the Notice of Appeal (Form 1). After consideration of the evidence and comments presented, the Lancaster County Board of Zoning Appeals makes the following findings of fact and conclusions.

(1) The Lancaster County Board of Zoning Appeals concludes that the Applicant(s) X does not have an unnecessary hardship because there are not extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

THERE ARE NOT EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO THE SUBJECT PROPERTY. THIS PROPERTY IS SIMILAR TO OTHER ADJACENT PROPERTY IN THE AREA AND DOES NOT QUALIFY FOR SPECIAL RELIEF FROM THE LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE.

(2) The Lancaster County Board of Zoning Appeals concludes that these conditions X do generally apply to other property in the vicinity based on the following findings of fact:

(3) The Lancaster County Board of Zoning Appeals concludes that because of these conditions, the application of the ordinance to the particular piece of property X would not effectively prohibit or unreasonably restrict the utilization of the property based on the following finding of fact:

(4) The Lancaster County Board of Zoning Appeals concludes that the authorization of the variance X will not be of substantial detriment to adjacent property or to the public good, and the character of the district X will not be harmed by the granting of the variance based on the following findings of fact:

(5) The Lancaster County Board of Zoning Appeals concludes that the effect of the variance X would not be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section 2.1.5, subsection 7 Highway Corridor Overlay District of the ordinance; X would not extend physically a non-conforming use of the land; and X would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact:

THE LANCASTER COUNTY BOARD OF ZONING APPEALS, THEREFORE, ORDERS that the variance is X denied ___ granted, subject to the following conditions:

Attachment 1
page 2
OVER>

Reid Rushme
Chairperson

Date issued: 12/11/15

Date mailed to parties in interest: 12/11/15

Judy Banineau
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

Attachment 1
page 3
OVER>

John Weaver

From: Elaine Boone
Sent: Tuesday, January 05, 2016 11:04 AM
To: John Weaver
Subject: FW: Cross Creek Shopping Center

Importance: High

From: Elaine Boone
Sent: Friday, December 18, 2015 1:14 PM
To: 'Brian Rollar'
Cc: Nicholas Cauthen; Penelope Karagounis
Subject: RE: Cross Creek Shopping Center
Importance: High

Hey Brian,

Sorry, I put the wrong date it should be December 30, 2015.

Thanks,

J. Elaine Boone
Planner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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

From: Elaine Boone
Sent: Friday, December 18, 2015 1:11 PM
To: 'Brian Rollar'

Attachment 2
page 1

Cc: Penelope Karagounis
Subject: Re: Cross Creek Shopping Center
Importance: High

ey Brian,

I talked with Penelope today you'll need to make sure that you get a letter into our secretary no later than December 20, 2015 requesting the rehearing.

Thanks,

J. Elaine Boone
Plannner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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

Attachment 2
page 2

John Weaver

From: Elaine Boone
Sent: Tuesday, January 05, 2016 10:47 AM
To: John Weaver
Subject: FW: Cross Creek Variance
Attachments: Cross Creek Variance C1.0.pdf; ATT00001.htm; Cross Creek Variance C2.0.pdf; ATT00002.htm; Publix-Exhibit-A-Final-2013.pdf; ATT00003.htm

Importance: High

From: Brian Rollar [mailto:brian.rollar@yorkdevelopmentgroup.com]
Sent: Wednesday, December 30, 2015 12:13 PM
To: Elaine Boone
Cc: Penelope Karagounis
Subject: Cross Creek Variance
Importance: High

Good morning Penelope and Elaine. I hope this message finds you well.

Please find the following exhibits attached regarding the rehearing variance request for the Cross Creek Development.

- Overall Cross Creek Master Plan
- Magnified Out Parcel Plan
- Publix Exhibit A as attached to the lease.

After further consideration and analysis, the variance request has been narrowed down to the following sections within the Highway Corridor Overlay District:

- **Section 2.1.5-7-f.** General requirements and Development Standards- 1 Building Placement
- **Section 2.1.5-7-h.** Parking and vehicular access
 - **Item 1** requires parking the majority of parking be located behind the building
- **Section 2.10.5-7-k.** Landscape, Buffer Yard, and Screening requirements
 - **Item 5-** Parking area landscaping requirements
 - Sub item i.1 a perimeter landscape strip 8'-0" wide required on all sides of parking. This area shall not be required along the Highway Corridor frontage buffer.
 - This does not apply because we are seeking a variance on the building placement.
- These have all been outlined on the attached Magnified Out Parcel Plan under- **DEVELOPER REQUEST VARIANCE FROM FOLLOWING SECTIONS OF LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE 2.1.5.7**

The plans also depict additional pedestrian amenities as outlined below:

Attachment 3A
page 1

- **Additional amenities** incorporated into the design/layout of the Out parcels and Building B parcel which include:
 - Common open spaces- 3 total (min 500 sf)
 - Pedestrian connectivity (between open spaces)
 - Landscaping and benches within the open spaces.
 - All of these suggested improvements have been depicted on the The overall Cross Creek Master Plan & Magnified Out Parcel Plan HCOD guidelines- **Section 2.1.5.7 f 5 ii Other Pedestrian Amenities****Pictures of the existing Median plantings within the SCDOT ROW**, as planted during the Publix phase of development and outlined in **Section 2.1.5.7-k item 4**.
 - I will be sending those pictures over today to be incorporated into the final package.

I will also be sending the following information this afternoon:

- **Pictures of the existing Median plantings within the SCDOT ROW**, as planted during the Publix phase of development and outlined in **Section 2.1.5.7-k item 4**.
- **Updated variance forms** which correlate with the information and exhibits for the rehearing.

Additionally, I would like to incorporate the following exhibits that were part of the December 8th variance hearing package.

- Variance Photos
- Building Elevations

I can resend these documents if necessary.

If you should have any questions or require additional information, please feel free to contact me anytime.

Kindest regards,

Brian M. Rollar
 York Development Group
 Director of Development
 704-542-7773
brian.rollar@yorkdevelopmentgroup.com
 Developing for Tomorrow. Today
 11016 Rushmore Dr.
 Ste 160
 Charlotte, NC 28277

Attachment 3A
 Page 2

John Weaver

From: Elaine Boone
Sent: Tuesday, January 05, 2016 10:47 AM
To: John Weaver
Subject: FW: Cross Creek- Existing Median Plantings Exhibit
Attachments: CC-BZA-Median-plantings.docx; ATT00001.htm

Importance: High

From: Brian Rollar [mailto:brian.rollar@yorkdevelopmentgroup.com]

Sent: Wednesday, December 30, 2015 2:42 PM

To: Elaine Boone; Penelope Karagounis

Subject: Cross Creek- Existing Median Plantings Exhibit

Importance: High

Good afternoon Penelope & Elaine.

Per my previous email, please find the existing Median Planting exhibit. If there is a chance for me to submit a replacement exhibit next week after the rain has stopped, I would like to do so.

Please let me know.

Thank you.

Brian M. Rollar
York Development Group
Director of Development
704-542-7773
brian.rollar@yorkdevelopmentgroup.com
Developing for Tomorrow. Today
11016 Rushmore Dr.
Ste 160
Charlotte, NC 28277

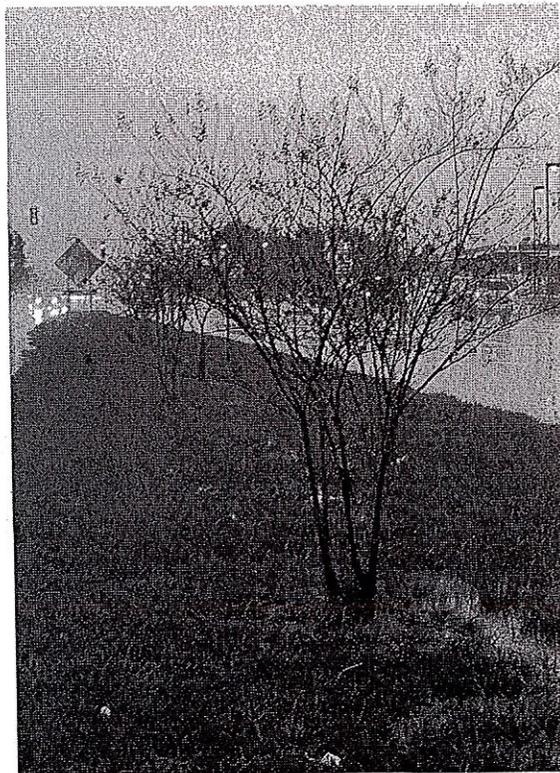
Attachment 3B
page 1

Lancaster County Board of Zoning Appeals
Cross Creek Shopping Center Out Parcel #1 & #2
Existing HWY 521 ROW Median Plantings
December 30, 2015

As part of the rezoning and development of the Cross Creek Shopping Center, Lancaster County required median plantings within the SCDOT ROW in 2012. Dobys Bridge Road Development Partners entered into an encroachment and maintenance agreement with SCDOT to satisfy that request. The median is maintained as part of the common area maintenance for the center.

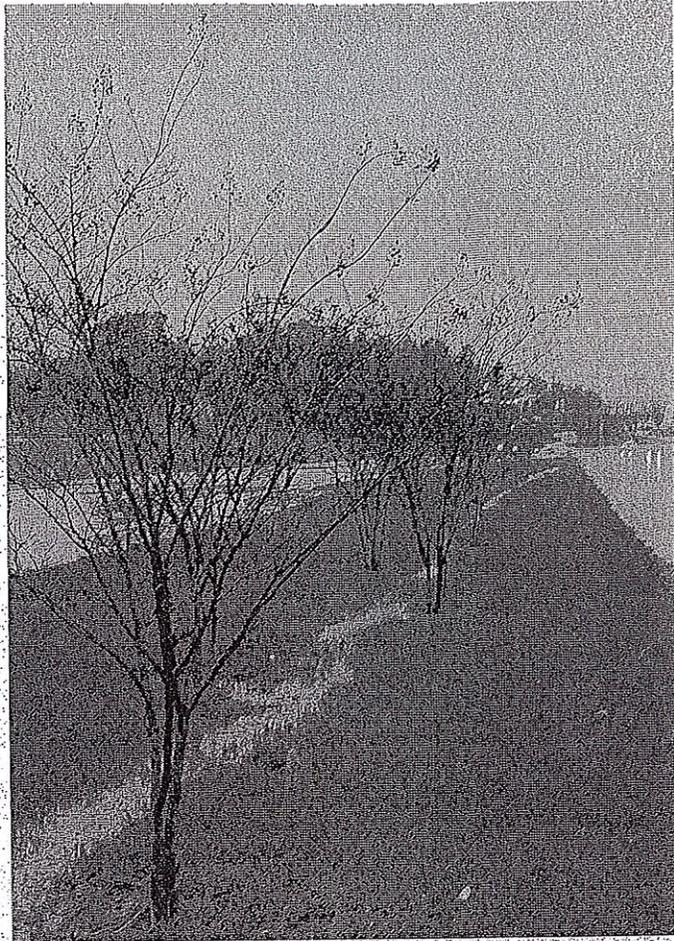


Existing Median Plantings (mature crape myrtles on HWY 521 looking north in front of the Cross Creek Development.



Attachment 3B
Page 2

Existing Median plantings maintained by Dobys Bridge Road Development Partners, LLC looking due South on HWY 521



Existing median plantings on HWY 521 looking due North.

Attachment 3E
page 3

John Weaver

From: Elaine Boone
Sent: Tuesday, January 05, 2016 10:45 AM
To: John Weaver
Subject: FW: Cross Creek- Revised BZA Application
Attachments: CC-BZA-Application-12-30-15.pdf; ATT00001.htm
Importance: High

From: Brian Rollar [mailto:brian.rollar@yorkdevelopmentgroup.com]
Sent: Wednesday, December 30, 2015 4:09 PM
To: Elaine Boone; Penelope Karagounis
Subject: Cross Creek- Revised BZA Application
Importance: High

Good afternoon Penelope & Elaine.

Please find the updated variance application for the January 12, 2016 BZA variance hearing.

I believe this is the last outstanding piece of information related to the overall package. Please let me know if you need the original copy of this document.

If you should have any questions or require additional information, please let me know.

Thank you.

Brian M. Rollar
York Development Group
Director of Development
704-542-7773
brian.rollar@yorkdevelopmentgroup.com
Developing for Tomorrow. Today
11016 Rushmore Dr.
Ste 160
Charlotte, NC 28277

Attachment 3C
page 1

LANCASTER COUNTY BOARD OF ZONING APPEALS
VARIANCE APPLICATION - FORM #3

Date Filed: _____ Application No. _____

1. Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance: see attached so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: Commercial/Retail Development as out parcels to a master planned Shopping Center for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Original Master Plan to B-3 zoning prior to adoption of Highway Corridor Overlay District. 80% of property already developed including adjacent out parcels.
- b) These conditions do not generally apply to other property in the vicinity as shown by: Bojangles, Quik Trip, adjacent outparcels, Gate Gas station, office across 521.
- c) Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows: Multiple design guidelines to an existing master planned shopping center that are in conflict with existing and developed property within the Cross Creek Shopping Center.

Attachment 3C
page 2

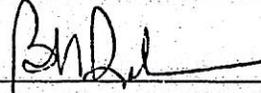
d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons: _____

Surrounding developments all constructed to B-3 zoning prior to full implementation of the Highway Corridor Overlay. Many HCOD guidelines are being achieved.

The following documents are hereby submitted in support of this application: Bldg Elevations, Overall Cross Creek Master Plan, Magnified Out Parcel Plan, Public Exhibit A, Adjacent Property Photos, Existing Median Photos,

Date: 12.30.15

Brian M. Roller



Applicant signature(s)

→ Specific UDO Section 2.1.5.7 Developer request variance itemized list.

Attachment 3c
page 3

Lancaster County Zoning Board of Appeals
Cross Creek Shopping Center
UDO Section 2.1.5.7
Highway Corridor District

**DEVELOPER REQUEST VARIANCE FROM FOLLOWING SECTIONS OF
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE 2.1.5.7**

- A. **Section 2.1.5-7-f** General requirements and Development Standards
 - 1. **Building Placement**- All buildings shall front on to a public or private street, or share a frontage line with a square of other similar common open space. The front façade of buildings shall be generally parallel to the front of the property lines when placed along the corridor right-of-way.

- B. **Section 2.1.5-7-h** Parking and Vehicular Access:
 - 1. **Off street parking**- For buildings fronting on the corridor, off street parking shall be located primarily to the rear of the building it serves. Side Yard parking is permissible and shall occupy not more than 45% of the principle corridor frontage line.

- C. **Section 2.10.5-7-k** Landscape Buffer Yard and Screening requirements
 - 5. **Parking Area Landscaping and Screening**
 - i. **Perimeter Parking Area Planting:**
 - 1. A perimeter landscape strip with a minimum width of eight (8) feet shall required on all sides of the parking area. This area shall not be located within the required Corridor Frontage Buffer.

Attachment 3C
page 4

Attachment 3c
page 5

LANCASTER COUNTY BOARD OF ZONING APPEALS
APPLICATION FORM #1

APPLICANT INFORMATION

Date Filed: _____ Application No: _____

This form must be completed on a hearing on *appeal from action* of the Zoning Official, application for a *variance*, or application for a *special exception*. Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS (indicate one):

- () From action of Zoning Officials as stated on Form 2
- For a variance as stated on Form 3
- () For a special exception as stated on Form 4

Applicant(s) Print:

Name: Dobys Bridge Rd Dev. Partners, LLC Address: 11016 Rushmore Dr. Ste. 160
Charlotte, NC 28277

Telephone: 704 - 542-7773 Work: 704-877-9154

Interest: _____ Owner(s): _____

Other: Brian M. Rollar - Director of Development brian.rollar@yorkdevelopment
group.com

Owner(s) if other than applicant: _____

Address: _____ Telephone: _____

Work: _____ Other Information: _____

PROPERTY INFORMATION

Property address: Cross Creek Shopping Center (out parcels #1 #2)

Lot Area/Acres: 1.035 ac Block: 2A-B Subdivision: Cross Creek

1.005 ac
Total: 2.04 ac

Attachment 3c
page 6

Tax Map #: 0013-00.018.00 Plat Book: 2012 Page: 439

Lot Size or Dimension: 2.04 ac Zoning Classification: B-3

Use of Surrounding Properties: Commercial/Retail Shopping Center

Publix anchored.

Designation Agent (complete only if owner is not applicant)

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: 12.30.15

Brian M. Rolla

BMR

Owner(s) Signature(s)

I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.

I (we) certify that the information in this application and all other forms are true to content.

Date: 12.30.15

Applicant Signature(s) BMR

Attachment 3c
page 7

John Weaver

From: Elaine Boone
Sent: Tuesday, January 05, 2016 11:38 AM
To: John Weaver
Cc: Nicholas Cauthen
Subject: FW: Cross Creek- Revised BZA Application
Attachments: CC-BZA-Application-12-30-15.pdf; ATT00001.htm; BZA-Rehearing-Letter-request-12-30-15.pdf; ATT00002.htm

Importance: High

From: Brian Rollar [mailto:brian.rollar@yorkdevelopmentgroup.com]
Sent: Tuesday, January 05, 2016 11:10 AM
To: Elaine Boone
Subject: Fwd: Cross Creek- Revised BZA Application
Importance: High

Good morning Elaine. I hope this message finds you well.

For your files, per our conversation earlier this morning, there seems to be a clerical/technical error made during the scanning of the BZA rehearing request on 12.30.15.

Please refer to the application document that was scanned and submitted on 12.30.15. Unfortunately, page 4, which is the required letter for the rehearing was inadvertently scanned backwards which resulted in a blank page. Please find the updated scanned document which includes the letter to meet the requirements of UDO section 8.1.2.4.10.

If you should have any questions or require additional information, please let me know.

Thank you.

Brian M. Rollar
York Development Group
Director of Development
704-542-7773
brian.rollar@yorkdevelopmentgroup.com
Developing for Tomorrow. Today
11016 Rushmore Dr.
Ste 160
Charlotte, NC 28277

Begin forwarded message:

From: Brian Rollar <brian.rollar@yorkdevelopmentgroup.com>

Attachment 4
page 1

December 30, 2015

RE: Cross Creek BZA Rehearing Request

Elaine Boone
101 North Main Street
Lancaster County, SC29720

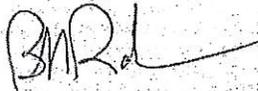
Good afternoon Ms. Boone.

This letter is to server as formal request for a rehearing of BZA 015-009 per UDO section 8.1.2.4.10. Rehearing as a result of an exhibit provided to staff that was not incorporated into the BZA package the night of December 8, 2015.

If you should have any questions or require additional information please feel free to contact me anytime.

Thank you for your attention to this matter.

Sincerely,



Brian M. Rollar
Director of Development

Attachment 4
page 2

UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY

Section 8.1.2.4.5 Conduct of Hearing.

All testimony given before the Board shall be given under oath. The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman or secretary);
- b. Presentation by applicant (5-minute limit);
- c. Presentation by official appealed (5-minute limit);
- d. Presentation by proponents (5-minute limit);
- e. Rebuttal by applicant (5-minute limit);
- f. Public comment when appropriate;
- g. The Board may question participants at any point in the hearing;
- h. Matters in which additional time is granted may be moved to the end of the agenda.

(Ord. # 369, 2/28/00)

Section 8.1.2.4.6 Oath to be Administered by the Chairman.

Would the (Applicant)/(County Representative) please step forward and state your name. Please raise your right hand.

Do you _____ solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Section 8.1.2.4.7 Disposition.

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public.

Section 8.1.2.4.8 Form of Order.

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

Section 8.1.2.4.9 Service of Order.

The secretary shall deliver a copy of an order to each party in interest by certified mail within ten (10) days after the decision of the Board is rendered.

Section 8.1.2.4.10 Rehearing

The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Section 8.1.2.5 Records

Section 8.1.2.5.1 Minutes

The secretary shall record all meetings and hearings of the Board on tape which shall be preserved indefinitely. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

Section 8.1.2.5.2 Orders and Documents

The secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

BOARD OF ZONING APPEALS - STATEMENT OF MATTER

I. Facts

A. General Information

Proposal: This is a variance application of Doby's Bridge Road Development Partners, LLC. The applicant is requesting a variance from Chapter 2 Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the design requirements.

Location: Along the eastern side of Charlotte Highway at the intersection of Doby's Bridge Road.

Legal Description: Tax Map 13, Parcel 18

Zoning Classification: B-3 (General Commercial District)

Description of Plan: The applicant wants to place commercial/retail development on the property. The applicant does not believe the Highway Corridor Overlay district is appropriate for this development considering the majority of the property within the Cross Creek Development Master Plan has already been developed prior to the passage of this newly adopted ordinance.

B. Site Information

Site Description: The property contains 2 outparcels for a total of 2.04 acres. The lots are both currently vacant.

C. Vicinity Data

Surrounding Conditions: The surrounding property is primarily commercial and zoned B-3. Although Indian Land Middle School is located across the street and is zoned R-30p. Salsarita's Mexican restaurant is located beside the subject property along with the Publix Super Market and adjacent shopping center.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Variances Requested
5. Cross Creek Outparcels
6. Exhibit A
7. Median Plantings
8. Elevation Photo
9. Photos of the area

- 10. UDO – Highway Corridor Overlay District
- 11. Findings Required for Granting Variances
- 12. Findings Required for Granting Variances – Planning

II. Findings

Code Considerations: Section 2.1.5 Overlay Districts

I agree that the facts and findings as stated above are true and correct.

Applicant signature(s)

Date

LANCASTER COUNTY BOARD OF ZONING APPEALS
APPLICATION FORM #1

GENERAL INFORMATION

Date Filed: 12-30-15 Application No: BZA 016-003

This form must be completed on a hearing on *appeal from action* of the Zoning Official, application for a *variance*, or application for a *special exception*. Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS (indicate one):

- From action of Zoning Officials as stated on Form 2
- For a variance as stated on Form 3
- For a special exception as stated on Form 4

Applicant(s) Print:

Name: Dobys Bridge Rd Dev. Partners, LLC Address: 11016 Rushmore Dr. Ste. 160
Charlotte, NC 28277

Telephone: 704-542-7773 Work: 704-877-9154

Interest: _____ Owner(s): _____

Other: Brian M Rollar - Director of Development brian.rollar@yorkdevelopment
group.com

Owner(s) If other than applicant: _____

Address: _____ Telephone: _____

Work: _____ Other Information: _____

PROPERTY INFORMATION

Property address: Cross Creek Shopping Center (out parcels #1 #2)

Lot Area/Acres: 1.035 ac Block: 2A-B Subdivision: Cross Creek

1.005 ac

Total 2.04 ac

Tax Map #: 0013-00.018.00 Plat Book: 2012 Page: 439

Lot Size or Dimension: 2.04 ac Zoning Classification: B-3

Use of Surrounding Properties: Commercial/Retail Shopping Center

Publix anchored.

Designation Agent (complete only if owner is not applicant)

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: 12.30.15

Brian M. Roller



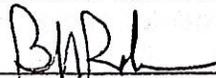
Owner(s) Signature(s)

I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.

I (we) certify that the information in this application and all other forms are true to content.

Date: 12.30.15

Applicant Signature(s)



LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 12-30-15 Application No. BZA 016-003

1. Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance: see attached so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:

Commercial/Retail Development as out parcels to a master planned Shopping Center.

for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Original Master Plan to B-3 zoning prior to adoption of Highway Corridor Overlay District.
80% of property already developed including adjacent out parcels.

b) These conditions do not generally apply to other property in the vicinity as shown by: Bojangles, Quick Trip, adjacent out parcels,
Gate Gas station, office across 521.

c) Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows: Multiple design guidelines to an existing master planned shopping center that are in conflict with existing and developed property within the Cross Creek Shopping Center.

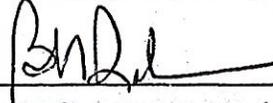
d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons: _____

Surrounding developments all constructed to B-3 zoning prior to full implementation of the Highway Corridor Overlay. Many
HCOB guidelines are being achieved.

The following documents are hereby submitted in support of this application: Bldg Elevations, Overall Cross Creeks Master Plan, Magnified Out Parcel Plan, Public Exhibit A, Adjacent Property Photos, Existing Median Photos,

Date: 12.30.15

Brian M. Rolla



Applicant signature(s)

→ Specific UDO Section 2.1.5.7 Developer request variance itemized list.

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, Brian M. Rollar, have signed that I am aware of the Zoning Board of Appeals hearing date.

January 12, 2016 (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

BMR 12-30-15
(Property owner / Applicant's signature) (Date)

Judy Elaine Boon 1-4-2016
(Staff's Signature) (Date)

December 30, 2015

RE: Cross Creek BZA Rehearing Request

Elaine Boone
101 North Main Street
Lancaster County, SC29720

Good afternoon Ms. Boone.

This letter is to server as formal request for a rehearing of BZA 015-009 per UDO section 8.1.2.4.10 Rehearing as a result of an exhibit provided to staff that was not incorporated into the BZA package the night of December 8, 2015.

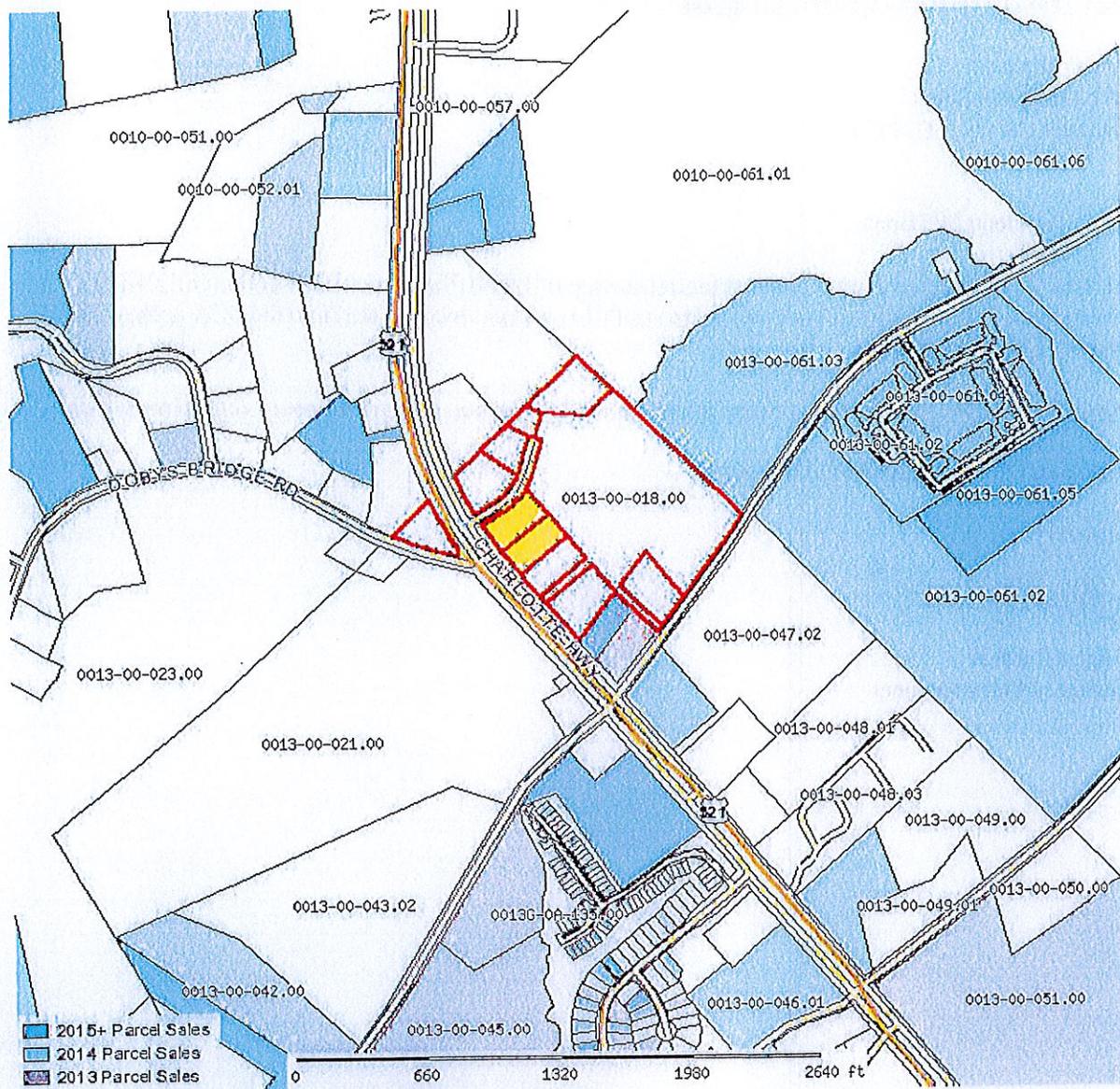
If you should have any questions or require additional information please feel free to contact me anytime.

Thank you for your attention to this matter.

Sincerely,



Brian M. Rollar
Director of Development



Lancaster County Assessor

Parcel: 0013-00-018.00 Acres: 25.66

Name:	DOBYS BRIDGE ROAD DEVELOPMENT	Land Value	\$6,464,500.00
Site:	8360 COLLINS ROAD	Improvement Value	\$5,673,400.00
Sale:	\$3865,000 on 05-2010 Vacant= Qual=1	Accessory Value	\$473,700.00
Mail:	11930 PROVIDENCE RD W STE C-1 CHARLOTTE, NC 28277	Total Value	\$12,611,600.00



The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 11/30/15 : 16:05:27

Add Mod Del Save Cancel Indexed By Parcel ID Card #

Parcel ID: 0013-00-018.00 Act

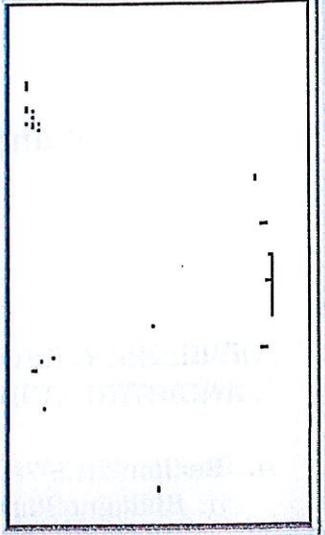
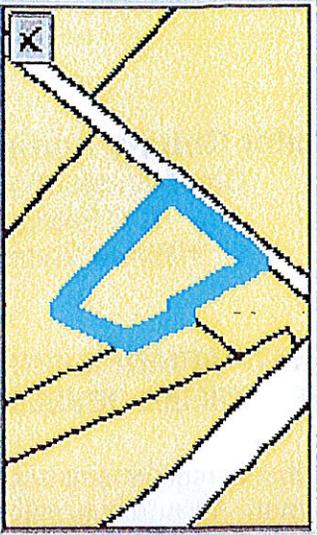
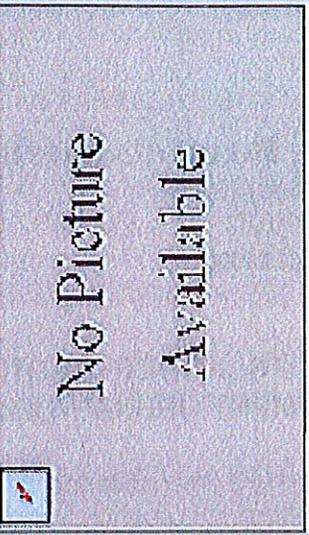
Account: 1514 Card: 1/4
 Sticker #: District: 01 - County
 Location: 8360 COLLINS ROAD Lancaster Ent. Parcel Area: 25.658 - AC
 Land Use: NCOM - Comm Neigh: 01B - 01B
 Owner #1: DOBYS BRIDGE ROAD DEVELOPMENT Own Type:

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	25.658	25.658	PUBLICX/RETAIL
Full Market Value:	12,611,600	11,836,600	
Building Value:	5,673,400	4,898,400	
Yard Items:	473,700	473,700	
Land Value:	6,464,500	6,464,500	
Total Value:	12,611,600	11,836,600	
Assessed Value:	622,266	710,196	
Capped Total:	12,611,600	11,836,600	Reval / Market 01

Sales Information
 Grantor: DOBYS BRIDGE ROAD Validity: 1
 Sale Price: 665,000 Sold Vacant: No
 Sale Date: 5/3/2010
 Legal Ref: 563-1

Office Notes Notes

Narrative Description
 This parcel contains 25.658 AC of land mainly classified as Comm with a Supermarket Building built about 2012, having primarily Concrete Blk Exterior and 50572 Square Feet, with 0 Unit, 0 Bath, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.



Lancaster County Zoning Board of Appeals
Cross Creek Shopping Center
UDO Section 2.1.5.7
Highway Corridor District

**DEVELOPER REQUEST VARIANCE FROM FOLLOWING SECTIONS OF
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE 2.1.5.7**

- A. Section 2.1.5-7-f** General requirements and Development Standards
- 1. Building Placement-** All buildings shall front on to a public or private street, or share a frontage line with a square or other similar common open space. The front façade of buildings shall be generally parallel to the front of the property lines when placed along the corridor right-of-way.
- B. Section 2.1.5-7-h** Parking and Vehicular Access:
- 1. Off street parking-** For buildings fronting on the corridor, off street parking shall be located primarily to the rear of the building it serves. Side Yard parking is permissible and shall occupy not more than 45% of the principle corridor frontage line.
- C. Section 2.10.5-7-k** Landscape Buffer Yard and Screening requirements
- 5. Parking Area Landscaping and Screening**
 - i. Perimeter Parking Area Planting:**
 - 1.** A perimeter landscape strip with a minimum width of eight (8) feet shall required on all sides of the parking area. This area shall not be located within the required Corridor Frontage Buffer.

Elaine Boone

From: Brian Rollar <brian.rollar@yorkdevelopmentgroup.com>
Sent: Wednesday, December 30, 2015 12:13 PM
To: Elaine Boone
Cc: Penelope Karagounis
Subject: Cross Creek Variance
Attachments: Cross.Creek.Variance.C1.0.pdf; ATT00001.htm; Cross.Creek.Variance.C2.0.pdf; ATT00002.htm; Publix-Exhibit-A-Final-2013.pdf; ATT00003.htm

Importance: High

Follow Up Flag: Follow up

Flag Status: Completed

Good morning Penelope and Elaine. I hope this message finds you well.

Please find the following exhibits attached regarding the rehearing variance request for the Cross Creek Development.

- Overall Cross Creek Master Plan
- Magnified Out Parcel Plan
- Publix Exhibit A as attached to the lease.

After further consideration and analysis, the variance request has been narrowed down to the following sections within the Highway Corridor Overlay District:

- **Section 2.1.5-7-f.** General requirements and Development Standards- 1 Building Placement
- **Section 2.1.5-7-h.** Parking and vehicular access
 - **Item 1** requires parking the majority of parking be located behind the building
- **Section 2.10.5-7-k.** Landscape, Buffer Yard, and Screening requirements
 - **Item 5-** Parking area landscaping requirements
 - Sub item i.1 a perimeter landscape strip 8'-0" wide required on all sides of parking. This area shall not be required along the Highway Corridor frontage buffer.
 - This does not apply because we are seeking a variance on the building placement.
- These have all been outlined on the attached Magnified Out Parcel Plan under- **DEVELOPER REQUEST VARIANCE FROM FOLLOWING SECTIONS OF LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE 2.1.5.7**

The plans also depict additional pedestrian amenities as outlined below:

- **Additional amenities** incorporated into the design/layout of the Out parcels and Building B parcel which include:
 - Common open spaces- 3 total (min 500 sf)
 - Pedestrian connectivity (between open spaces)
 - Landscaping and benches within the open spaces.

- o All of these suggested improvements have been depicted on the The overall Cross Creek Master Plan & Magnified Out Parcel Plan HCOD guidelines- Section 2.1.5.7 f 5 ii Other Pedestrian Amenities Pictures of the existing Median plantings within the SCDOT ROW, as planted during the Publix phase of development and outlined in Section 2.1.5.7-k item 4.
- o I will be sending those pictures over today to be incorporated into the final package.

I will also be sending the following information this afternoon:

- Pictures of the existing Median plantings within the SCDOT ROW, as planted during the Publix phase of development and outlined in Section 2.1.5.7-k item 4.
- Updated variance forms which correlate with the information and exhibits for the rehearing.

Additionally, I would like to incorporate the following exhibits that were part of the December 8th variance hearing package.

- Variance Photos
- Building Elevations

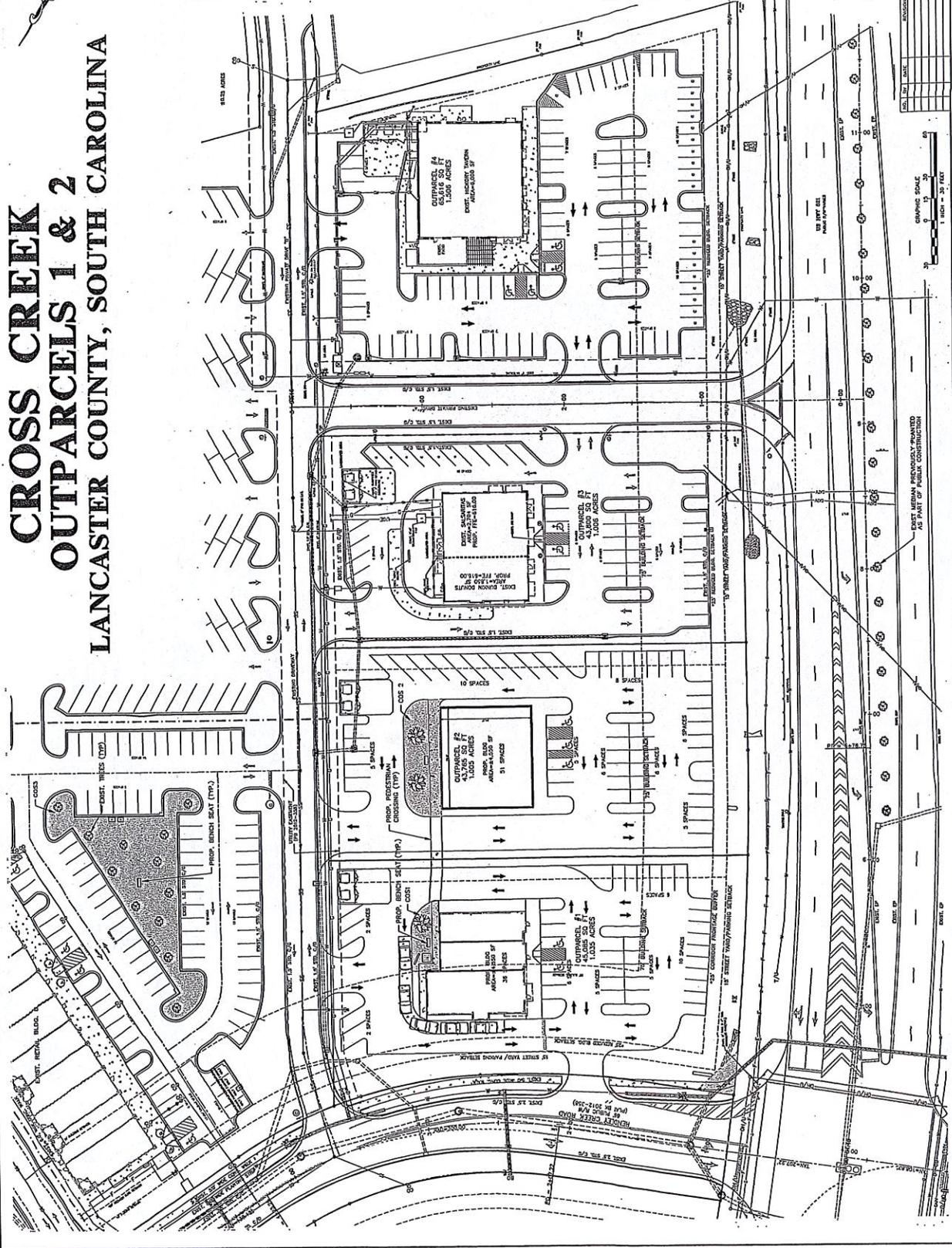
I can resend these documents if necessary.

If you should have any questions or require additional information, please feel free to contact me anytime.

Kindest regards,

Brian M. Rollar
York Development Group
Director of Development
[704-542-7773](tel:7045427773)
brian.rollar@yorkdevelopmentgroup.com
Developing for Tomorrow. Today
11016 Rushmore Dr.
Ste 160
Charlotte, NC 28277

CROSS CREEK OUTPARCELS 1 & 2 LANCASTER COUNTY, SOUTH CAROLINA



OUT PARCEL #1 DEVELOPMENT DATA:
 ZONING: B-1 (GENERAL COMMERCIAL)
 BUILDING SETBACKS:
 FRONT: 15 FT FROM R/W
 SIDE: 10 FT FROM R/W
 REAR: 15 FT
 TAX PARCEL: 031-00-018-00
 LOT SIZE: 43,757/1,000 S.F./ACRES
 BUILDING AREA: 4,450 S.F./ACRES
 BUILDING SETBACKS:
 -FRONT: 15 FT
 -SIDE: 10 FT
 -REAR: 15 FT
 -TOTAL: 43,757 S.F.
 PLANNING PROVIDED: 31 SPACES
 PLANNING PROVIDED: 31 SPACES

OUT PARCEL #2 DEVELOPMENT DATA:
 ZONING: B-1 (GENERAL COMMERCIAL)
 BUILDING SETBACKS:
 FRONT: 15 FT FROM R/W
 SIDE: 10 FT FROM R/W
 REAR: 15 FT
 TAX PARCEL: 031-00-018-00
 LOT SIZE: 43,757/1,000 S.F./ACRES
 BUILDING AREA: 4,450 S.F./ACRES
 BUILDING SETBACKS:
 -FRONT: 15 FT
 -SIDE: 10 FT
 -REAR: 15 FT
 -TOTAL: 43,757 S.F.
 PLANNING PROVIDED: 31 SPACES
 PLANNING PROVIDED: 31 SPACES

OUT PARCEL #3 DEVELOPMENT DATA:
 ZONING: B-1 (GENERAL COMMERCIAL)
 BUILDING SETBACKS:
 FRONT: 15 FT FROM R/W
 SIDE: 10 FT FROM R/W
 REAR: 15 FT
 TAX PARCEL: 031-00-018-00
 LOT SIZE: 43,757/1,000 S.F./ACRES
 BUILDING AREA: 4,450 S.F./ACRES
 BUILDING SETBACKS:
 -FRONT: 15 FT
 -SIDE: 10 FT
 -REAR: 15 FT
 -TOTAL: 43,757 S.F.
 PLANNING PROVIDED: 31 SPACES
 PLANNING PROVIDED: 31 SPACES

OUT PARCEL #4 DEVELOPMENT DATA:
 ZONING: B-1 (GENERAL COMMERCIAL)
 BUILDING SETBACKS:
 FRONT: 15 FT FROM R/W
 SIDE: 10 FT FROM R/W
 REAR: 15 FT
 TAX PARCEL: 031-00-018-00
 LOT SIZE: 43,757/1,000 S.F./ACRES
 BUILDING AREA: 4,450 S.F./ACRES
 BUILDING SETBACKS:
 -FRONT: 15 FT
 -SIDE: 10 FT
 -REAR: 15 FT
 -TOTAL: 43,757 S.F.
 PLANNING PROVIDED: 31 SPACES
 PLANNING PROVIDED: 31 SPACES

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

PRELIMINARY
 DO NOT USE FOR CONSTRUCTION
**CROSS CREEK
 OUTPARCELS 1 & 2**
 VARIANCE SITE PLAN
 PREPARED BY
ISAACS
 8700 S. UNIVERSITY BLVD., SUITE 200
 FARMERSVILLE, VA 22434
 PHONE (540) 525-3340 FAX (540) 525-3353
 SCALE: 1" = 25'

Nicholas Cauthen

From: Elaine Boone
Sent: Tuesday, January 05, 2016 10:49 AM
To: Nicholas Cauthen
Subject: FW: Cross Creek- Existing Median Plantings Exhibit
Attachments: CC-BZA-Median-plantings.docx; ATT00001.htm

Importance: High

From: Brian Rollar [<mailto:brian.rollar@yorkdevelopmentgroup.com>]

Sent: Wednesday, December 30, 2015 2:42 PM

To: Elaine Boone; Penelope Karagounis

Subject: Cross Creek- Existing Median Plantings Exhibit

Importance: High

Good afternoon Penelope & Elaine.

Per my previous email, please find the existing Median Planting exhibit. If there is a chance for me to submit a replacement exhibit next week after the rain has stopped, I would like to do so.

Please let me know.

Thank you.

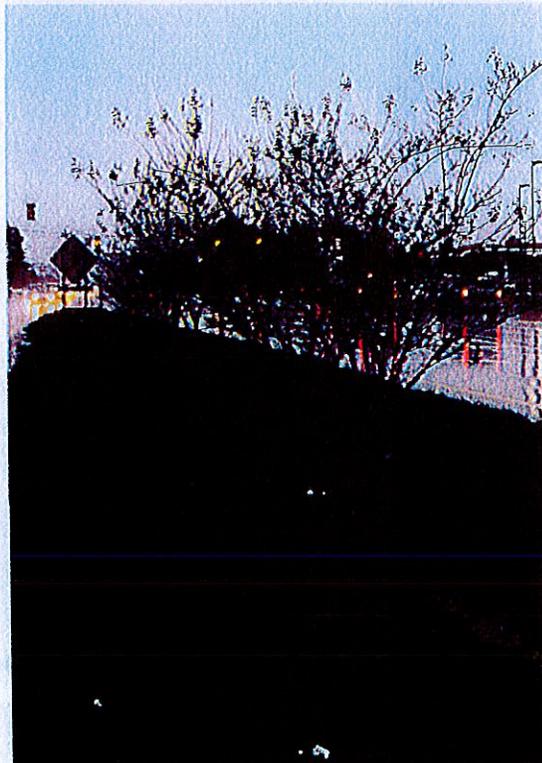
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Lancaster County Board of Zoning Appeals
Cross Creek Shopping Center Out Parcel #1 & #2
Existing HWY 521 ROW Median Plantings
December 30, 2015

As part of the rezoning and development of the Cross Creek Shopping Center, Lancaster County required median plantings within the SCDOT ROW in 2012. Dobys Bridge Road Development Partners entered into an encroachment and maintenance agreement with SCDOT to satisfy that request. The median is maintained as part of the common area maintenance for the center.



Existing Median Plantings (mature crape myrtles on HWY 521 looking north in front of the Cross Creek Development.



Existing Median plantings maintained by Dobys Bridge Road Development Partners, LLC looking due South on HWY 521



Existing median plantings on HWY 521 looking due North.



EXTERIOR RENDERING ODA

Cross Creek Retail
Indian Land, South Carolina

2015.11.16

Lancaster County Board of Zoning Appeals

Cross Creek Shopping Center- Outparcel #1 & 2

Existing conditions Photographs

October 31, 2015

1



Cross Creek Outparcel #3- Dunkin Donuts/Salsaritas. Constructed in 2013.

2



Cross Creek Out Parcel #4- Hickory Tavern- Constructed 2014-2015

3



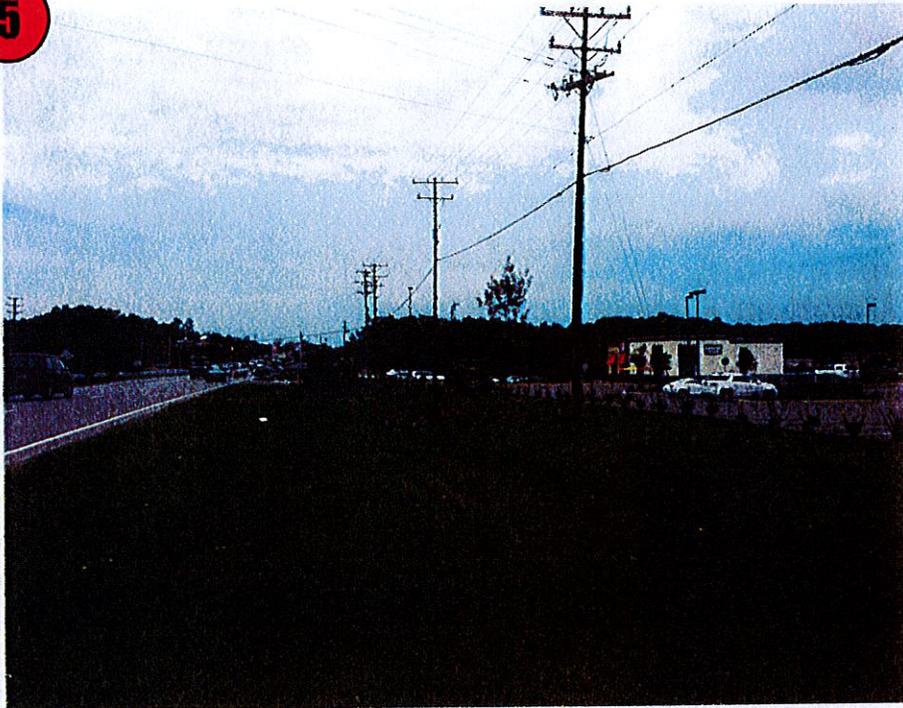
Cross Creek Outparcel #1 & #2- currently in plan for development

4



Cross Creek Out Parcel #1 & #2- depicting spacial relationship with HWY 521.

5



Cross Creek Out Parcel #1 & #2- depicting spacial relationship with HWY 521

6



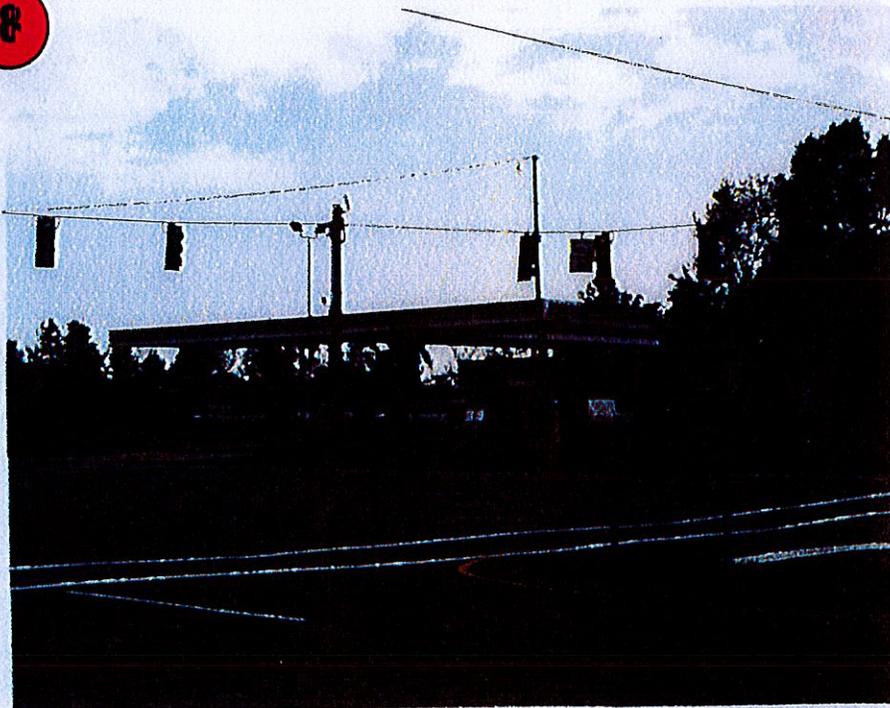
Adjacent BoJangles fast food- not incorporating Highway Corridor Overlay District..

7

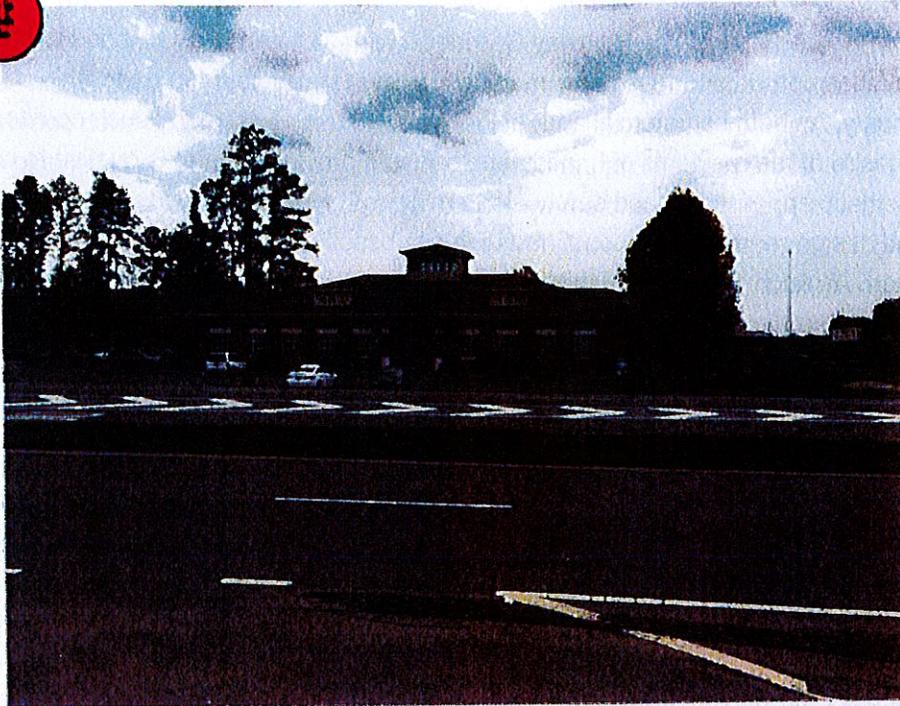


Adjacent Quik Trip at the intersection of HWY 521 & Collins Rd

8



Adjacent Exxon gas station at the intersection of HWY 521 & Collins Rd.



Adjacent Office Building at the intersection of HWY 521 & Collins Rd

7. The Highway Corridor Overlay District is hereby established, and is subject to the following general provisions:

a.

Purpose and Intent: The Highway Corridor Overlay District is established to preserve and enhance corridors that serve as major gateways leading to, from and within Lancaster County. As both commercial and residential land uses exist along such corridors, there is a desire of the residents of Lancaster County to provide standards relative to connectivity, aesthetic appearance, and safety along major gateways. The land use recommendations and design requirements contained in this subsection are the result of a community-wide effort. As such, the intent of this district is to provide unified land development regulations that promote a sense of place and create consistency along significant corridors by improving the visual character of adjacent development.

Parking and Vehicular Access:

1. *Off-street Parking:* For buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than forty five percent (45%) of the principle corridor frontage line. The following shall also apply:
 - i. Side yard parking shall not be placed in an established side yard abutting an intersecting street;
 - ii. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Zoning Administrator;
 - iii. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than twenty (20) space[s] shall be broken by buildings and/or landscape features as outlined in item (k)(5) of this subsection (7); and
 - iv. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.

Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
- b. These conditions do not generally apply to other property in the vicinity;**
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.**
- e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.**

Findings Required for Granting Variances

BZA-016-003

Lancaster County

Meeting Date: Tuesday, January 12th, 2016

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property:** The master plan was geared towards B-3 zoning before the adoption of the Highway Corridor Overlay District. 80% of the adjacent property has already been developed without following these guidelines, including adjacent out parcels.
- b. **These conditions do not generally apply to other property in the vicinity:** The Highway Corridor Overlay District does not apply to the other Cross Creek out parcel development, Bojangles, QuikTrip, Gate gas station, office across Hwy. 521 etc.
- c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** Multiple design guidelines to an existing master planned shopping center that are in conflict with existing and developed property within the Cross Creek shopping center.
- d. **The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.** All surrounding development constructed is constructed to original B-3 zoning prior to the implementation of the Highway Corridor Overlay District. Many HCOD guidelines are being achieved.
- e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.



TO: Members of the Board of Zoning Appeals and Planning Commission

FROM: John Weaver, County Attorney

A handwritten signature in black ink, appearing to be "JW", enclosed in a circular scribble.

DATE: January 4, 2016

SUBJECT: Educational Requirements

The Council and the Administrator have asked that I prepare a brief memorandum to remind all members of the Board and the Commission noted above of the requirements of state law related to your service. I presume that you all know already of those responsibilities that you accepted upon being appointed; but to be certain, a copy this document is being distributed to each of you.

The following sections of the South Carolina Code of Laws are attached and highlighted for your review:

- A. Section 6-29-1310(2) and (5);
- B. Section 6-29-1320(A)(1) and (2);
- C. Section 6-29-1340(A)(1) and (C);
- D. Section 6-29-1360;
- E. Section 6-29-1380(A)(1) and (2).

I believe it to be a high honor to you to have been appointed by your District Council member to serve Lancaster County. I also realize that there are occasions during your term that you are inconvenienced and times when you are conflicted with your other non-governmental responsibilities. And for that willingness to serve, the citizens and residents of our county as well as our Council and Administrator thank you.

ARTICLE 9

Educational Requirements for Local Government Planning or Zoning Officials or Employees

SECTION 6-29-1310. Definitions.

As used in this article:

- (1) "Advisory committee" means the State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees;
- (2) "Appointed official" means a planning commissioner, board of zoning appeals member, or board of architectural review member;
- (3) "Clerk" means the clerk of the local governing body;
- (4) "Local governing body" means the legislative governing body of a county or municipality;
- (5) "Planning or zoning entity" means a planning commission, board of zoning appeals, or board of architectural review;
- (6) "Professional employee" means a planning professional, zoning administrator, zoning official, or a deputy or assistant of a planning professional, zoning administrator, or zoning official.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

SECTION 6-29-1320. Identification of persons covered by act; compliance schedule.

(A) The local governing body must:

- (1) by no later than December 31st of each year, identify the appointed officials and professional employees for the jurisdiction and provide a list of those appointed officials and professional employees to the clerk and each planning or zoning entity in the jurisdiction; and
- (2) annually inform each planning or zoning entity in the jurisdiction of the requirements of this article.

(B) Appointed officials and professional employees must comply with the provisions of this article according to the following dates and populations based on the population figures of the latest official United States Census:

- (1) municipalities and counties with a population of 35,000 and greater: by January 1, 2006; and
- (2) municipalities and counties with a population under 35,000: by January 1, 2007.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003; 2004 Act No. 287, Section 3, eff July 22, 2004.

SECTION 6-29-1330. State Advisory Committee; creation; members; terms; duties; compensation; meetings; fees charged.

(A) There is created the State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees.

(B) The advisory committee consists of five members appointed by the Governor. The advisory committee consists of:

- (1) a planner recommended by the South Carolina Chapter of the American Planning Association;
- (2) a municipal official or employee recommended by the Municipal Association of South Carolina;
- (3) a county official or employee recommended by the South Carolina Association of Counties;
- (4) a representative recommended by the University of South Carolina's Institute for Public Service and Policy Research; and
- (5) a representative recommended by Clemson University's Department of Planning and Landscape Architecture. Recommendations must be submitted to the Governor not later than the thirty-first day of December of the year preceding the year in which appointments expire. If the Governor rejects any person recommended for appointment, the group or association who recommended the person must submit additional names to the Governor for consideration.

(C) The members of the advisory committee must serve a term of four years and until their successors are appointed and qualify; except that for the members first appointed to the advisory committee, the planner must serve a term of three years; the municipal official or employee and the county official or employee must each serve a term of two years; and the university representatives must each serve a term of one year. A vacancy on the advisory committee must be filled in the manner of the original appointment for the remainder of the unexpired term. The Governor may remove a member of the advisory committee in accordance with Section 1-3-240(B).

(D) The advisory committee's duties are to:

(1) compile and distribute a list of approved orientation and continuing education programs that satisfy the educational requirements in Section 6-29-1340;

(2) determine categories of persons with advanced degrees, training, or experience, that are eligible for exemption from the educational requirements in Section 6-29-1340; and

(3) make an annual report to the President Pro Tempore of the Senate and Speaker of the House of Representatives, no later than April fifteenth of each year, providing a detailed account of the advisory committee's:

(a) activities;

(b) expenses;

(c) fees collected; and

(d) determinations concerning approved education programs and categories of exemption.

(E) A list of approved education programs and categories of exemption by the advisory committee must be available for public distribution through notice in the State Register and posting on the General Assembly's Internet website. This list must be updated by the advisory committee at least annually.

(F) The members of the advisory committee must serve without compensation and must meet at a set location to which members must travel no more frequently than quarterly, at the call of the chairman selected by majority vote of at least a quorum of the members. Nothing in this subsection prohibits the chairman from using discretionary authority to conduct additional meetings by telephone conference if necessary. These telephone conference meetings may be conducted more frequently than quarterly. Three members of the advisory committee constitute a quorum. Decisions concerning the approval of education programs and categories of exemption must be made by majority vote with at least a quorum of members participating.

(G) The advisory committee may assess by majority vote of at least a quorum of the members a nominal fee to each entity applying for approval of an orientation or continuing education program; however, any fees charged must be applied to the operating expenses of the advisory committee and must not result in a net profit to the groups or associations that recommend the members of the advisory committee. An accounting of any fees collected by the advisory committee must be made in the advisory committee's annual report to the President Pro Tempore of the Senate and Speaker of the House of Representatives.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003; 2008 Act No. 273, Section 2, eff June 4, 2008.

SECTION 6-29-1340. Educational requirements; time-frame for completion; subjects.

(A) Unless expressly exempted as provided in Section 6-29-1350, each appointed official and professional employee must:

(1) no earlier than one hundred and eighty days prior to and no later than three hundred and sixty-five days after the initial date of appointment or employment, attend a minimum of six hours of orientation training in one or more of the subjects listed in subsection (C); and

(2) annually, after the first year of service or employment, but no later than three hundred and sixty-five days after each anniversary of the initial date of appointment or employment, attend no fewer than three hours of continuing education in any of the subjects listed in subsection (C).

(B) An appointed official or professional employee who attended six hours of orientation training for a prior appointment or employment is not required to comply with the orientation requirement for a

subsequent appointment or employment after a break in service. However, unless expressly exempted as provided in Section 6-29-1350, upon a subsequent appointment or employment, the appointed official or professional employee must comply with an annual requirement of attending no fewer than three hours of continuing education as provided in this section.

(C) The subjects for the education required by subsection (A) may include, but not be limited to, the following:

- (1) land use planning;
- (2) zoning;
- (3) floodplains;
- (4) transportation;
- (5) community facilities;
- (6) ethics;
- (7) public utilities;
- (8) wireless telecommunications facilities;
- (9) parliamentary procedure;
- (10) public hearing procedure;
- (11) administrative law;
- (12) economic development;
- (13) housing;
- (14) public buildings;
- (15) building construction;
- (16) land subdivision; and
- (17) powers and duties of the planning commission, board of zoning appeals, or board of architectural review.

(D) In order to meet the educational requirements of subsection (A), an educational program must be approved by the advisory committee.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

SECTION 6-29-1350. Exemption from educational requirements.

(A) An appointed official or professional employee who has one or more of the following qualifications is exempt from the educational requirements of Section 6-29-1340:

- (1) certification by the American Institute of Certified Planners;
- (2) a masters or doctorate degree in planning from an accredited college or university;
- (3) a masters or doctorate degree or specialized training or experience in a field related to planning as determined by the advisory committee;
- (4) a license to practice law in South Carolina.

(B) An appointed official or professional employee who is exempt from the educational requirements of Section 6-29-1340 must file a certification form and documentation of his exemption as required in Section 6-29-1360 by no later than the first anniversary date of his appointment or employment. An exemption is established by a single filing for the tenure of the appointed official or professional employee and does not require the filing of annual certification forms and conforming documentation.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

SECTION 6-29-1360. Certification.

(A) An appointed official or professional employee must certify that he has satisfied the educational requirements in Section 6-29-1340 by filing a certification form and documentation with the clerk no later than the anniversary date of the appointed official's appointment or professional employee's employment each year.

(B) Each certification form must substantially conform to the following form and all applicable portions of the form must be completed:

EDUCATIONAL REQUIREMENTS
CERTIFICATION FORM
FOR LOCAL GOVERNMENT PLANNING OR ZONING
OFFICIALS OR EMPLOYEES

To report compliance with the educational requirements, please complete and file this form each year with the clerk of the local governing body no later than the anniversary date of your appointment or employment. To report an exemption from the educational requirements, please complete and file this form with the clerk of the local governing body by no later than the first anniversary of your current appointment or employment. Failure to timely file this form may subject an appointed official to removal for cause and an employee to dismissal.

Name of Appointed Official or Employee: _
Position: _
Initial Date of Appointment or Employment: _
Filing Date: _

I have attended the following orientation or continuing education program(s) within the last three hundred and sixty-five days. (Please note that a program completed more than one hundred and eighty days prior to the date of your initial appointment or employment may not be used to satisfy this requirement.):

Program Name Sponsor Location Date Held Hours of Instruction

Also attached with this form is documentation that I attended the program(s).

OR

I am exempt from the orientation and continuing education requirements because (Please initial the applicable response on the line provided):

I am certified by the American Institute of Certified Planners.

I hold a masters or doctorate degree in planning from an accredited college or university.

I hold a masters or doctorate degree or have specialized training or experience in a field related to planning as determined by the State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees. (Please describe your advanced degree or specialty on the line provided.)

I am licensed to practice law in South Carolina.

Also attached with this form is documentation to confirm my exemption.

I certify that I have satisfied or am exempt from the educational requirements for local planning or zoning officials or employees.

Signature: _

(C) Each appointed official and professional employee is responsible for obtaining written documentation that either:

(1) is signed by a representative of the sponsor of any approved orientation or continuing education program for which credit is claimed and acknowledges that the filer attended the program for which credit is claimed; or

(2) establishes the filer's exemption.

The documentation must be filed with the clerk as required by this section.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

SECTION 6-29-1370. Sponsorship and funding of programs; compliance and exemption; certification as public records.

(A) The local governing body is responsible for:

(1) sponsoring and providing approved education programs; or

(2) funding approved education programs provided by a sponsor other than the local governing body for the appointed officials and professional employees in the jurisdiction.

(B) The clerk must keep in the official public records originals of:

(1) all filed forms and documentation that certify compliance with educational requirements for three years after the calendar year in which each form is filed; and

(2) all filed forms and documentation that certify an exemption for the tenure of the appointed official or professional employee.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

SECTION 6-29-1380. Failure to complete training requirements; false documentation.

(A) An appointed official is subject to removal from office for cause as provided in Section 6-29-350, 6-29-780, or 6-29-870 if he:

(1) fails to complete the requisite number of hours of orientation training and continuing education within the time allotted under Section 6-29-1340; or

(2) fails to file the certification form and documentation required by Section 6-29-1360.

(B) A professional employee is subject to suspension or dismissal from employment relating to planning or zoning by the local governing body or planning or zoning entity if he:

(1) fails to complete the requisite number of hours of orientation training and continuing education within the time allotted under Section 6-29-1340; or

(2) fails to file the certification form and documentation required by Section 6-29-1360.

(C) A local governing body must not appoint a person who has falsified the certification form or documentation required by Section 6-29-1360 to serve in the capacity of an appointed official.

(D) A local governing body or planning or zoning entity must not employ a person who has falsified the certification form or documentation required by Section 6-29-1360 to serve in the capacity of a professional employee.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

